



NOAA FISHERIES

Every animal and plant species on earth needs a "habitat" in which to live.

Photo: French Frigate Shoals atoll in the Northwestern Hawaiian Islands provides critical habitat for the endangered Hawaiian monk seal. Credit: NOAA Fisheries/Mark Sullivan.

Critical Habitat Frequently Asked Questions

Every animal and plant species on Earth needs a "habitat" in which to live. A habitat includes the environment and its specific features that support the growth of an organism throughout the various stages of its life. When a species' population drops to such low numbers that it's proposed for listing under the Endangered Species Act (ESA), we must consider whether there are areas of habitat that are important to the conservation of that species. Such areas may be proposed for designation as critical habitat. The following Frequently Asked Questions detail critical habitat and its designation process.



What is critical habitat?

"Critical habitat" is a term defined in the ESA that refers to areas that contain physical and biological features that are essential to the conservation of a species and which may require special management considerations or protections. "Conservation" includes both the survival and recovery of the species, so critical habitat may also include areas that the species doesn't currently use but are determined to be essential for the recovery of the species in the future.

Under the ESA, federal agencies must take precautions to ensure that the activities they fund, authorize (permit), or carry out don't destroy or adversely modify critical habitat. Only federal agencies are directly affected by a critical habitat designation; non-federal entities may be affected only if their activities involve federal funding, permitting, or authorization.

What are physical and biological features?

“Physical and biological features” refer to the elements within a habitat that support the various needs of a species throughout its life. These features may include water characteristics, soil type, geological properties, sites (foraging or breeding areas, for example), prey, vegetation, symbiotic species, or other combinations of habitat characteristics that help support the growth and development of the species. Physical and biological features that are essential



How is critical habitat determined?

Critical habitat designations are guided by principles and conditions set forth in the ESA and joint regulations from the U.S. Fish & Wildlife Service and NOAA Fisheries (50 CFR 424). Below is a summary of NOAA Fisheries’ determination process.



We examine the biological needs of the species and identify the features and areas that will support the conservation needs of the species. These areas must meet the definition of critical habitat and be eligible for designation under the ESA and in accordance with joint regulations.

Once we identify these areas, we consider the economic impacts, national security impacts, and other relevant impacts of the designation. We may exclude any area from critical habitat if the benefits of the exclusion outweigh the benefits of designation, as long as the exclusion would not result in the extinction of the species.

Finally, we make the critical habitat designation available for public comment at the proposed rule stage and take into consideration any concerns and information from the public before releasing a final designation.



Who will be affected by a critical habitat designation?

Federal agencies whose actions and/or projects lie within the designated area AND have the potential to affect the listed species' critical habitat.

Non-federal entities with federal funding or authorization (permitting or licensing) whose actions and/or projects lie within the designated area AND have the potential to affect the listed species' critical habitat.

How does critical habitat assist in the federal process for protecting species?

Under the ESA, federal agencies must take precautions to ensure that the activities they fund, authorize (permit), or carry out don't destroy or adversely modify critical habitat. To achieve this goal, they consult with either NOAA Fisheries or the U.S. Fish and Wildlife Service via an ESA "section 7 consultation." Most projects are likely to proceed, but the projects may need to take special precautions or be modified to protect the habitat or the important habitat features. The information provided in a critical habitat designation allows federal agencies to plan activities in such a way that will avoid harm to the species' habitat. Additionally, these designations alert the public to the importance of these areas and help focus conservation activities for a species.

Do federal agencies need to take precautions on activities outside of critical habitat areas?

Yes. Even when the activity is located outside of a critical habitat area, federal agencies are still obligated to ensure that the actions they fund, authorize, or carry out are not likely to jeopardize the continued existence of a listed species.

Does a critical habitat designation prevent activities or development within its boundaries?

No. Most activities would be unaffected by the designation. For instance, private, State, or local government activities would be unaffected unless they receive federal funding or require federal permits or authorizations to undertake those activities. If an activity with a federal connection is likely to affect the listed species' critical habitat, we work with the federal agency and, where appropriate, the other entities involved to determine the best way for the project to proceed without adversely affecting the critical habitat. Most projects are likely to proceed, but the projects may need to take special precautions or be modified to protect the habitat or the important habitat features.

Can private activities still occur in an area that has been designated as critical habitat?

Yes. Private actions that don't require federal funding or permitting are not subject to the provisions of section 7 of the ESA. However, private individuals or developers may choose to use the information available from a critical habitat designation to plan actions or development that promote the conservation of the species by protecting certain habitat.

Is critical habitat similar to a marine protected area, reserve, or park?

No. Critical habitat designations are a management tool specific to actions that are federally funded, authorized, or carried out. Critical habitat doesn't restrict public access or non-federal activities.



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**For more information about NOAA Fisheries critical habitat designations,
visit the Office of Protected Resources website:**

www.fisheries.noaa.gov/topic/endangered-species-conservation

**Learn more about our federal process for protecting species,
visit our Interagency Consultation (ESA Section 7) website:**

www.fisheries.noaa.gov/topic/consultations/endangered-species-act-consultations

