

ESA Section 7 Consultation

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Section 7 of the Endangered Species Act (ESA) is titled Interagency Cooperation. It identifies the responsibilities of the U.S. Fish and Wildlife Service (Service), National Marine Fisheries Service (NMFS), and other federal agencies to use their authorities in furtherance of the purposes of the ESA. Section 7(a)(1) requires all federal agencies to carry out programs for the conservation of listed species, and section 7(a)(2) requires the agencies to ensure their activities are not likely to jeopardize the continued existence of federally listed species or destroy or adversely modify designated critical habitat. Section 7(a)(2) of the ESA applies to all actions federal agencies fund, authorize, permit, or carry out in which there is discretionary federal involvement or control.

Process

Informal Consultation

The Service encourages agencies to contact the local Ecological Services field office for information or pre-consultation technical assistance early in the project development process. The first step in informal consultation is a discussion or information exchange between the agency carrying out the action and the Service about the proposed action and any applicable conservation measures for consideration. The result of this will be a delineation of the action area and a determination of whether the action may affect listed species or critical habitat. We encourage agencies to use Information for Planning and Consultation (IPaC), the Service's digital project planning tool, to identify species and critical habitats that may be present in the action area.

LAUNCH IPAC

Determination

If the proposed action may affect any listed species or critical habitat, then the agency must begin a formal consultation, unless the agency determines, with written concurrence of the Service, that the action is not likely to adversely affect listed species or critical habitat. If the agency determines that the proposed action will not affect any listed species or critical habitat, no further action is needed. The Service encourages agencies to use the digital consultation package builder tool available on IPaC to assist in this process.

Formal Consultation

During formal consultation, the agency and the Service share information about the proposed project and the species or critical habitat likely to be affected. Formal consultation may last up to 90 days, after which the Service will prepare a biological opinion. We will analyze all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action but that are not part of the action.

Conclusion of the Biological Opinion

The biological opinion will state whether the federal agency has ensured that its action is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat. A biological opinion may include reasonable and prudent measures necessary or appropriate to minimize the impact of the incidental take on the

species.

We have 45 days after completion of formal consultation to write the biological opinion. The period for formal consultation and completion of the biological opinion may be extended through agreement of the agency (and applicant, as applicable) and the Service.

Legal Justification

Section 7(a)(1) of the ESA establishes an obligation for all federal agencies to use their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation (i.e., recovery) of listed species. It also directs the Secretary (i.e., the Secretary of the Interior or the Secretary of Commerce) to review other programs they administer and to use such programs to further the purposes of the ESA.

Section 7(a)(2) states that “[e]ach Federal action agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.” Authority to administer the ESA has been delegated by the Secretary of the Interior to the Service’s Director, and by the Secretary of Commerce to the NMFS Assistant Administrator. In fulfilling the requirements of section 7(a)(2), each agency must use “the best scientific and commercial data available.” The regulations governing interagency cooperation are at Title 50, part 402.

Get Started

Federal agencies wishing to explore beginning a [Section 7](#) consultation should consult the Ecological Services office nearest the proposed project site. See our "Find a facility" map to locate the nearest office.



Related Resources & Information

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Federal Agency Obligations under Section 7(a)(1) of the Endangered Species Act

The U.S. Fish and Wildlife Service requested legal guidance on the scope of Federal agencies’ responsibilities under Section 7(a)(1) of the Endangered Species Act. Section 7(a)(1) directs all Federal agencies to carry out “programs for the conservation of endangered and threatened species.” The...

PDF

Feb 6, 2024

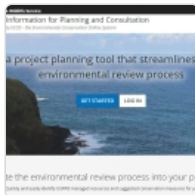


Consultations with Federal Agencies: Section 7 of the Endangered Species Act

This document provides answers to frequently asked questions regarding endangered species consultations with federal agencies.

PDF

Jun 2, 2025



Information for Planning and Consultation

Information for Planning and Consultation (IPaC) is a digital project planning tool that provides information to project proponents to help determine whether a project will have effects on federally listed species or designated critical habitat, as well as other sensitive resources managed...

Service

Consultation and Technical Assistance

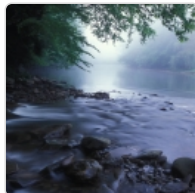


Endangered Species Consultation Handbook

This document outlines procedures for conducting consultation and conference activities under section 7 of the Endangered Species Act.

PDF

Mar 1, 1998



Ecological Services

The Ecological Services Program works to restore and protect healthy populations of fish, wildlife, and plants and the environments upon which they depend. Using the best available science, we work with federal, state, Tribal, local, and non-profit stakeholders, as well as private land owners, to...

Program

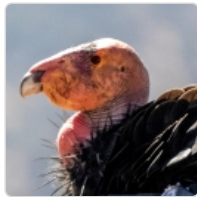
Falls Church, VA

Endangered Species Act

The Endangered Species Act establishes protections for fish, wildlife, and plants that are listed as threatened or endangered; provides for adding species to and removing them from the list of threatened and endangered species, and for preparing and implementing plans for their recovery;...

Laws, Agreements & Treaties

Dec 28, 1973



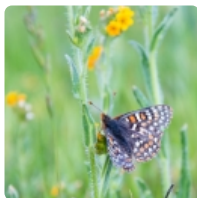
Endangered Species

We provide national leadership in the recovery and conservation of our nation's imperiled plant and animal species, working with experts in the scientific community to identify species on the verge of extinction and to build the road to recovery to bring them back. We work with a range of public...

Program

Falls Church, VA

Library Collections



Section 7 Consultation

This library collection includes general information regarding interagency consultations under the Endangered Species Act, as well as national guidance and policies.

Library Collection

7 Items