

## **SCOPE OF SERVICES ENDANGERED SPECIES ACT (ESA) PETITION**

It is Martin County's desire to petition the U.S. Fish and Wildlife Service (USFWS) to add the three (3) most threatened species in the Indian River Lagoon to the federal list of endangered and threatened animals.

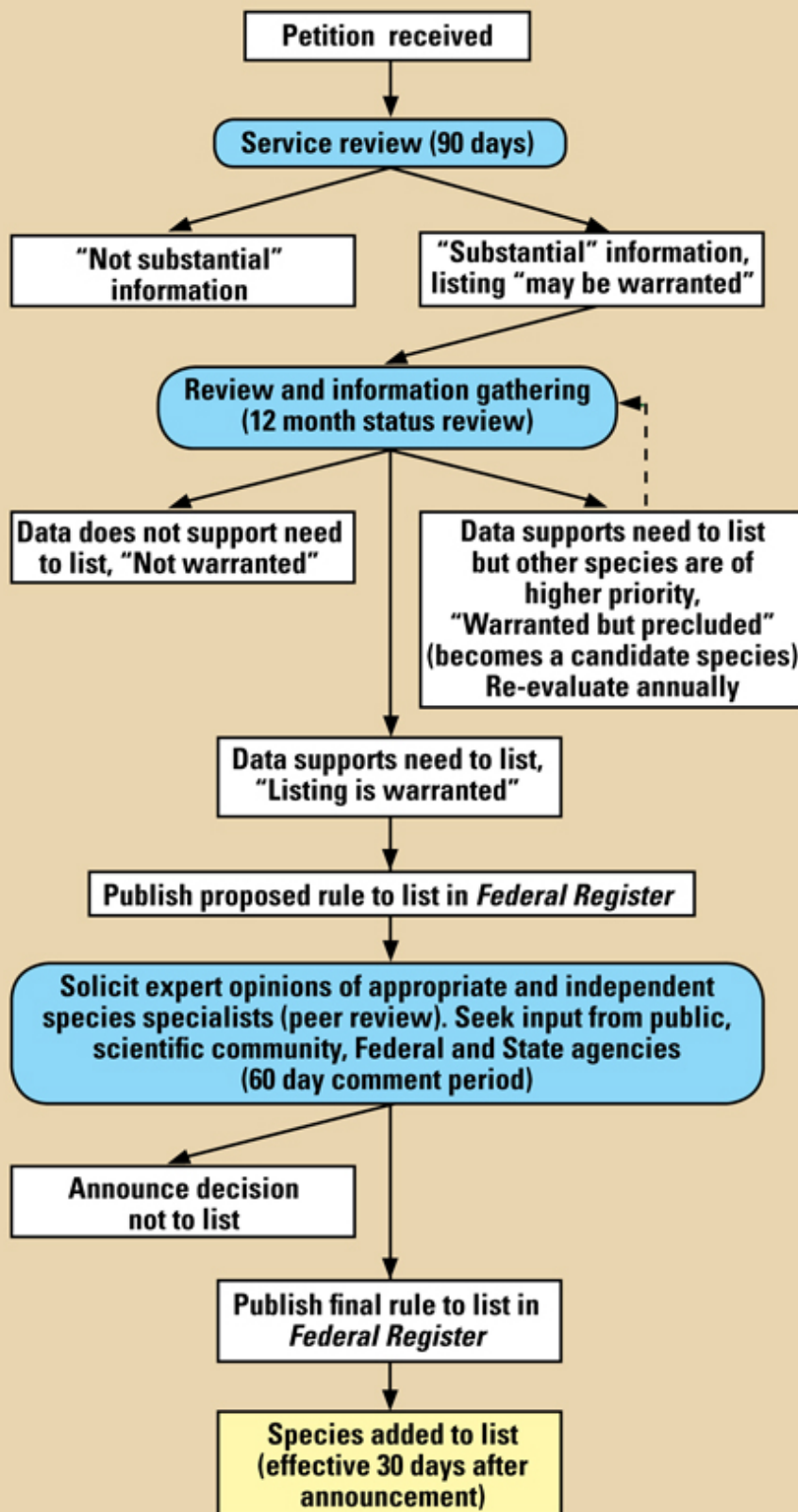
In order for a species to receive the protection provided by the Endangered Species Act (ESA), it must first be added to the federal lists of endangered and threatened wildlife and plants. The List of Endangered and Threatened Wildlife (50 CFR 17.11) and the List of Endangered and Threatened Plants (50 CFR 17.12) contain the names of all species that have been determined by the USFWS or the National Marine Fisheries Service (for most marine life) to be in the greatest need of federal protection.

A species is added to the list when it is determined to be endangered or threatened because of any of the following factors:

- the present or threatened destruction, modification, or curtailment of its habitat or range;
- overutilization for commercial, recreational, scientific, or educational purposes;
- disease or predation;
- the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its survival.

There are two ways in which a species may come to be listed under the ESA: (1) through the petition process or (2) through the candidate assessment process. The ESA provides that any interested person may petition the Secretary of the Interior, or the Secretary of Commerce for most marine life, to add a species to, or remove a species from, the lists of endangered and threatened species. Through the candidate assessment process, USFWS biologists identify species as listing candidates.

Petitions are formal requests to list a species as endangered or threatened under the Endangered Species Act. The ESA requires that the USFWS make and publish specific findings on the petition. USFWS (or the National Marine Fisheries Service for most marine species) must make a finding within 90 days of receiving a petition (to the extent practicable) as to whether or not there is "substantial information" indicating that the petitioned listing may be warranted. If this preliminary finding is positive, a status review is conducted. Within one year of receipt of the petition, USFWS must make a further finding that the listing either is or is not warranted. A positive one-year finding can be incorporated into a proposed listing rule or, if a prompt proposal is precluded by other listing activities, the proposal may be deferred. These "warranted but precluded" determinations require subsequent one-year determinations in each successive year until either a proposed listing rule is published or a "not warranted" finding is made. This graphic depicts the process.



There are currently 67 animal and 68 plant threatened or endangered species in Florida. Thirteen (13) of those animals and five (5) plants exist in the Indian River Lagoon according Smithsonian Indian River Lagoon Species Inventory database.

## **ANIMALS**

### **Endangered**

- Sawfish, smalltooth US DPS - Smalltooth sawfish originating from U.S. waters. (*Pristis pectinata*)
- Sea turtle, hawksbill Wherever found (*Eretmochelys imbricata*)

### **Threatened**

- Crocodile, American U.S.A. (FL) (*Crocodylus acutus*)
- Knot, red Wherever found (*Calidris canutus rufa*)
- Plover, piping [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. (*Charadrius melodus*)
- Scrub-jay, Florida Wherever found (*Aphelocoma coerulescens*)
- Sea turtle, green North Atlantic DPS (*Chelonia mydas*)
- Sea turtle, loggerhead Northwest Atlantic Ocean DPS (*Caretta caretta*)
- Snake, Atlantic salt marsh Wherever found (*Nerodia clarkii taeniata*)
- Snake, eastern indigo Wherever found (*Drymarchon corais couperi*)
- Stork, wood AL, FL, GA, MS, NC, SC (*Mycteria americana*)
- Tern, roseate Western Hemisphere except NE U.S. (*Sterna dougallii dougallii*)

## **PLANTS**

### **Endangered**

- Mint, Lakela's (*Dicerandra immaculata*) (Northern St. Lucie River)
- Mustard, Carter's (*Warea carteri*)
- Pawpaw, four-petal (*Asimina tetramera*)
- Polygala, tiny (*Polygala smallii*)

### **Threatened**

- Seagrass, Johnson's (*Halophila johnsonii*)