



Critical Habitat for the Gulf Sturgeon

Are the U.S. Fish and Wildlife Service and National Marine Fisheries Service going to designate critical habitat for the Gulf sturgeon?

In accordance with recent court rulings, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services) are reevaluating whether to designate critical habitat for the Gulf sturgeon.

More on the Court History:

On December 18, 1998, the Sierra Club filed a lawsuit against the FWS and NMFS for failure to designate critical habitat for the Gulf sturgeon ([Sierra Club v. U.S. Fish and Wildlife Service et al.](#), CA No. 98-3788-K-2 E.D. La.). In January 2000, the court issued an order granting defendant's motion for summary judgement and dismissing the complaint. The Sierra Club filed an appeal and in March 2001, the Fifth Circuit Court of Appeals reversed the decision of the district court and instructed the district court to remand the decision to the Services for reconsideration. On August 3, 2001, the district court issued an order directing us to publish a proposed decision concerning critical habitat designation for the Gulf sturgeon by February 2, 2002, and a final decision by August 2, 2002. The parties have agreed to extend these dates to May 23, 2002 for the proposed decision and February 28, 2003 for the final decision. The Court will have to approve this agreement before it is effective.



What is critical habitat?

Critical habitat is a term used in the Endangered Species Act (ESA) to refer to specific geographic areas that are essential for the conservation of a threatened or endangered species and that may require special management and protection.

What is the purpose of designating critical habitat for the Gulf sturgeon?

Federal agencies are required to consult with us on actions they carry out, fund, or authorize to ensure that their actions will not destroy or adversely modify critical habitat. In this way, a critical habitat designation protects areas that are necessary for the conservation of the species. It also may serve to enhance awareness within Federal agencies of the importance of its habitat and the need for special management considerations.

What does it mean "to consult?"

Consultation is a process by which Federal agencies utilize the Services' expertise to evaluate the potential effects of a proposed action on ESA listed species and their critical habitats. Consultation may also identify alternatives to the proposed action to avoid adverse effects on listed species and their habitats.

What is the impact of designating critical habitat on private lands and private landowners?

The designation of critical habitat on private land will have no impact on private landowner activities that do not require Federal funding or permits. The designation of critical habitat is only applicable to Federal activities.

How do the Services determine what areas to designate as critical habitat?

The Services consider physical and biological habitat features that are essential to the conservation of the species, including:

- space for individual and population growth and for normal behavior;
- cover or shelter;
- food, water, air, light, minerals, or other nutritional or physiological requirements;
- sites for spawning and rearing offspring; and
- habitats that are protected from disturbances or are representative of the historic geographical and ecological distributions of a species.

U.S. Fish & Wildlife Service and National Marine Fisheries Service

Do listed species in critical habitat areas receive more protection?

Listed species are protected by the ESA whether or not they are in an area designated as critical habitat. The protection extends to the species' habitat if the Services determine that a Federal action affecting the habitat would likely take the species through harm to its habitat. Designation of an area as critical habitat provides an additional means by which the habitat of an endangered or threatened species can be protected from destruction or adverse modification resulting from Federal activities or projects.

Does a critical habitat designation affect all activities that occur within the designated area?

No. An area designated as critical habitat is not a refuge or a sanctuary for the species. Only activities that involve a Federal permit, license, or funding and that may affect critical habitat will require consultation. Most use of critical habitat by the public will not be affected by a critical habitat designation. Most activities such as recreational boating, canoeing, swimming, most fish and shellfish harvesting (e.g., oystering, scalloping), and existing commercial boat traffic likely would not involve a Federal action that may affect critical habitat and therefore would not likely trigger a consultation requirement.

Must Federal agencies consult with the Services even where critical habitat has not been designated?

Yes. Even when there is no critical habitat designation, Federal agencies must consult with us to ensure any action they carry out, fund, or authorize is not likely to jeopardize the continued existence of a listed species. Where critical habitat is designated, a consultation also ensures that the critical habitat is not destroyed or adversely modified.

Does the ESA consider economic consequences as a part of designating critical habitat?

Yes. Unlike ESA listing decisions, the Services must take into account the economic impact, as well as any other relevant impacts, of specifying any particular area as critical habitat. The Services may exclude any area from critical habitat if we determine that the benefits of excluding it outweigh the benefits of specifying the area as a part of critical habitat, unless we determine that the failure to designate the area as critical habitat will result in the extinction of the species.

What is the impact of a critical habitat designation on economic development?

The vast majority of actions that require a consultation with us proceed with little or no modification.

How many species have critical habitat designations?

The Services have designated critical habitat for 150 of the 1,244 species listed as threatened or endangered.

Who should you contact for more information?

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Gulf Sturgeon—Fast Facts

Scientific name: *Acipenser oxyrinchus desotoi*

Common names: Gulf sturgeon, Gulf of Mexico sturgeon, Atlantic sturgeon, common sturgeon, and sea sturgeon

Status: Federally listed as threatened on September 30, 1991.

Description: Easily recognized by rows of bony plates, or scutes, along body. Can grow longer than nine feet and weigh in excess of 300 pounds. The suction type mouth is located beneath the head.

Diet: Bottom dwelling organisms; amphipods, isopods, crustaceans, and marine worms.

Habitat: Gulf of Mexico. Bays and estuaries in Florida, Alabama, Mississippi, and Louisiana. Major freshwater rivers from the Suwannee River (FL) to the Mississippi River.

Spawning habitat: This anadromous species migrates from salt water into coastal rivers to spawn.

Life history: Spends most of its time in rivers. Long-lived up to 70 years. Requires 9 to 12 years to reproduce.

Natural enemies: None.

Threats to survival: Barriers to spawning grounds (dams), habitat loss, poor water quality.

Interesting note: Fossil ancestry of this primitive fish dates back 200 million years. In the late 19th and early 20th centuries, sturgeon were harvested for their edible flesh and eggs for caviar.