

Minimizing / Offsetting Adverse Effects and Clarifying the Information Needed for Consultations

Minimizing/Offsetting Adverse Effects

As part of their actions, federal agencies often include measures to avoid, minimize or offset adverse effects to ESA-listed species or critical habitat.

Courts have sometimes appeared to set a higher standard for certainty of implementing mitigation actions than for implementing the development activity itself. The Services rule clarifies that these mitigation measures should be held to the same standard of certainty as the associated development action.

Clarifying the Information Needed for Consultations

A lack of clarity in what information we need to initiate formal consultations with federal agencies has led to frequent confusion and a loss of valuable time while the Services work with the agencies to compile the necessary information.

By clarifying what the Services need to initiate consultation, they will shorten the time it takes for consultations and ensure taxpayer dollars are spent wisely and efficiently.