

Working Lands for Wildlife: Balancing Regulatory Predictability & At-Risk Species Conservation

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Regulatory Predictability

- What is the WLFW and species involved
- Context for regulatory requirements of ESA
- How we collaborated on WLFW
- How regulatory predictability was achieved
- Regulatory predictability



The Importance of Private Lands

- At least 2/3 of at-risk species in the U.S. depend on private lands
- Agricultural lands have the potential to provide important habitat for these species
- Cooperation of private landowners is essential to make progress in conserving most imperiled species before they are “listed” under the ESA



The WLFW Partnership

- Collaborative approach between NRCS, USFWS, and state wildlife agencies
- Focuses on select species (listed, candidate, and at-risk species)
- Private, working lands
- “Regulatory Predictability”
- Achieves increased productivity



WLFW: A New Approach

- USFWS approached by NRCS in 2009 to work on Greater and Gunnison sage-grouse (candidates)
- Strategic and focused
- Work together to establish ESA compliance
- Benefit species
- Compatible with NRCS planning framework
- Monitor and support science to reach conservation outcomes



WLFW Targeted Species

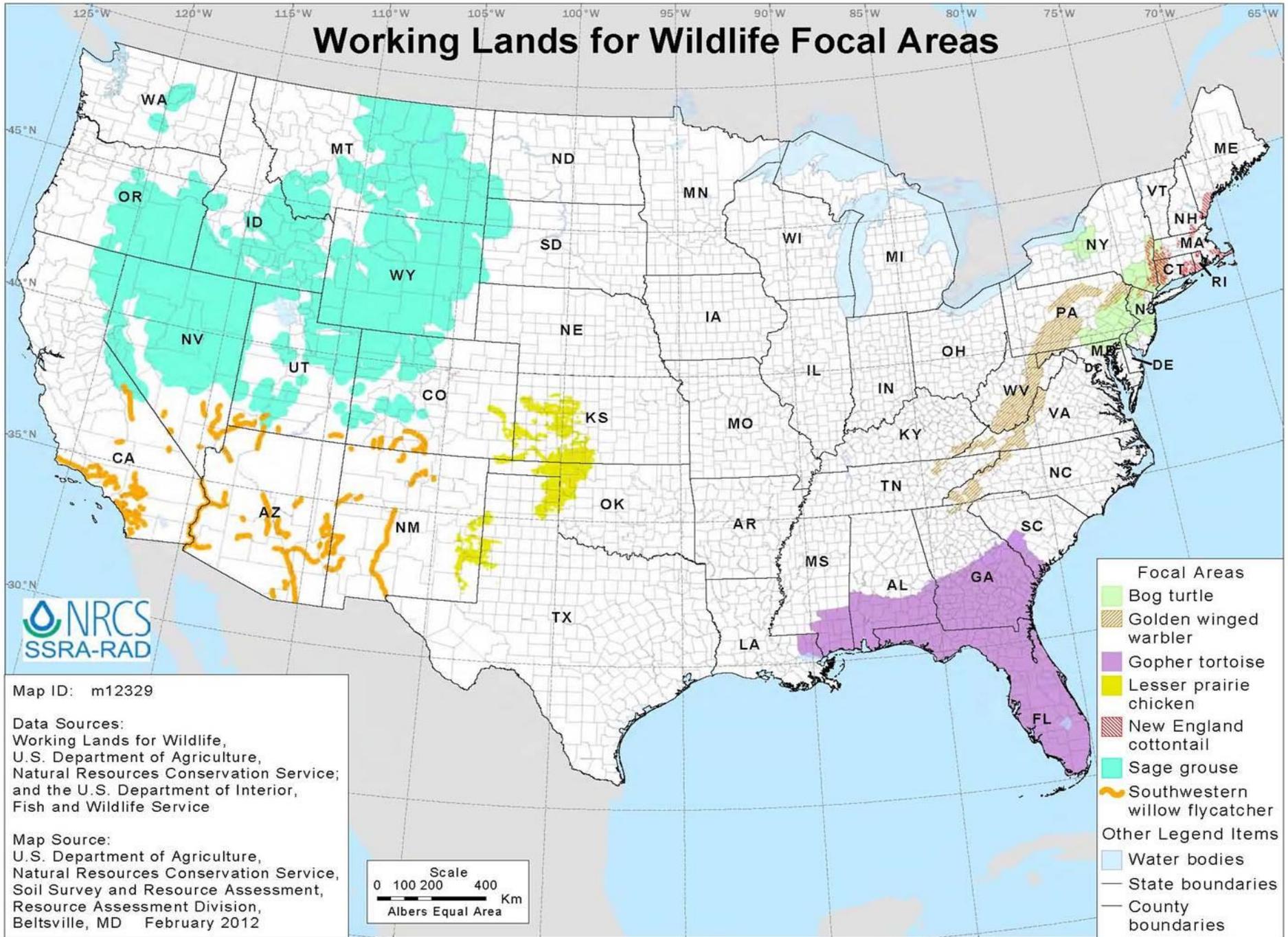
- Greater sage-grouse (2010) (candidate)
- Gunnison sage-grouse (2010) (candidate, listed)
- Lesser prairie-chicken (2011) (candidate, listed)
- Bog turtle (2012) (listed)
- Southwestern willow flycatcher (2012) (listed)
- Gopher tortoise (2012) (listed /candidate)
- New England cottontail (2012) (candidate)
- Golden-winged warbler (2012) (at-risk)







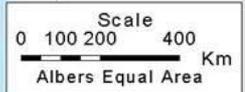
Working Lands for Wildlife Focal Areas



Map ID: m12329

Data Sources:
Working Lands for Wildlife,
U.S. Department of Agriculture,
Natural Resources Conservation Service;
and the U.S. Department of Interior,
Fish and Wildlife Service

Map Source:
U.S. Department of Agriculture,
Natural Resources Conservation Service,
Soil Survey and Resource Assessment,
Resource Assessment Division,
Beltsville, MD February 2012



- Focal Areas**
- Bog turtle
 - Golden winged warbler
 - Gopher tortoise
 - Lesser prairie chicken
 - New England cottontail
 - Sage grouse
 - Southwestern willow flycatcher
- Other Legend Items**
- Water bodies
 - State boundaries
 - County boundaries

ESA Tools for Private Landowners

- Candidate Conservation Agreements with Assurances (for non-listed, at-risk species)
- Safe Harbor Agreements (for currently listed species)
- Section 7 – conferencing and consultation



Safe Harbor & Candidate Conservation Agreements

- Take too long to complete
- Public process
- A signed agreement with USFWS or other “government sanctioned entity”
- Typically no planning/financial help available
- USFWS may or may not “count” the efforts in listing decisions (for CCAAs) and delisting decisions (for SHAs)



Section 7

- Informal and formal consultation 7(a)(2)
- Conference reports and opinions 7(a)(4)
 - Requested by agency when the action may affect a proposed species
 - USFWS interpretation that candidate species may also be included in conferencing



Streamlining the Process

- Started effort 2010 on the Greater and Gunnison sage-grouse
- Evolution of using a conference report
- Tool to achieve conservation and regulatory coverage goals



Working Together

- Face-to-face meetings
- Lining up our Programs
- Prepared a conference report
- Greater and Gunnison sage-grouse covered



Furthering Work Together

- Lesser prairie-chicken effort in 2011
- Surprise of being asked to do it again
- Much more effective due to lessons learned



Expanding WLFW

- In 2012 worked concurrently on five additional species
- Process of one face-to-face meeting
- Small groups to work on Section 7 documents



Regulatory Predictability

What it is not:

- A “blanket” insurance policy
- Covers everything – it is specific
- A guarantee that a species won’t get listed
- Doing business the same way as before



Regulatory Predictability

- Certainty lasts upwards of 30 years
- Tied to the conservation plan
- Landowners want transparency and rules of engagement
- A partnership model to engage private landowners in at-risk species conservation
- USFWS evaluates to determine whether regulatory certainty extends into the future



Validating Regulatory Predictability

- Section 7 documents
- Letter to WLFW landowners from USFWS
- Exchange of leadership letters
- 4(d) rules for recently listed species
- Resources committed

