



# Candidate Conservation Agreements

## What are candidate species?

What the U.S. Fish and Wildlife Service (FWS) considers candidate species are those plants and animals that are candidates for listing under the Endangered Species Act (ESA). These are species for which the FWS has enough information regarding their biological status and threats to propose them as threatened or endangered, but listing is currently precluded by higher priority listing activities. Candidate species are not subject to the legal protections of the ESA. Proactive conservation efforts for these species can, in some cases, eliminate the need to list them under the ESA.

## What are the benefits of conserving candidate species?

Implementing conservation efforts before species are listed and their habitats become highly imperiled increases the likelihood that simpler, more cost-effective conservation options are available, and that conservation efforts will succeed. In addition, through early conservation efforts before species are listed, resource managers and property owners have more flexibility to manage their resources in using their land.

## What is a Candidate Conservation Agreement?

Early conservation efforts for declining species can be greatly expanded through collaborative approaches that foster cooperation and exchange of ideas among multiple parties. One of the principal ways of identifying appropriate conservation efforts is through the development of a Candidate Conservation Agreement (CCA). CCAs are formal, voluntary agreements between the FWS and one or more parties to address the conservation needs of one or more candidate species or species likely to become candidates in the near future. Participants voluntarily commit to implement specific actions designed to remove or reduce threats to the covered species, so that listing



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*Private landowners, Montana Fish, Wildlife and Parks, the Natural Resources Conservation Service, and Montana Department of Natural Resources are implementing a CCAA to conserve and enhance the Arctic grayling in the upper Big Hole River. These efforts resulted in not needing to list this species under the ESA.*

may not be necessary. The degree of detail in CCAs can vary widely, and there are no specific permits or assurances associated with them. The FWS has entered into many CCAs over the years, primarily with other federal agencies and states. Local governments, tribes, private property owners, and other entities may also participate. Some CCAs have been so successful that listing the covered species was not necessary.

## What is a Candidate Conservation Agreement with Assurances?

Conservation of animal and plant resources on non-federal lands is important because many species rely heavily – or even entirely – on such lands. However, due to concern about potential land use restrictions that could occur if a species becomes listed under the ESA, some property owners have been reluctant to engage in conservation activities that encourage use of their land or water by such

species. A Candidate Conservation Agreement with Assurances (CCAA) addresses this concern by providing incentives for non-federal property owners to engage in voluntary conservation activities that provides a net conservation benefit to the species.

More specifically, a CCAA provides participating property owners with a permit containing assurances that if they engage in certain conservation actions for species included in the agreement, they will not be required to implement additional conservation measures beyond those in the CCAA. If the species is listed, additional land, water, or resource use limitations will not be imposed on them, unless they consent to such changes.

## What species can be included in a CCA or CCAA?

A CCA and CCAA may include plant and animal species that have been proposed for listing or are

candidates for listing, and at-risk species, which are species that may become candidates in the near future. These agreements can apply to a single species or multiple species. Agreements may vary widely in size, scope, structure, and complexity, and in the activities they address.

### **How does a CCA or CCAA help species?**

These voluntary agreements reduce or remove identified threats to a species. Examples of beneficial activities include measures for restoring or enhancing habitat, expanding or establishing habitat connectivity, reestablishing populations or augmenting existing populations, control of competitive, invasive plants or animals, and reducing potential effects of significant disturbance events, such as extreme wildfires that could result from unnatural buildup of fuels.

### **How do CCAs and CCAAs differ?**

Both CCAs and CCAAs can eliminate the need for listing candidate and at risk species under the ESA. A CCA can be between the FWS and other federal, state, or local agencies, or with private sector parties, and may include both federal and non-federal lands and waters. Under a CCA, no Enhancement of Survival Permit is issued. This means there is no permit that authorizes incidental take of the covered species in the event listing occurs, and no assurances are provided by the FWS.

A CCAA is only between non-federal property owners and the FWS, and covers the actions of those entities on non-federal lands. The FWS, through an Enhancement of Survival Permit issued in conjunction with a CCAA, provides assurances that, if the species is subsequently listed and no other changes have occurred, the FWS will not require the permittee to conduct any additional conservation measures without consent. Additionally, the permit authorizes a specific level of incidental take of the covered species, should listing occur.

In situations where a candidate or at-risk species is found on both non-federal and federal land, a CCA and a CCAA can be used in a complementary fashion to address threats and management needs on both, with the result that listing is less likely.

### **How does the CCAA process work?**

Property owners agree to undertake activities on their non-federal lands to remove threats and otherwise improve the status of candidate and at-risk species. A variety of actions may qualify, such as:

- protecting and enhancing existing populations and habitats;
- restoring degraded habitat;
- creating new habitat;
- augmenting existing populations;
- restoring historic populations; and
- not undertaking a species, potentially impacting/damaging activity.

In return for the participant's voluntary conservation action(s), the FWS provides an Enhancement of Survival Permit under section 10(a)(1)(A) of the ESA. The permit, which goes into effect if the covered species becomes listed, provides the participant with a prescribed amount of "take" of the species, and/or habitat modification when such take is incidental to activities specified in the CCAA. Such take might occur as the landowner implements agreed upon conservation actions or other ongoing management activities on the property enrolled in the CCAA.

The FWS recognizes that a single CCAA by itself may not be sufficient to reduce or remove all threats so that listing is unnecessary. In developing a CCAA, a non-federal property owner needs only to address those threats, or the proportion of those threats, that he or she can control on the property enrolled. The standard that must be met for the FWS to enter into a CCAA and issue the related permit is that the duration of the CCAA must be sufficient for the FWS to determine that the benefits of the conservation measures in the agreement provide a net conservation benefit to the covered species.

### **How long does it take to develop a CCAA?**

Many agreements can be developed within six to nine months, although more complex agreements may take longer. A variety of factors influence the timeline, such as the number and characteristics of the species involved, the size of the area involved, the size

of the property or other activities to be conducted, the number of parties to the agreement, and other relevant factors.

### **Can a property owner sell or transfer property enrolled with a CCAA?**

If a property owner sells or gives away lands enrolled in a CCAA, the FWS will honor the agreement and associated permit, providing the new owner agrees to become a party to the original CCAA and permit.

### **What happens when a CCAA expires?**

The CCAA can be renewed for as long as the property landowner and FWS both agree. If the landowner does not renew the agreement, the assurances tied to the Enhancement of Survival Permit end when the permit expires. At that time, the owner becomes accountable to the provisions of the ESA if the species has been listed while the CCAA was in effect.

### **What is a programmatic CCAA?**

A programmatic CCAA and its associated permits authorize state, local, tribal governments and other entities to enter into an agreement and hold the associated permit. This entity then enrolls individual property owners within a specific area or region, and conveys the permit authorization and assurances to them through a "certificate of inclusion." This programmatic approach is an efficient mechanism to encourage multiple non-federal property owners to voluntarily take management actions to remove threats to candidate and potential candidate species.

### **Who should I contact to initiate a CCA or CCAA?**

Contact the nearest FWS Field Office in your state to discuss potential cooperative opportunities. For information and examples of Candidate Conservation Agreements and the final CCAA policy and regulations, please visit <http://www.fws.gov/angered/what-we-do/how-you-can-help.html>.

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