

News Release

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July 17, 2014

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New Policy Proposed to Benefit At-Risk Wildlife, Provide Credits to Landowners Taking Voluntary Conservation Actions

Promotes preemptive conservation efforts for species that may one day be listed under ESA

As part of an on-going effort to provide more flexibility under the Endangered Species Act (ESA), the U.S. Fish and Wildlife Service today proposed a new policy that would give landowners credit for voluntary conservation actions for at-risk species.

“The proposed policy is a win-win for people and for wildlife species that are in decline but not yet listed as threatened or endangered,” said Service Director Dan Ashe. “This smart approach expands on our existing efforts to work cooperatively with landowners to save the great landscapes of America and both the wildlife and the way of life of Americans that depend on them. By incentivizing early voluntary conservation efforts, this policy demonstrates our continued commitment to innovation and flexibility in implementing the Endangered Species Act.”

Under the proposed policy, landowners could obtain credits for current efforts that benefit declining species. These conservation credits could later be redeemed to offset or mitigate actions that are detrimental to a species were it to subsequently be listed under the Act. The credits may also be traded or sold to a third party.

The proposed policy differs from other tools in the ESA toolbox such as Candidate Conservation Agreements with Assurances (CCAAs) and Safe Harbor agreements. For example, CCAAs are only open to non-federal landowners and not federal agencies, and they provide assurances that if a landowner takes certain actions there will be no further restrictions if the species is listed. By contrast, the new policy would be available to any landowning entity, including states, tribes, corporations, private individuals and federal agencies, but with no guarantees exempting them from future restrictions.

Today’s action is part of an ongoing effort by the U.S. Fish and Wildlife Service to make the implementation of the Endangered Species Act more effective and less burdensome. It follows a series of proposals to carry out the commitments set forth in the Department of the Interior’s “Plan for Retrospective Regulatory Review,” which implements President Obama’s 2011 Executive Order on “Improving Regulation and Regulatory Review.” The Department and Service plan to continue their efforts to make even more successful the implementation of the Endangered Species Act, a law that has already helped recover such once-endangered species as

the bald eagle, American alligator, and grey whale, and that has increased the populations of other still-endangered species to their highest levels in decades, including the whooping crane, California condor, black-footed ferret, manatee, Florida panther, grizzly bear, and wood stork.

By incentivizing early voluntary conservation efforts before they reach the point of endangerment, the proposed policy will help protect at-risk wildlife from habitat loss, competition from non-native species and other threats that are being exacerbated by climate change.

To receive credit for voluntary conservation action under the new policy, the benefit of the action for which credit is given must be greater than the detriment from the action for which the credit is later redeemed, providing an overall benefit for the species.

Credit could be earned only before a species becomes listed, and only for actions that are not mandated by federal, state or local law and are not part of an existing Candidate Conservation Agreement.

At-risk species that could benefit from these prelisting conservation actions do not have to be formal candidates for listing under the ESA.

States may choose to work cooperatively with the Service to administer the program. Using state wildlife actions plans or other formal conservation plans for a species, states would provide the overarching species conservation framework to which these voluntary conservation actions would contribute, monitor impacts and benefits to populations, and provide oversight to ensure successful implementation and maintenance of conservation actions. The Service would assist states as needed in developing conservation plans, and in tracking implementation and maintenance of voluntary actions.

Federal agencies will be able to use conservation credits they earn as a result of proactive conservation efforts when undertaking ESA section 7 consultations. This part of the ESA mandates that federal agencies must consult with the Service before funding, permitting or undertaking an action that may impact an endangered species. The proposal clarifies that when beneficial actions are taken by federal agencies before a species is listed, the Service must give those actions appropriate consideration during the consultation process.

View the proposed policy at: www.fws.gov/endangered/improving_ESA/prelisting-conservation.html.

The proposed policy is scheduled to be published in the *Federal Register* on July 22, 2014, beginning a 60-day public comment period.

Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal*: <http://www.regulations.gov>. In the Search box enter the Docket number for the proposed policy, which is FWS-R9-ES-2011-0099. You may

enter a comment by clicking on “Comment Now!”. Please ensure that you have found the correct document before submitting your comment.

- *U.S. mail or hand delivery:* Public Comments Processing, Attn: Docket No. FWS–R9–ES–2011–0099; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, PDM–2042; Arlington, VA 22203.
- All comments will be posted on <http://www.regulations.gov>. This generally includes any personal information provided with the comment.

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