



United States Department of the Interior

FISH AND WILDLIFE SERVICE



DIRECTOR'S ORDER NO. 218

Subject: POLICY REGARDING VOLUNTARY PRELISTING CONSERVATION ACTIONS

Sec. 1 What is the purpose of this Order? This order establishes that the attached document is the policy of the U.S. Fish and Wildlife Service (Service). The purpose is to work with our partners, particularly State agencies, to establish another vehicle to encourage and reward voluntary actions to conserve our nation's at-risk species.

Sec. 2 What is the legal authority for this Order? The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Sec. 3 What is the purpose of the policy? The policy provides States with an additional tool and incentive to engage landowners, government agencies, and others in carrying out voluntary conservation actions for species not listed under the Endangered Species Act. This order establishes that landowners participating in a qualifying State-administered species conservation program can obtain conservation credits for efforts that benefit declining species. These credits can later be redeemed to offset or mitigate actions that are detrimental to a species should it subsequently be listed under the ESA. The credits may also be traded or sold to a third party.

Sec. 4 How will the Service treat voluntary prelisting conservation actions that are undertaken per the attached policy? If requested to do so by the person, Tribe, or Federal, State, or local government agency that undertakes a qualifying voluntary prelisting conservation action, or by a third party to whom the credits have been transferred, the Service will treat the action as (1) a measure to minimize and mitigate the impact of the taking of an endangered or threatened species pursuant to section 10(a)(1)(B) of the ESA, or (2) an intended compensatory measure of a proposed Federal agency action subject to the consultation requirements of section 7(a)(2) or 7(a)(3) of the ESA.

Sec. 5 When is this Order effective? This Order is effective immediately. It remains in effect until we incorporate it into the Fish and Wildlife Service Manual at Part 730, or until we amend, supersede, or revoke it, whichever comes first. If we do not amend, supersede, or revoke it, the Order will expire 18 months from the date it is signed.


DIRECTOR

Date: JAN 18 2017