



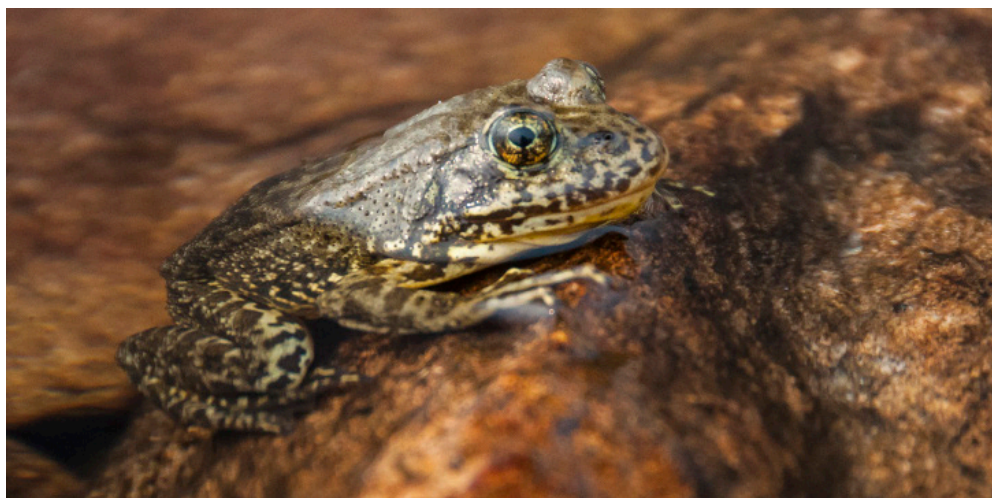
# Conservation Benefit Agreements for Private Property Owners

## What is a Conservation Benefit Agreement?

A Conservation Benefit Agreement (CBA) is a voluntary agreement involving private or other non-federal property owners where the actions in the agreement contribute to the conservation or recovery of the agreement's covered species. Covered species can include species listed as endangered or threatened under the Endangered Species Act (ESA) and/or non-listed at-risk species. The agreement is between cooperating non-federal property owners and the U.S. Fish and Wildlife Service (FWS). In exchange for actions that contribute to the conservation of species covered by an agreement on non-federal lands, participating property owners receive formal assurances from the FWS that if they fulfill the conditions of the CBA, the FWS will not require any additional or different management activities by the participants without their consent. In addition, at the end of the agreement period, participants may choose to return the enrolled property to the baseline conditions that existed at the beginning of the CBA, if the agreement included that provision prior to permit issuance.

## How does a CBA contribute to recovery or precluding listing?

Because many species occur exclusively, or to a large extent, on privately owned property, the involvement of the private sector in the conservation and recovery of species is crucial. Property owners are often willing partners in efforts to recover listed species or help to prevent listing of other non-listed at-risk species. However, some people may be reluctant to undertake activities that support or attract these species on their properties, due to concern about future use limitations related to the ESA. To address this concern, a CBA provides that future property-use limitations will not occur without the landowner's consent.



Isaac Chelman/NPS

*The mountain yellow-legged frog has benefited from voluntary conservation agreements aimed at maintaining and enhancing habitat to allow for the safe release of captive-bred individuals in the future.*

Central to this approach is that the actions taken under the CBA will provide a net conservation benefit that contributes to the conservation or recovery of the species included in the agreement. This contribution will vary from case to case, and the CBA does not have to provide permanent conservation for the enrolled property. The benefit to the species depends on the nature of the activities to be undertaken, where they are undertaken, and their duration. The CBA and associated documents include a description of the expected net conservation benefit(s) and how the FWS reached that conclusion. Examples of conservation benefits include:

- maintenance, restoration, or enhancement of existing habitats
- reduced habitat fragmentation; increases in habitat connectivity
- stabilized or increased numbers or distribution
- the creation of buffers for protected areas
- establishment of new populations of the species

## How does a property owner benefit?

By entering into a CBA, property owners receive assurances that they will not have to change their conservation measures or ongoing management activities agreed to in the CBA, if the voluntary actions increase the number of individuals already present on their property or attract the species onto their property. The assurances are provided by the FWS through an Enhancement of Survival Permit issued to the property owner; this permit authorizes take of species that may result from implementing conservation measures or from ongoing land management undertaken by the property owner under the CBA. The permit also specifies that the FWS will not require any additional or different conservation measures or management activities by participants without their consent. This kind of permit is issued under the authority of section 10(a)(1)(A) of the ESA. A CBA provides an option for a property owner to include a return to baseline authorization. If the CBA includes this authorization, the property owner can return their property back to the species and habitat conditions that

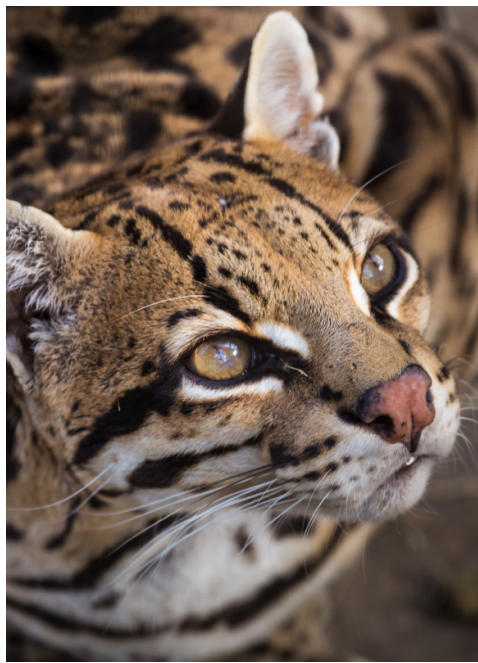
were present when they entered into the CBA.

A CBA may be initiated by a property owner, or the FWS may approach a property owner with a proposal to voluntarily enter into an agreement and work on a CBA can be done in concert with state agencies or other federal agencies. The FWS works with interested property owners in applying for an Enhancement of Survival Permit and a CBA. The FWS also assists property owners in identifying actions that they can voluntarily undertake or forgo to benefit species covered by the CBA and permit. FWS strongly encourages the development of “programmatically” CBAs and permits with state, local, or tribal governments that, over time, will include multiple property owners but many CBAs and permits only involve a single property owner.

### What is the CBA process?

The steps below describe what the property owner and FWS generally do to initiate and complete a CBA:

1. The property owner willing to conduct beneficial actions on their property for listed, non-listed at-risk species, or their habitat contacts the nearest FWS Ecological Services field office.
2. The property owner(s), with the aid of the FWS, gathers general information. Including, but is not limited to, a map of the property, proposed conservation measures, information on the listed or other non-listed at-risk species on the property, ongoing land management, and other pertinent information. In the case of a programmatic CBA, a map shows the specific area within which individual property owners can enroll. These participating owners then provide applicable information for their property.
3. The FWS (or approved cooperators) will describe the baseline conditions for the property to be enrolled in the CBA in terms appropriate for the covered species. Baseline conditions can refer to current population estimates and distribution, or to the existing habitat characteristics that sustain seasonal or permanent use by the species. Using the baseline determination, the property owner and FWS discuss land use objectives, assess habitat quality, and identify other information needed to develop an agreement that meets the CBA net conservation benefit standard. In addition, the property owner decides



*A voluntary conservation agreement supports efforts to expand the range of the endangered ocelot in Texas by providing additional habitat for the species to be reintroduced. Photo by Martinus Scriblerus, CC BY 2.0.*

- whether to include in the CBA the option to “return to baseline” which would allow them to return their property to the species and habitat conditions that existed at the beginning of the agreement.
4. Based on the information provided by the property owner, information gathered during site visits, and FWS technical assistance, the property owner (and any other pertinent entity, such as a state fish and game agency) develops a draft CBA.
5. The property owner applies to the FWS for an Enhancement of Survival Permit, with the draft CBA attached. This can be done through ePermits (preferred), or the application could be emailed to the FWS field office.
6. FWS completes internal review and public comment period on the permit application, in line with applicable ESA provisions and ensures that the permit criteria have been satisfied.
7. The property owner is issued an Enhancement of Survival permit and the CBA is finalized.

In the unexpected event that continuation of permitted activities will appreciably reduce the likelihood of survival and recovery of any listed species, the FWS may, as a last resort, revoke the permit. Prior to revocation,

however, the FWS will, with the consent of the permittee, pursue all appropriate options to avoid revoking the permit.

### How long does it take to develop an CBA?

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, management 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 CBA?

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

### What happens when the CBA expires?

The CBA can be renewed for as long as the property landowner and the FWS mutually agree. If the landowner does not renew the agreement, the assurances tied to the Enhancement of Survival Permit expire. The owner then is no longer protected from the “take” prohibitions of the ESA that are allowed under the permit for any listed species included in the agreement.

### What is a programmatic CBA?

A programmatic CBA and associated permits authorize state, local, tribal governments and other entities to enter into an agreement for a single or multiple species and hold the associated permit. This entity can then enroll individual property owners within a specific region and convey the permit authorization and assurances to them through a “certificate of inclusion.” This programmatic approach is an efficient mechanism encouraging multiple non-federal property owners to collectively engage in conservation measures that benefit the conservation or recovery of species.

### Who should I contact?

If you would like more information about CBAs, please contact the nearest Ecological Services field office in your state. [Find an office](#) near you.

**U.S. Fish & Wildlife Service  
Ecological Services  
5275 Leesburg Pike  
Falls Church, VA 22041  
703/358-2171**

<http://www.fws.gov/endangered/>

**May 2024**