U.S. Fish & Wildlife Service

Candidate Conservation Agreements

What are candidate species?

Candidate species are plants and animals that are considered candidates for listing under the Endangered Species Act (ESA). These are species for which the U.S. Fish and Wildlife Service (Service) has enough information regarding their biological status and threats to propose them as threatened or endangered, but listing is precluded by higher priority listing activities. Candidate species are not protected 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 may take less time to 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 Service and one or more parties to address the conservation needs of one or more candidate species or species that are declining and are at risk of becoming candidates for listing under the ESA. Participants voluntarily commit to implement specific actions designed to remove or reduce threats to the covered species or otherwise provide for the improvement of the species' status, so that listing may not be necessary. The degree of detail in CCAs can vary widely, and there are no specific associated permits or assurances. The Service 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.



Massachusetts Army National Guard

A programmatic candidate conservation agreement with assurances will enhance and protect habitat for 12 species in north Florida and southwest Georgia. The frosted elfin is among the species benefitting from the voluntary agreement.

What is a Conservation Benefit Agreement?

Conservation of plant and animal 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 the species or its habitat become established on their land, some property owners have been reluctant to engage in conservation activities that encourage use of their land or water by such species. A Conservation Benefit Agreement (CBA) addresses this concern by providing incentives for non-federal property owners to engage in voluntary conservation activities that provide a net conservation benefit to the species.

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

What species can be included in a CCA or CBA?

A CCA and CBA may include plant and animal species that have been proposed for listing or are candidates for listing, as well as species that are declining and at risk of becoming candidates for listing under the ESA. CBAs can also include listed species, a combination

of listed and non-listed but at-risk species, or only non-listed but at-risk species. 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 CBA help species?

These voluntary agreements reduce or remove identified threats to a species or otherwise improve the status of the species. Examples of beneficial activities include measures for restoring or enhancing habitat, expanding or establishing habitat connectivity, reestablishing populations or augmenting existing populations, controlling 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 CBAs differ?

Both CCAs and CBAs can eliminate the need to list candidate species under the ESA. A CCA can be between the Service 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 authorizing incidental take of the covered species if listing occurs, and no assurances are provided by the Service.

A CBA is only between non-federal property owners and the Service and covers the actions of those entities on non-federal lands. The Service provides assurances through an Enhancement of Survival Permit issued in conjunction with a CBA. The Service does not require the permittee to conduct any additional conservation measures without consent for any non-listed species that are included in a CBA and subsequently listed. Additionally, the permit authorizes a specific level of incidental take of the covered species—whether listed or non-listed. The incidental take coverage for a non-listed, at-risk species would not take effect until a species is listed. In situations where a candidate or at-risk species is found on both non-federal and federal land, a CCA and CBA can both be used to address threats and management needs, with the result that listing is less likely.

How does the CBA process work?

Property owners agree to undertake activities on their non-federal lands to remove threats and otherwise improve the status of listed, candidate or other 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 specific, potentially impacting/damaging activity.

In return for the participant's voluntary conservation action(s), the Service provides an Enhancement of Survival Permit. The permit provides the participant with a prescribed amount of "take" of the species, and/or habitat modification. Such take might occur as the landowner implements agreed-upon conservation measures or other ongoing management activities on the property enrolled in the CBA. A property owner can choose to include a "return to baseline" authorization, which allows them to return their property to the species and habitat conditions that existed at the beginning of the agreement.

The Service recognizes that a single CBA by itself may not be sufficient to reduce or remove all threats so that listing is unnecessary or contribute to recovery so that a listed species may be downlisted or delisted. In developing a CBA, a non-federal property owner needs only to address those threats, or the proportion of those threats, that they can control on the property enrolled. The standard that must be met for the Service to enter into a CBA and issue the related permit is that the duration of the CBA must be sufficient for the Service 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 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, 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 CBA?

If a property owner sells or gives away lands enrolled in a CBA, the Service 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 a CBA expires?

The CBA can be renewed for as long as the property landowner and the Service 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 a listed species was included in the agreement, or any non-listed covered species listed while the CBA was in effect. In addition, if the CBA includes a return to baseline provision, the property owner may return their property back to baseline just prior to the expiration of the permit.

What is a programmatic CBA?

A programmatic CBA 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 listed, candidate, and other at-risk species.

Who should I contact to initiate a CCA or CBA?

Contact the nearest Ecological Services field office to discuss potential cooperative opportunities. Find an office near you.

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