

Major ESA Opportunities Strategy

The following dates were provided by FWS, NOAA and other agencies during development of the ESA Opportunities Strategy as deadlines for particular policy or regulatory proposals.

September 2014	<i>(1/5/2015 update – not yet finalized) <u>Finalize BLM Regional Mitigation Policy.</u> BLM has promulgated an interim mitigation policy and is in the process of developing a final mitigation policy that requires consideration of landscape level conservation needs and development opportunities when approving, and mitigating the impact of, new development activities affecting endangered species and other resources.</i>
Winter 2014	<u>Finalize biological opinion.</u> Through WLFW, NRCS is consulting with USFWS on a biological opinion that addresses the concerns of 90 riparian ecosystem species including willow flycatcher that are declining or already protected is near completion. This document provides ESA predictability for all 90 species covered, promoting landscape riparian ecosystem restoration throughout the desert southwest.
December 2014 <u>Fall 2015</u>	<u>Draft policy.</u> Increase use of programmatic consultations to promote increased coordination with states and other Federal agencies, increase the efficiency of permit reviews, address aggregated effects of multiple projects across a similar geographic landscape, and tailor effects analysis to the scale of the project/program. NMFS is developing a policy on the use of programmatic consultations.
January 2015	<u>Review communications materials</u> describing how listing determinations are made and update as needed to ensure that State and local governments and other landowners have access to clear information on how they may take action to preclude the need to list species as threatened or endangered.
February 2015	<u>Revise FWS petition regulations</u> to require that petitioners demonstrate prior coordination with State fish and wildlife agencies.
March 2015	<u>FR Notice of proposed policy revision.</u> Update and revise FWS Mitigation Policy to encompass species mitigation under the ESA and incorporate effective mitigation policies that have evolved under the CWA regulatory program, including market-based mechanisms (FR notice of proposed revision)
March 2015	<u>FR Notice of proposed revised guidance.</u> Facilitate the increased use of conservation banks by updating the FWS conservation banking guidance (FR notice of proposed revision)
April 2015	<u>Final policy.</u> Geographic area occupied by the species at the time it is listed (final)
April 2015	<u>Final regulation.</u> Destruction or adverse modification of critical habitat (final)
April 2015	<u>Final policy.</u> Section 4(b)(2) policy. Proposed policy would provide guidance re the exclusion of particular lands, including lands subject to conservation agreements, from designation as critical habitat. (final)
May 2015	<u>Proposed handbook revision.</u> Reduce time and cost of developing flexibility agreements (CCAAs, HCPs, etc) through revisions to Joint FWS/NMFS HCP Handbook (Proposed revision noticed in FR)
Spring 2015	<u>Publish revised draft/interim? Resource management plans.</u> Many BLM resource management plans (RMPs) to be amended or revised to address greater sage-grouse conservation needs, incorporates master leasing planning to reduce adverse impacts upon the bird and other resources.
June 2015	<u>Final policy.</u> Incentivize early conservation investment by providing mitigation credit for pre-listing conservation activities.
Summer 2015	<u>Publish notice of new CCAAs.</u> Expand use of umbrella agreements, including

	additional CCAAs for the greater sage grouse in Wyoming and other Oregon counties.
October 2015	<u>New draft chapter in Departmental Manual.</u> Develop a new chapter to DOI's Departmental Manual to provide guidance for improved implementation of mitigation (as identified by DOI's <i>Strategy</i> implementing Secretarial Order 3330), including the greater integration of habitat needs and plans at the landscape scale into mitigation decisions. (Final October 2016)
October 2015	<u>Draft policy.</u> FWS is developing policy to replace guidance issued in 2003 governing compensatory mitigation under the ESA, including through the use of conservation banks, in-lieu fee arrangements, and other third-party mitigation programs to improve mitigation effectiveness and incentivize private sector conservation investment. (Final October 2016)
Fall 2016	<u>Develop measures</u> to increase regulatory predictability for those whose operations encompass both federal and non-federal lands.
Spring 2016	<u>Biological opinion with assurances.</u> NRCS and FWS have committed to work towards the development of Ecosystem predictability for all species in a defined watershed in Alabama and Florida and for several select species throughout the Longleaf Pine Priority area. This effort will expand the WLFW conservation for Gopher Tortoise and address multiple species throughout the ecosystem.