



Western Governors' Association Policy Resolution 2014-11

Species of Concern and Candidate Species

A. BACKGROUND

1. States possess broad trustee responsibilities, police powers and primacy over management of the majority of fish and wildlife within their borders, and state wildlife managers have on-the-ground expertise in managing species.
2. Western states are proactively engaged in species conservation, including development of state and/or multi-state conservation plans to manage species as an alternative to federal Endangered Species Act (ESA) regulation.
 - a. All 11 states with greater sage-grouse have developed state conservation plans or other authorities for conservation.
 - b. The five states with lesser prairie-chicken collaborated with the Western Association of Fish and Wildlife Agencies to develop the Lesser Prairie-Chicken Range-wide Conservation Plan. The Plan was endorsed by the U.S. Fish and Wildlife Service (FWS).
3. Western Governors applaud federal incentive-based conservation efforts such as the Sage-Grouse Initiative (SGI) and the Lesser Prairie-Chicken Initiative of the Natural Resources Conservation Service. These initiatives have successfully assisted landowners in conserving habitat for those species on a voluntary basis. ESA listings dramatically alter the ability of states and federal agencies to seek incentive-based, collaborative solutions to difficult conservation questions by causing citizens to avoid cooperative agreements.
4. ESA listing decisions have real economic impacts for state and local governments through restriction on rangeland grazing, hunting, tourism and development of resources on public and private lands. The negative economic impacts of federal ESA decisions fall solely on states, local communities, businesses, jobs, and private property owners.

B. GOVERNORS' POLICY STATEMENT

1. Western Governors support all reasonable management efforts to conserve species and preclude the need to list species under the ESA.

2. Western Governors believe that state and multi-state conservation plans, upon review, consultation and endorsement by the U.S. Fish and Wildlife Service or National Marine Fisheries Service (NMFS), should give rise to a regulatory presumption by federal agencies that an ESA listing is not warranted. To that end:
 - a. States need clear, concrete guidance from FWS and NMFS about the requirements of state and multi-state conservation plans in meeting minimum conservation goals and objectives that would lead to stable or increasing populations, eliminate perceived threats to the species, and eliminate the need for listing.
 - b. FWS and NMFS should acknowledge that variability in state approaches for conservation of species, particularly for species with a wide geographic range such as the greater sage-grouse, can be valid so long as conservation goals and objectives are met.
3. States should be included as partners in ESA listing determinations, particularly in the case of listings that could have significant impact on state economies. Partnership must include:
 - a. Cooperative engagement of federal agencies with state fish and wildlife agencies to ensure that state fish and wildlife data, analyses and management recommendations are used as a principal source to inform listing determinations.
 - b. Avoiding duplicate analysis by federal agencies of raw data previously prepared by the states.
 - c. Giving full consideration to state conservation plans as a means for species management and using such plans to the greatest extent practicable.
 - d. Private landowners are central to voluntary conservation efforts. Concerns about public release of data make private landowners reluctant to engage in these valuable voluntary conservation efforts. Efforts should be made to publicly release data at an appropriate scale which acknowledges and addresses such concerns.
4. In considering whether to list a species under the ESA, the FWS should give full recognition to voluntary conservation efforts conducted by landowners, states, non-profit organizations, and other stakeholders, whether independently conducted or in partnership with federal programs like the Sage Grouse Initiative (SGI).
5. When issuing a proposed rule for a candidate species, the FWS should define what thresholds of geographic, temporal or other conditions are necessary to preclude the need to list a species.

6. Conservation efforts by both federal and state governments should prioritize time and funding for primary challenges facing a particular species, rather than less-significant concerns or those easiest to mitigate.
7. Federal agencies, as partners, should do their share to conserve species and be consistent and coordinated in their efforts to conserve species.
 - a. Federal agencies need to demonstrate their commitment to species conservation by prioritizing such efforts on their own lands, in cooperation with the overarching goals of state conservation plans.
 - b. Adequate funding must be budgeted by the federal agencies for conservation efforts on federal lands.
 - c. The proportion of a species' habitat that occurs on federal land should inform the federal agencies' level of commitment to conservation of that species. States and local governments cannot bear a disproportional burden for species conservation when federal management practices are a dominating factor in the likelihood of a species' success.
8. Federal funding for state conservation of species including State and Tribal Wildlife Grants and Section 6 funds must remain robust. States rely on these grants to support and leverage state management of non-game species.
9. Governors support legislative initiatives, court rulings, petitions or regulatory measures which allow local, state, federal and private conservation efforts adequate time to be implemented and demonstrate their efficacy.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct the WGA staff, where appropriate, to work with Congressional committees of jurisdiction and the Executive Branch to achieve the objectives of this resolution including funding, subject to the appropriation process, based on a prioritization of needs.
2. Furthermore, the Governors direct WGA staff to develop, as appropriate and timely, detailed annual work plans to advance the policy positions and goals contained in this resolution. Those work plans shall be presented to, and approved by, Western Governors prior to implementation. WGA staff shall keep the Governors informed, on a regular basis, of their progress in implementing approved annual work plans.