



ESA Issues In The Southwest: An Overview

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ESA Talk Outline:



- I. Overview of FWS Role WestFAST & the Council's Interest in the ESA (Andrew)
- II. Brief Basics of the Endangered Species Act (Daniel)
- III. Updates & New Initiatives and Tools (Daniel):
 - Landscape Conservation Cooperatives (LCCs) – Great Plains LCC Example;
 - Petitions, MDL, and Listing - Earlier Engagement of State Agencies, Greater Use of State information;
 - Species Status Assessments (SSA) – Slower Process, Stronger Science Example - Recovery Planning Updates (e.g., Arkansas River Shiner);
 - New Efficiencies through Multi-Agency Programmatic Consultations;
 - Mitigation and Banking for T&E Species.
- IV. Questions & Answers

FWS, WestFAST & the WSWC:



I. FWS engagement with western states on water issues:

- FWS has long history of collaboration with many states agencies:
 - State Wildlife agencies
 - State agencies charged with water-administration (water supply and water quality)
- ESA related issues most prominent tie between FWS and the Council

II. Council and WGA interest in ESA

- Address challenges of balancing water-related economic and environmental needs;
- Provide effective framework for Western States to have substantive, effective and timely involvement associated with ESA administration
- Reduce conflict potential between federal agencies & western states to improve prospects for aquatic species conservation & recovery and to assure the continued economic vitality of the West



Endangered Species Act

Purpose

- To provide a means whereby the **ecosystems upon which** endangered species and threatened species depend may be **conserved**,
- to **provide** a program for the conservation of such endangered species and threatened species, and;
- to **take such steps** as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.





Endangered Species Act

Sections

Section 2: Findings and Purposes

Section 3: Definitions

Section 4: **Listing**, Critical Habitat Designation, **Recovery**,
Monitoring

Section 5: Land Acquisition

Section 6: Cooperation with the States

Section 7: **Interagency Cooperation (Federal)**

Section 8: International Cooperation

Section 9: Prohibited Acts

Section 10: **Exceptions (Permits**, experimental populations)

Section 11: Penalties and Enforcement

Sections 12-18: Misc



ESA and Petitions

- Section 4 allows anyone to petition the FWS to list or delist species of plant or animal
 - 90-day finding – Substantial information?
 - 12-month finding – Listing warranted?
- Act requires notice and public comment



Ouachita rock pocketbook



ESA and Petitions

- **Recent Exponential Growth of Petitions**

- 1994-2006, we received an average of 17 petitions covering 20 species each year
- 2007, 16 petitions for 695 species
- 2008, 21 petitions for 56 species
- 2009, 23 petitions for 63 species
- 2010, 20 petitions for 439 species

- **Section 11 allows for citizen suits**

- Litigation brought by WildEarth Guardians and Center for Biological Diversity



Multidistrict Litigation (MDL)

Agreement

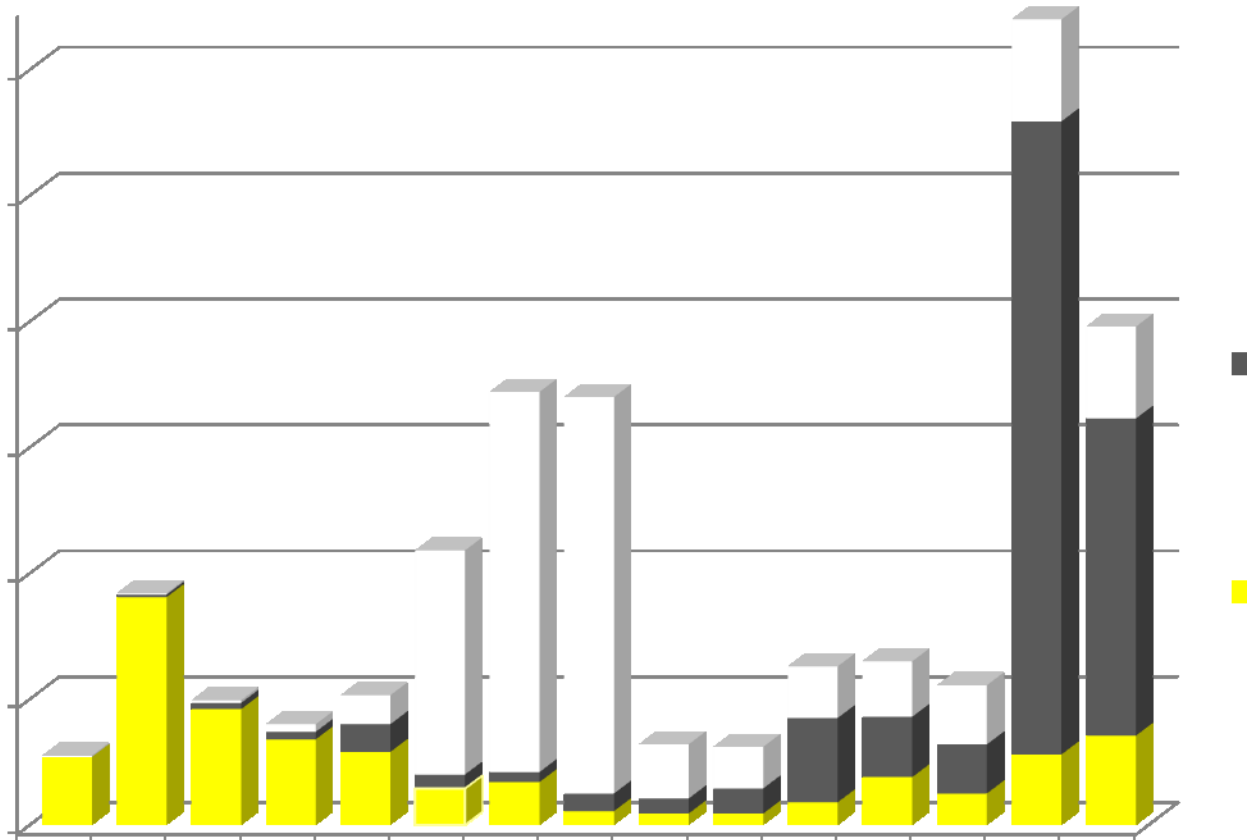
- A court accepted the proposed mediated agreement to settle
- Allows FWS to focus on 251 Candidate species, with most other petitioned species to follow in a timely manner



Interior least tern



Listing Program Completed Actions





Multidistrict Litigation (MDL)

Results for Regions 2 and 6:

- 10 withdraws, 4 threatened, 5 endangered
- 15 more to be completed in 2015/2016 (proposed or withdraw)

What's next:

- Each FWS region is developing a Work Plan for the next 5 years
- Plan to complete all unresolved 90-day findings by 2015 (84 species nationally)
- The longer term schedule is in progress



Multidistrict Litigation (MDL)

Better Coordination

- Communication with States and other partners on the need for:
 - Status assessments – existing or new information
 - Conservation Programs - existing or planned
- SEAFWA and WAFWA workshops
 - Development of the Work Plan will consider this input

Species Status Assessments (SSA)

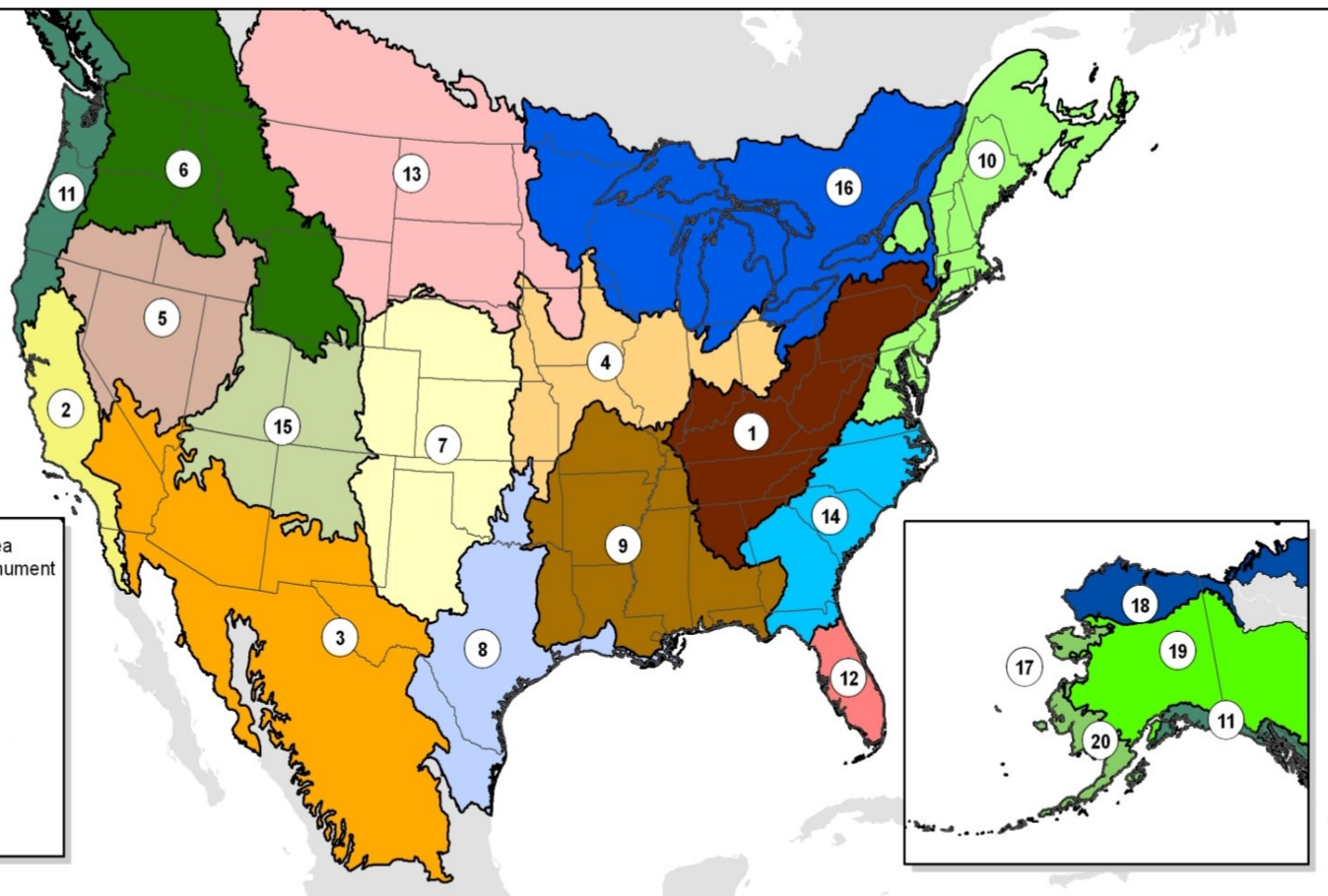
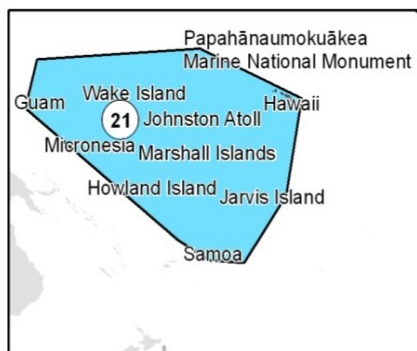
- Building the scientific foundation to inform listing and recovery



Landscape Conservation Cooperatives

- Established in 2010
- Conservation science partnerships:
 1. Provide **applied science and technical expertise** to support conservation planning at **landscape scales**
 2. Promote **collaboration among private, state, and federal organizations** in defining shared conservation goals at **landscape scales**





Landscape Conservation Cooperatives

- | | | | |
|---|-----------------------------------|-------------------------------------|----------------------------------|
| 1. Appalachian | 6. Great Northern | 12. Peninsular Florida | 18. Arctic |
| 2. California | 7. Great Plains | 13. Plains and Prairie Potholes | 19. Northwestern Interior Forest |
| 3. Desert | 8. Gulf Coast Prairie | 14. South Atlantic | 20. Western Alaska |
| 4. Eastern Tallgrass Prairie and Big Rivers | 9. Gulf Coastal Plains and Ozarks | 15. Southern Rockies | 21. Pacific Islands |
| 5. Great Basin | 10. North Atlantic | 16. Upper Midwest and Great Lakes | Unclassified |
| | 11. North Pacific | 17. Aleutian and Bering Sea Islands | |

Albers Equal Area Conic NAD83
Produced by FWS, IRTM, Denver, CO
Map Date: 03182010



Great Plains LCC

States

- All F&W State Agencies

Federal Agencies

- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- National Park Service
- Natural Resources Conservation Serv.
- U.S. Fish & Wildlife Service
- U.S. Forest Service
- U.S. Geological Survey

Other Organizations

- Ducks Unlimited
- National Audubon Society
- Pheasants Forever / Quail Forever
- Playa Lakes Joint Venture
- Rainwater Basin Joint Venture
- The Nature Conservancy





Great Plains LCC

Priority Habitats

- **Grasslands**

Burrowing Owl, black-tailed prairie dog, American bison, black-footed ferret, Lesser Prairie-Chicken, Prairie Falcon

- **Playa wetlands**

Northern Pintail, Sandhill Crane, Least Sandpiper, Western Sandpiper, Long-billed Dowitchers

- **Non-playa wetlands**

Whooping Crane, Snowy Plover

- **Saline lakes**

Snowy Plover, Sandhill Crane, Wilson's Phalarope, Least Sandpiper



Great Plains LCC

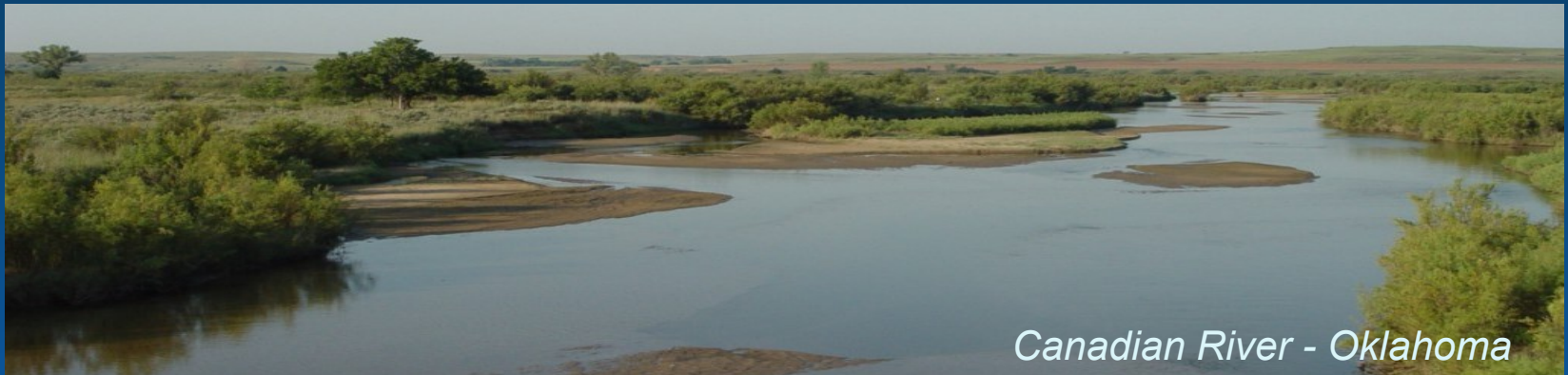
Priority Habitats (Continued)

- **Prairie rivers, streams and riparian corridors**

Arkansas River shiner, Piping Plover, Interior Least Tern, Sandhill Crane, Whooping Crane, Bell's Vireo, Arkansas darter, Topeka shiner, Pallid and Shovelnose sturgeon, paddlefish, Snowy Plover

- **Savannahs, shrub lands and sand dunes**

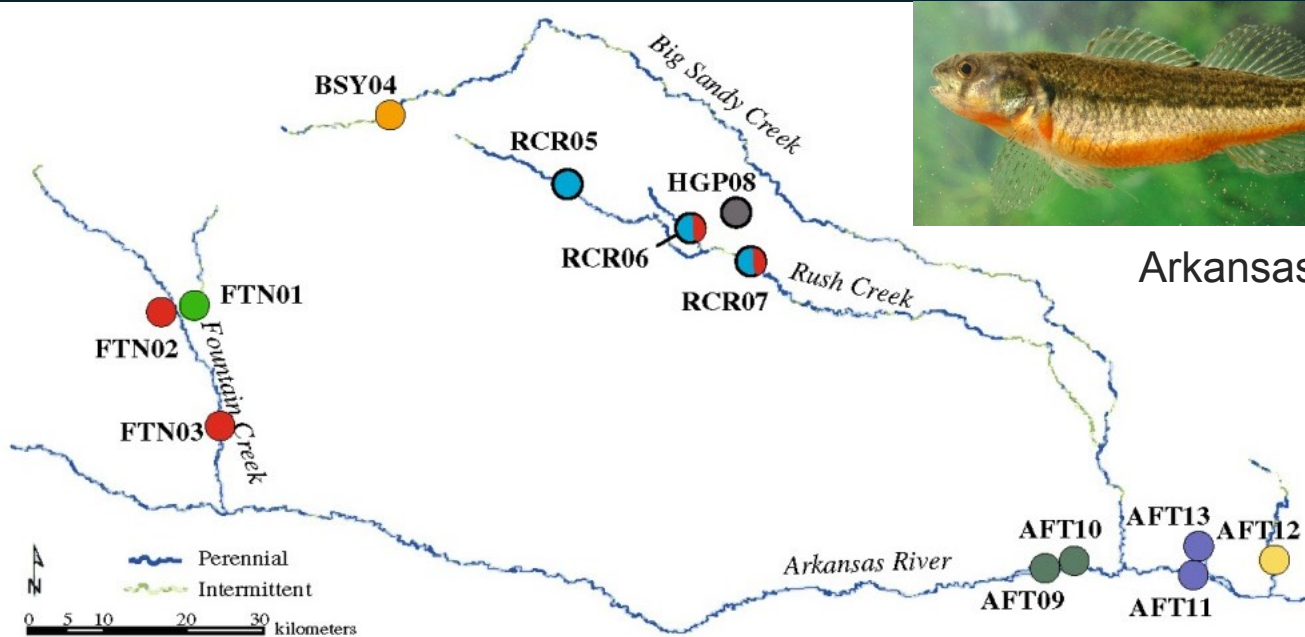
Lesser Prairie-Chicken, sand dune lizard, blowout penstemon, American burying beetle



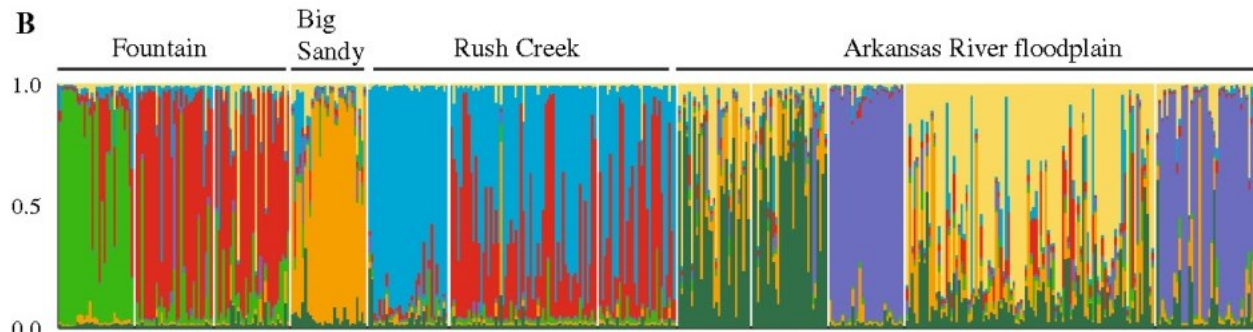
Canadian River - Oklahoma



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Arkansas darter



Conservation Genetics



Great Plains LCC

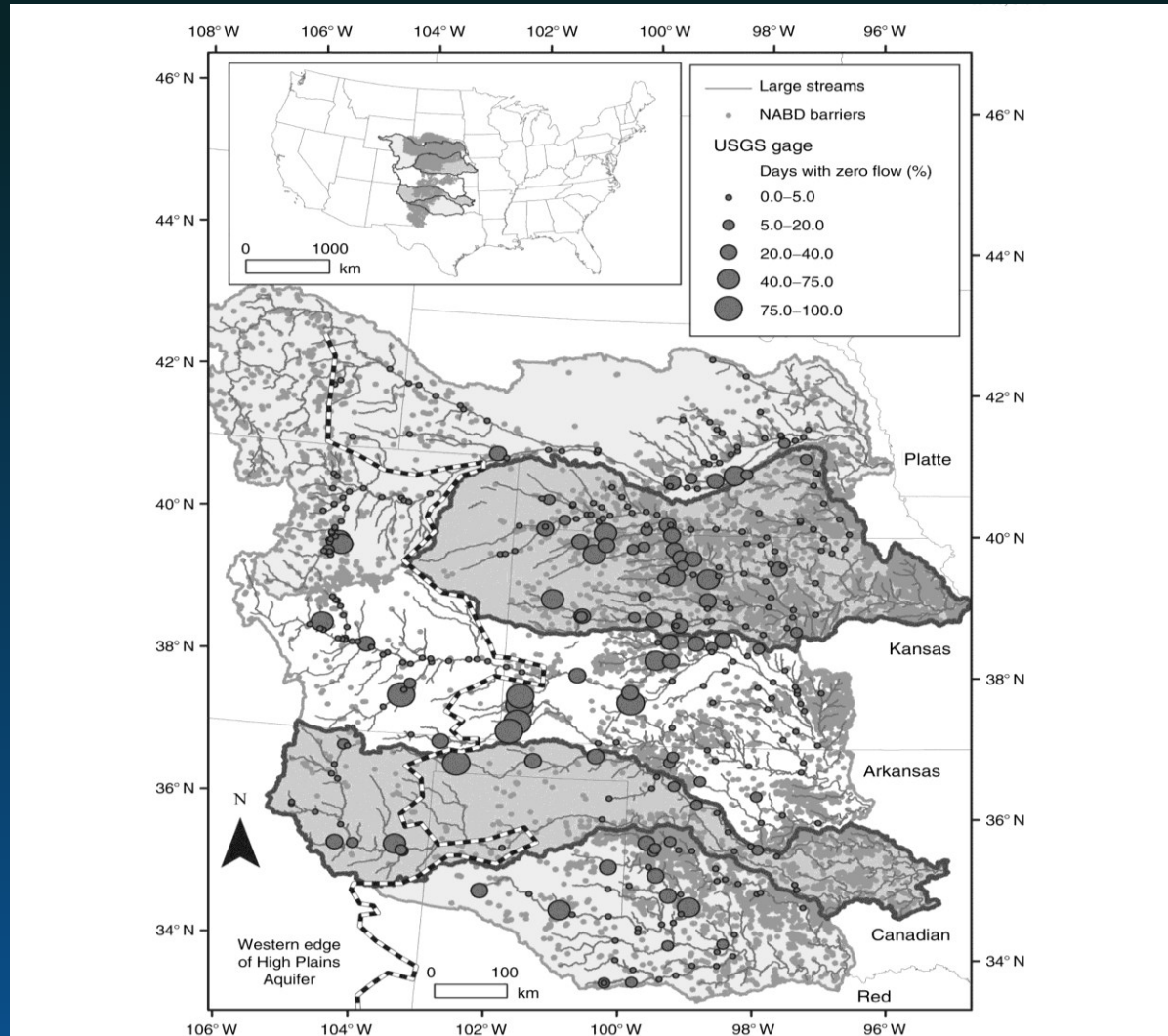


- Majority using playa conservation programs (CP) for financial incentive, some for wildlife
- Those not using CPs thought the financial incentive wasn't there
- Landowners interested in CP considered the following: length/ease of contract, cost share, loss/control of rights, who administers contract

Landowner Opinions



Great Plains LCC



Perkin *et al.* 2015

Landscape Level Habitat Evaluations



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Great Plains
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Environmental Stressors

We have numerous stressors acting on the landscape, including the loss and fragmentation of habitats, genetic isolation, invasive species, water scarcity and climate variability.

[Read More](#)

Applied Research Guiding Conservation Action

What We Do

The Great Plains Landscape Conservation Cooperative (GPLCC) is a partnership that provides applied science and decision support tools to assist natural resource managers to conserve plant, fish and wildlife in the mid- and short-grass prairie of the southern Great Plains. It is part of a national network of public-private partnerships—known as Landscape Conservation Cooperatives (LCCs)—that work collaboratively across jurisdictions and political boundaries to leverage resources and share science capacity. The Great Plains LCC identifies science priorities for the region and helps foster science that addresses these priorities, thus supporting wildlife conservation efforts throughout the Great Plains. It also assists partners in building their own capacity to address scientific challenges associated with our rapidly changing environment.

Recent Reports

Check out our [2013 Annual Report](#).

We have just released a new [Focus Group Report](#) aimed at "understanding landowner attitudes, opinions, and willingness to participate in playa conservation!" D. J. Case & Associates produced the report and conducted the focus groups, with assistance from our Joint Venture partners, [Playa Lakes Joint Venture](#) and [Rainwater Basin Joint Venture](#).

Science Webinar Series

The Great Plains LCC hosts a monthly Science Webinar Series featuring GPLCC sponsored research as well as other science topics related to landscape conservation throughout the region. Our next webinar will be February 11, 2015. [Find out more.](#)

Funded Research

- ▶ Marsh-Matthews: *Historic and Current Habitat Use by Arkansas River Shiner in the South Canadian River in Central Oklahoma as Affected by River Flow: Predictions for Habitat Under Future Climate Scenarios*
- ▶ Gido: *Conservation Priorities for Great Plains Fish Communities Based on Riverscape Connectivity and Genetic Integrity of Populations*
- ▶ Range-wide Lesser Prairie-Chicken Management Plan Development
- ▶ Range-wide Lesser Prairie-Chicken Spatial Targeting Tool for Conservation Delivery
- ▶ Range-wide Lesser Prairie-Chicken meeting facilitation, coordination and literature review

Featured Project

Range-wide Population Estimation and Monitoring for Lesser Prairie-Chickens: [Sampling Design and Pilot](#)

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<http://www.greatplainslcc.org/>



Programmatic Approaches

Section 7 – Interagency Cooperation

Section 7(a)1 - All other Federal agencies shall....utilize their authority...by carrying out programs for the conservation of endangered species and threatened species.

Section 7(a)2 - Each Federal agency shall ensure that any action authorized, funded, or carried out . . . is **not likely to jeopardize** the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat . . .

- **Jeopardy** - Reasonable and Prudent Alternatives to avoid jeopardy
- **Non-jeopardy but 'take'** - Reasonable and Prudent Measures to minimize the impact of the taking

FHWA/ODOT Programmatic Consultation for ABB – 10 year coverage with over 7,000 acres protected



Programmatic Approaches

Section 10 - Exceptions

Section 10(a)(1)(A) – permits for scientific research

Section 10 (a)(1)(B) - may permit, under such terms and conditions, any taking that is incidental to an otherwise lawful activity

- The applicant will, to the maximum extent practicable, minimize and mitigate the impact of the taking
- **Habitat Conservation Plan** - Industry Conservation Plan for Oil and Gas Activities in Oklahoma (ICP)
 - All activities for 2 years are evaluated – take estimated with permit
 - Assurances that minimization and mitigation will occur
 - Projects allowed to move forward without delay of individual approvals and no surprises



Long-Term Conservation

Mitigation and Minimization Options

Muddy Boggy and American Burying Beetle Conservation Banks



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