

# Arizona Riparian Council Annual Meeting

March 30, 2012

“If you don’t synthesize knowledge, scientific journals become spare-parts catalogues for machines that will never be built.”

Arthur R. Marshall, Jr.  
U.S. Fish and Wildlife Service



Conservation helps ensure functioning ecosystems , preserve our natural heritage for future generations, and maintain long-term economic prosperity.



Conserve  
endangered and threatened species and the  
ecosystems upon which they depend.

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ecosystems , preserve our natural heritage for  
future generations, and maintain long-term  
economic prosperity.

**The Endangered Species Act** conserves endangered and threatened species and the ecosystems upon which they depend.

Conservation helps ensure functioning ecosystems , preserve our natural heritage for future generations, and maintain long-term economic prosperity.



# LANDOWNER TOOLS FOR IMPLEMENTING THE ENDANGERED SPECIES ACT



# Major points:

- Section 7 Requirements
- Section 9 Requirements
- ESA-authorized Exceptions
- Policy Exceptions (Section 10 programs)

## ESA Section 7:



- Applies only to Federal actions
- Prohibits jeopardizing listed species
- Prohibits destroying/adversely modifying designated critical habitat

## ESA Section 7:

- “May affect”: Agencies consult with FWS
- “Not likely to adversely affect” (insignificant, discountable, beneficial)
- “Likely to adversely affect”





## ESA Section 7:



- Biological opinion
- Incidental take statement
- Non J/Ad mod: Reasonable and prudent measures
- J/Ad mod: Reasonable and prudent alternatives

## ESA Section 9:

- Prohibits “take”
- Applies to all persons
- Critical habitat not a factor

# What is Take?

- “Take”: Wound, shoot, kill, injure, trap...harm or harass
- Harm and harassment can involve habitat effects
- “Incidental take”: Unintentional
- S.7 ITS for Feds; S.10 for non-Feds

# ESA-AUTHORIZED *EXCEPTIONS*

- 4(D) Special rules
- Experimental populations



# 4(d) Rules

- Only for threatened species
- Promulgated at time of listing or afterward
- For conservation of species

# 4(d) Rules

- Species-specific provisions
- Chiricahua leopard frog example



# Experimental Population (10j) Rules

- For reintroductions where opposition may exist
- Allowed for both endangered and threatened species
- California condor, black-footed ferret , Sonoran pronghorn



# LANDOWNER TOOLS



# Importance of Private Lands

- Half of the listed species have at least 80% of their habitat on private lands

Associate for Biodiversity Information and The Nature Conservancy, 1993.



Chiricahua leopard frog

# LANDOWNER TOOLS

Section 10 permits:

- 10(a)(1)(A) authorize *intentional* take
- 10(a)(1)(B) authorize *incidental* take



# LANDOWNER TOOLS

- Safe Harbor Agreements
- Candidate Conservation Agreements
- Habitat Conservation Plans
- Research and Recovery Permits
- Conservation Banks

# SAFE HARBOR AGREEMENTS

What if they come?



# SAFE HARBOR AGREEMENTS

Establish baseline:

- # of critters
- # of acres
- Stream miles
- Etc.

# SAFE HARBOR AGREEMENTS

Agree on:

- Conservation measures
- Monitoring requirements
- Length of agreement
- Provisions for cancelling
- Notice requirements

# SAFE HARBOR AGREEMENTS

Once signed:

- Issued a 10(a)(1)(A) permit (net conservation benefit)
- Certificate of inclusion (programmatic SHA)
- Neighbor provisions
- “A deal is a deal.”

# Safe Harbor Agreement for Jim Crosswhite – Nutrioso Creek

- Restoration of 60 acres (2.5 miles of stream) of riparian habitat located within 394 acres of ranchland
- Little Colorado spinedace occupy stream
- Reestablishing riparian habitat could attract southwestern willow flycatchers
- Stream is on Arizona's 303(d) list for impaired waters due to exceedance of turbidity standard





# CANDIDATE CONSERVATION AGREEMENTS (WITH ASSURANCES)

- Voluntary
- ESA-friendly management practices
- Look for “win-win” opportunities
- Potential funding (Partners for Fish and Wildlife)



# CANDIDATE CONSERVATION AGREEMENTS (WITH ASSURANCES)

- For candidates or other unlisted species
- Management to prevent listing
- Monitoring required
- Issued 10(a)(1) “Enhancement of Survival” permit

# CANDIDATE CONSERVATION AGREEMENTS (WITH ASSURANCES)

- If listed, no additional requirements
- No “assurances” for Feds
- Can combine CCA and CCAA
- “A deal is a deal”



# HABITAT CONSERVATION PLANS

- For listed species
- May include non-listed species
- Used when incidental take is anticipated
- “Process rich” (can be expensive)



# HABITAT CONSERVATION PLANS



- Minimize and mitigate to the maximum extent practicable
- Cannot jeopardize/adversely modify
- Monitoring required
- Issued 10(a)(1)(B) permit
- “A deal is a deal”

# RESEARCH AND RECOVERY PERMITS

- Fairly recent tool
- Used for re-introductions
- Espee Ranch (black-footed ferret)
- 10(a)(1)(A)



# CONSERVATION BANKING

- Permanently conserved
- Listed or unlisted species
- Specified number of credits earned



Pima pineapple cactus

# CONSERVATION BANKING

- Current or restored habitat
- “Off-site mitigation”
- Market principles





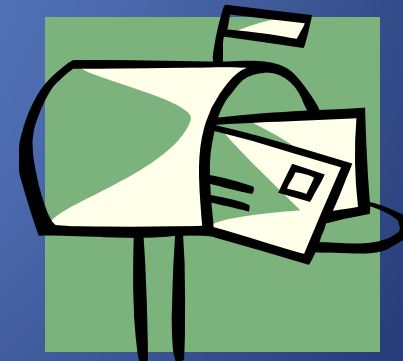


# Which Works for You?

Question	Your Needs and Concerns	Tool
Do you have a listed species (or habitat for one) on your land?	Would you like to manage your land in a way that aids in species recovery and provides flexibility in the use of your land?	Take a look at Safe Harbor Agreements—pages 6, 7
	Are you considering an activity that could adversely impact the species or its habitat?	A Habitat Conservation Plan may cover your land-use activities and conserve listed species—pages 8, 9
	Would you like to manage your land in perpetuity for the species if you could generate income by doing so?	Conservation Banks may be of interest to you—pages 10, 11
	Are you considering a Habitat Conservation Plan or permanently protecting the habitat?	A Section 6 Grant may be a source of funds—pages 12, 13
Do you have a candidate or at-risk species (or habitat for one) on your land?	Would you like to conserve the species to prevent the need to list under the Endangered Species Act?	See Candidate Conservation Agreements with Assurances—pages 14, 15
		Explore Candidate Conservation Agreements—pages 16, 17
Would you like to help to maintain or restore habitat for imperiled species on your property?		Partners for Fish and Wildlife may be a source of funds—pages 18, 19

# IMPROVING ESA IMPLEMENTATION

- Finding: Landowner cooperation essential
- Finding: Landowner tools key to getting cooperation
- Needs: Improve consistency
- Reduce process/transaction costs
- Increase flexibility and creativity



# Funding

- Cooperative Endangered Species Conservation Fund (Sec 6)
  - Conservation Grants (implementing projects)
  - HCP Assistance Grants
  - HCP Land Acquisition Grants
  - Recovery Land Acquisition Grants
- Working Lands for Wildlife
- Partners for Fish and Wildlife





**U.S. Fish & Wildlife Service**



**Partners  
for Fish  
& Wildlife**

# *Partners for Fish and Wildlife*

The “Arizona Partners for Fish and Wildlife” Program *provides technical and financial support to private landowners* who voluntarily seek to improve fish and wildlife habitat on their properties. The Partners program focuses on protecting, restoring and enhancing wetland and streamside (riparian) habitats that will benefit waterfowl, shorebirds, and migratory songbirds, and federally listed threatened and endangered species.



# Partners for Fish & Wildlife

- **Initiated in 1987**
- **Reimbursable program**
- **Financial and technical support**
- **Funds provided up to \$25,000**
- **Project must have an on-the-ground component**
- **Agreement to maintain improvement for minimum of 10 years**



# Major Goals of the Program:

- Protect fish and wildlife species
- Protect and restore valuable habitat on private lands
- Restore biological diversity
- Reduce habitat fragmentation
- Develop partnerships to restore habitat
- Provide technical assistance to landowners
- Promote environmental education





# Who are Arizona's "Partners"?

Ranchers

Interested public

Tribal members

Schools

Land Trusts



