News Release

NRCS and FWS Reach Historic Agreement to Extend Wildlife Conservation Efforts on Working Agricultural Lands

WASHINGTON, Sept. 17, 2012 –Natural Resources Conservation Service (NRCS) Chief Dave White and U.S. Fish and Wildlife Service (FWS) Director Dan Ashe today announced an agreement that will provide long-term regulatory predictability for up to 30 years to farmers, ranchers and forest landowners participating in the U.S. Department of Agriculture's Working Lands for Wildlife (WLFW) Initiative. Participants voluntarily implement proven conservation practices designed to protect wildlife habitat, including several at risk species and vulnerable game species on private lands.

"This agreement will change the way we manage at-risk species on private lands," White said. "It will provide landowners with a mechanism to keep working lands in production while complying with the Endangered Species Act (ESA), and will facilitate restoration of habitat for at-risk species. It also will help farmers, ranchers and forest landowners rest a little easier knowing their operations are protected for the long term and that they are contributing to conserving vital natural resources."

The agreement builds on a $33 million investment NRCS announced last spring dedicated toward producers who develop and implement conservation plans to manage and restore high-priority habitats for seven specific wildlife species across the country. The species are greater sage-grouse, New England cottontail, bog turtle, golden-winged warbler, gopher tortoise, lesser prairie-chicken and the Southwestern willow flycatcher. NRCS, FWS and numerous state and local entities are partnering to implement WLFW.

"This important partnership underscores the outstanding conservation stewardship provided by America's farmers and ranchers across the country," Ashe said. "It is a clear example of the compatibility of working landscapes and species conservation. We are pleased to be able to support this creative partnership that provides predictability to landowners who volunteer to implement conservation practices that benefit wildlife."

With today's agreement, farmers, ranchers and forest landowners who implement and voluntarily agree to maintain the proven conservation practices in WLFW will have addressed the related ESA regulatory responsibilities for up to 30 years. These landowners will be able to operate their farms and ranches as agreed upon, providing economic benefits and species conservation simultaneously.

Under the WLFW partnership, federal, state and wildlife experts jointly identified at-risk or listed species that would benefit from targeted habitat restoration investments on private lands. Using the best available science, these wildlife experts prioritized restoration actions on a large regional scale to focus assistance most cost effectively. The federal government will grant farmers, ranchers and forest landowners regulatory predictability in return for voluntarily making wildlife habitat improvements on their private agricultural and forest lands. Participating producers must adhere to the requirements of each conservation practice during the term of their contract, which can last from one to 15 years. If landowners would like to receive regulatory predictability for up to 30 years, they must maintain the conservation practices as outlined in the NRCS and FWS agreement.

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
Post Office Box 2890
Washington, D.C. 20013

AUG 2 2012

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife Service
Department of the Interior
1849 18th Street, N.W., Room 3356
Washington, D.C. 20240

Dear Director Ashe:

As you are aware, on March 8, 2012, Secretary of Agriculture Thomas J. Vilsack and Secretary of Interior Ken Salazar announced *Working Lands for Wildlife* (WLFW), a new $33 million partnership with farmers, ranchers, and forest landowners to use innovative approaches to restore and protect wildlife habitat, including habitat for seven at-risk species. Our agencies have made significant progress since the announcement, working closely to develop conservation practices that will benefit the at-risk species and their habitats. These practices will enable America's farmers and ranchers to continue working their lands, while voluntarily furthering conservation activities targeted to imperiled species.

The purpose of this letter is to affirm the discussions between our agencies related to providing landowners participating in WLFW with predictability, as it relates to candidate species and the Endangered Species Act (ESA). We understand that the U.S. Fish and Wildlife Service (USFWS) is now completing conference opinions for three of the four candidate species identified in WLFW, including lesser prairie-chicken, gopher tortoise, and New England cottontail. Further, we understand USFWS completed an effective conference report for the greater sage-grouse, a candidate species also targeted by WLFW. Specifically, these documents analyze the effects of conservation practices developed through partnership of our agencies for landowners choosing to participate in these efforts, describing the benefits for the candidate species and their habitats. These documents particularly build on our on-going partnership to conserve two of these candidate species, namely greater sage-grouse and lesser prairie-chicken.

While the benefits from implementing the conservation practices are clear, we understand that some, such as prescribed burning, could have negative incidental impacts in the short run but significant benefits in the long run. An important aspect of this initiative is providing landowners who voluntarily sign up through WLFW with predictability about implications for them, if any, should the candidate species be listed in the future under ESA. We understand that USFWS can, under Section 7 of ESA, carefully analyze the positive and negative effects of conservation practices, much like USFWS is doing through conference reports and opinions, and

exempt through a biological opinion incidental take that is anticipated to occur to listed species from implementing conservation practices in the future. Confirmation that USFWS is willing to take this step, should any of the candidate species become listed, would provide important predictability as we look to sign up interested landowners in fiscal year (FY) 2012 and future fiscal years.

In addition, the program contracts signed by the Natural Resources Conservation Service and landowners under WLFW beginning in FY 2012 will range in duration from one year to 10 years and, in some cases, up to 15 years. While the program contracts have a specific time period, many landowners may voluntarily choose to continue implementing the practices after the contract ends. The actions of these landowners will continue to benefit the species and their habitats, providing the stewardship that furthers the mission of both agencies and the goals of WLFW. Offering landowners predictability under ESA will further encourage the implementation of the conservation practices into the future. I would appreciate your advice on how we might collectively achieve this goal.

Thank you for your partnership in WLFW. Our work together offers another example of the compatibility of working lands and wildlife species conservation. Please contact Jason Weller, Chief of Staff, at (202) 720-6580, if you have any questions.

Sincerely,

Dave White

Dave White
Chief

cc:
Jason Weller, Chief of Staff, NRCS, Washington, D.C.
James Gore, Assistant Chief, NRCS, Washington, D.C.
C. Wayne Honeycutt, Deputy Chief for Science and Technology, NRCS, Washington, D.C.
Terrell Erickson, Director, Ecological Sciences Division, NRCS, Washington, D.C.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

AUG - 3 2012

In Reply Refer To:
FWS/AES/52307

Mr. Dave White
Chief, Natural Resources Conservation Service
1400 Independence Ave., SW, Room 5105-A
Washington, DC 20250

Dear ~~Mr. White~~ Dave:

Thank you for your letter dated August 2, 2012 about the Working Lands for Wildlife (WLFW) partnership, which is successfully leveraging the capabilities and resources of our two agencies. We greatly appreciate the collaboration between the Natural Resources Conservation Service (NRCS) and U.S. Fish and Wildlife Service (Service) staff, and the leadership that you have shown to strategically target funding for working lands and sensitive species. This effort clearly demonstrates that productive working rural lands are compatible with the needs of wildlife and their habitats, achieving the missions of both NRCS and the Service.

The purpose of this letter is to describe the Service's approach to candidate conservation under the Endangered Species Act (ESA) and predictability for landowners who participate in WLFW. As referenced in your letter, the Service has recently completed conference opinions for three of the four candidate species involved in WLFW, including lesser prairie chicken, the eastern portion of the gopher tortoise's range, and New England cottontail. In addition, the Service had previously completed an effective conference report for the greater sage grouse, the fourth candidate species involved in WLFW. In these documents, the Service analyzed the effects to these species from the implementation of specific conservation practices by landowners who choose to participate in WLFW. These conservation practices and associated conservation measures were developed in partnership by our agencies to benefit the species and their habitats and be fully compatible with working lands.

The Service will be determining in the future whether to list each of these candidate species as threatened or endangered under the ESA. In the event that any of the species are listed, the Service is committed to validating the conference report and opinions as biological opinions for NRCS under section 7 of the ESA, and exempting any incidental take as described in the biological opinions associated with implementing the specified conservation practices. As a result, the predictability for landowners is clear. They will know that the conservation practices will continue to benefit wildlife for as long as they are implemented, and that any ESA issues associated with their implementation have been already addressed in full.

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You also asked how we might encourage landowners to continue to implement these beneficial conservation practices beyond the term of their program contract with NRCS. The Service also recognizes the value of landowners voluntarily choosing to continue implementing the conservation practices after each individual program contract with NRCS under WLFW ends. These contracts can extend from one to fifteen years in length, depending on the species involved and the conservation practices employed. Continuing the implementation of the conservation practices beyond this period would advance the longer-term goals of WLFW and both agencies' missions.

Should any of the candidate species in WLFW be listed in the future, the Service intends to exempt through section 7 any incidental take that is anticipated to occur from the implementation of the conservation practices if a landowner with a WLFW program contract voluntarily chooses to continue implementing the practices after the program contract ends. The Service will review the effects of implementing the specified conservation practices to these species over a 30-year period and exempt any incidental take anticipated to occur from their implementation. Each landowner involved in WLFW will have the sole discretion whether or not to continue implementing the conservation practices at the end of the contract with NRCS. If a landowner chooses, however, to continue implementing the conservation practices defined through our WLFW partnership, they will have predictability and the confidence in knowing that any ESA issues associated with their implementation over a 30-year period will have already been addressed in full. By taking this step, the Service hopes to encourage the long-term implementation of the conservation practices and associated conservation measures.

The Service also notes that two other species included in WLFW are already listed under the ESA, the Southwest willow flycatcher and the bog turtle. For these two species, the Service has completed biological opinions and exempted any incidental take anticipated in the biological opinions to occur from implementation of the conservation practices. In addition, the western portion of the gopher tortoise's range is currently listed (the eastern portion of the range is currently a candidate species as noted above), and the Service has completed a biological opinion and exempted any incidental take anticipated in the biological opinion to occur from implementation of the practices in this portion of the range. Furthermore, the golden-winged warbler is also included in WLFW. This species is neither currently listed under the ESA nor a candidate species for listing. Should the species status change in the future and the potential need for listing be considered, the Service intends to follow the same approach to ESA predictability for NRCS and landowners that has been used for the other species in WLFW.

As WLFW moves forward, we will have the opportunity to gauge the success of the conservation practices over time, and potentially gain information that will allow us to refine them and achieve even better results for landowners, NRCS, and the Service. The Service is committed to this approach of learning and adaptive management in partnership with NRCS and the landowners participating in WLFW. Any refinements to the conservation practices would be developed in full collaboration with NRCS, using information gained from on-the-ground implementation of WLFW.

The Service is also committed to developing more tools for landowners. We are particularly interested in pursuing partnerships using Candidate Conservation Agreements with Assurances with landowners, which can provide long term conservation options and regulatory certainty.

Thank you again for your leadership in working lands conservation. If you have any questions, please contact Gary Frazer, Assistant Director for Endangered Species, at (202) 208-4646.

Sincerely,

DIRECTOR