

Cooperative Conservation Approaches

Conservation Banking Webinar Series 2020

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Endangered Species Act



- Section 2(c)(1) federal agencies shall seek to conserve threatened and endangered species utilizing their authorities...
 - Primary mechanisms for implementing Section 7 and 50 CFR 402.01
 - Section 7(a)(2) -
 - Avoid and minimize amount and extent of incidental take
 - Must adhere to agency fiscal/legal authorities



Western Snowy Plover DON file photos

- Section 7(a)(1)
 - Integrated Natural Resources Management Plans (INRMPs),
 - Not limited just to individual actions or within action areas
 - Affirmative conservation mandate, implementation is discretionary
 - Increased flexibility with proactive conservation programs, greater synergy, strategic collaboration, resource leveraging, increased effectiveness

Strategy and Benefits of 7(a)(1)



- Can be implemented at various levels –nationally, regionally or locally but should be at a landscape scale
- Consider recovery plans, 5-year reviews, listing and critical habitat rules to understand recovery and conservation goals
- Development of 7(a)(1) conservation plans/programs reduces conflicts and delays
- Predictability Services and action agencies have reached agreement already about how projects will be implemented
- Eliminates death by a thousand cuts or piecemeal conservation because of strategic work at landscape level
- Often reduces or eliminates need for 7(a)(2) consultations
- Effective 7(a)(1) programs are proactive, strategic, efficient and produce net conservation benefit

DoD Mitigation Solutions



- The most common implementation of compensatory mitigation requirements is through "permittee responsible mitigation"
- Challenges with mitigation on DOD lands
 - Potential to encumber DOD lands and constrains mission activities
 - Long term maintenance accomplished through annual appropriations
 - May or may not be the most ecologically beneficial solution
- Where banks or ILF programs are available, they have been used. However, they
 are not widely available.
- Development of more comprehensive mitigation solutions that minimize mission impacts, adhere to regulatory requirements, are cost effective and are more ecologically beneficial is needed.

DoD Authorities Supporting "Off-base" Conservation



- 10 USC § 2694b
 - Authorizes DOD to participate in mitigation banking or ILF
- 10 USC § 2694c
 - Authorizes DOD to participate in conservation banking or ILF
- 16 U.S.C. § 670 c-1 Sikes Act
 - Authorizes Cooperative Agreements for management of natural resources both on and off military installations.
 - Authorizes establishment of "endowments" off-base
- 10 U.S.C. § 2684a "REPI Authority"



DoD Examples

RCW Recovery and Sustainment Program

MCB Camp Lejeune

- Red-cockaded Woodpecker (RCW) management requirements present significant mission restrictions (i.e. restricted off-road maneuver and live fire exercises, range management and maintenance, etc.).
- The RASP is supported by a Programmatic Biological Opinion, which establishes criteria, standards and guidelines for achieving recovery actions on non-federal lands
- USMC employing authorities under 10 USC 2684a (aka REPI authority) to implement recovery actions for RCW on off-base lands.
- Three key requirements: Biological Function, Permanent Land Conservation, "In-Perpetuity" Management
- Each Active Cluster contributing to the overall goal of the recovery unit will reduce the specific recovery goal on the base providing a broader landscape in which to balance training and species needs.





Source: www.fws.gov

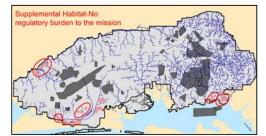
REPI Salamander Partnership

Eglin AFB, FL

- Reticulated flatwoods salamander "circling the drain"
 - Only 14 breeding sites in FL; 11 on Eglin AFB
 - New RFS population discovered on state owned property (Escribano WMA)
- Eglin and REPI enabled management efforts to "enhance mission readiness through reduction of regulatory constraints as RFS populations recover"
 - REPI funding (5 year project) secured to fund off-installation recovery work -Eglin/DoD to partner with FWC to increase mission flexibility
 - Support offsite RFS management to reduce encroachment from future population expansion
 - Eglin committed to recovering RFS populations in two RFS recovery units;
 - All other potential habitat recovery units supplementary, with no regulatory burden on military mission, even if occupied
- Military mission retains access to 25,000 acres of potential RFS habitat
- Model partnership (Eglin/FWC/USFWS) for conservation and recovery of endangered species







REPI Hawaiian Seabird Conservation Partnership

Pacific Missile Range Facility

- Project Purpose Improve ecological baseline status of federally listed seabird species, with special focus on Newell's Shearwater
- Project Partners
 - National Fish and Wildlife Foundation (NFWF)
 - US Fish and Wildlife Service (USFWS)
 - Hawaii Department of Land and Natural Resources Forestry and Wildlife Division
 - Hawaii Department of Land and Natural Resources State Parks Division
 - Hallux Ecosystem Restoration
 - Pacific Rim Conservation
 - Archipelago Research and Conservation
- 5-year Implementation Strategy with focused objectives, schedule and performance metrics
- MOU with USFWS (March 2018) formalizes intent, establishes process/timeline to mutually identify measures of success





Photo credit: Save Our Shearwaters



DoD/DOI Recovery and Sustainment Partnership



- 2018 DoD/DOI Memorandum of Understanding
 - Goals
 - Facilitate decision making for species review and down/de-listing where warranted
 - Identify opportunities to develop collaborative conservation initiatives to move species toward recovery or preclude listing
 - Develop innovative regulatory approaches and tools for achieving ESA objectives in a manner consistent with military mission needs and objectives
- Cooperatively Develop Species Action Plans for DoD "priority species" with focused goals and objectives over 1-2 year timeline
 - First phase species with SAPs in place 5 San Clemente Island species, Red-cockaded woodpecker, Desert Tortoise, Guam orchid, Steven's Kangaroo Rat, Okaloosa darter, Golden-cheeked warbler





Desert Tortoise, Guam orchid DON file photos

In Summary...



- Examples serve as a model for effective collaboration between agencies and DON is exploring opportunities for other species and geographies.
- Utilize all tools available, leverage strengths of partners to do more.
- Work together to proactively improve environmental baseline, achieve recovery of listed species and preclude the need to list new species.

For DON: Protect military readiness by leveraging the conservation programs of other agencies and partners in focused conservation beyond installation boundaries.

Achieve regulatory predictability, effectiveness and efficiencies.



Photo credit: Island Night Lizard, William Hover

Questions?!?





Photo credit: William Hoyer, Natural Resources Specialist, Naval Base Ventura County, San Nicolas Island