



# 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
- 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



Western Snowy Plover  
DON file photos

# 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](http://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 Hoyer

# Questions?!?



Photo credit: William Hoyer,  
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