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## **The Administration's Approach to the ESA: Building a Stewardship Ethic for the 21<sup>st</sup> Century**

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“Bring ideas in and treat them royally for one of them may be king.”

– Mark Van Doren.

Put one hundred conservation biologists, lawyers, landowners, water users, regulators, and environmental activists in a room and ask them for ideas about to how to improve the Endangered Species Act, and you will get 100 different ideas. All of them have value. That is the first step.

### **Introduction**

When President Nixon signed the Endangered Species Act (ESA) into law in 1973, it is unlikely that anyone imagined the pivotal role it would play in a wide range of land and water management decisions. There are now over 1,200 species of plants and animals listed as threatened or endangered in the United States. Certain areas of the country that historically have had a great diversity of species are now home to large numbers of listed plants and animals. California, for example, has 292 listed species, and Alabama has 125. In some areas, every major land and water management decision or action involves an endangered species issue at some point.

Over time, the ESA has evolved, so it is no longer simply about protecting imperiled species from extinction. It has become the backdrop against which we balance economic activity and recreation against the conservation of plants and animals and their habitat. In the process, it has pitted landowners and water users against species, the West versus the East. It has resulted in economic hardship and controversy in some areas. And, it has created a federal bureaucracy that often is perceived to care more about plants and animals than humans. Because of this, we have missed opportunities to develop the partnerships with states and landowners that can achieve significant benefits for species—and their habitat.

## Encouraging Citizen Stewardship

We can change to create a new era of citizen-led conservation—a new environmentalism. At the Department of the Interior (Department), we are moving forward with this new environmentalism based on what the Secretary calls the Four Cs—communication, consultation and cooperation, all in the service of conservation. At the heart of the Four Cs is the belief that, for conservation to be successful, we must involve the people who live on, work on and love the land. We know from experience that most Americans, especially those who depend on the land for their livelihood, are ready and willing to step up to the challenge.

In Texas, for example, the Peregrine Fund is working with the US Fish and Wildlife Service (Service) and Texas cattlemen to reintroduce the endangered Aplomado falcon to South Texas. The southwestern grasslands of Texas provide ideal habitat for the Aplomado, which can co-exist well with cattle. Indeed, many of the prey for the Aplomado use water troughs provided for the cattle. The ranchers initially were reluctant to participate in the partnership, not because they did not want the Aplomado on their lands, but because they were concerned about the ESA and how it might affect their operations if they hosted the Aplomado. The Peregrine Fund negotiated a Safe Harbor Agreement to address their concerns, but letting this important conservation effort go forward.

The program has been a success, with broad public and landowner support. So far, 702 Aplomado falcons have been released into South Texas over 1.6 million acres of private land. There are currently at least 33 wild territorial pairs and the introduced falcons have successfully fledged more than 59 young. This is just one of thousands of examples of collaborative partnerships that have achieved real benefits for species.

To implement the Secretary's new environmentalism, the Department is committed to:

- working together with all stakeholders, including state and local governments, tribes, conservation groups, the business community and private landowners, to conserve species before they require listing,
- looking for opportunities to improve the process for dealing with species that are already on the list; we plan to build on the successful

approaches we have taken in recent years, such as Habitat Conservation Plans, Candidate Conservation Agreements and Safe Harbor Agreements, while continuing to be creative and flexible in looking for new strategies,

- providing incentives to encourage landowners and others to become partners in the effort to conserve species and habitat, and
- reaching out to those with differing viewpoints.

## **The Cooperative Conservation Initiative**

A keystone of the Department's approach to citizen-led stewardship is the new cooperative conservation initiative—CCI. This program is a bold, new step towards the stewardship of America's national parks, public lands and wildlife. It expands the President's commitment to conservation through citizen participation, local knowledge and economic incentives. It builds on the Secretary's Four Cs agenda, and it advances the commitment of the Department to work with all Americans to restore, conserve and steward the nation's land and resources.

CCI is a new beginning for conservation and presents a new role in conservation for the federal government. After more than a century of federal leadership to establish parks, safeguard federal lands and protect wildlife, CCI looks to the American people to carry the torch of conservation into the 21<sup>st</sup> century. Its goal is simple: use government and its resources to remove barriers to citizen participation and provide the help that is needed to fulfill the promise of citizen stewardship. Through CCI, partnerships between government and individuals, groups and communities will be formed, and new opportunities will be sought to expand the role of landowners and land users in the restoration and conservation of the American landscape.

CCI is a funding program, proposed in the President's Fiscal Year 2003 budget, to steward working landscapes and stimulate conservation innovation. It earmarks \$100 million in challenge grants to be awarded, competitively, by the Bureau of Land Management (BLM), the Service and the National Park Service to landowners, land-user groups, environmental organizations, communities, local and state governments, and industries for conservation projects that advance the health of the land and the well-being of the people. CCI grants will be awarded for land restoration projects, innovative conservation programs and collaborative

partnerships that breach conflict to reach conservation outcomes. In each case, the goal is to spur on new ideas and foster new land-use practices that can apply across regions and serve as models for ecologically healthy and economically vibrant working landscapes. Weaving together these purposes is a common thread: the interdependence of people and nature. The following are examples.

- Gateway communities are the working part of the landscapes of national parks. The health of one is dependent on the health of the other; CCI grants will help build strong and prosperous partnerships between gateway communities and national parks to address both the needs of people and of conservation of America's most spectacular places.
- Private lands are the working landscapes where much of America's wildlife, and many of its endangered species, seek food and shelter. CCI grants, through voluntary programs, such as the FWS's Partners for Fish and Wildlife, will give landowners the tools needed to make private lands the working landscapes for wildlife.
- Public lands are where ranchers, sportspeople, recreationists and environmentalists work, hunt, play and seek solace. CCI grants will give the opportunity to do what the Malpai Borderlands Group has already done in the southwest Arizona and southeast New Mexico—build working landscapes that accommodate multiple uses but which also provide for the restoration, conservation and sustained stewardship of the BLM's 280 million acres.

CCI is a measured step toward a new stewardship ethic for America, one that is citizen-led, landscape-based and incentive-driven. It is the first step in the President's and the Secretary's agenda to make conservation a responsibility of citizens, and to make citizens the vanguard of a new environmentalism founded in community, compassion and voluntary action. Above all, it is a necessary step to restore conservation to the hands of the American people and to dedicate individual and community stewardship to the public task of caring for the nation's parks, lands and wildlife.

## **Continuing to Improve Landowner Incentives Programs**

Ultimately, successful recovery of endangered species will depend on the protection and restoration of habitat. With more than 50 percent of listed

species having at least 80 percent of their habitat on private land, we must provide incentives to landowners and work with them to conserve that habitat. Certainly, federal agencies should use their authority to conserve species, but they cannot recover listed species on federal lands alone. Stewardship on private lands is essential. We must, therefore, continue to improve established landowner incentive programs—habitat conservation plans, safe harbor agreements, and candidate conservation agreements.

The Department has used Candidate Conservation Agreements (CCAs) to work in partnership with states, local governments and private landowners to address candidate species proactively. Under a CCA, the Service works with a landowner on a plan of action to conserve the species on the property before the species is ever listed. To date, we have completed 83 of these agreements.

A good example is the Virgin Spinedace, a native fish in Utah. With Utah, we have restored and enhanced habitat, secured water to replenish its rivers, and built barriers to keep out competing non-native fish. These efforts have led to the removal of the spinedace from the candidate list. Because the state was willing to act early to address the needs of the spinedace, this species hopefully will never have to be listed. So far, the implementation of candidate conservation agreements has obviated the need to list 14 species nationwide.

Candidate Conservation Agreements with Assurances (CCAAs) build upon the success of CCAs, but go a step further to provide regulatory assurances to private landowners who implement voluntary conservation measures for proposed species, candidate species or species likely to become candidates. This means that additional conservation measures will not be required and additional land, water or resource-use restrictions will not be imposed, should the species become listed in the future. In return for the participant's proactive management, the Service also provides take authorization which allows the landowner to take individuals or modify habitat as specified in the CCAA. There have been two CCAAs permitted to date, with another 25 currently in development.

The Department is now working with other federal agencies, states, the International Association of Fish and Wildlife Agencies and various interest groups to build on the idea of CCAs to develop State Conservation Agreements (SCAs). Like CCAs, these agreements are a tool, designed to conserve species through partnerships among stakeholders. These agreements will focus on

species that are in decline, but are yet not listed, proposed, or candidates for listing under the ESA. Because an SCA is flexible, it can be applied at different levels, ranging from individual species to groups of species and their habitats, or to an entire ecological system or community. It uses an inclusive process to seek conservation solutions that are beneficial to stakeholders.

For species that are already on the endangered species list, we continue to use Habitat Conservation Plans (HCPs) and Safe Harbor Agreements to develop conservation partnerships. HCPs have been the cornerstone of the effort to make the ESA work for both landowners and threatened and endangered wildlife. An HCP is an agreement that allows a landowner to take an individual member of a species, incidentally, in the course of otherwise lawful activities, as long as the landowner takes agreed-upon conservation measures to conserve the species as a whole. For example, a landowner might agree to set certain tracts or habitat permanently, maintain buffers around rivers and streams and not engage in certain activities during critical times of the year. So far, the Service has approved 378 HCPs for 32 million acres and 516 species. In fiscal year 2001 alone, 44 HCPs were approved to 8 million acres and more than 350 HCPs are currently under development. They will apply to more than 47 million additional acres and 327 species.

The San Diego Multi-Species Conservation Plan exemplifies how an HCP can help a variety of partners find an innovative solution to conserving species. Southern California is a fast-growing area with a number of threatened and endangered species. The conservation plan brought together a broad group of stakeholders, ranging from state and local officials, to developers, to environmental organizations and to private citizens. It covered more than one half million acres, protected the habitat of 85 rare plants and animals, and ensured the kind of smart growth we need in the 21<sup>st</sup> century.

One strength of the HCP process is its flexibility. Conservation plans vary enormously, in size, scope and the activities they address—from half-acre lots to millions of acres, from forestry and agricultural activities to beach development, and from a single species to hundreds of species.

Another key is creativity. The ESA's regulations establish basic biological standards for HCPs, but otherwise allow creativity on the part of the applicants. As a result, the HCP program has produced remarkable innovation. This administration will continue to support innovation.

## **No Surprises Policy**

In many agreements we make with landowners, we include a No Surprises Policy. This means that a deal is a deal. When a landowner enters into an agreement with the government, the landowner can be assured that the government will not come back in the future to require more than is stated in the agreement. It gives landowners who want to develop their land the one thing they really want—certainty. This administration will continue to support and defend the No Surprises Policy.

## **Safe Harbor Agreements**

We will also continue to use and improve Safe Harbor Agreements. These agreements encourage landowners to improve the habitat of threatened and endangered species on their property. Landowners agree to improve habitat for an endangered species in return for assurances from the Service that their voluntary actions will not lead to additional land-use restrictions if more of the species are attracted to the land. We have entered into more than 14 Safe Harbor agreements that cover 130 landowners and several million acres, and we have another 30 agreements pending.

## **Financial Incentives**

Financial incentives also play an important role when promoting citizen stewardship and conservation. This administration is committed to providing grants and other financial incentives to states and private landowners. In fiscal year 2002, for example, we will distribute more than \$100 million to states and private landowners under a variety of grants, including Conservation Grants (\$7.5 million), HCP Land Acquisition Grants (\$61 million), Recovery Land Acquisition Grants (\$17 million) and HCP Planning Grants (\$7 million).

The Bush administration's fiscal year 2002 budget also includes funding for two new programs: a \$40 million Landowner Incentive Program and a \$10 million Private Stewardship Grants Program. The Landowner Incentive Program will allow the Fish and Wildlife Service to match grants to the states, the District of Columbia, the territories and the tribes to establish or



supplement their own Landowner Incentive Programs. Eligibility criteria and other aspects of program administration will be developed by the Service in consultation with the states.

Under the Private Stewardship Grants Program, individuals and groups engaged in local, private and voluntary conservation efforts are eligible to apply for a grant to help fund projects that benefit federally listed, proposed, candidate or other at-risk species. A diverse panel of representatives from the state and federal government, conservation organizations, agriculture and development interests, and the science community will assess the applications to make recommendations to the Secretary of the Interior, who will award the grants.

## **Conclusion**

With new environmentalism, we will continue to find consensus and common ground. As the next generation becomes involved, we will have healthier land, watched over by self-motivated citizen-stewards. We will spend more time tending the land and less time jousting with sound bites and hyperbole.

General Patton once said, “Never tell people how to do things. Tell them what to do and they will surprise you with their ingenuity.” If we challenge the American people, we will create a new generation of citizen-conservationists, people who know the land, love the land and care for the land in the greatest tradition of our nation. Working together, we will get the job done.