

The Nature Conservancy's Comments to the Endangered Species Act Working Group
U.S. House of Representatives
Presented by Christy Plumer, Director of Federal Land Programs
The Nature Conservancy
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Good morning Chairman Hastings and Members of this Working Group. My name is Christy Plumer and I am the Director of Federal Land Programs for The Nature Conservancy.

The Nature Conservancy is a 60 year old non-profit conservation organization whose mission is "to conserve the lands and waters on which all life depends." The Nature Conservancy is solution and partnership oriented, and we rely heavily on science in deciding our direction, focus and priorities. Our staff live and work in hundreds of communities across the United States. They are supported by almost a million members and by state Boards of Trustees made up of local leaders in conservation, business, agriculture, ranching, academia and philanthropy.

Throughout the United States, The Nature Conservancy works closely with local, State, Tribal and Federal governments, businesses, the conservation community, and private individuals to work toward protecting biodiversity in a science-based, collaborative manner. The Conservancy has worked with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Services (NMFS), collectively known as the Services, as well as our many other federal, state, Tribal and local partners to conserve threatened and endangered species through several authorities provided under the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et seq.).

Currently, the Conservancy holds fee-title or conservation easements for lands enrolled in several ESA programs implemented by the FWS and funded by federal, state, local and private dollars. These programs include the Section 6 Cooperative Endangered Species Recovery Program, Habitat Conservation Plans, Safe Harbor Agreements, and Candidate Conservation Agreements with Assurances. Two examples of our work on this front are ongoing efforts in the West to conserve sage grouse and sage grouse habitat. In Idaho, we are working with private landowners, the State, and local partners on 70,000 acres either completed or in progress through NRCS conservation easements – mostly through the Grasslands Reserve Program and some private and local funding. In Wyoming, the Wyoming Stockgrowers Agricultural Land Trust, TNC, and the Wyoming Wildlife and Natural Resources Trust are working with landowners to conserve and preserve the economic viability of 100,000 acres of working ranches through a critical investment of \$70m in Farmland and Ranchland Protection Program funding. Wyoming has taken the lead in implementing a model of matching state funding with NRCS funding to accomplish conservation of working lands on the ground.

The Conservancy has been actively involved with our federal partners in identifying new ways of implementing and improving the ESA for both at-risk and candidate species as

well as to ensure listed species move toward recovery. Our efforts have focused on the enhancement of landowner protections, strengthening the role of the states, and considering innovative and market-based mechanisms such as candidate and recovery credits to drive habitat conservation efforts.

The Act is the most comprehensive wildlife law in the world but could benefit from a review by Congress for the purpose of improving its effectiveness, as both the House and Senate have done since the law's enactment in 1973.

Currently, the Conservancy is actively involved in ongoing consideration at the agency level of reviewing and updating FWS conservation banking policy (including extension of that approach to candidate species), and the 1981 DOI mitigation policy. Additionally, the Conservancy has worked closely on the development and implementation of conservation and mitigation banking programs with the Department of the Interior, FWS, State agencies such as Departments of Transportation and innovative partnerships with the Department of Defense (DoD) to conserve species under the Readiness and Environmental Protection Integration Program (REPI)(10 USC 2684a) and Title I of the Sikes Act (16 USC 670 *et seq.*).

The Conservancy has supported the Working Lands for Wildlife Program (WLFW) – a ground-breaking new partnership announced last year between NRCS, FWS and the States to jointly identify at-risk or listed species that would benefit from targeted habitat restoration investments on private lands. Under the 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.

We are actively involved in discussions with FWS and others about developing additional voluntary landowner pre-listing incentive programs with the primary objective of creating new tools to help ensure that species do not reach a level whereby listing as threatened or endangered under ESA is warranted.

The Conservancy has also assisted in developing another innovative new partnership between the DoD, USDA, and DOI called Sentinel Landscapes. Under the effort, landscapes are identified under a pending tri-agency MOU where the agencies and partners work to protect ranches, working forests, agricultural lands, and other lands important to sensitive species to help protect DoD bases from encroachment – i.e., from adverse impacts on readiness resulting from loss of habitat and/or incompatible development in the vicinity of DoD bases, ranges, and airspace. The DoD REPI program, the various NRCS conservation programs like GRP, FRPP, and WRP, as well as DOI programs like Section 6 are at the heart of this new initiative. Sentinel Landscapes are a great example of the way the Farm Bill and other USDA and DOI conservation programs, combined with the efforts of State agencies and willing landowners, can be used to protect areas critical to a healthy environment and the long-term sustainability of military readiness and key military installations.

The Conservancy believes the initiatives and programs described above can be implemented consistent with the ESA and represent the kind of “win-win” programs for landowners and species alike. Actions need to be taken early enough by the Services, the States, private landowners, and businesses to ensure species habitat and populations are healthy and sustained, while threats to species and their habitats are reduced based upon strong science and working closely with private, local, state, federal and Tribal landowners. This should be where natural resources managers spend the majority of their time and resources and our nation’s conservation policies and regulations focus attention. However, there will continue to be instances where these programs are not enough, and the protections authorized by the ESA will need to be triggered.

Therein lies the strength of the Act: to encourage the incentives to protect species and their habitats before they ever need to be listed in the first place, but also to provide a safety net for truly threatened and endangered species when early preventative measures prove inadequate.

The Nature Conservancy’s work has focused on collaborative efforts with landowners and with local, State, Tribal, and Federal agencies to strengthen the legislative and regulatory programs and the private, state, and federal resources supporting actions to preclude the need to list additional species and to recover the species already listed. We encourage Congress to have a similar focus in any review of the Endangered Species Act and related programs.

The Nature Conservancy looks forward to working with this ESA Working Group and members of the House Natural Resources Committee to continue to explore opportunities for enhancing mechanisms for landowner incentives and partnership opportunities with states, local governments and the non-profit conservation community.