WESTERN LANDOWNERS ALLIANCE

STEWARDSHIP WITH VISION

Restoring America's Rural Economies, Land and Wildlife

The land and people of rural America are the foundation of our national economy and way of life, providing the food, water, energy and wildlife upon which we all depend. Yet rural America is struggling and working lands are disappearing. With the right public policies and strategic investments we can change this.

The following policy recommendations are based on direct input from landowners and agricultural producers, partners and experts from across the West. They begin with the essential recognition that farms and ranches are businesses. At the end of the day, as every business owner knows, more must come in than goes out. The same is true with the land. Depleted soils and diminishing water supplies threaten our nation's future. Just as every good business reinvests in the resources that sustain it, we must reinvest in the lands, natural infrastructure and people that sustain us. These solutions can help keep our farms, ranches and timberlands in business while maintaining the public benefits they supply.

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Turn the implementation of the Endangered Species Act around administratively to advance recovery and delist species more quickly and cost-effectively by providing support and incentives (as opposed to disincentives) for pro-active, voluntary conservation actions.

The Endangered Species Act (ESA) is among America's most powerful and important environmental laws. It has enormous wide-ranging power to alter land use practices in order to prevent the 'take' of species on the brink of extinction. This simply means that actions causing injury to the species or its habitat are prohibited. Displaced by urban and industrial development, most remaining populations of these species are found on private lands in the east and on private and leased public lands in the west. Farmers, ranchers and timber owners can incur loss of income from their operations due to restrictive regulations on 'take'. However, it has been estimated that fully 84% of threatened and endangered species can only be recovered by making active efforts to improve species habitat. In other words, regulatory measures preventing the take of endangered species do not by themselves lead to species recovery. The result of the current situation is that rural businesses incur economic losses while the species themselves continue to hover on the brink of extinction.

Because of the economic impacts and slow rates of species recovery and delisting, some have advocated for repealing the ESA. However, accelerating the extinction of America's wildlife and plant species is unacceptable to most Americans and there is a better solution. If we truly want species to recover, we can put administrative practices in place to better support and compensate farmers and ranchers for their costs and contributions in the conservation and recovery of species on private and leased public lands.

State and federal incentive programs, federal land management policies and ecosystem services markets can and should be configured to convert implementation of the ESA from a regulatory burden and socially divisive wedge into an economic opportunity to restore and conserve working lands and rural communities. Targeted, proactive investment to keep species off the list and help recover them more quickly can also save taxpayers money in the long run. This win-win scenario conserves wildlife, land and water while sustaining rural livelihoods and economies.

- ## Improve technical support and regulatory assurances
  - Provide **dedicated resources** within the USFWS and **third party contracting** options to **proactively engage** and provide **timely assistance** to landowners in developing conservation plans and assurance agreements.
  - **Integrate conservation programs and assurance agreements** to increase and sustain participation.
  - **Increase eligibility/ranking for conservation programs** for those enrolled in assurance programs.

- **Provide management assurances** beyond listed species-specific habitat and include multiple vegetative seral stages in HCP's and Safe Harbor Agreements.
- **Provide programmatic NEPA** for CCAA and Safe Harbor policies to which individual CCAA's and Safe Harbor agreements can be tiered.

• Increase clarity and consistency

- Convene **a select group of stakeholders**, including land managers, scientists and other experts, to assist the USFWS in developing better guidelines for establishing species recovery goals and metrics.

• Mitigate unavoidable economic losses associated with priority species conservation needs

- For areas with high conflict between priority species and agricultural operations, provide a multi-year habitat lease option to compensate producers for the economic impacts of supplying critical wildlife needs. One way this can be accomplished is to expand the **Grasslands** Conservation Reserve Program (CRP) acreage to targeted, high conflict areas. The program enables producers to continue grazing while achieving specified conservation outcomes.
- Expand **endangered species conservation tax incentives** in the Farm Bill and extend them to family forest owners actively. participating in species conservation and recovery programs.

Photo Courtesy of Jeff Laszlo

Strengthen rural economies and create jobs by engaging ranchers and farmers in practices that increase water security essential to communities and industries throughout the West.

Water shortage is likely to be the primary challenge for the West in the decades ahead, threatening communities, agricultural production, energy production and the national economy. Farmers, ranchers and forest owners can play a significant role in conserving and even increasing available water supplies.

- **Partner with rural businesses and landowners in pro-active restoration and green infrastructure investments**
  - Healthy lands and soils capture and store more water. Explicitly include **restoration of public and private lands** as a central part of **rural economic development strategy.**
  - Incentivize **restoration-related markets, jobs and businesses in rural areas,** such as removal and utilization of small diameter trees, stream, rangeland and habitat restoration projects, native seed propagation and erosion control.
  - **Avoid expensive disaster recovery costs** by investing proactively in lower-cost land restoration and green infrastructure.
  - Along with a State Biologist, **provide a Water Resources/Quality Specialist** in each NRCS state office, to advance stream assessments, watershed health work, and green infrastructure projects.

- **Improve the health, function and productivity of federally-administered lands**
  - Many BLM lands are functioning below expected site condition. Establish a collaborative stakeholder process to design a comprehensive strategy for **restoring health and productivity on BLM-administered lands.**
  - **Increase permit flexibility for innovative grazing management, rest and season use** adjustments to meet restoration objectives.
  - **Increase availability of forest stewardship contracts** to enable investment in locally based, forest product businesses that **support watershed restoration** and **reduce wildfire disaster spending.**
  - Address federal fire management budget impacts to federal agency annual appropriations to **enable pro-active forest health restoration.**

Improve federal agency interaction with rural stakeholders and the management of land, wildlife and natural resources across ownerships and jurisdictions.

The West is a checkerboard of public and private lands, yet wildlife, water, fire and vegetation do not recognize these boundaries. Managing large landscapes across multiple jurisdictions and ownerships to meet a multitude of diverse stakeholder interests is a tremendous challenge. Blanket, top-down prescriptions, whether from Congress, federal agencies, scientists, environmental organizations, judicial decisions or even state governments cannot account for the particular circumstances and needs of any given landscape. Place-based collaborative conservation has arisen in response to this challenge and is proving highly successful in landscapes around the West. The following recommendations can further improve this promising model:

- **Reform agency culture** and improve institutional frameworks, funding and staffing to **promote interagency cooperation**, coordination and cost efficiency.
- Provide guidance and funding to better enable agencies and local communities to engage in place-based, **collaborative land use planning** and implementation.
- Provide effective **"advance-in-place"** options for federal personnel to better facilitate collaborative management.
- Adopt the use of a **"handover memo"** as recommended by the Planning Rule Federal Advisory Committee to help line officers learn quickly about existing collaborative processes.
- Federal land management agencies should **adopt a lead-agency framework** to take a more pro-active role in implementing multi-agency resource planning and habitat consultation to be more efficient and effective. Agencies with areas of overlapping geographic jurisdiction should **coordinate consultation with USFWS on best management practices** for species of concern. This will streamline and reduce costs of USFWS consultation and prevent conflicts and confusion.
- **Continue effective jointly funded positions** between NGOs and the NRCS and between federal agencies to increase coordination, collaboration and reduce costs.
- Provide policies, guidelines, funding mechanisms and inter-agency frameworks between the NRCS, BLM and USFS that enable and **facilitate collaborative prescribed fire and vegetative treatments across public/private boundaries.**
- **Improve and streamline NEPA implementation.**

The prosperity of rural communities is directly connected to the health and productivity of both the public and private working lands on which they depend. In addition, water shortages and disaster-related costs associated with degraded forest and rangeland health conditions are rising. Promoting land health and providing for greater collaboration in the multiple-use management of these landscapes can significantly improve the outlook in the rural West, while reducing costs to taxpayers, landowners, communities, insurance companies and other businesses

Support and Improve What is Working.

These programs have a proven track record keeping the West's working lands economically productive and healthy:

- **Collaborative conservation initiatives and public/private partnerships** such as the Sage Grouse Initiative, All Hands/All Lands, Restore New Mexico, producer-engaged collaboratives (e.g., Malpai Borderlands Group, Blackfoot Challenge), the Collaborative Forest Landscape Restoration Program (CFLRP), and multi-species conservation efforts (e.g., NRCS-southwest riparian areas 83-species Biological Opinion)
- **Assurance agreements** such as Safe Harbor and Candidate Conservation Agreements with Assurances that provide protection for landowners who voluntarily participate in the recovery of at-risk species and related habitats;
- **Technical and financial assistance** through the Natural Resource Conservation Service (NRCS), Partners for Fish and Wildlife (PFW) and the Farm Service Agency (FSA) including the Conservation Reserve Program, Conservation Stewardship Program, Working Lands for Wildlife, Environmental Quality Incentives Program, and funds and tools related to pursuing easements;

The above elements are important for producers in the West because:

- They provide **predictability** for landowners who make management decisions on a continual basis on private, state and public lands.
- They provide **resources** for landowners to invest in their land and their community, generating additional economic impact in rural areas.
- They remove red tape and other **barriers** to getting work done on the ground.
- They bring **more voices** to the table to participate in more effective, inclusive, and hopefully efficient decision-making for the landscape.

The successes in these areas and the efforts to improve these programs need to continue across rural America, particularly in the West.

Assurances and Voluntary Cooperation – A Winning Combination

What are assurances and why are they important?

Private landowners are critical to the conservation and recovery of wildlife species and the US Fish and Wildlife Service (FWS) has developed two important programs to assist them: Candidate Conservation Agreements with Assurances (CCAA) and Safe Harbor Agreements (SHA))

Candidate Conservation Agreements with Assurances

Designed to assist in recovering at-risk species prior that are candidates for listing as threatened or endangered under the ESA, CCAA's engage landowners in pro-active voluntary conservation measures. In exchange, landowners receive assurances that additional land, water, or resource limitations will not be imposed on them should the species become listed in the future, unless they agree to such changes.

Programmatic CCAAs are implemented by local and state agencies (state wildlife management or local conservation associations for instance) who hold the Enhancement for Survival Permit (ESP), issued by the FWS. These agencies are charged with enrolling individual landowners and assurances are provided via a certificate of inclusion.

In other instances, the landowners work directly with FWS and hold the ESP. In either instance, either the FWS or these state and local agencies work with the landowners to develop the CCAA and create site-specific plans that address a certain number of conservation requirements that are needed to increase habitat and provide more resources for candidate species.

Safe Harbor Agreements

Like CCAAs, Safe Harbor Agreements are voluntary and involve private or other non-Federal property owners. And like the CCAA, participating landowners are provided formal assurances from the FWS—or the National Oceanic and Atmospheric Administration—in exchange for taking voluntary conservation measures on their properties.

The primary difference between the two programs is that SHAs deal with species that have already been listed under the ESA, allowing landowners assurances that they will not be subjected to increased property-use restrictions if their efforts attract listed species onto their land, or increase distribution of the number of the species already present on their properties.
SHAs can also be managed directly by FWS, or implemented by state, local and tribal agencies through Programmatic SHAs.

SHA participants retain the right to return property to "baseline conditions" at the end of the SHA term, as determined at the beginning of the agreement, and terms can be renewed for as long as the FWS and the landowners agree. However, if a landowner does not renew the agreement, the assurances tied to their permit also expire.

The Grasslands Conservation Reserve Program: An Opportunity to Restore Western Rangelands and Habitats

Objective:

Keep working lands intact, economically viable and available to wildlife by compensating producers for increased costs and/or lost income opportunities associated with the conservation and stewardship of highly sensitive or critical wildlife habitat

Opportunity:

In many cases, land management that provides for wildlife habitat and other conservation values also enhances agricultural productivity and profitability. In some situations, however, conflicts can occur between agricultural production and wildlife needs that negatively impact the bottom line for producers and which cannot effectively be mitigated by practices implemented by the producer. While in some cases payments can compensate for certain losses, they do not address overall economic impacts many producers incur due to regulations related to the ESA. Uncompensated losses and costs can include unverifiable losses and diminished weight gain from predation, forage competition, disease transmission and increased labor costs associated with conflict avoidance, regulatory compliance, loss reporting, and litigation of grazing leases. Because agricultural profit margins are already slim, conflicts that impact profitability can be sufficient to drive producers out of business. When working lands are no longer economically viable, a common outcome is subdivision and development—a loss to both agriculture and to wildlife.

Recommendations:

Expand the Grasslands Conservation Reserve Program to support agricultural producers in the conservation and restoration of high conflict/high impact at-risk species and related habitats. Enhancements can be enacted by prioritizing sensitive habitat and species conservation in national ranking and state grassland zone development and by increasing capped acreage for CRP grassland in the 2018 Farm Bill.

Grasslands CRP Overview:

The USDA's Conservation Reserve Program (CRP) was created to compensate farmers for setting sensitive lands aside from crop production in order to conserve soil and water resources for public benefit. Recognizing that keeping these lands out of crop production reduced potential income to the landowner, the CRP is structured as a rental contract. The public is effectively leasing this land from the farmer.

The 2014 Farm Bill included authority to enroll up to 2 million acres in a new Grasslands CRP. Unlike the traditional CRP, these enrollments do not require a cropping history and allow haying and grazing as part of the original conservation plan provided such activities achieve desired conservation outcomes. (The original GRP was proposed by the National Cattleman's Association in 2003 to retain grasslands and sustain working livestock operations.)

Increasing the cap on the grasslands CRP that prioritizes rangeland habitats and conservation values can help mitigate economic losses to producers, enabling these working lands to remain economically viable and intact.

Reduce costs and achieve greater results with better coordination among public agencies

Objective:

Improve conservation outcomes and reduce costs to taxpayers and landowners.

Opportunity:

For individual landowners, the time and costs associated with developing conservation plans and assurance agreements for wildlife recovery efforts can be overwhelming. Much of the West is a maze of different jurisdictions. It is common for a private landowner and producer to lease grazing lands from two if not three different federal agencies and at least one state agency within their ranch. When each agency conducts their own consultation process with FWS, the odds are high that approved practices will be somewhat different between these lands. This can be frustrating, confusing and difficult for the private landowner as he/she tries to implement conservation practices across the ranch landscape. Streamlining these processes and increasing coordination and technical support to landowners could increase the number of landowners willing and able to participate in conservation and recovery efforts.

The Natural Resource Conservation Service, U.S. Forest Service and Farm Service Agency are critical to providing successful programs for technical assistance, conservation planning, management tools and funding. The NRCS has already led the way in developing processes in working with U.S. Fish and Wildlife Service on conservation plans and strategies that would allow private land owners who sign up and agree to approved practices to be able to move forward without individual consultation with USFWS. This provides huge savings of time for everyone involved and logistically reduces confusion and frustration. However, current demands from willing participants far exceed agency capacity to provide these services even if program caps were raised and additional funds were available for private landowner sign ups.

Development of partnerships and planning takes a considerable amount of time. However, public investments in these relationships and added administrative capacity can open the doors for multiple land owners geographically to participate and to scale up results that will be much more effective in securing and enhancing species and their habitats across their range. This, in turn, can alleviate the mounting pressures and regulatory constraints on working lands.

A recent example where the capacity gap has been filled is with the lesser prairie chicken in New Mexico. A non-governmental organization (CHEMM) was established to assist NRCS, BLM, FWS and New Mexico Department of Game and Fish in working one-on-one with ranchers throughout eastern New Mexico to develop conservation plans, acquire funding to implement them, and track and monitor the results of their projects and practices implemented on the ground. In addition, they provide rancher workshops for grazing management, development of prescriptive fire programs and share what works between landowners. When this capacity gap was filled, it quickly resulted in scaled up efforts across eastern New Mexico and monitoring data shows the birds are responding very positively. In this instance, the effort is funded through energy development mitigation funds but it serves well to demonstrate the potential to scale up other efforts through increased capacity and efficiency.

Another example includes the six programmatic Candidate Conservation Agreements with Assurances (CCAAs) for the greater sage grouse administered by Soil and Water Conservation Districts (SWCD) in southeastern Oregon. Interested non-federal landowners enroll through the local SWCD Office by completing a site-specific plan, the SWCD then works with the Service and the landowner to finalize the plan, and upon plan approval the SWCD issues the landowner a certificate of inclusion. As of May 2, 2016, 22 landowners in seven counties have enrolled over 370,000 acres. There are approximately 150 more site specific plans to be completed which will bring the enrolled acreage total to nearly 1.6 million acres - nearly half of private property in the seven counties covered by CCAAs.

Recommendations:

Improve technical support for landowners through dedicated resources within agencies and third-party contracting options. Improve coordination among public agencies in the development and implementation of conservation programs, assurances and regulatory oversight.

Build on the Success of Working Lands for Wildlife (WLFW)

Objective:

Increase technical and financial support to landowners for pro-active, voluntary conservation of wildlife habitat and species.

Opportunity:

In the spring of 2012 the USDA and DOI announced a new $33 million partnership to use innovative approaches with farmers, ranchers and forest landowners to restore and protect the habitats for seven specific wildlife species while also helping other vulnerable and game species.

This is known as the Working Lands for Wildlife program and has been tremendously successful. As with the CRP program, landowner demand exceeds the amount of funds available for sign ups. NRCS has been very creative in fostering effective cooperation between private landowners and the FWS.

In addition to NRCS consulting on species plans with FWS so that they can obtain a list of approved practices for private landowner sign ups, they have also started developing multi species plans.

In the case of implementing WLFW for willow flycatcher the FWS agreed to let NRCS develop multi-species management plans. Eighty-three riparian species were consulted upon and NRCS obtained a list of approved practices for riparian habitats that accommodated all these species in landowner plans and contracts. This was actually much more effective in that the plans addressed the habitat as well as a multitude of species needs within the riparian areas. It saved time, confusion between each species needs, and benefited all the agencies and the landowners implementing conservation measures on the ground.

Recommendations:

Increase the funding and scope of this highly successful program. Explore WLFW investment strategies by vulnerable ecosystems with high priority species and habitats for the next round of funding potential versus by individual species.

Southwest Willow Flycatcher

CASE STUDIES

CASE STUDY
Arctic Grayling

In Montana's Big Hole River basin, the plight of a little-known fish has been a controversial issue for nearly 40 years, but with the help of landowners and a Programmatic Candidate Conservation Agreement with Assurances (CCAA), the Arctic grayling has successfully avoided a federal listing under the Endangered Species Act (ESA).

The Species and The History

The Arctic grayling, a species of freshwater fish in the salmon family, is widespread throughout the watersheds of Canada, Alaska and Siberia. The species' range once included the Great Lakes basin in Michigan as well as the Big Hole and Red Rock basins in Montana. However, populations here in the contiguous United States have seen dramatic declines. The Big Hole River, in the upper Missouri River drainage in Montana, has one of the last native fluvial populations of Arctic grayling.

Since the early 1980s, there have been legal battles and grassroots efforts to conserve the species, yet, it wasn't until a truly collaborative effort between landowners, the U.S. Fish and Wildlife Service (FWS) and Montana Fish, Wildlife and Parks (MFWP), that any progress has been made to increase populations in the Big Hole.

The Stakeholders and The Plan

In 2005, a group of Big Hole-area ranchers led by attorney and landowner Calvin Erb proposed the CCAA to the FWS as a possible collaborative conservation effort.

There was a high level of interest in this among landowners from the get-go." says Emma Cayer, Arctic Grayling Recovery Biologist with MFWP, the state agency who holds a 20-year Enhancement of Survival Permit with the FWS to oversee implementation of the CCAAs.

MFWP administers the program under a 20-year Enhancement of Survival Permit (ESP) and works with landowners to create site-specific plans, which means the program is individualized to the property and the types of operations that take place there, but it was the regulatory assurances that were the most appealing par to the package for landowners.

"Without the assurances, we probably wouldn't have done it," says Peter Frick, a cattle rancher who, along with his business partners, enrolled two different properties with the CCAA. "Conservation efforts were among our objectives, and that aligned with what the CCAA was offering, but we needed the protections."

Under the CCAA, landowners along the Big Hole River who enroll for a 10-year term (which starts once a Site Specific Plan is developed) are expected to address four conservation components, including reestablishing vegetation on the banks of the river to restore habitat and reduce water temperatures; addressing any ditches or other irrigation features that might draw the grayling out of the river; addressing irrigation features and other agricultural features that might act as barriers to fish movement upstream or downstream; and reducing irrigation and improving infrastructure to improve stream flows.

Outcomes

Including Frick and his partners, 33 landowners, who represent more than 160,000 acres in the Upper Big Hole River drainage, enrolled in these voluntary agreements in 2006. Since 2014, when the FWS determined that listing the Arctic grayling was "Not Warranted," four more landowners have enrolled.

Frick says he feels like this CCAA should serve as a model for future conservation efforts.
"My take on it is that the CCAA, in and of itself, helped the FWS make the determination that they didn't need to list the species," he says. "And given that it wasn't that onerous, maybe about a 10 percent hit on the bottom line, I think they did a pretty good job here."

Arctic Grayling

CASE STUDY
Black-footed Ferret

The black-footed ferret was thought to be completely extinct until a remnant population was discovered near Meeteetse, Wyoming in 1981. Efforts to reestablish the ferret in the West have been mixed but the U.S. Fish and Wildlife Service (FWS) is hoping that a programmatic Safe Harbor Agreement (SHA), developed in 2013, will turn the tide for the species.

The Species and The History

Considered a "flagship species" of the North American prairie, the black-footed ferret faces many challenges on its road to being delisted from the ESA. Among the most eminent threats are loss of habitat and related declines in prey (prairie dogs make up more than 90 percent of a ferret's diet), and disease, particularly sylvatic plague, which can wipe out entire colonies of prairie dogs, leaving ferrets without their primary food source.

Since 1967, black-footed ferrets have been listed as endangered and were thought to be completely extinct in the late 1970s, until the discovery of the Meeteetse population. By 1986, disease had winnowed that population's numbers to 18. The survivors were captured and became the foundation for a successful captive breeding and reintroduction program that is ongoing.

According to John Hughes, a wildlife biologist with the U.S. Fish and Wildlife Service's National Black-Footed Ferret Conservation Center in Wellington, Colorado, there are an estimated 300 ferrets in five FWS captive-rearing facilities and another 400 animals in the wild, at 28 reintroduction sites. Hughes says the service has a modest goal of establishing 3,000 ferrets in the wild.

The Safe Harbor program has catalyzed the release of 275 black-footed ferrets onto ranch and tribal lands (2.4 million acres worth) in Colorado, Kansas, Arizona and Montana. Private, state and tribal lands with sufficient prairie dog populations for at least 30 breeding adult ferrets are eligible across the species' 12-state historical range.

"One of the things we've learned is the absolute need for plague management," Hughes says. "We need to have a turn-key recipe for success if we want landowners to be engaged."

Still, Hughes says they are hoping to do at least two more reintroductions in 2017, possibly in New Mexico or South Dakota. "If we can get to 100 or more reintroduction sites, we can get to our de-listing goal."

The Stakeholders and The Plan

Since the development of the SHA in 2013, 10 landowners have enrolled, eight of whom receive incentives through the USDA-NRCS's Environmental Quality Incentives Program. Landowners who agree to a 10-year SHA term, and who accept the incentives are paid to monitor their prairie dog populations.

Western Landowners Alliance advisory board member Rick Danvir was the wildlife manager at Deseret Western Ranches in northeastern Utah when the ranch began the SHA process without incentives for the black-footed ferret. He thinks a locally based collaborative process is essential and that one of the most

important messages to deliver to other ranchers is that neighboring lands are protected under the range-wide Safe Harbor. This provides protections for "incidental take," a term that refers to the accidental death of a ferret.

"Everybody's safe basically," Danvir says. "Unless you walk out and shoot one between the eyes."

Outcomes and Lessons Learned

The FWS strategy for the programmatic Safe Harbor was to enroll at least three new properties per year, but Hughes says that before the FWS gets too many populations going, they need to focus on disease control. The agency continues to work on better vaccinations and cheaper and more dependable means of delivery.

Black-footed Ferret

CASE STUDY
Greater Sage Grouse

Oregon Rancher, Tom Sharp

Tom Sharp, an Oregon rancher, chaired the steering committee to develop a programmatic CCAA for the Greater Sage-Grouse in Harney County. That core document become the model for five more CCAA programs in other Oregon counties. When trying to convince his fellow ranchers to enroll, he employed a simple, yet understandable moniker: "What's good for the bird is good for the herd."

The Species and The History

The Greater Sage-Grouse is the largest grouse in North America and its range is in the Western U.S. and southern Alberta and Saskatchewan. Its diet is primarily sage, grass and insects, and loss of habitat is its primary threat. Given the vast extent of its geographic range, a federal listing of the bird as endangered would have enormous implications for energy, agriculture and many other land uses. The potential listing set into motion one of the most significant, voluntary wildlife conservation efforts ever in North America.

In 2010, the Department of Interior designated the sage-grouse as "warranted but not precluded." Five years later, on Sept. 22, 2015, the Department issued a decision to not list the bird as "threatened" or "endangered" under the ESA. Instead, the Department would rely on new management plans, state actions and programs like the CCAA. There are currently six programmatic CCAAs in Southeastern Oregon. The program is overseen by the Fish and Wildlife service with the Soil and Water Conservation Districts in each county serving as permit holders.

The Stakeholders and The Plan

Sharp says he become involved in May 2011, not long after the "warranted but not precluded" ruling.

"I was concerned about protecting our investments and our land and improvements so I became active," he says about his involvement as chair of the Harney County CCAA steering committee.

One of the reasons Sharp says his "good for the bird, good for the herd" slogan was so applicable to the CCAA was the fact that they chose to look at the health of the entire ecosystem, rather than focusing solely

on the sage-grouse. It stands to reason, he says, that when you implement conservation measures that would improve habitat—actions such as the removal of juniper and invasive weeds like Medusahead; annual grass treatments; grazing plans; and improvement of water sources—it not only makes life better for the sage-grouse, but also for any species who inhabits the land, including cattle.

According to Sharp and Harney County Soil and Water Conservation District Manager Marty Suter-Goold, scientists working out of the Eastern Oregon Agricultural Research Center in Burns—specifically Dr. Chad Boyd and Dr. Tony Svejcar—were instrumental in creating a framework for the CCAA and the types of conservation measures that would be the most beneficial to the Greater Sage-Grouse and the eco-system as a whole.

Outcomes

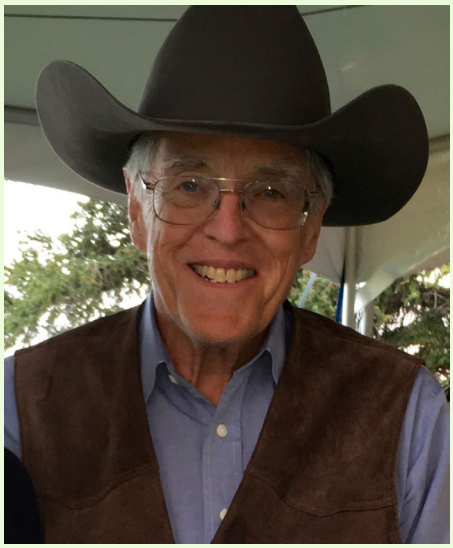
Up-to-date, there are 30 enrollees in the six counties involved in the CCAA, representing more than 450,000 acres of Priority Habitat, but those numbers don't represent the overwhelming interest in the program from landowners. Suter-Goold says in that Harney County there are 71 landowners who have signed letters of intent. These landowners, plus the 10 current enrollees, would represent more than half of the 1.1 million acres of private land that is eligible for the program in the county.

Sharp says it's important to place emphasis on the collaborative nature of the CCAA, and the amount of time and commitment that members of the local community and state and federal agencies put into its development. "What's most important is that agencies listen, hear and collaborate with stakeholders that will be affected," he says. "And that we continue to have these programs and processes that enable that to occur."

Greater Sage Grouse

CASE STUDY

Black-footed Ferret - Wyoming 10(j) Rule



Rancher, Lenox Baker

When you have a species as important to the landscape, and as imperiled as the black-footed ferret, wildlife biologists will tell you it's important to take several different approaches to reintroduction and propagation. That's why the U.S. Fish and Wildlife Service (FWS) enacted Rule 10(j) of the Endangered Species Act (ESA) throughout the state of Wyoming for the black-footed ferret.

The Species and The History

Since the discovery of the last remnant population of black-footed ferrets near Meeteetse, Wyoming in 1981—two years after the species was believed to have gone extinct—the state has been an important target for black-footed ferret reintroductions by FWS. However, the state government has been reluctant to entertain the idea of reintroductions amid a host of concerns about the ESA from private landowners.

Under Section 10(j), a species is designated as "nonessential, experimental," which means that the "take" prohibitions and consultation requirements of the ESA are relaxed. This eases potential regulatory burdens for landowners who agree to a reintroduction, and for their neighbors. In fact, this designation applies to all ferrets in the state on non-federal lands. The rule is complimentary to any Safe Harbor Agreements that may also be in place.

According to Tyler Abbot, the FWS Field Supervisor in Cheyenne, the rule makes reintroducing black-footed ferrets in Wyoming a much less controversial proposition for landowners.

"Let's say we do an SHA with a ranch and we reintroduce black-footed ferrets, but the neighbors are concerned that ferrets are going to get on their property," posits Abbot. "They are concerned they will hurt one or that they'll be responsible for taking a species, but 10(j) says if that happens it is considered 'incidental take,' meaning that if a neighbor accidentally kills one, he's covered and won't be prosecuted."

The Stakeholders and The Plan

FWS, with the support of the Wyoming Game and Fish Department, finalized Rule 10(j) in October, 2015. In July, 2016, ferrets were reintroduced on the ranches where the last survivors had been discovered 35 years earlier, the Lazy BV and Pitchfork Ranches near Meeteetse.

The current owner of the Pitchfork Ranch, Lenox Baker, says it has been rewarding to have black-footed ferrets on the property again, and that the ferrets have provided a boost to the struggling town. He says Rule 10(j) helped ease the concerns of some of his neighbors.

"We were looking forward to it and were in this from the very beginning," he says. "We were glad to have the prairie dogs back too. This is a nice species and once they're gone, they're gone."

Outcomes and Lessons Learned

With the July reintroduction being the first in Wyoming since the implementation of Rule 10(j), it's hard to say whether it has been a success for the ferrets. Baker says he has been impressed by Wyoming Game and Fish's monitoring efforts so far, and is looking forward to seeing how the population (35 were released on the two ranches) is doing next summer.

In Abbot's mind, at least, the reintroduction would've never happened without Rule 10(j).

"This is about how we accomplish recovery of the black-footed ferret," he says. "This provides some flexibility to address public concerns and is a policy tool that provides an opportunity to get more done"

Black-footed Ferret

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STEWARDSHIP WITH VISION

Western Landowners Alliance

Western Landowners Alliance (WLA) invites you to join us in advancing the ecological health and economic vitality of private and leased public lands in the West. Led by landowners, we work to advance policies and practices that sustain working lands, connected landscapes and native species. As landowners, we have a vital role to play in shaping the modern American West. Please see our website at www.westernlandownersalliance.org for an introduction to our work, or contact us directly at lallison@westernlandownersalliance.org.