Threatened and Endangered Species Team (TEST)

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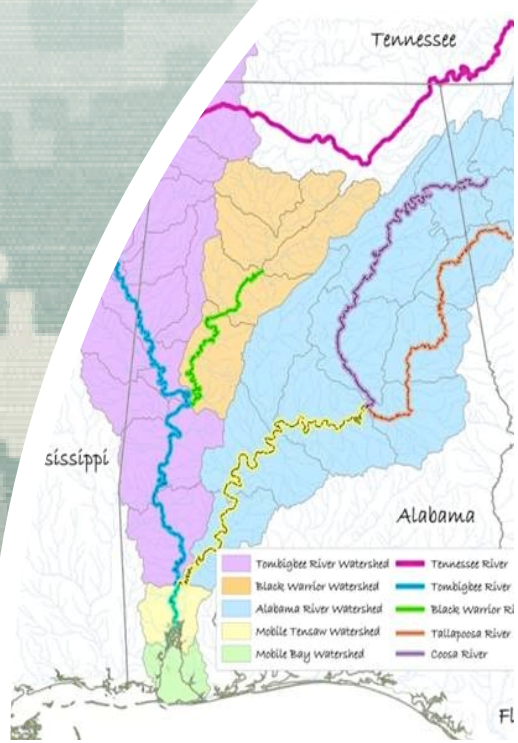
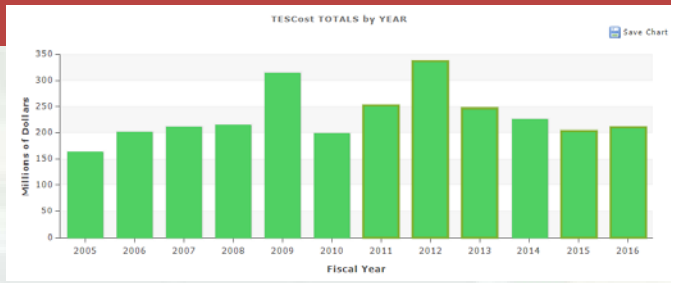
8 June 2018



Threatened and Endangered Species

Threatened/Endangered species (TES) concerns currently exist for 300+ species at over 430 USACE projects. The ERDC has developed a formal strategy for reducing costs and operational impacts while promoting TES conservation.



Key Points:

- USACE spends $230 million annually on TES
- Significant impacts to USACE missions
- USACE Threatened and Endangered Species Team (TEST)
- Using power of Endangered Species Act (Section 7(a)(1)) and partnerships for recovery
- ESA Section 7(a)(1) approach leads to recovery of Interior Least Tern
- Collaborative Wildlife Protection and Recovery Initiative (CWPRI)
- ESA Conservation Workshop: Least Bell's Vireo, 24-25 April (Carlsbad)
- Return on Investment of 7(a)(1)
  - More streamlined 7(a)(2) consultations with improved BiOp outcomes
  - Less expenditures
  - Recovery

Federal TES Expenditures

Agency/Land Ownership	Expenditure (2014)
NPS – 84 million acres	$ 13,000,617
FWS – 89 million acres	$159,368,673
BLM – 253 million acres	$ 22,398,174
USFS – 193 million acres	$ 45,983,888
DoD – 42 million acres	$337,383,601
U.S. Military	$111,760,850
USACE	$225,622,751

What is the Problem?

- USACE has no formal and organized strategy to address TES
- Single-species approaches used to date have provided mixed results in terms of meeting the objective of easing operational constraints on the Corps, or significantly contributing toward recovery goals.

USACE Threatened & Endangered Species Team (TEST)

- Our Mission

Accelerate the development of solutions to priority threatened and endangered species issues that will:

- *Improve operational flexibility*
- *Reduce future costs*
- *Improve budget planning capabilities*
- *Reduce adverse impacts to mission execution*
- *Improve species conservation outcomes (including Recovery)*

Consultation History

40+ years of using ESA Formal Consultation through Section 7(a)(2)

- *Adversarial*
- *Confrontational*
- *Dictatorial*
- *Costly*
- *Little Flexibility*
- *Unpredictable*
- *Little or no control*
- *Losing process for the species*

Section 7(a)(1) of the Endangered Species Act—Supporting Agency Missions through Proactive Conservation Planning and Endangered Species Recovery

U.S.ARMY

THREATENED & ENDANGERED SPECIES TEAM

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ESA SECTION 7(a)(1)

Purpose: Address the conservation (recovery) needs of listed species relative to Federal Program impacts.

Benefits: Allows FWS or NMFS to work continuously with a Federal agency to develop conservation programs that uses all the agency's authorities, is at the agency's disposal at all times, and does not depend on the presence of a particular project for implementation

Actions: Develop 7(a)(1) Conservation Plans specifying long-term commitments to management; Explicit plan for specific management actions that promote recovery and long-term persistence of listed species.

USACE/USFWS 7(a)(1) Coordination

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/AES/DER/BCP/058968

JAN 09 2015

Memorandum

To: Regional Directors
Attn: Assistant Regional Directors, Ecological Services

From: Deputy Director

Subject: Working with the U.S. Army Corps of Engineers to Improve the Effectiveness of the Endangered Species Act (ESA) by expanding the use of Section 7(a)(1)

Section 7(a)(1) of the ESA requires all Federal agencies to use their authorities, in consultation with the Service, to carry out programs for the conservation of listed threatened and endangered species. Proactive and collaborative conservation using 7(a)(1) programs can improve outcomes for listed species and streamline Section 7(a)(2) consultation processes. In addition, larger scale, more integrated approaches to the conservation of these species should improve interagency communication, cooperation, and trust, as well as promote adaptive management, strategic habitat conservation, and operational flexibility.

Recently, USACE Mississippi Valley Division and the Service's Southeast Region broke new ground through collaborative development and implementation of a Section 7(a)(1) Conservation Plan for three species in the Lower Mississippi River as part of the Mississippi River and Tributaries Channel Improvement Program (see attached fact sheet). The USACE and Service believe this model can and should be replicated across the Nation.

By this memorandum, you are empowered and encouraged to work with your USACE counterparts to use creative solutions suitable to your Region to implement Section 7(a)(1). Major General John Peabody, Deputy Commanding General for Civil and Emergency Operations, USACE, recently transmitted a similar memorandum to USACE Divisional Leadership (attached).

For questions or comments regarding improving the effectiveness of the ESA through implementing Section 7(a)(1) please contact Mr. Craig Aubrey, our Ecological Services Division Chief for Environmental Review at 703-358-2442.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

REPLY TO ATTENTION OF

CECW-ZA

30 June, 2015

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS, CHIEFS, OPERATIONS DIVISIONS

SUBJECT: Improving the Efficiency of Project Operations and Effectiveness of Endangered Species Act Compliance for U.S. Army Corps of Engineers Projects

1. References.

a. Endangered Species Act Section 7(a) Federal Agency Actions and Consultations. (1) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act.

b. Endangered Species Act Section 7(a) Federal Agency actions and Consultations. (2) Section 7(a)(2) requires Federal agencies to consult with the Service to ensure that actions they fund, authorize, permit, or otherwise carry out will not jeopardize the continued existence of any listed species or adversely modify designated critical habitats.

c. Fact Sheet, USACE and Service Implement an Innovative Conservation Approach that Yields Success for Wildlife, U.S. Fish and Wildlife Service, September 2014.

d. Memorandum for all Counsel, HQ, Divisions, Districts, Centers, Labs & FOA offices, subject: ESA Guidance, dated 11 June 2013.

e. Memorandum for See Distribution, subject: Reissuance of the U.S. Army Corps of Engineers (Corps) Environmental Operating Principles, dated 7 August 2012.

2. Purpose. The purpose of this directive is to increase the environmental value of how the U.S. Army Corps of Engineers (USACE) operates existing Civil Works projects by conducting a holistic review of Endangered Species Act (ESA) Section 7(a)(1) and (2). Designing projects in ways that are compatible with the conservation needs of listed species and their ecosystems can be one of the most effective methods of ensuring an efficient Section 7 consultation process, as well as species' recovery.

3. Summary. The USACE operates, maintains, and manages a variety of projects throughout the Nation, often in a complex and inter-mixed natural and built environment that includes the potential to affect species listed as threatened or endangered under the ESA or to affect such species' habitats. The purposes of the ESA are to provide a means for conserving the ecosystems upon which endangered and threatened species depend by

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Recovery of the Interior Least Tern

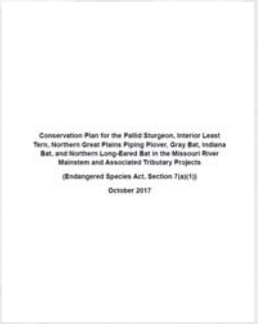
A fresh approach to Species Recovery through ESA Section 7(a)(1)

AMERICAN BIRD CONSERVANCY

U.S. FISH & WILDLIFE SERVICE

US Army Corps of Engineers.

USACE 7(a)(1) Conservation Plans



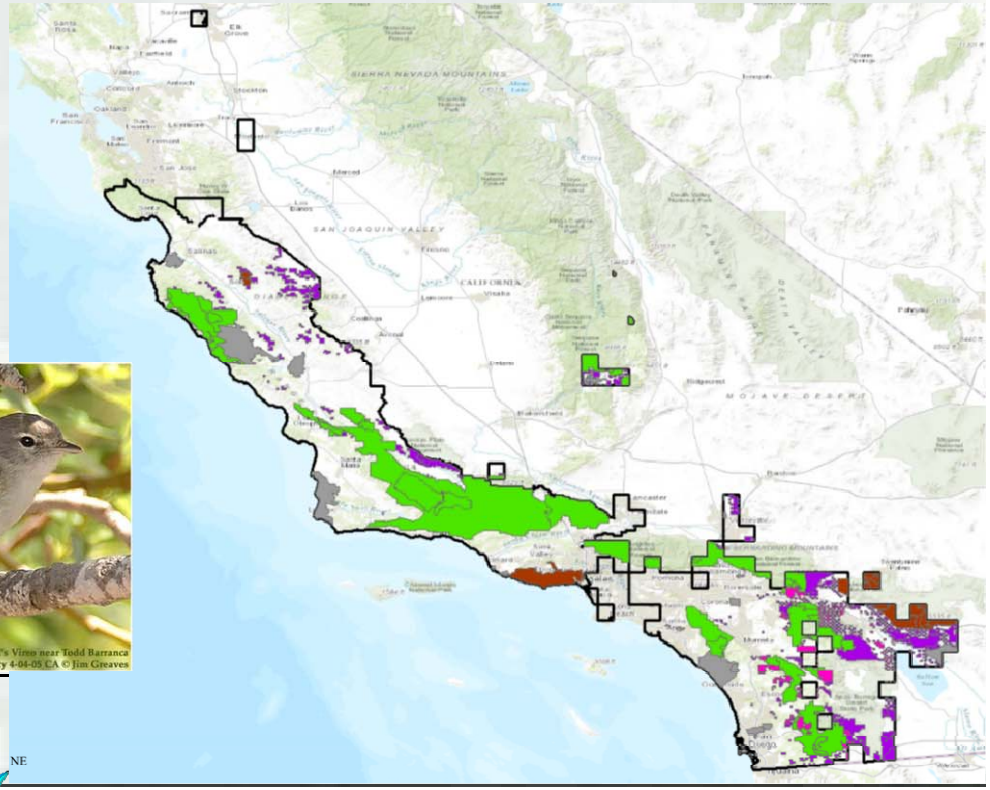
- MVD Plan
  - Multi-species
  - Model others are mimicking
- SWD Plan
  - Commits the Corps to long-term management and monitoring within authorities and available budgets
- NWD Plan
  - “The [Plan] further contributes to our finding that the Proposed Action is not likely to jeopardize the continued existence of the pallid sturgeon, piping plover, or interior least tern which allows the Service to exempt the associated incidental taking.” - USFWS

Collaborative Wildlife Protection and Recovery Initiative (CWPRI)

Collaborative Wildlife Protection and Recovery Initiative

ESA Conservation Workshop: Least Bell's Vireo, 24-25 April 2018 (Carlsbad, CA)

- Focus was on Least Bell's Vireo
- CESPL is a significant player
- Opportunity to showcase SPL 7(a)(1) activities
- Develop roadmap for recovery
- Improve SPL/USFWS relations



Questions/Comments?

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- National Coordinator, DoD Bird Conservation Program
- Lead, USACE TEST