Threatened and Endangered Species Team (TEST)

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25 April 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 mission impacts)
- USACE Threatened and Endangered Species Team (TEST)
  - Primary focus is on listed species that impact navigation, but others addressed as well
- Using power of ESA Section 7(a)(1) and partnerships for recovery
- 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, 24-26 April (Carlsbad)
- Develop Interagency ESA Section 7(a)(1) LBVI Rangewide Plan
- Return on Investment of 7(a)(1)
  - Streamlining 7(a)(2) consultations with improved BiOp outcomes
  - Agency “crediting” for 7(a)(1) conservation actions
  - Improved mission capabilities
  - Reduced expenditures/redirecting funding
  - Species Recovery
# Federal TES Expenditures

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

- 85% of USACE expenditures are on fish
- 10% on birds

<table>
<thead>
<tr>
<th>Category</th>
<th>Species/Species Groups</th>
<th>Expenditures</th>
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</thead>
<tbody>
<tr>
<td><strong>FISH</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salmon, chinook</td>
<td>9 Populations</td>
<td>$73,851,410</td>
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<tr>
<td>Steelhead</td>
<td>11 populations</td>
<td>$51,907,342</td>
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<tr>
<td>Sturgeon, pallid</td>
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<td>$48,718,484</td>
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<tr>
<td>Salmon, sockeye</td>
<td>2 Populations</td>
<td>$14,293,621</td>
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<tr>
<td>Flycatcher, willow</td>
<td>southwestern</td>
<td>$7,668,176</td>
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<tr>
<td>Salmon, chum</td>
<td>2 Populations</td>
<td>$6,102,995</td>
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<tr>
<td>Minnow, Rio Grande</td>
<td>silvery</td>
<td>$5,787,904</td>
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<tr>
<td>Plover, piping</td>
<td>2 Populations</td>
<td>$5,339,877</td>
</tr>
<tr>
<td>Tern, least</td>
<td>(Interior, California)</td>
<td>$4,467,906</td>
</tr>
<tr>
<td>Salmon, coho</td>
<td>4 Populations</td>
<td>$3,404,322</td>
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<tr>
<td>Sturgeon, Atlantic</td>
<td></td>
<td>$2,248,191</td>
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<tr>
<td>Vireo, least Bell's</td>
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<td>$2,229,661</td>
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<tr>
<td>Sturgeon, shornose</td>
<td></td>
<td>$1,628,115</td>
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<tr>
<td>Sturgeon, North American green</td>
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<td>$1,385,026</td>
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<tr>
<td>Woodpecker, red-cockaded</td>
<td></td>
<td>$1,058,791</td>
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<tr>
<td>Trout, bull</td>
<td></td>
<td>$979,656</td>
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<td>Smelt, delta</td>
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<td>$586,391</td>
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<tr>
<td>Bat, Indiana</td>
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<td>$560,676</td>
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<tr>
<td>Sea turtle, loggerhead</td>
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<td>$496,875</td>
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<tr>
<td>Manatee, West Indian</td>
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<td>$469,134</td>
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</tbody>
</table>

### Endangered Species Act Year

- **Fish**
- **Birds**
- **Mammals**
- **Reptiles/Amphibians**
Military Services Expenditures (FY14)

- 28% of DoD expenditures were on birds
- 21% on mammals
- 15% on plants

<table>
<thead>
<tr>
<th>Invertebrates</th>
<th>Birds</th>
<th>Mammals</th>
<th>Reptiles/Amphibians</th>
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</thead>
<tbody>
<tr>
<td>Woodpecker, Red Cockaded</td>
<td>Shrike, San Clemente loggerhead</td>
<td>Whale, Humpback</td>
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<td></td>
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<td>Whale, Fin</td>
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<td>Whale, Sperm</td>
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<td>Whale, Blue</td>
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<td>Plover, Western Snowy</td>
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<td>Whale, Sei</td>
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<td>Owl, Mexican Spotted</td>
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<td>Bat, Indiana</td>
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<td></td>
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<td>Whale, North Atlantic Right</td>
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<td></td>
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<td>Turtle, Green Sea</td>
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<td></td>
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<td>Jay, Florida Scrub</td>
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<td></td>
<td></td>
<td>Abalone, Black</td>
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<td>Marine Mammals (EIA)</td>
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<td>Whales, False and Pygmy Killer**</td>
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<td></td>
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<td>Tern, California Least</td>
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<td></td>
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<td>Warbler, Golden-Cheeked</td>
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<td></td>
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<td>Seal, Hawaiian monk</td>
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</tbody>
</table>

- $9,333,009.00
- $2,962,285.00
- $2,525,682.93
- $1,790,474.00
- $1,421,725.00
- $1,261,509.00
- $1,217,763.00
- $1,191,235.00
- $1,093,605.00
- $1,087,106.00
- $1,006,259.00
- $983,904.00
- $957,660.00
- $954,516.00
- $878,561.00
- $859,281.00
- $858,798.00
- $815,490.00
- $814,200.00
- $811,283.00
USACE Threatened & Endangered Species Team (TEST)

- **Purpose**

  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)
ESA SECTION 7(a)(2)

Each Federal agency shall ... insure that any action ... is not likely to jeopardize the continued existence of any endangered species or threatened species... or result in destruction... of (critical) habitat...
Section 7(a)(1) of the Endangered Species Act—Supporting Agency Missions through Proactive Conservation Planning and Endangered Species Recovery
PURPOSE OF SECTION 7(a)(1)

To address the conservation (recovery) needs of listed species relative to Federal Program impacts.

► Section 7(a)(1) conservation programs are to improve listed species baselines within the scope of Federal action agency authorities.
Conservation Benefits

“Section 7a1 allows FWS or NMFS to work continuously with a Federal agency to develop a program of species conservation 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.” (Ruhl 1995)
Conservation Management Agreements (Section 7(a)(1) Conservation Plans)

- Explicit plan for specific management actions
- Formal agreement enables long-term management
  - Any combination of agencies and organizations
  - Partners must have legal authority for management
  - Agreement must contain funding mechanisms
- De-listing possible (protections of ESA not needed)
USACE/USFWS 7(a)(1) Coordination

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

SUBLET: 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 the Service under this Act in consultation with and with the assistance of the Secretary, unless that authorizes or permits the continued existence of any listed species or adversely modifies designated critical habitats.
   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.
   d. Memorandum for all Counsel, HQ Divisions, Districts, Centers, JAG Divisions and FOA, subject: ESA Guidelines, dated 11 June 2013.
   e. Memorandum for the Commanding General, 2008.

2. Purpose. The purpose of this directive is to increase the environmental value of 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 7(a)(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 purpose of the ESA is to provide a means for conserving the ecosystems upon which endangered and threatened species depend by

By this memorandum, you are encouraged to work with your USACE counterparts to use creative solutions to address Section 7(a)(1) and 7(a)(2) consultations for the USACE’s projects.

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 202-336-2442.
Recovery of the Interior Least Tern

A fresh approach to Species Recovery through ESA Section 7(a)(1)
2017: Start with the end result—a petition to delist the Interior Least Tern is in process
► If successful, removes ESA protection
► Eliminates Section 7(a)(2) responsibilities and associated costs of compliance
► Safeguards remain in place through ESA Section 7(a)(1) and post-listing monitoring plan
► ILT would still receive federal protection (MBTA)
Delisting the Interior Least Tern

- Complete testing of TernPOP model and provide to USFWS
- Complete 7(a)(1) Plans for MVD, SWD, and NWD
- Publish monitoring plan in peer-reviewed literature

- USFWS proposes delisting rule in Federal Register
- USFWS receives comments from federal agencies, species experts, etc.
- Final Rule
MS River Habitat Conservation Plan

- Proactive and innovative
- Creates “buy-in” from multiple agencies and organizations
- Addresses multiple species
- Conserves habitat in perpetuity for listed species
- Provides template for others to follow
- Long-term cost-savings to USACE
- Supports USFWS 5-Year Status Reviews for listed species
Southern Plains Rivers Conservation Plan

- Proactive and innovative
- Commits the Corps to long-term management and monitoring within authorities and available budgets
- Supports USFWS 5-Year Status Review
This Conservation Plan (Plan) is prepared pursuant to Section 7(a)(1) of the Endangered Species Act (ESA), as amended, which requires all federal agencies to use their authority to carry out programs for the conservation of endangered and threatened species. The purpose of the Plan is to describe how the U.S. Army Corps of Engineers (USACE) Kansas City and Omaha Districts can use their Missouri River authorities and those on associated tributary projects to conserve pallid sturgeon (Scaphirhynchus albus), interior least tern (Sternula antillarum), piping plover (Charadrius melodus), gray bat (Myotis grisescens), Indiana bat (Myotis sodalis), and northern long-eared bat (Myotis septentrionalis) within the Missouri River basin. Specific conservation measures are recommended to meet the purpose of the Plan, but are contingent upon opportunity and annual appropriations, and other authority and budgetary constraints.
NWD 7(a)(1) Conservation Plan for MRM

- As a part of the Proposed Action, the USACE committed to the implementation of conservation measures and a Section 7(a)(1) plan that will further avoid and minimize effects to the listed species. Therefore, the Proposed Action will stabilize or improve the population abundance, and increase survival of the pallid sturgeon, piping plover, and interior least tern through implementation of the Science and Adaptive Management Plan, conservation measures, and the Section 7(a)(1) plan.

- This plan in concert with the Science and Adaptive Management Plan will provide a proactive basin-wide conservation strategy.

- "The Section 7(a)(1) 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
Today’s Objectives

1. Agency and NGO Presentations
2. Identify LBVI Conservation and Management Needs
3. Putting Solutions on the Table
4. Putting it Together: Assemble outline of an interagency 7(a)(1) plan
5. Action Items, Assignments, and Leads
Outline for an Interagency 7(a)(1) Plan

- **PART I: INTRODUCTION**
  - Background
  - Purpose and Scope
  - Contributing Agencies (Missions and Programs)

- **PART II: ENVIRONMENTAL SETTING**
  - Description of major drainages
  - H&H; Climate Change effects

- **PART III: SPECIES ACCOUNT**
  - Life History and Habitat
  - Distribution (Current and Historical)
  - Breeding and Nesting
  - Wintering
  - Monitoring and Estimated Abundance
  - Recovery Status
Outline for an Interagency 7(a)(1) Plan

- **PART IV: EFFECTS ANALYSIS**
  - Factors affecting LBVI (Invasive Spp; Hydrology; BHCO; SHBO)
  - Address 5-factor stressors to support USFWS 5-Year Review

- **PART V: ENVIRONMENTAL BASELINE**
  - Historical and Current LBVI Populations

- **PART VI: MANAGEMENT AND CONSERVATION MEASURES**
  - Strategy 1: Breeding and Nesting Habitat
  - Strategy 2: Wintering Habitat
  - Strategy 3: Invasive Species Management
  - Strategy 4: Brown-headed Cowbird Control
  - Strategy 5: Monitoring (PDMP?)
  - Strategy 6-X: SHBO? Identify and address R&D Needs?
Outline for an Interagency 7(a)(1) Plan

- **PART VII: PRIORITY WATERSHEDS**
  - Ensure security of “source” populations
  - Identify key “steppingstones” for range expansion
  - Identify and rehabilitate sufficiently-sized habitat blocks in former range

- **PART VIII: AGENCY OPPORTUNITIES AND ACTIONS**
  - Current Agency Section 7 actions that support LBVI
  - New Opportunities and Commitments

- **PART VII: CONTRIBUTORS**
Outline for an Interagency 7(a)(1) Plan

- How Can YOU be part of the solution?