USACE Progress on ESA 7(a)(1)

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Organizational Perspective

- USACE TES conservation and compliance spending averages ~$230 million per year
- TES conservation concerns currently exist at over 430 USACE projects, for over 300 different species
- An additional 250 species listings or critical habitat designations are expected to occur by 2018
- USACE has no formal, organized strategy for assessing, prioritizing, and addressing TES issues

USACE Threatened & Endangered Species Team (TEST)

- **Objective:** ***Accelerate the development of solutions to priority threatened and endangered species issues that will:***
  - *Improve species conservation outcomes*
  - *Reduce future costs*
  - *Improve budget planning capabilities*
  - *Reduce adverse impacts to mission execution*

Approach: ***Accelerate the development of solutions to priority threatened and endangered species issues:***

  - *Prioritize resolvable TES issues*
  - *Identify system-scale approaches with*
  - *Partner with Division, Districts, resource agencies to develop and implement solutions*
  - *Track ROI to scale future priorities*

Current Projects

- Web-based TES Mapping Tool
- Interior Least Tern Recovery Planning
- TES Listing Impacts on USACE Navigation Program
- Southwestern Riparian TES
- Multi-scale tools to predict spatial distributions of TES
- Impacts of navigation and ecosystem restoration projects on endangered freshwater mussels
- Los Angeles District – Whittier Narrows 7(a)(1)

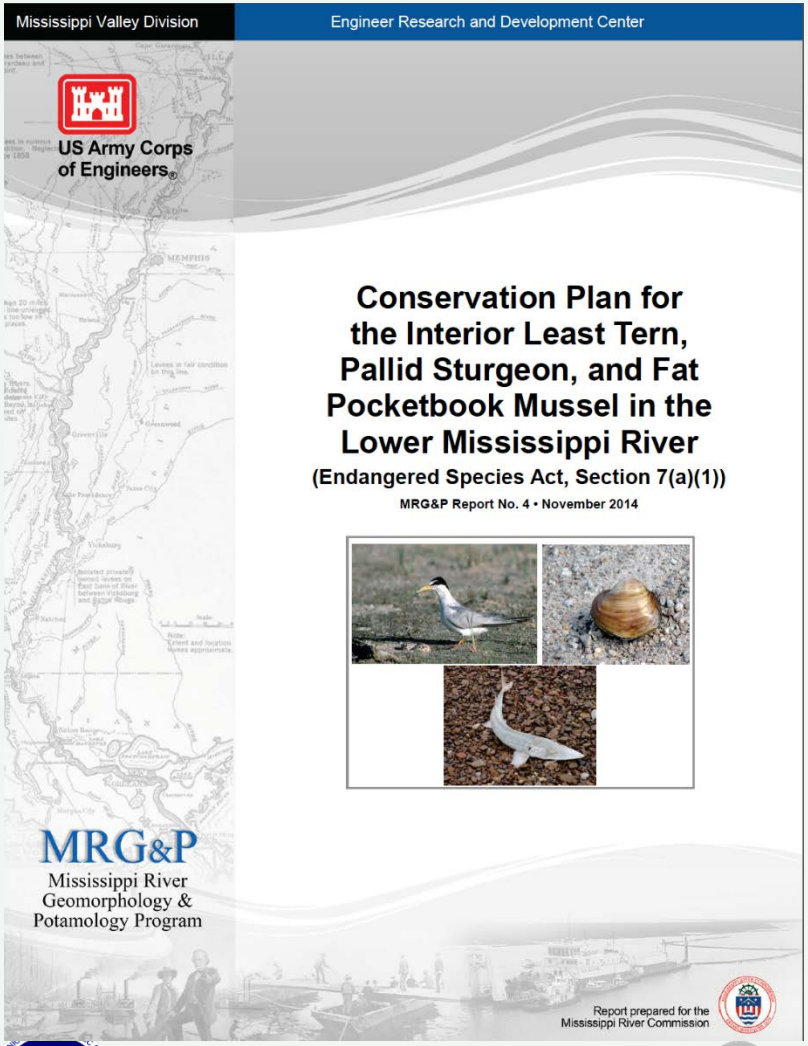
ESA 7(a)(1) Approach

Section 7(a)(1)

- Allows USACE to be proactive in consultation and conservation processes rather than reactionary
- Reduces surprises and conflicts
- We commit to actions we would be predisposed to undertake anyway under 7(a)(2)
- Reduce future 7(a)(2) consultations or improve their outcomes
- Actions contingent upon availability of funds providing budget predictability
- Improves likelihood of species recovery

Conservation Programs under 7(a)(1) are designed to improve listed species baselines within the scope of Federal action agency authorities.

Significant Outcomes/Value Produced



- 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

Significant Outcomes/Value Produced

- Delisting the Interior Least Tern
  - ✓ Complete testing of TernPOP model and provide to USFWS
  - ✓ Complete **7(a)(1)** Plans for Mississippi Valley, Southwestern, and Great Lakes/Ohio River Divisions
  - ✓ 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

U.S. Fish & Wildlife Service

Delisting a Species

Section 4 of the Endangered Species Act

Delisting is the removal of species from the Federal Lists of Endangered and Threatened Wildlife and Plants. Downlisting is the reclassification of a species from Endangered to Threatened. Delisting and downlisting actions result from successful recovery efforts. To delist a species, the Service must determine that the species is not threatened based on a number of factors, such as population size, recruitment, stability of habitat quality and quantity, and control or elimination of the threats. If some of the threats have been reduced and the population has met its recovery objectives for downlisting, we may consider changing the species status from Endangered to Threatened. Delisting species is the ultimate goal of implementing the Endangered Species Act (ESA).

Why, when, and how are species removed from the list of endangered and threatened species?

Recovery plans, developed by the Service and stakeholders for listed species, identify delisting and downlisting goals. When a species reaches its delisting goals, the Service considers removing it from the Federal Lists of Endangered and Threatened Wildlife and Plants. Likewise, when a species reaches its downlisting goals, the Service considers changing its status from Endangered to Threatened.

To delist or downlist a species, the Service follows a process similar to when we consider a species for listing under the ESA: we assess the population and its recovery achievements; we assess the existing threats; and, we seek advice from species experts in and outside of the Service. To assess the existing threats, the Service must determine that the species is no longer threatened or endangered based on five factors:

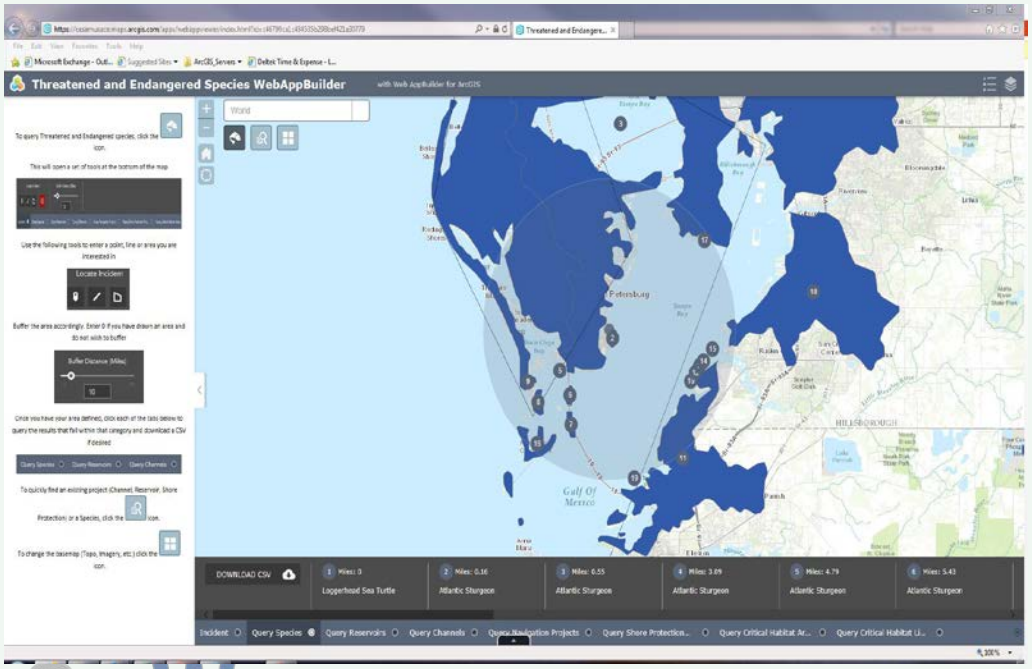
- Is there a present or threatened destruction, modification, or curtailment of species' habitat or range?
- Is species subject to overutilization for commercial, recreational, scientific, or educational purposes?
- Is disease or predation a factor?
- Are there inadequate existing regulatory mechanisms in place outside the ESA (taking into account the efforts by the States and other organizations to protect the species or habitat)?
- Are other natural or manmade factors affecting its continued existence?

If the Service determines that the threats have been sufficiently reduced, then we may consider delisting or downlisting the species. When delisting or downlisting a species, the Service first proposes the action in the *Federal Register*. At this time, we also seek the opinion from independent species experts, other Federal agencies, State biologists, and the public. After analyzing the comments received on the proposed rulemaking, we decide whether to complete the proposed action or maintain the species status as it is. Our final decision is announced in the

American peregrine falcon, delisted in 1999, because of recovery. Craig Koppie, USFWS

Challenges

- Finding willing partners to cost-share conservation planning for recovery
- Adequate funding to address high-priority TES recovery needs

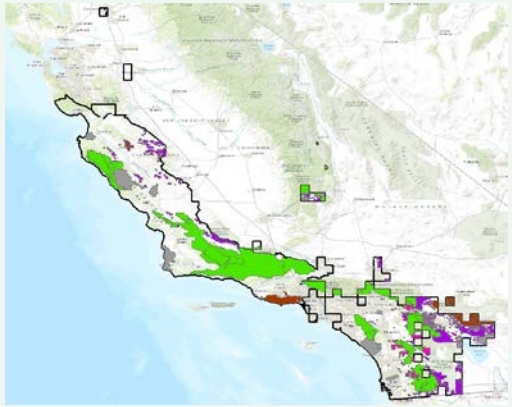


Future Opportunities?

Rio Grande Silvery Minnow

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

Least Bell's Vireo



Southwestern Willow Flycatcher

Western DPS Yellow-billed Cuckoo

Summary

- Utilizing 7(a) (1) allows for collaborative, proactive, interagency approach for species conservation and potentially recovery
- ILT serves as model for multiagency integration
- USACE TEST is actively developing targeted strategies for T&E species