



The Endangered Species Act Policy Resolutions Webinar 2017

Illinois Farm Bureau

Governmental Affairs & Commodities Division

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BACKGROUND

- Signed into law in 1973, passed in Congress with broad, bipartisan support
- Purpose:
 - To protect and recover imperiled species and the ecosystems upon which they depend
- Goals:
 - To protect endangered and threatened species, and pursue their recovery
 - To conserve candidate species and species-at-risk so that listing under the ESA is not necessary
- Administered
 - USFWS (DOI) & NMFS (DOC)





CURRENT LIST

Nationally

- 1,652 listed - 66 delisted
- 28 species proposed for listing
- 30 candidate species
- 138 petitions under review

Of those, believed to or known to occur in Illinois:

- 33 listed (24 animals, 9 plants)
 - 21 of those are Endangered, 12 Threatened

* Automatically added to IL's State List



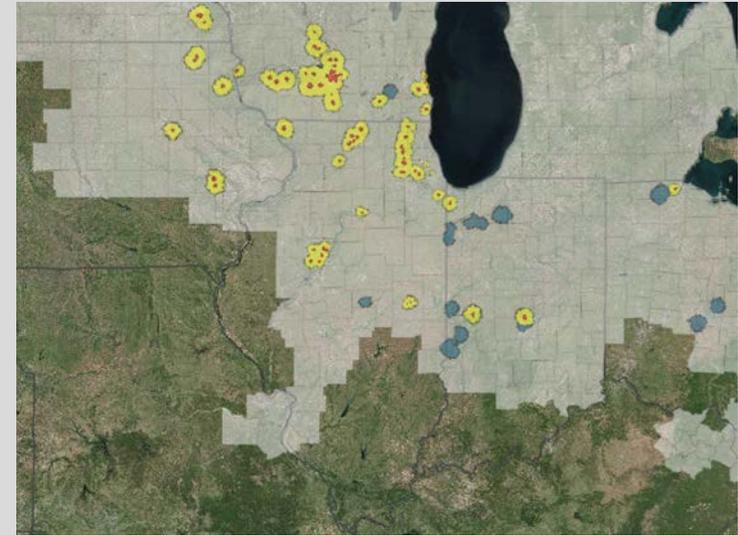
LISTING / CRITICAL HABITAT

Listing - Rulemaking based on 5 factors

- Graduated:
 - Endangered - in danger of extinction throughout all or a significant portion of its range
 - Threatened - likely to become endangered within the foreseeable future
 - Candidate - listing is warranted but precluded, no statutory protections

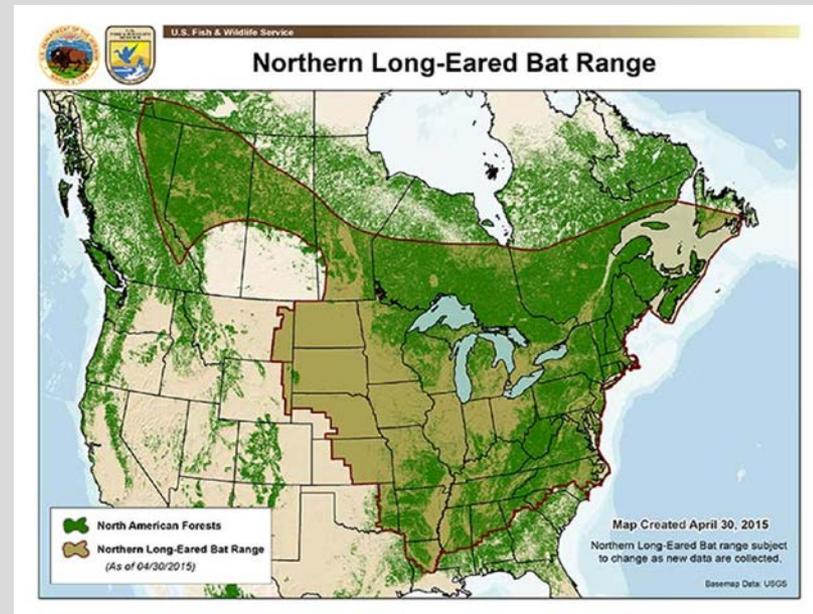
Critical habitat

- The services determine whether to designate a geographic area essential to the conservation of the species which may need special management or protection
- Agencies cannot “carry out, fund, or authorize” actions that will “destroy or adversely modify” critical habitat.



FEDERAL AGENCY RESPONSIBILITIES

- Protections
 - Consultations (Section 7)
 - Conservation Mandate (Section 7)
 - Take Prohibitions (Section 9)
- Permitting (Section 10)
 - Incidental Take Permit
 - Enhancement of Survival Permit
- Recovery
 - Recovery plans
 - “Collaborative Conservation”
 - 4(d) rules





INCREASING IMPACTS AT FEDERAL / STATE LEVEL

FEMA, NFIP

FERC (Federal Energy Regulatory Commission)

BLM

Pesticide Registrations

Water Supply

State Permitted Actions

USDA?

The screenshot shows the FEMA website interface. At the top left is the FEMA logo. Below it are navigation options: 'Navigation', 'Search', and 'Languages'. A 'Region X' section lists 'Kenneth Murphy' and 'Sharon Loper', followed by a dropdown menu for 'About Us' with sub-items 'Grants Programs', 'Mitigation', and 'NFIP & the ESA'. At the bottom are links for 'News' and 'Contact Us'. The main content area is titled 'National Flood Insurance Program & the Endangered Species Act' and contains three paragraphs of text. The first paragraph states that the page contains current guidance for local communities to implement the NFIP in compliance with the ESA. The second paragraph discusses flood-related damages between 1980 and 2013 and the role of the NFIP. The third paragraph explains FEMA's stance on land use and flood control practices that protect salmon and their habitat. The final paragraph states FEMA's commitment to supporting the ESA and its review of biological opinions.

FEMA

Navigation

Search

Languages

Region X

Kenneth Murphy

Sharon Loper

▼ About Us

Grants Programs

Mitigation

NFIP & the ESA

News

Contact Us

National Flood Insurance Program & the Endangered Species Act

This page contains the current guidance available for local communities to implement the National Flood Insurance Program (NFIP) in a manner that is compliant with the Endangered Species Act (ESA).

Between 1980 and 2013, the United States suffered more than \$260 billion in flood-related damages. With climate change, flooding risks will increase over time. FEMA's National Flood Insurance Program (NFIP) provides homeowners and communities protection from the most costly and common disaster in the United States by providing affordable insurance to property owners and by encouraging communities to adopt and enforce floodplain management regulations.

FEMA feels that land use and flood control practices that protect salmon, and their critical habitat, also means implementing good floodplain management that will ultimately reduce damages to flood.

FEMA will continue its strong support for the Endangered Species Act - in Oregon and throughout the nation - as it works to help communities prepare for, respond to, recover from, and mitigate all hazards, including flooding. As a good steward of the environment, FEMA will take steps to use its legal authorities under the National Flood Insurance Act to support the Endangered Species Act. FEMA will be reviewing the entire biological opinion and over the next 60 days will be working with communities to determine best ways to implement the requirements.



NEW POLICY DISCUSSIONS

Western Governor's Association

- <http://westgov.org/letters/letter-wga-shares-recommendations-for-species-conservation-and-endangered-s>

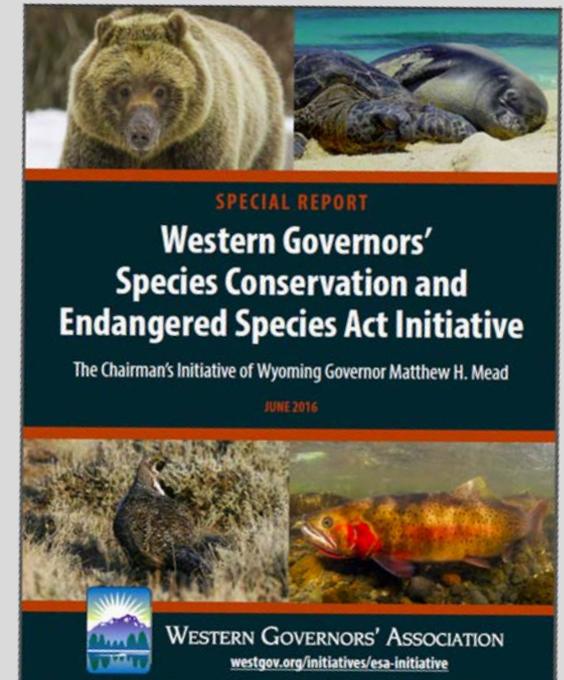
Obama's Regulatory Reform

- Executive Order 13563 , resulting changes to Critical Habitat

Habitat Exchanges (Ecosystem Markets)

- Ex: Environmental Defense Fund
<https://www.edf.org/ecosystems/habitat-quantification-tool>

Sustainability Marketing





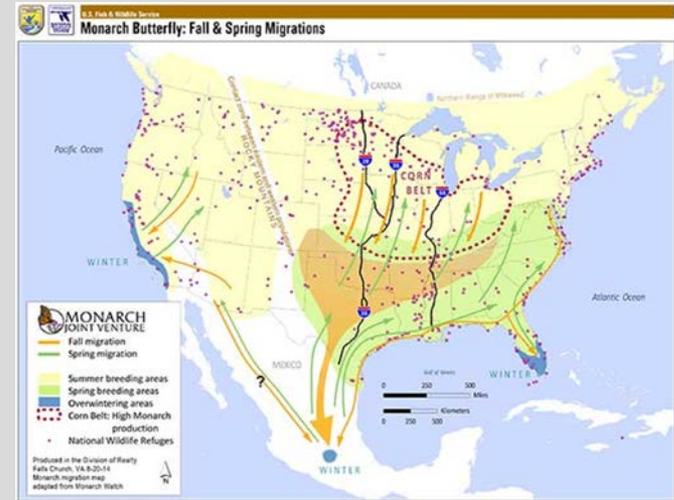
ARENAS OF THE ESA

- Administrative
- Judicial
- Legislative
- Scientific
- Public
- Reality



PRIOR TO LISTING

- Timeline
- “Collaborative Conservation”
- PECE Process
 - Science
 - Conservation plan expectations / workable solutions
- Assurance Options for landowners / stakeholders
 - Candidate Conservation Agreement (CCA)
 - Candidate Conservation Agreement with Assurances (CCAA)
 - Programmatic CCAA
 - Habitat Conservation Plan
 - Safe Harbor Agreements
 -





ILLINOIS

- Currently NO assurance mechanisms for landowners / stakeholders outside of permits for take / possession





EXISTING IFB POLICY

- **Policy 22: Endangered Species**
- We support:
 - A single agency to implement and enforce the various provisions and regulations of the Endangered Species Act.
 - The use of the National Fish and Wildlife Services' endangered species list in projects affecting multiple states.
- We oppose:
 - The recognition of species that are considered under threat versus endangered to be a factor in determining the feasibility of development projects both public and private.
 - The recognition of a potential habitat, without the current presence of an endangered species, as a reason for halting or delaying public and private development.



EXISTING AFBF POLICIES RELATED TO ESA

- Policy 237: National Conservation and Environmental Policy
- Policy 537: Private Property Rights
- Policy 565: Wildlife / Endangered Species



QUESTIONS / IDEAS

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