

The Endangered Species Act: Making an Effective Law Even Better

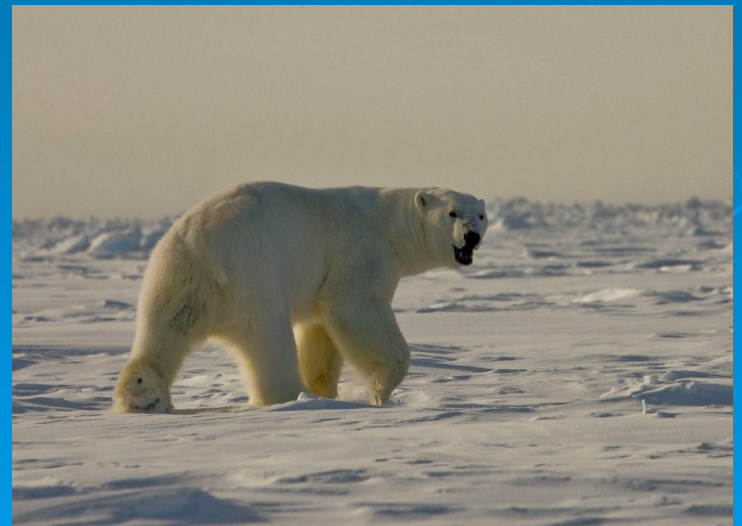
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The Endangered Species Act in Alaska

As the U.S. Fish and Wildlife Service works in partnership with others, our two major goals under the ESA are to:

- 1) Protect and recover endangered and threatened species and their habitats; and
- 2) Conserve candidate species and species-at-risk so that listing under the ESA is not necessary.



The Endangered Species Act in Alaska

Purpose of the ESA (section 2): “... to provide a means whereby the **ecosystems** upon which endangered species and threatened species depend may be conserved...”



Cooperative Conservation under the ESA

Goals for implementing the ESA in Alaska:

- Enhance cooperation with partners
- Work with stakeholders to implement the ESA fairly
- Ensure clear and consistent policies and implementation
- Base decisions on sound science
- Reduce the frequency and intensity of conflicts



FWS/NMFS Jurisdiction

- FWS manages land and freshwater species, some marine mammals (sea otter, polar bear, walrus)
- NMFS manages other marine species (sea lions, seals, whales)





FWS Listed Species in Alaska

Endangered species:

- Aleutian shield fern
- Eskimo curlew
- Short-tailed albatross



Threatened species:

- Northern sea otter (SW Alaska popn)
- Polar bear
- Spectacled eider
- Steller's eider
- Wood bison

FWS Candidate Species in Alaska

FWS candidate: We have enough information to propose the species for listing, but there are other species of higher priority.

Kittlitz's murrelet
decision due Sept. 2013



Yellow-billed loon
decision due Sept. 2014



Pacific walrus
decision due
Sept. 2017

ESA Petitions



We received a petition to list the Prince of Wales flying squirrel under the ESA in 2011

- We made a “not substantial” finding in August 2012
- Tongass LRMP conservation strategy should provide:
 - sufficient suitable habitat for population viability
 - sufficient connectivity between and among forest reserves and habitat fragments

ESA Petitions

- We received a petition to list the Alexander Archipelago wolf (in SE Alaska) under the ESA in 2011
- We are preparing a “90-day finding” for this species to determine whether we should conduct a more in-depth review



Endangered Species Successes in Alaska

Recovered species:

- Aleutian Canada goose (listed 1967; recovered 2001)
- Arctic peregrine falcon (listed 1970; recovered 1994)
- American peregrine falcon (listed 1970; recovered 1999)

Recovery takes time, but it works!



Working Cooperatively with Industry



Working Cooperatively with Industry

- We have worked with the oil & gas industry for decades to protect bears during oil and gas operations in Alaska
- We integrated ESA & MMPA requirements



Working Cooperatively with Industry

- MMPA Incidental Take Regulations
 - cover non-lethal take associated with oil & gas activities for polar bear and walrus
 - MMPA authorization also covers ESA
 - No change in conservation requirements
 - No change in timing to receive authorization



Working Cooperatively with Industry

Issue:

- Short-tailed albatross were caught on longline fishing hooks and drowned
- NMFS & FWS funded studies to evaluate seabird avoidance measures



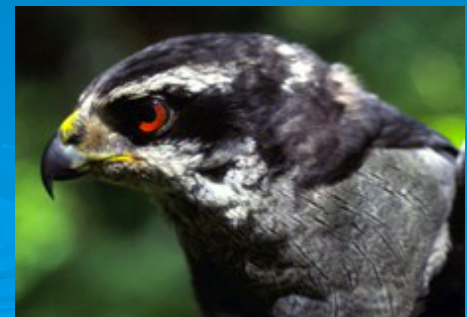
Working Cooperatively with Industry

- In partnership with the commercial fishing industry, we developed paired streamer (tori) lines that reduced bycatch by 90-100%
- We collaborate with partners to supply free streamer line kits to Alaskan commercial longline vessel owners/operators



Working Cooperatively with Industry

- The Queen Charlotte goshawk was listed in Canada in August 2012
- We did not list the goshawk in Alaska because adequate habitat to conserve it is available
- We work closely with the U.S. Forest Service and timber industry to integrate species' and habitat protection with timber availability needs



ESA Section 7 Consultation

- Our consultation process is flexible and responsive
- Since 2002, we have completed 5,750 consultations
- ~98% of these are resolved through the informal consultation process
- We have not stopped a single project or required major modifications to a proposed action

Proactive Uses of the Section 7 Consultation Process

- We coordinate with project proponents to minimize adverse effects to species, while allowing projects to proceed
- Emergency fuel delivery to Nome (Jan. 2012) included FWS involvement to help the vessels avoid important areas used by threatened spectacled eiders



Improving ESA Implementation



Improving ESA Implementation

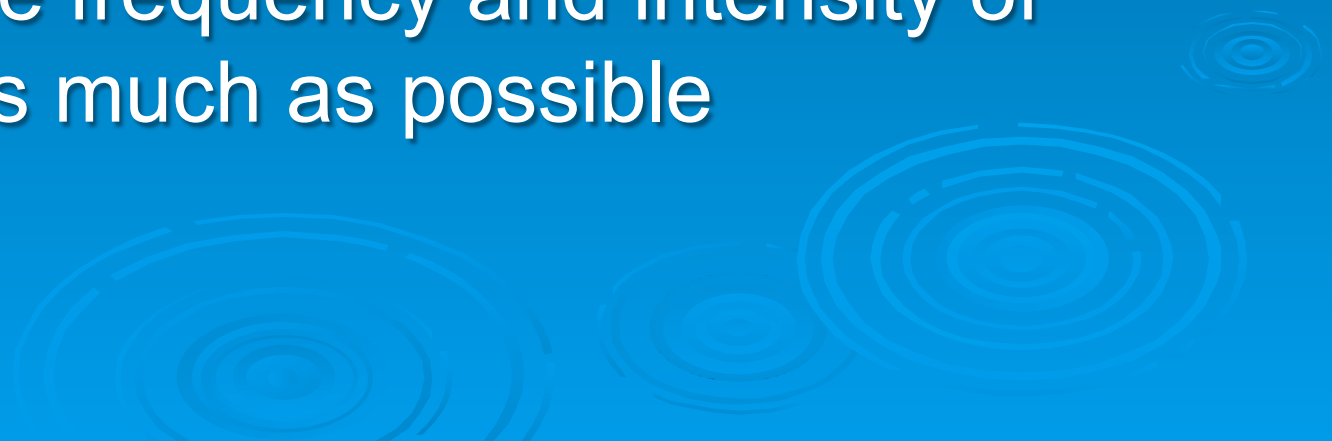
Goals:

- Engage the States, Tribes, conservation organizations, industry, and private landowners as more effective conservation partners
- Encourage greater creativity in the implementation of the ESA



Improving ESA Implementation

Goals:

- Improve the clarity and consistency of regulations
 - Eliminate unnecessary procedural requirements
 - Reduce the frequency and intensity of conflicts as much as possible
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Working Cooperatively with States

- July 2011 memo from FWS Director recognized “special and unique relationship” between FWS & States
- Emphasized the importance of providing opportunities for States to engage more often and more effectively in ESA activities



Working Cooperatively with States

- Meeting held Feb. 2012 between FWS and ADF&G leadership
- FWS coordination efforts with ADF&G have increased substantially
- We have adjusted our decision and document review processes to facilitate ADF&G involvement



Wood bison



- The Service has supported ADF&G's proposal to reintroduce wood bison into Alaska through funding, permits, and technical assistance
- ADF&G would have management authority of any reintroduced wood bison

Cooperative Recovery Initiative

- New national, cross-program initiative
- Support focused, large-scale conservation efforts
- Leverage resources toward highest priority needs
- Implement projects with highest likelihood of success



Conservation Integration



- New branch in HQ
- Will use more information technology
- Create more integration, efficiencies and streamlining across the different ESA program areas
- Seek to improve conservation outcomes, work more efficiently and cost-effectively, and better serve stakeholders

Critical Habitat – Economic Analyses

- Proposed regulations to require release of preliminary estimates of the economic impacts when critical habitat is proposed for public review and comment
- Would allow FWS to refine critical habitat proposals earlier in the process
- Would provide the public with additional information to help them understand and comment on those proposals

Critical Habitat – Textual Description

- Lengthy textual descriptions not required in Federal Register rules
- FWS will use maps or web sites to illustrate critical habitat boundaries
- Process of proposing or changing the boundaries will be more efficient, less complex for landowners and the general public, and less expensive for the taxpayer

Petition Findings

- Signature authority for “substantial” findings delegated to Regional Directors (11/9/12)
- Summary of findings published quarterly in the Federal Register
- Will expedite processing



Pending ESA Policies

- Stay tuned for future policy initiatives:
 - Significant portion of the range
 - Draft regulations for critical habitat designation process and definition of adverse modification
 - Petition regulations



Take Home Messages

- The ESA is working well in Alaska
- The ESA provides a critical safety net for America's native fish, wildlife and plants
- The health of threatened and endangered species & their habitats is strongly linked to our own well-being (clean air and water, subsistence, recreational opportunities)

Next Steps

- We want to work with our conservation partners to make the ESA even more effective
- We are also committed to working with partners to make ESA implementation less complex and less contentious

