

# Endangered Species on Ranches

Nebraska Grazing  
Conference

August 14 – 15, 2012



# Nature

There is a delight in the hard life of the open.  
There are no words that can tell the hidden  
spirit of the wilderness that can reveal its mystery,  
its melancholy and its charm.

The Nation behaves well if it treats the natural  
resources as assets which it must turn over to the  
next generation increased and not impaired in  
value.

Conservation means development as much as it  
means protection.

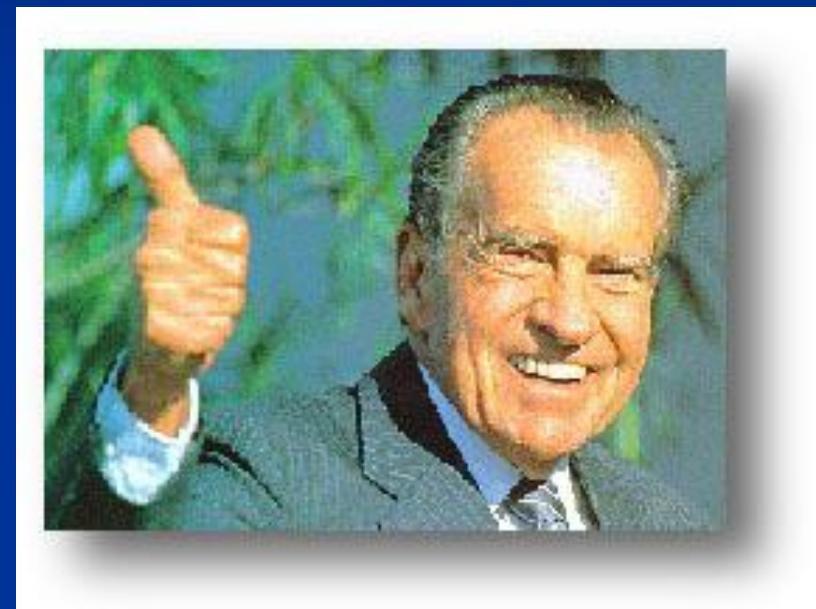
Theodore Roosevelt

# USFWS Mission Statement

Our mission, working with others, to  
conserve, protect and enhance fish,  
wildlife and plants and their habitats  
for the continuing benefit of the  
American people

# Endangered Species Act

- Became law in 1973
- 1,231 species are listed as endangered or threatened in United States
- Administered by the USFWS and the NMFS



# Sections of the ESA

- Section 4: Listing, critical habitat, and recovery plans
- Section 5: Land acquisition
- Section 6: Assistance to States and Territories
- Section 7: *Interagency Cooperation*
- Section 8: International Cooperation
- Section 9: *Prohibited Acts*
- Section 10: Exceptions
- Section 11: *Penalties and Enforcement*

# Section 7(a)(1)

All Federal agencies shall use their authorities in the furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species.

# Section 7(a)(2)

Each Federal agency must, in consultation with the Service, ensure that any action funded, authorized, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

# Definitions

- “Jeopardize the continued existence of” means to engage in an action that is reasonably expected to reduce appreciably the likelihood of survival and recovery of the species in the wild by reducing the reproduction, numbers, or distribution.
- “Destruction or adverse modification” appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species.

# The Consultation Process

- Federal agency considers the effects of its action on listed species
  - Contacts the Service for a list of endangered and threatened species and their critical habitats
  - May contact the Service for additional technical assistance
  - Makes an “effects” determination

# Consultation Process

- No Effect = no communication necessary between Federal action agency and FWS
- Not likely to adversely affect = informal consultation
- Beneficial effect = informal consultation
- Likely to adversely affect = formal consultation

# Outcomes of Formal Consultation

Purpose: to determine if jeopardy and/or adverse modification are likely

## ■ No Jeopardy or Adverse Modification

- Issues an incidental “take” statement that estimates the number of individuals of animal species likely to be killed, harmed, or injured
- Includes required measures to decrease impact on listed animals

## ■ Jeopardy or Adverse Modification

- Gives Reasonable and Prudent Alternatives to the action
- Can be appealed to the Endangered Species Act Committee

# Section 9

- Prohibits “take” of listed animals.
- “Take” is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

# Harm and Harass

- **Harm** includes significant habitat modification or degradation that results in death or injury to listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.
- **Harass** is defined as intentional or negligent actions that create the likelihood of injury to listed wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding or sheltering.

# Plant Prohibitions

- Section 9 prohibitions for plants:
  - remove and reduce to possession from areas under Federal jurisdiction;
  - maliciously damage or destroy on any such lands;
  - remove, cut, dig up, or damage or destroy on any other area in knowing violation of any law or regulation of any state or in the course of any violation of a state criminal trespass law.

# Section 11: Penalties

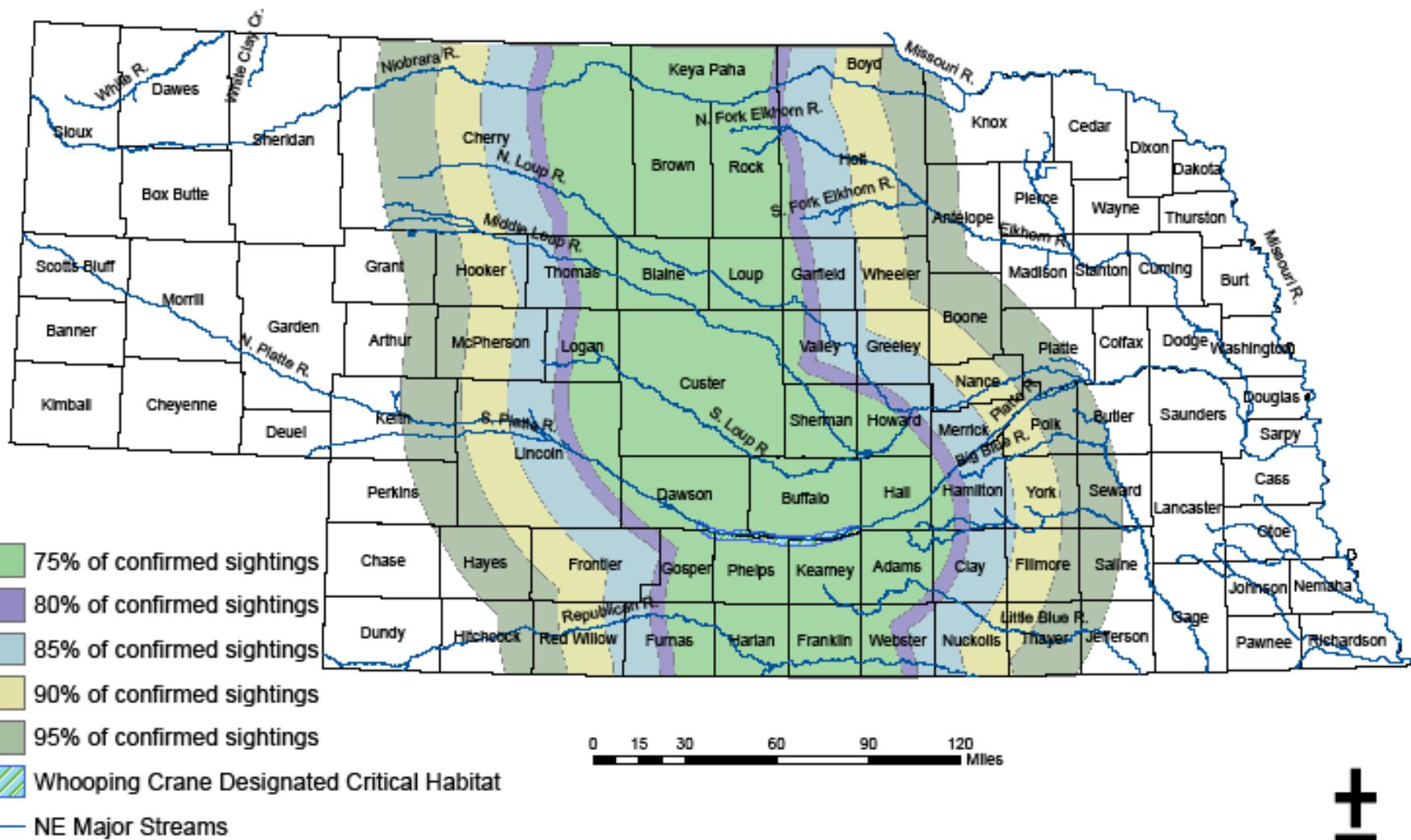
- Civil
  - \$25,000 for a knowing violation, either threatened or endangered
- Criminal
  - Individual: \$100,000 for endangered, \$25,000 for threatened
  - Organization: \$200,000 per organization, \$25,000 for threatened
  - Up to 1 year imprisonment
  - Forfeiture of property

# Species in grazing country



Whooping crane

# Nebraska Whooping Crane (*Grus americana*) Migrational Corridor and Designated Critical Habitat within the United States Central Flyway



Data Source: USFWS Cooperative Whooping Crane Tracking Project Database

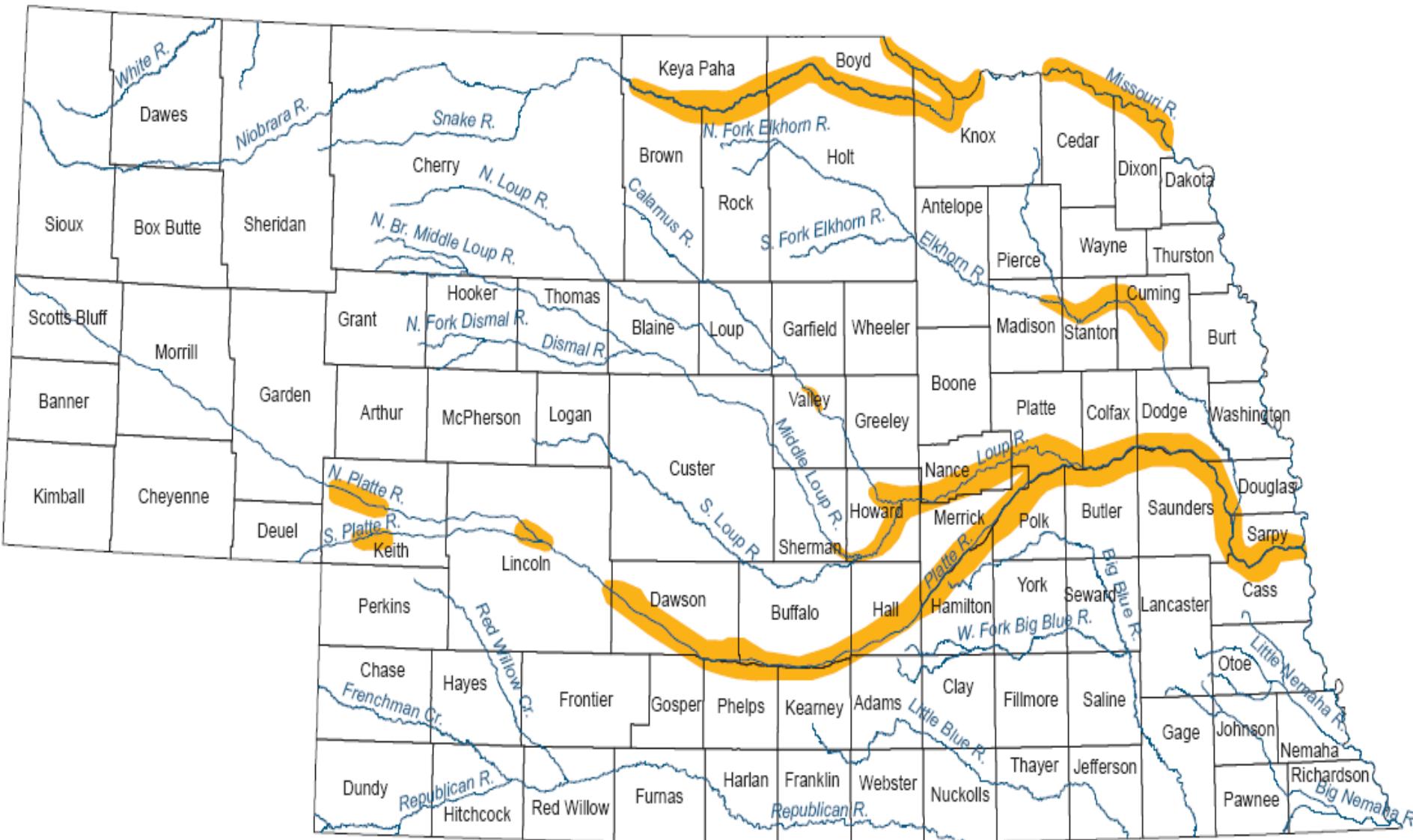
Interior least tern



Piping plover



# Estimated Current Range of Piping Plover (*Charadrius melanotos*) and Interior Least Tern (*Sternula antillarum athalassos*)



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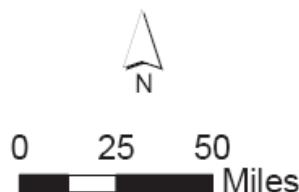
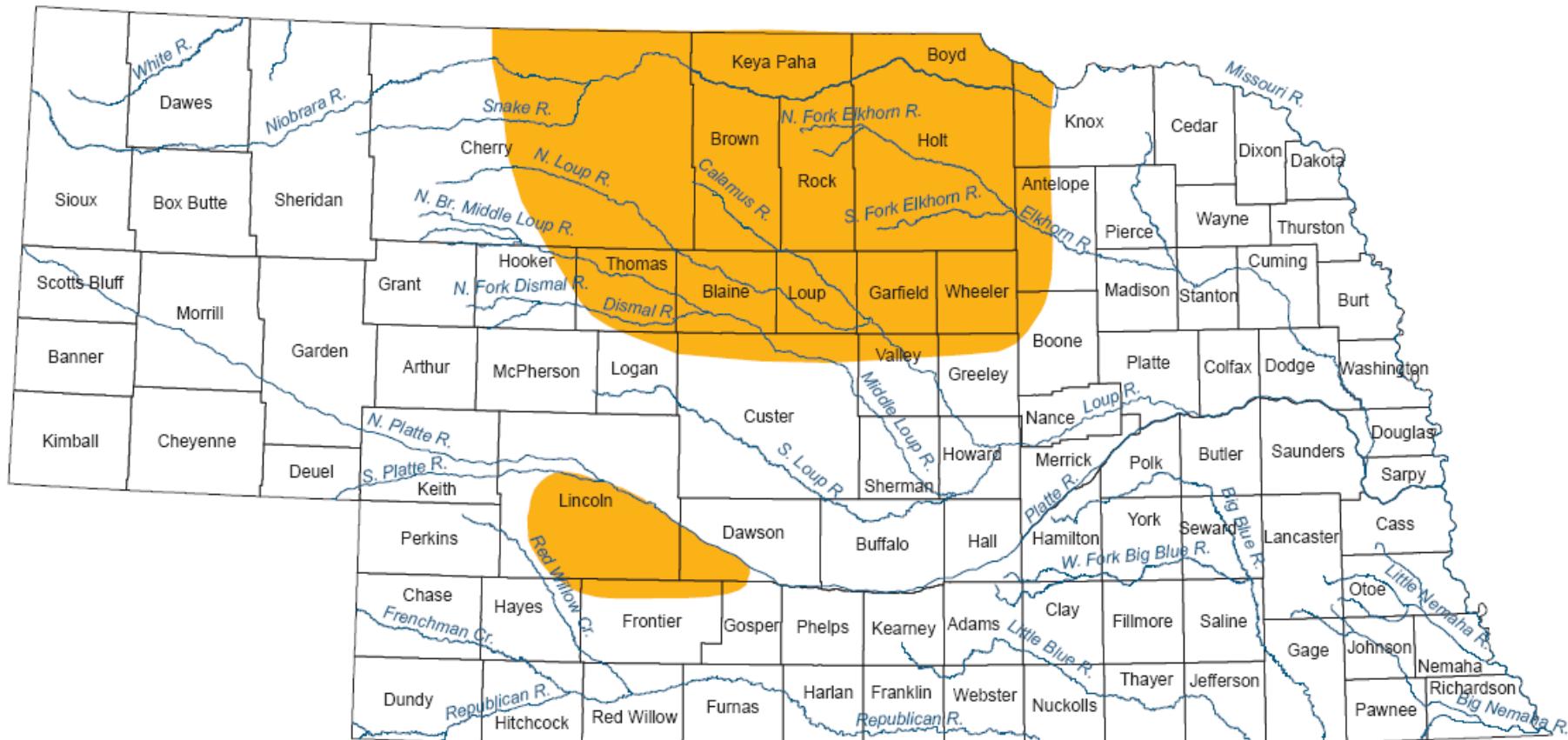
Topeka shiner





American burying  
beetle

# Estimated Current Range of American Burying Beetle (*Nicrophorus americanus*)



Nebraska Natural Heritage Program,  
Nebraska Game and Parks Commission  
June 2008



Blowout  
penstemon

Western prairie  
fringed orchid



A scenic landscape in Nebraska. In the foreground, a lush green field of tall grasses. A river flows from the background towards the viewer, with several black cattle standing in the water or on the banks. The middle ground shows more of the river winding through the valley, with dense green vegetation and trees lining the banks. The sky is clear and blue.

In Nebraska grazing  
and endangered species  
are compatible!

# Typical Habitat Restoration Projects

- Removal and management of woody vegetation and invasive species (e.g., phragmites, tamarisk, purple loosestrife, eastern red cedar, russian olive)
- Restoration of riverine backwaters, sloughs and wetlands
- Restoration of riverine roosting and nesting habitats
- Rehabilitation of wet meadow and grassland habitats
- Livestock water development

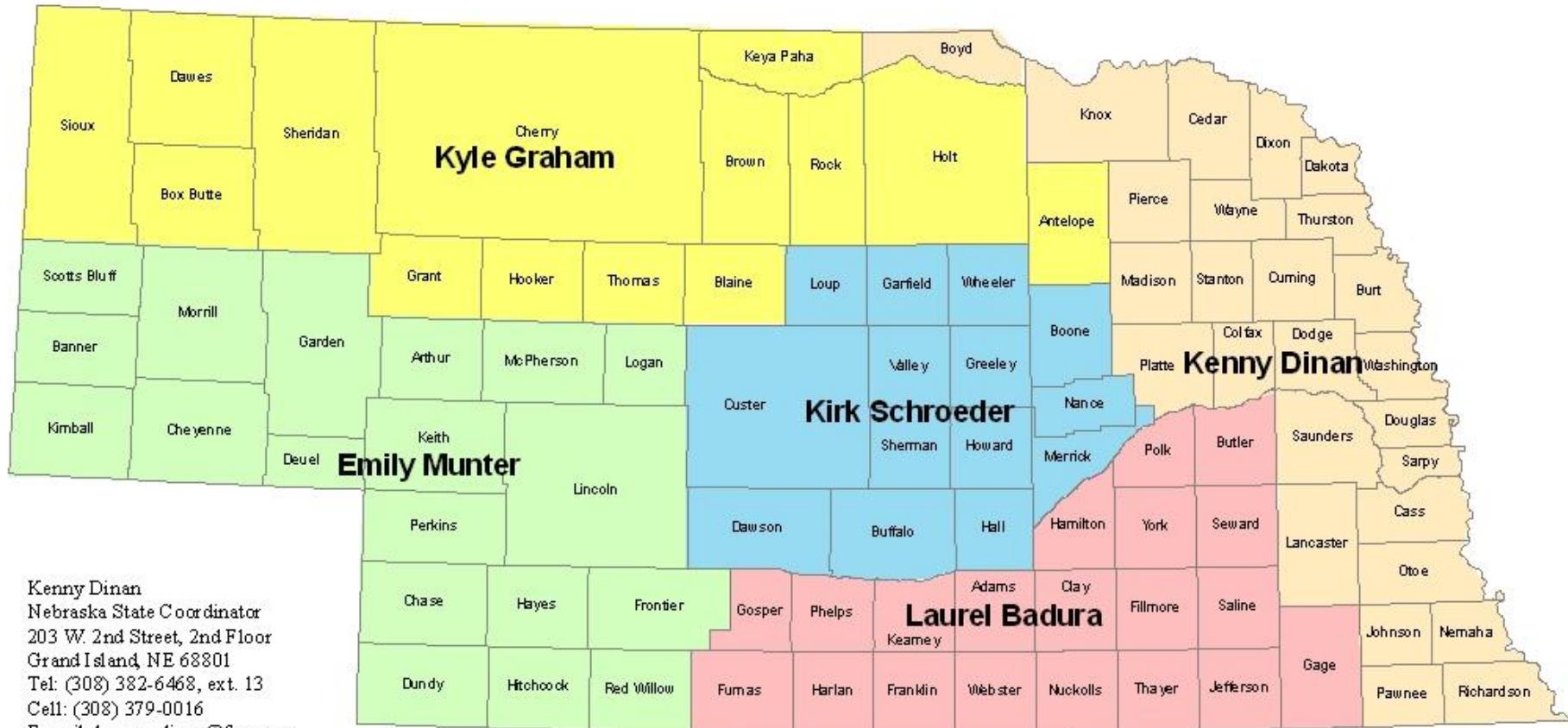
**The key to the success of the restoration and maintenance efforts are the partnerships that have been developed with private landowners and other groups, agencies, and organizations.**

- Landowners
- Nebraska Game and Parks Commission
- Platte River Whooping Crane Trust
- Nebraska Environmental Trust
- National Audubon Society
- The Nature Conservancy
- Ducks Unlimited
- Natural Resources Conservation Service
- National Fish and Wildlife Foundation
- Prairie Plains Resource Institute
- Platte River Habitat Partnership
- Natural Resource Districts
- Weed Management Associations
- Great Plains GIS Partnership
- Nebraska Natural Legacy
- Platte River Recovery and Implementation Program
- U.S. Fish and Wildlife Service
- Sandhills Task Force
- Pheasants Forever
- Wild Turkey Federation

# Whom Do I Contact?



# Nebraska Partners for Fish and Wildlife Program



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# Thank You!

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