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 melodus) and Interior Least Tern (Sternula antillarum athalassos)
Topeka shiner
American burying beetle
Estimated Current Range of American Burying Beetle (*Nicrophorus americanus*)
Blowout penstemon

Western prairie fringed orchid
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?
Thank You!

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