

**Western Association of Fish and Wildlife Agencies
Influencing Endangered Species Workshop
Final Summary Notes
Denver, Colorado April 7-9, 2015**

**Prepared by
William E. Van Pelt, WAFWA Grassland Coordinator**

Message from Keith Sexson via Bill Van Pelt

Collaboration, working in partnerships brings the greatest successes and results. The 2005 grassland initiative was Western Association of Fish and Wildlife Agencies (WAFWA) transition to an ecosystem approach from single species approach. Examples of WAFWA efforts include swift fox and BTPD. Other WAFWA Initiatives include sage-steppe and trout species. WAFWA has a T&E Committee that works on organizational efforts for setting policy in the West not necessarily implement conservation actions. WAFWA Directors liked the approach the Southeast Association of Fish and Wildlife Agencies (SEAFWA) is doing and wanted to expand conservation efforts in the west to have the ability to influence final listing decisions. WAFWA Director's approved this pilot project to work with U.S. Fish and Wildlife Service's (USFWS) Region 2 and 6 to review the list of species USFWS have received petitions since 2010. The intent of the workshop is to share information about the petitioned species and identify where we can best collectively work to influence the ultimate decisions USFWS will have to make through better sharing of data and actual conservation actions. States are leading this effort to work with USFWS to inform listing actions and to inform/influence future listing decisions with science and conservation efforts.

Background information

Section 11 of the ESA allows for citizen suits to compel enforcement, where there is failure to follow requirements set by Section 4. At the time of the 2010 Multi district litigation (MDL), USFWS already had 250 candidate species plus 100+ outstanding petition findings to make. In 2007, mega-petitions began. Petitions have mandatory deadlines and candidates don't, so petitions took priority as a result. Courts dictate what takes priority – listings vs. critical habitat designations, etc. Positive 90-day and negative 12-month findings were taking up valuable resources. The MDL broke the back of the system. Various courts were dictating what USFWS did and when. A settlement was made to consolidate actions:

- Address candidates 1st that were already identified by FWS prior to the MDL
- Work through petitions
 - Region 6 argued to address all candidates as of 2010 Candidate Notice of Review (CNOR), plus the wolverine by 2016
- Many petition findings were made 2011-12
- Any candidates added after 2010 CNOR and any petitioned after probably wouldn't receive attention until after 2017 (Sprague's Pipit is one currently being worked on by Region 6.
- Settlement restructured/organized what FWS was doing and when

Future listing work plan:

- USFWS is evaluating the development of a listing work plan by Region for the next 5 years
- Hoping to complete all unresolved 90 day findings by end of this year (8 for R6, and 9 for R2)
 - Rio Grande Cooter
 - Reticulate Collared Lizard
- Long-term plan (2-5years)
 - Gather information on timing of emerging science/conservation efforts
 - Reflects biological priorities
 - For example, TX has 39 pending 12-mo findings
- Goals for scientifically sound decisions
 - States and other partners team to pull together survey info
 - Initiate research to fill key info gaps (LCC, SSP, QRP)
 - Invest in better analysis (GIS Modeling) of risk
- Conservation efforts can influence decisions
 - Dune Sage Lizard (DSL) effort
 - Difference between T&E
 - 4(d) rule for relaxed/streamlined regulations for LPC
- Successful conservation efforts
 - Address all threats on large enough scope
 - Track success records (improved biological baseline)
 - Voluntary efforts (CCA, CCAA) show sufficient participation (DSL)

Several presentations were made on investing in science and conservation efforts where those efforts have had a positive influence on the outcome of the listing decision. This included lesser prairie chicken, grayling, and Sprague's pipit. In addition, the USFWS presented their Species Status Assessment (SSA) Process (see workshop agenda below).

**Todd Ewing (North Carolina Wildlife Resources Commission) - SEAFWA
SEAFWA has already initiated a similar partnership/guidance with USFWS**

- 2013 formed Wildlife Diversity Committee and held Committee Meeting
- WDC Species Action Plan
 - Goal: Develop plans & implement actions collectively that could preclude the need to list
 - Species that don't need to be listed don't get listed
 - Those that need listing get appropriate conservation actions
 - Speak with one voice for 15 states – instills public trust and confidence by presenting our science in one voice
 - Plan online

- Developing range-wide status assessments for petitioned species (SSAs) that will be presented to petitioning entities in hopes that they drop the petition
 - More effective if peer-reviewed published science
 - SSAs are effective framework for sharing information
- Typically meet in Feb or late Jan.
- SEARS: Southeastern At Risk Species Strategy
 - Hired a data coordinator (Mike Harris) to advance regional data sharing to multiple levels
 - Develop a central storage location for info (Nature Serve);
 - All data goes into Nature Serve, partners data etc.
- 2% annual State Wildlife Grant (SWG) funds to go to Coordinated Research Actions to cover multi-state taxa.
 - Applied for competitive SWG \$ to conduct surveys on species lacking information
- Developed Regional Conservation Needs approach similar to Northeastern Association of Fish and Wildlife Association (who puts 2% of SWG money allocated to each state annually) to look at species at the Regional level with that money (Regional survey and conservation needs)
- SEAFWA beginning to develop a framework for a resolution process to address conflict, if arises.
- SEAFWA not likely to fund research etc. where nothing is known (i.e. aquatic insects)—no information on threats.
- Clarification on 90-day findings. If states provide information to the USFWS following receipt of a petition, the information cannot be considered in their review of the petition. The bar is low at the 90 day; if the petition presents information on threats USFWS will likely make a substantial finding. At the 12-month stage the USFWS must look at all information.

Justin Shoemaker – Listing Biologist with FWS R6 – Species Status Assessment (SSA) Process

- SSA Framework is a way of structured thinking about biological status assessments under the ESA
- Describes the viability of species in a way that supports ESA decisions
- Can inform recovery strategies
- This approach concentrates more on viability and conservation than extinction
- Informs all listing decisions
- Viability is a continuous measure of the likelihood that a species will sustain populations over time
- What a species' needs are for viability is species-specific
 - 3Rs help characterize viability for a species, and describe why species go extinct or remain extant
 - Resiliency –abundance within populations

- Representation – distribution of populations
- Redundancy – genetic and ecological diversity
- 3 iterative assessment stages
 - Stage 1 – Needs – basic ecological description
 - Stage 2 – Current condition and why – what’s missing or diminished and what does it mean?
 - Stage 3 – Species viability (projecting species response to future scenarios of environmental conditions) – measured by the 3Rs – what will be missing in the future?
- Incorporate conservation actions (past, present, future) into SSA and how they affect the 3Rs and viability. If not in place, can be informed to develop conservation action.
- SSA Results
 - Characterize viability
 - Probability of persistence over time
 - Describe expected future condition in terms of 3Rs
 - Forecasting future under different scenarios
 - Explain the driving factors influencing probability of persistence (Cause/effects – 5 factors)
- State involvement in SSA
 - Provide expertise – meetings, share data, review SSA report
 - Can take lead role in conducting SSA-input from FWS;
 - Training available for states (SSA workshops) which they’re working on getting organized in our area
- Guidance document available as well as tools, templates and examples. Can see what SSA projects are out there and who the experts are.
- Adam (TX USFWS) mentioned states are taking the lead in developing an SSA for the spot-tailed earless lizard.

Chris Keleher –UT Mitigation Fund – Utah’s Endangered Species Mitigation Fund and Listing Prevention

- Endangered species mitigation fund created in ‘97
 - Funded by % of sales tax placed on water
 - Water users were the ones that lobbied for that
 - Funded through brine shrimp harvest (\$1mil/yr) regulations
 - Vision is to eliminate the need for regulatory intervention and oversight by the ESA
 - Most funding directed at formal recovery programs for already-listed species
 - Funding ranked by:
 - Likelihood of Listing,
 - Consequences of Listing,
 - Ability to Influence, and
 - Conservation actions

- Utah Wildlife Action Plan does not include invertebrates or plants
- PECE analysis – evaluated the certainty of implementation and effectiveness of conservation measures identified in the Candidate Conservation Agreement amendment
- 3.2 M/year total
- Utah has 9 species conservation plans for species that have yet to be listed, even though most were at some point of being evaluated for listing, and 7 have been petitioned
- Candidate Conservation Agreement with Assurances (CCAA) landowner participation incentive – installing irrigation system and assurances that they wouldn't face additional restrictions
- SWG grants can be used to prevent ESA listings
- 3 areas for consideration:
 - What is the likelihood that a species will be listed
 - Consequences of listing
 - Can UT state do anything

Susan Jacobson – Region 2 USFWS – Investing in Science

- Red Rock Stonefly-
 - Range more extensive than previously known
 - Variation in site characteristics
- Whartons Cave Meshweaver
 - Proposed in the 90's
 - Known to exist only in Pickle Pit
 - Concluded that it's not a valid taxon and should be synonymized with two other species
 -

Larry Crist – UT USFWS - Conservation Actions –

- Graham's and White River Penstemons – threatened by oil development
 - Plants can receive more protection under conservation agreements than they can under ESA listing
 -

Kevin Doherty – Region 6 USFWS – Investing in Science

- Sprague's pipit LPN change –
 - Most research on pipits was at a small scale
 - Lacking broad-scale research
 - Spatial distribution
 - Risk from future expansion of Ag
 - Constructed predictive habitat model
 - Look at who owns that habitat and come up with conservation strategies accordingly
 - Restricted range for high-quality pipit habitat
 - Bulk is on private lands
 - About 3% per year decline annually

- Overall population declines with outside core experiencing severe population declines

Bill Van Pelt - WAFWA– Lesser Prairie Chicken (LPC) range-wide (RWP) conservation using inherent ESA flexibility i.e. 4 (d) rule

- Example of CCAA leading to lesser status as threatened rather than endangered, even though a “not warranted” decision was not made
- Sat on candidate list for a decade
- Raised Listing Priority Number from 8 to 2 because of increased developments in Oil & Gas and wind power
- Initially working groups concentrated on research instead of addressing threats and allowing use of landscape by industry
- Plan was built without state boundaries at the encouragement of the WAFWA Directors
- Nearly 90% of the range is privately owned
- Had population objectives for eventual delisting
- Pursued CCAA for O&G – not enough time to build a comprehensive CCAA
- State management authority was maintained
- RWP is only plan that is endorsed by FWS
- Pop. Goal of 67,000 birds on 10-yr moving avg. (2014 avg. of 22,400)
- Next identified habitat goals, focal areas and connectivity zones
 - Focal area is 7.1 mil acres (75% of the population goal)
 - Connectivity is at 2.8 million acres
- LPC Crucial Habitat Assessment Tool (CHAT website) is a habitat suitability model
 - Habitat qualification tool developed for mitigation framework
 - Affected Area x Habitat Quality x Mitigation Mult. x Endowment Mult.
 - Helps industry adjust placement of their impacted area to adjust their mitigation fee
- Enrollment encompasses 11mil. Acres of which 6.9 mil. Acres is in O&G
- This plan has generated \$45mil in 2014 which is the same amount of SWG money allocated nationwide in 2014
- WAFWA holds the 10(a)(1)(A) permit for the O&G CCAA; the states TX, OK, and NM hold 10(a)(1)(A) permits for the livestock CCAA

A discussion was held to modify the categories identified on the agenda. The L category (Listing likely warranted, no conservation effort) was changed to a T category (in trouble, threats difficult to influence). Breakout groups occurred at this point first working state by state with USFWS counterparts, then regionally, and finally across multiple state boundaries. Information was shared about existing and planned efforts. An attempt was made to try and identify dates

associated with important information or actions. If possible, a state lead was identified to keep activities on track or a point-of contact.

Species Specific Discussions:

- **Desert massasauga.** New Mexico has the lead for trying to resolve the genetics issue of whether there is a valid subspecies. TX has a report, and the TX Comptroller is currently funding work that will also look at phylogenetics, habitat use, life history and population biology should be completed in 2017, and can potentially wrap in genetic analyses of specimens from NM. Suggestion for further genetic work. Potential for Sec. 6 funding. CO has stable survey data and take restrictions. Unknown in AZ so they could mobilize a survey effort if NM thinks it's prudent.
- **Plains Spotted Skunk** – concerned with taxonomy/genetics, population data. FWS will coordinate with Region 3 to let them know this is an important species to our states, especially genetics and population data. Where will we be if it turns out to be a valid subspecies? First approach should be to look at Region 3 to see what they have in respect to genetics/population data, and what's needed. Following, Bill Van Pelt coordinate gathering the needed information from the range states.
- **Rio Grande chub and sucker:** NM/CO is planning a coordinated effort. The states will be looking at culture efforts, reintroduction projects. They will work on producing a status assessment, do a brief update of that annually, redo every 5 years. States need more time to work on conservation effort. Proposing to produce a range-wide plan for these two species with a target date of 2020.
- **White-tailed prairie dog.** WAFWA has an ongoing conservation effort and Prairie Dog Conservation Team. Surveys every 6 years, and slated for 2016 with results that year. There's an existing conservation plan in place. States have been implementing various components. State regulations will be evaluated in 2015. Fairly secure. Dusting and plague management associated with ferret reintroductions. 2017 time frame for summary.
- **Black rail.** TX lead. Most of wintering range is in TX, they funded a study already. TX Comptroller has an ongoing effort – 2-yr study just started. Getting an idea of where it is, how many, what kind of habitat. Results in 2017. Coastal protection efforts in place currently, and ongoing.
- **Monarch.** Different animal given the existing investment from FWS, NRCS. Hard to say time-wise. 2-yr sort of thing. Range states will contribute to whatever national plan is being developed.
- **TX K-rat** – TPWD has funded work. Start exploring conservation agreements. 2 year time range. Comptroller funded project also will be completed in 2 year time range. OK is conducting surveys and started last year. Final report expected 2017.
- **Small-headed pipewort.** TX revisiting localities, surveying for new locations. Comprehensive assessment over next 2 years. 2 year time frame for results.
- **Rio Grande Cooter.** No Bill this is a turtle not a butterfly. TPWD staff working on the species and funding studies to look at the species on the Rio Grande. 2 year time frame.

- **Prairie chub.** Half the range in OK, half in TX. Coordinate later with TPWD. OK will take the lead or do a joint lead. More surveys needed. Checking historic sites and abundance. Surveys this year, results this fall. Can TX participate in surveys as well?
- Handful of SEAFWA crossovers (**Ozark emerald dragonfly, alligator snapping turtle**); will coordinate with SEAFWA committee. Matt Fullerton will lead (OK).
- **Ark darter.** Working group, conference calls. Would like to standardize things with CO and other states. Propagation capability that KS is considering. Participate fully in CCAA. KS wants to implement surveys to tell trend, genetics and early life history research underway.
- **Arkansas speckled (peppered) chub.** KS. Get involvement with TPWD and set up a pelagic regional group in the Midwest. A lot of these species can be rolled up. Plains minnow, others. Can KS/TX start the spark to get a pelagic workgroup going? Mark Van Scoyoc leading (KS).
- **Regal fritillary butterfly.** Has a large range extending from the east coast into the Great Plains and is dependent upon prairies. Seemed to be a species that State actions may influence ESA decisions. FWS R6 via South Dakota Ecological Services office has the lead. Nebraska Game and Parks Commission, via Scott Taylor will be lead for the States on this species and coordinate next steps which are likely to include monitoring to get current distribution of the species and other discussed action items.
- **Black-backed woodpecker.** FWS was petitioned to create a DPS for populations in the Black Hills of SD and WY. Decision expected by end of FY 2017. Appears possible to include ongoing research for the species in the Black Hills for that decision.

USFWS has started discussions on producing a 5 year plan within the next year. Information from this workshop will be shared as the work planning effort moves forward. A possible planning scenario was discussed by the group. For example, species ranked “G” could go first or early in the process (2017-18). For “U” ranked species, they too could go early to get them out of the way. For “T” not much we can do without conservation effort, and unless a conservation effort is identified by someone, they also could occur on the early side. For “N” species, they could be placed more in the midrange of the planning efforts. For “C” species they could be placed in the long-range (5-yr out). For those species that no one claimed, they may move forward, since no one requested more time to collect information. Based on staffing assigned to review certain taxa, the workload may not be completed in the suggested timeframe in this paragraph. Ultimately, if a national planning effort is undertaken all the species must be taken into consideration by the USFWS.

We discussed how to better share data through possibly using a platform like Griffin Groups like SEAFWA does. We also discussed the possibility of making this an annual workshop and possibly including other regions.

Action Items:

- Take back to botanists/IF to help us make sure our TX endemic species are ranked correctly. Provide this info within 2 weeks.
- Bill Van Pelt will update the attendance list contact sheet.
- Todd Ewing will send ppt to Bridget.
- Bridget will create a master spreadsheet of letter assignments and notes within the next 2 weeks and share with all via email.
- First step is reporting back to the Directors, briefing about the workshop. This group is something that might evolve into a WDC like SEAFWA has, but it's ultimately up to the Directors. There's possibility that this could expand to include other states further west that weren't here at this workshop. We only have 12 of the 19 states here. Bill will share the spreadsheet and notes, summarizing the workshop as a report back to the directors to see if this is a worthwhile effort.
- Adam suggested using the SSA risk assessment presentation, then work through process to get the states more familiar with the process since this is what will be used in the future. Currently known as the Gunnison Prairie Dog process among the Directors. Will present at the summer WAFWA meeting. Todd indicated they are working on species status assessments for taxa they believe need listing.
- Attendees will report back individually to their agencies and leadership.
- Need to know about state endemic species conservation/research efforts that we want FWS to factor into their schedule. ***Send endemic species research/conservation action efforts to Susan and Bridget within one week.***

Feedback on Meeting:

- Really positive and productive. More time for breakouts would be helpful.
- Having staff present that can represent the species better (i.e., Fisheries staff from TPWD), would be ideal.
- Providing time in advance to prepare information on species that will be discussed would be helpful.
- Appreciate the openness and honesty of working together.
- Seeing what the other states were doing during the 1st day was positive.
- All about communication. Increased communication and the ability to start to look ahead at the work plan will reduce the uncertainty on what is coming up next year.
- Make more time to talk about species that haven't been petitioned to be listed yet but that States think are vulnerable.
- Working towards getting these species off of the list is important, so doing a similar thing with 5 year status reviews for currently listed species would be helpful.
- Feels good to look ahead and be more proactive instead of feeling like we're always just constantly putting out fires and playing catch-up.

WAFWA WORKSHOP ON INFLUENCING LISTING DETERMINATIONS With FWS REGIONS 2 & 6

Purpose: For FWS and WAFWA/States to collaborate and inform FWS priorities for addressing the listing status of post-MDL species. To share and discuss as a group what we know, what we believe we need, and how we move forward in addressing the status of the species before us.

Courtyard Marriot Denver Airport
6901 Tower Road
Denver CO 80249
303-371-0300
Room Rate \$139.00
 Reference WAFWA ESA/AZGFD meeting
 April 7-9, 2015

Tuesday, April 7:

8:30 – 9:00	Welcome and Introductions	Keith Sexson, WAFWA
9:00 – 10:00	FWS Listing Workload Planning – Context and Planning for 2016-2021	Bridget Fahey, FWS
10:00 – 10:15	Break	
10:15 – 11:15	SEAFWA At-Risk Species Strategy: overview and advice	Todd Ewing, NC Wildlife Resources Commission
11:15 – 11:45	Intro to the Species Status Assessment (SSA) process	Justin Shoemaker, FWS
11:45 – 1:00	Lunch	
1:00 – 1:30	Introduction to the Species Status Assessment (SSA) process, cont...	Justin Shoemaker
1:30 – 2:30	The State of Utah Endangered Species Mitigation Fund: Background and Success Stories	Chris Keleher, UDNR Cassie Mellon, UDWR
2:30 – 2:45	Break	
2:45 – 3:45	Investing in Science to bear on Listing Decisions <ul style="list-style-type: none"> ➤ Sprague’s pipit LPN Change ➤ Red Rocks Stonefly and Warton’s cave meshweaver 	Kevin Doherty, FWS Susan Jacobsen, FWS

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3:45 – 5:00	Influencing Listing Decisions Through Conservation Actions <ul style="list-style-type: none"> ➤ Arctic Grayling ➤ Lesser Prairie Chicken ➤ Graham’s and White River Penstemons 	Bruce Rich/Jody Bush Bill Van Pelt Larry Crist, UT FWS
5:00	Adjourn	

Wednesday, April 8:

8:30 - 8:45	Discussion and Plan for the Day	Bill Van Pelt
8:45 – 9:15	Case Study: How Texas Prioritized Their Species at Risk	Michael Warriner - TPWD Meredith Longoria - TPWD Robert Gulley - CPA
9:15 – 11:15	Breakout Groups Round 1: First effort to categorize the species on the list by putting them into the following categories: U = Unknown. Little information on species and threats G = Status believed to be in good standing N = Need more information (surveys, research, analysis) L = Listing likely warranted, no conservation effort C = Conservation effort may influence listing	All
11:15 – 11:45	Report out from AM Breakout Groups	
11:45 -1:00	Lunch	
1:00 –1:30	Discussion on the AM Breakout Groups	All
1:30 – 2:30	Discussion of State Wildlife Action Plans – what work is prioritized for the upcoming year?	Bill Van Pelt
2:30 – 4:30	Breakout Groups Round 2: What species do the States have preliminary interest in taking on? <ul style="list-style-type: none"> ➤ Identify effort to be undertaken ➤ Identify information needs ➤ Identify key participants 	All
4:30 - 5:00	Discussion on Breakout Group Results	

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5:00	Adjourn	
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Thursday, April 9

8:30 – 9:30	Revisiting Breakout Group Discussions: Any changes or additions? Identification of outstanding issues	All
9:30 – 10:00	ESA Workplan Wrap-up	Bridget Fahey and Susan Jacobsen
10:00 – 11:00	Summary and Next Steps	All
11:00	Adjourn	