

1. **ENDANGERED SPECIES:** New program lets U.S. agencies swap public conservation for private (08/05/2008)

Allison Winter, *Greenwire* reporter

The Bush administration is proceeding with a new program aimed at allowing federal agencies to swap private endangered-species conservation efforts for government ones.

The Fish and Wildlife Service published final guidance for the "recovery crediting" program Thursday that would allow agencies to create conservation "banks" by paying private landowners to conserve species.

In turn, agencies can draw offsets from that bank for activities on public land that could hurt species. Among the activities are military training exercises, oil and gas development and Army Corps of Engineers projects in wetlands.

Some environmentalists are concerned that the new policy could outsource conservation and undermine endangered species protection. They say the directives -- first issued as draft guidance last year and finalized with few changes last week -- are so vague that they could give agencies leeway to degrade good public habitat with little benefit from private land.

"The guidance could lead to federal agencies abdicating their responsibilities on federal lands simply by purchasing credits on private lands," said Bob Irvin, vice president for conservation programs at Defenders of Wildlife.

Federal officials modeled the program on a pilot project at Fort Hood, Texas, home to the largest known population of endangered golden-cheeked warblers. State and federal agencies funded habitat conservation projects on more than 7,000 acres of private land near the base so the Army could conduct training exercises on federal habitat.

To participate, an agency would enroll private land in a conservation bank and have its projects approved by Fish and Wildlife. Projects must provide a "net benefit" for species recovery. The "net benefit" requirement could set a potentially higher standard than the Endangered Species Act's rules not to jeopardize species, the service says.

"In the conservation sense, this is supposed to move the ball forward," said John Fay, a service biologist. "To use a banking analogy, they always have to keep a balance in the bank."

Public vs. private

But environmentalists are concerned that federal species protections might get lost in the new program. Private conservation efforts may be much harder to define and enforce than species protection on public lands, they say.

"Providing for conservation on private lands is not a substitute for carrying out the special obligations federal agencies have for conservation of endangered species on federal lands," Irvin said.

Federal land automatically provides more protections for endangered species. The Endangered Species Act requires agencies to consult with the Fish and Wildlife Service to ensure their actions do not jeopardize listed species or harm critical habitat.

Private landowners have a slightly lower standard. They cannot harass or kill protected species, but they do not have to consult with the service or address critical habitat.

"I think the general premise of lessening conservation standards on federal lands is a problem," said Bill Snape, an attorney with the Center for Biological Diversity. "If endangered species are using federal land, it is pretty good habitat, but when you do one of these swaps, you are giving that away ... for a speculative private tradeoff."

But the program does not throw out ESA protections. To participate, a federal agency would have to consult with the Fish and Wildlife Service to set up its conservation banks. And the agencies would still have to go through the ESA consultation for any activity that would degrade species habitat.

The guidance sets general parameters for the program, but there is a long way to go before agencies start to implement it, the service says.

Each agency would have to find its own funding to start a program and would have to work with the service to get approval for a project. The service does not have a list of other potential projects lined up, but most of the interest so far is from the Defense Department, Fay said.

"It could potentially go almost anywhere," Fay said. "But your guess is as good as mine as to whether it will end up an important tool in the toolbox, or whether Fort Hood is a one-off."