

# Policy Regarding Voluntary Prelisting Conservation

**Citation** 735 FW 1

**FWM Number** N/A

**Date** May 31, 2018

**Supersedes** Director's Order 218, 01/18/17

**Originating Office** Division of Restoration and Recovery

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## OVERVIEW

### 1.1 What is the purpose of this chapter?

**A.** This chapter presents the attached document ([735 FW 1, Appendix 1](#)) as the policy of the U.S. Fish and Wildlife Service (Service) for voluntary prelisting conservation. It replaces Director's Order 218, which initially established the same policy.

**B.** The policy’s purpose is to lay the groundwork for working with our partners, particularly state agencies, to establish another vehicle to encourage and reward voluntary actions to conserve at-risk species (i.e., species not listed under the Endangered Species Act (ESA) that are or may be in decline) in the United States.

**1.2 What is the scope of this chapter?** This chapter applies to all Service employees.

**1.3 What is the overall policy?** The policy in [Appendix 1](#) allows us to give states an additional tool and incentive to engage landowners, government agencies, and others in carrying out voluntary conservation actions for at-risk species.

**A.** It establishes that landowners participating in a qualifying state-administered species conservation program can obtain conservation credits for efforts that benefit at-risk species. They can use these credits later to offset or mitigate actions that are detrimental to a species should it subsequently be listed under the ESA. The credits may also be traded or sold to a third party.

**B.** We recognize these earned credits through section 7 consultation or through the section 10 incidental take permit process associated with a Habitat Conservation Plan (HCP).

**1.4 What is the authority for this chapter and the associated appendix?** The authority for this chapter and Appendix 1 is the Endangered Species Act of 1973, as amended ([16 U.S.C. 1531](#) et seq.).

## RESPONSIBILITIES

**1.5 Who is responsible for the policy regarding voluntary prelisting conservation?**

**Table 1-1: Responsibilities for Voluntary Prelisting Conservation Policy**

| These employees...     | Are responsible for...   |
|------------------------|--|
| <b>A. The Director</b> | <p>(1) Approving or declining to approve Servicewide policy, and</p> <p>(2) Ensuring that our Ecological Services program has sound policies in place to work effectively with our partners.</p> |

**These employees...****Are responsible for...**

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**B. The Assistant Director – Ecological Services**

Ensuring effective policies are in place for employees to work with partners in ways that will encourage conservation of at-risk species.

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**C. Regional and Field Ecological Services staff**

- (1) Reviewing programs that states may create related to the policy in [Appendix 1](#),
- (2) Reviewing or participating in the establishment of conservation strategies for species covered by the policy, and
- (3) Through section 7 consultations or HCPs developed due to section 10 incidental take permit applications, reviewing actions and credits earned and later used if a species is listed.

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**D. The Chief, Division of Restoration and Recovery in Ecological Services (Headquarters)**

- (1) Keeping this policy up-to-date, and
- (2) Providing guidance to Regional and field offices about it.