

Policy Regarding Voluntary Prelisting Conservation

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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...
A. The Director	<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...**

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.

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.

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.