



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington D.C. 20240



## **DIRECTOR'S ORDER NO. 217**

**Subject:** Collaboration with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) to Conserve Listed, Candidate, and Other At-Risk Species

### **Sec. 1 What is the purpose of this Order?** This Order:

a. Ensures that U.S. Fish and Wildlife Service (Service) personnel place a priority on working with the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) to promote voluntary conservation actions by non-Federal landowners and managers through Working Lands for Wildlife (WLFW) and other wildlife conservation-focused programs; and

b. Supplements [504 FW 5](#), USDA Conservation Programs, published 9/24/2003.

### **Sec. 2 What are the goals of this Order?** Our goals are to:

a. Leverage conservation on private lands through WLFW and other wildlife conservation-focused programs in collaboration with NRCS;

b. Encourage voluntary private landowner conservation programs administered by NRCS that support the Service's mission; and

c. Support NRCS efforts that conserve listed, candidate, and other at-risk species (at-risk species) through Service implementation of the Endangered Species Act (ESA).

**Sec. 3 What is the scope of this Order?** This Order applies to all Service employees who have responsibilities for implementing wildlife conservation efforts with NRCS and private landowners.

**Sec. 4 How does NRCS achieve conservation?** NRCS provides technical and financial assistance to private landowners and land managers who agree to apply conservation practices on their land for the conservation and improvement of natural resources. The voluntary nature of these programs demonstrates landowners' willingness to address at-risk species conservation.

**Sec. 5 What are the objectives of the Service's conservation collaboration with NRCS?** The Service and NRCS have developed a strong partnership designed to implement more effective and efficient programs and processes that advance both agencies' missions. Since 2007, the agencies have convened project-specific working groups to:

a. Understand each other's conservation programs and processes and enhance working relationships at all levels of the two agencies;

b. Identify and explore opportunities to expedite and streamline ESA compliance for NRCS conservation programs;

c. Recognize the NRCS voluntary conservation program's value to the conservation of at-risk species;

d. Explore opportunities to collaborate more effectively to address mutual resource concerns for at-risk species, such as the WLFW partnership; and

e. Provide ESA predictability to accelerate the success of WLFW. Programs like WLFW ensure long-term conservation results and provide participating private landowners with clear guidance on their ESA responsibilities (see [section 7](#)).

**Sec. 6 What are the responsibilities of Service personnel working with NRCS?** Service employees should:

a. Ensure consistent interpretation of the concept of ESA regulatory predictability as it applies to the WLFW initiatives;

b. Provide technical review of NRCS conservation programs and practices to ensure their implementation amplifies the benefits and reduces the adverse effects on species targeted under WLFW initiatives;

c. Work with NRCS to create and execute outcome-driven monitoring and assessment plans that provide information that will help NRCS and the Service implement the ESA;

d. Create conservation strategies to support recovery objectives or to address threats and management challenges to at-risk species where such strategies require the participation of private landowners;

e. Support consultation requirements and seek methods to streamline and execute these efforts in an expeditious manner; and

f. Develop consultation strategies and approaches that maximize the conservation value of NRCS actions, consistent with their mission to ensure increased productivity of working lands.

**Sec. 7 How does the Service provide ESA predictability?** The Service:

- a. Conferences or consults with NRCS, as appropriate under section 7 of the ESA, on the effects of implementing the specified conservation practices to the WLFW species over a 30-year period, and exempts participating landowners from incidental take anticipated to occur during the term of the program contract or as long as the landowner voluntarily chooses to continue implementing the practices after the program contract ends;
- b. Provides regulatory predictability to landowners by exempting them from any take of the species incidental to the implementation and maintenance of the conservation practices identified in the landowners' conservation plans;
- c. Works with NRCS staff to ensure that landowners are implementing and maintaining the practices and associated conservation measures identified in the landowners' conservation plans; and
- d. Commits to validating the conference report and opinion as a biological opinion for NRCS under section 7 of the ESA if any of the non-listed species that are a focus of WLFW are listed.

**Sec. 8 When is this Order effective?** This Order is effective immediately. It remains in effect until we incorporate it into the Fish and Wildlife Service Manual at Part 504, or until we amend, supersede, or revoke it, whichever comes first. If we do not amend, supersede, or revoke it, the Order will expire 18 months from the date it is signed.

/sgd/ Stephen Guertin  
DEPUTY DIRECTOR

Date: August 9, 2016

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