**United States Department of Agriculture**

NRCS

Natural Resources Conservation Service
Post Office Box 2890
Washington, D.C. 20013

AUG 2 2012

The Honorable Daniel M. Ashe
Director, U.S. Fish and Wildlife Service
Department of the Interior
1849 18th Street, N.W., Room 3356
Washington, D.C. 20240

Dear Director Ashe:

As you are aware, on March 8, 2012, Secretary of Agriculture Thomas J. Vilsack and Secretary of Interior Ken Salazar announced *Working Lands for Wildlife* (WLFW), a new $33 million partnership with farmers, ranchers, and forest landowners to use innovative approaches to restore and protect wildlife habitat, including habitat for seven at-risk species. Our agencies have made significant progress since the announcement, working closely to develop conservation practices that will benefit the at-risk species and their habitats. These practices will enable America's farmers and ranchers to continue working their lands, while voluntarily furthering conservation activities targeted to imperiled species.

The purpose of this letter is to affirm the discussions between our agencies related to providing landowners participating in WLFW with predictability, as it relates to candidate species and the Endangered Species Act (ESA). We understand that the U.S. Fish and Wildlife Service (USFWS) is now completing conference opinions for three of the four candidate species identified in WLFW, including lesser prairie-chicken, gopher tortoise, and New England cottontail. Further, we understand USFWS completed an effective conference report for the greater sage-grouse, a candidate species also targeted by WLFW. Specifically, these documents analyze the effects of conservation practices developed through partnership of our agencies for landowners choosing to participate in these efforts, describing the benefits for the candidate species and their habitats. These documents particularly build on our on-going partnership to conserve two of these candidate species, namely greater sage-grouse and lesser prairie-chicken.

While the benefits from implementing the conservation practices are clear, we understand that some, such as prescribed burning, could have negative incidental impacts in the short run but significant benefits in the long run. An important aspect of this initiative is providing landowners who voluntarily sign up through WLFW with predictability about implications for them, if any, should the candidate species be listed in the future under ESA. We understand that USFWS can, under Section 7 of ESA, carefully analyze the positive and negative effects of conservation practices, much like USFWS is doing through conference reports and opinions, and

exempt through a biological opinion incidental take that is anticipated to occur to listed species from implementing conservation practices in the future. Confirmation that USFWS is willing to take this step, should any of the candidate species become listed, would provide important predictability as we look to sign up interested landowners in fiscal year (FY) 2012 and future fiscal years.

In addition, the program contracts signed by the Natural Resources Conservation Service and landowners under WLFW beginning in FY 2012 will range in duration from one year to 10 years and, in some cases, up to 15 years. While the program contracts have a specific time period, many landowners may voluntarily choose to continue implementing the practices after the contract ends. The actions of these landowners will continue to benefit the species and their habitats, providing the stewardship that furthers the mission of both agencies and the goals of WLFW. Offering landowners predictability under ESA will further encourage the implementation of the conservation practices into the future. I would appreciate your advice on how we might collectively achieve this goal.

Thank you for your partnership in WLFW. Our work together offers another example of the compatibility of working lands and wildlife species conservation. Please contact Jason Weller, Chief of Staff, at (202) 720-6580, if you have any questions.

Sincerely,

Dave White
Chief

cc:
Jason Weller, Chief of Staff, NRCS, Washington, D.C.
James Gore, Assistant Chief, NRCS, Washington, D.C.
C. Wayne Honeycutt, Deputy Chief for Science and Technology, NRCS, Washington, D.C.
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