



## Q&A: New England Pollinator Partnership

### Question 1: What is the New England Pollinator Partnership?

The New England Pollinator Partnership (NEPP) is an agreement between the Natural Resources Conservation Service (NRCS), the U.S. Fish and Wildlife Service (USFWS), and participating eligible producers to help recover populations of the rusty patched bumble bee, monarch butterfly, and seven other ground nesting bumble bee species found throughout New England. This partnership reduces the regulatory burden of the Endangered Species Act (ESA). Participating landowners don't have to worry about ESA regulations that may apply to the target bumble bees and monarch butterfly. The NEPP is also a science-driven effort that uses voluntary incentives to proactively conserve pollinators and the rural way of life.

### Question 2: What are the benefits of participating in the NEPP?

New England Pollinator Partnership participants do NOT need to worry that the presence of endangered or threatened pollinators on their property could require operational changes. The regulatory predictability remains in place for 25 years provided the producer continues to follow their NEPP Conservation Plan, maintains NRCS pollinator conservation practice(s), and abides by the NEPP Best Management Practices (BMPs). In other words, if a rusty patched bumble bee or any of the other species covered in the NEPP is injured or killed, or its habitat degraded significantly, and the injury, death, or degraded habitat is the result of activities carried out in accordance with BMPs and NRCS conservation practice standards, the landowner is protected from liability for that "take".

By providing this long-term predictability, the USFWS hopes to encourage long-term implementation of conservation practices beyond short-term Environmental Quality Incentive Program (EQIP) (or Conservation Stewardship Plans (CSP)) contract periods and to encourage NRCS to help landowners benefit pollinators using its available financial and technical assistance programs under the 2018 Farm Bill.

### Question 3: What is ESA Predictability?

ESA Predictability is an agreement between NRCS and the USFWS that gives landowners a streamlined and effective way to satisfy the ESA without interacting with the USFWS themselves. NRCS provides advice, assistance, and creates NEPP Conservation Plans that benefit pollinators and that help landowners achieve their financial and operational objectives.

### Question 4: What does it take to be eligible for the NEPP?

The NEPP is designed to assist landowners interested in developing compatible agricultural, forestry, and grazing management systems that benefit pollinators. In addition to the normal requirements of eligibility to participate in Farm Bill programs, the landowner will have to follow the BMPs for the conservation practice(s) they implement (see Question 9).

### Question 5: What is in a NEPP Conservation Plan?

An NEPP Conservation Plan has additional elements beyond a routine/normal Conservation Plan available from NRCS. It is the instrument of ESA regulatory predictability. Specifically:

- i. The Wildlife Habitat Evaluation Guide (WHEG) must be completed and incorporated into the planning process for every NEPP Conservation Plan. WHEGs guide the selection of the appropriate conservation practice(s) for the site. The expected post-practice implementation quality of the site's pollinator habitat must score greater or equal to .5 (50% of maximum score).
- ii. Each NEPP Conservation Plan must include at least one of the sixteen core practices of the NEPP (Pollinator Habitat Enhancement Plan; Brush Management; Herbaceous Weed Treatment; Conservation Cover; Field Border; Riparian Forest Buffer; Wildlife Habitat Planting; Hedgerow Planting; Tree/Shrub Establishment; Upland Wildlife Habitat Management; Early Successional Habitat Development and Management; Wetland Restoration; Integrated Pest Management Plan; Pest Management Conservation System; or Fish and Wildlife Habitat Plan). Additional NEPP supporting (not core) practices can be added to tailor the landowner's interest.
- iii. Every practice & enhancement planned, designed, and installed in accordance with the NEPP Conservation Plan or contract must adhere to BMPs and conservation practice standards.
- iv. The NEPP Conservation Plan and associated job sheets will clearly detail what is required to "maintain" the covered conservation practices and enhancements at a suitable habitat level. This "Operation and Maintenance" is defined within the NRCS Job Sheets of each practice.

### Question 6: What do I need to do to get ESA Predictability?

The landowner must agree to work with NRCS to develop and accept the responsibilities of a NEPP Conservation Plan (see Question 5 above). Further, the landowner must implement the NRCS conservation practice(s), follow the BMPs (see Question 9 below), and any other requirements detailed in the site-specific NEPP Conservation Plan.

### Question 7: What sort of documentation is provided for my ESA Predictability?

NRCS will provide the producer with a letter from the USFWS that details the predictability that is provided.

### Question 8: What do I need to do to maintain my ESA Predictability?

First, follow through with your commitments in the NEPP Conservation Plan. We highly recommend that participants annually self-verify to NRCS that you are maintaining the conservation practices and adhering to the BMPs in your NEPP Conservation Plan. This provides documentation that you, as a participant, are able to continue to receive regulatory assurances from the USFWS. On occasion, the NRCS may ask to meet with you to discuss or evaluate the status of your conservation practices.

### Question 9: What are BMPs?

As part of the creation of the NEPP, NRCS and the USFWS identified each of the conservation practices that could be used to support pollinators. To ensure implemented practices will support pollinators, the USFWS, the NRCS, and Xerces Society produced a set of BMPs. Separate BMPs guide the implementation, maintenance, and management of each, or of sets of similar conservation practices. These BMPs must be accepted and used in implementing conservation practices through the NEPP. The



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BMPs may change over time as new science and information is collected. However, participating producers are only required to follow the BMPs as they existed at the time they signed the NEPP contract with the NRCS.

### **Question 10: What is the relationship between BMPs and ESA Predictability?**

Acceptance and adherence to the BMPs is required to obtain ESA Predictability. If for some reason you cannot accept the BMPs, you are not eligible to receive the ESA predictability or participate in the NEPP. Other NRCS programs may be available under the Farm Bill to assist you in meeting your goal and objectives.

### **Question 11: How long will the ESA Predictability last?**

Participating producers continue to receive liability protection for as long as the practice(s) are maintained, or as long as this NEPP program is in place (The NEPP agreement will expire on April 30th, 2044).

### **Question 12: What if I need to change my NEPP Conservation Plan due to changes in market or focus of my operation?**

New or amended NEPP Conservation Plans are welcome, so long as you continue to follow the BMPs and other NEPP requirements. If you chose to stop maintaining the conservation practices and/or not to adhere to the BMPs, your ESA Predictability may lapse or expire. You should discuss needed changes in your NEPP Conservation Plan with your local NRCS office.

### **Question 13: If my conservation practices are applied across the whole farm, such as could be the case with an Integrated Pest Management practice, does my ESA Predictability coverage also extend across the whole farm?**

Yes. Each covered conservation practice standard has a place in the NEPP Conservation Plan and has a specific action or set of actions associated with it. The BMPs are tied to individual conservation practice standards. So is the ESA Predictability. Meaning that if the conservation practice is implemented farm-wide, then the ESA Predictability offered for that practice covers the entire property. ESA Predictability is not a blanket concept – it applies when landowners agree to implement and maintain the specific conservation practices in accordance with the NEPP and requirements for the eligible NEPP Conservation Plan. If those practices and associated actions are not part of the NEPP or not identified in the NEPP Conservation Plan, then no ESA Predictability is provided.

### **Question 14: If my farm does not qualify for NRCS programs (*i.e.* EQIP and CSP) because of the Adjusted Gross Income cap (or for other reason), can I still develop a NEPP Conservation Plan with the NRCS, implement and maintain practices, and receive ESA Predictability?**

Yes. NRCS and the USFWS have agreed that if a producer develops a NEPP Conservation Plan with the NRCS, implements and maintains NEPP conservation practice(s) and associated BMPs, then ESA Predictability is available at the discretion of NRCS. The NEPP does not replace or change overall eligibility requirements under NRCS rules associated with the 2018 Farm Bill.

### **Question 15: What happens when the BMPs change as a result of new information?**

The BMPs are expected to change over the 25-year life of the NEPP, as better information becomes available on the target species. As a result, the BMPs may change. Additionally, specific actions captured



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under each conservation practice standard may change over time, through a separate NRCS process. Any future changes, if any, in BMPs or covered practices will not affect previously enrolled producers. To remain an NEPP participant, producers must adhere to BMPs as they were written at the time the producer signed a contract with the NRCS to implement NEPP conservation practices.

### **Question 16: Where to go to find out more about the NEPP?**

Interested landowners should contact their local NRCS Service Center. An NRCS conservation planner will determine if habitat on the property is suitable or can be improved to benefit the targeted pollinators. To find your local NRCS Service Center, navigate to your state from this USDA website (<https://www.nrcs.usda.gov/wps/portal/nrcs/sitenav/national/states/>).

Potential project collaborators, researchers, and others interested in information but not in participating as a producer should contact Jeremy Markuson (Jeremy.Markuson@usda.gov).