

2012 - Present

New Policies

With the Potential to Improve Wildlife Corridors and
Ecological Connectivity

Robert Ament, Senior Conservationist
May 2016



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**NEW POLICIES WITH THE POTENTIAL TO IMPROVE WILDLIFE CORRIDOR
AND ECOLOGICAL CONNECTIVITY CONSERVATION
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Cover Photo Credit: Tony Bynum
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Introduction

This report is a compilation of federal and state policies that have direct or indirect implications for wildlife corridors and ecological connectivity conservation. It is a continuation of new federal policies that were first reported in 2012, *The Obama Administration's Progress on Federal Policies for Wildlife Corridors and Ecological Connectivity Conservation: January 2009 through December 2012* (online at: <http://largelandscapes.org/media/publications/Obama-Admin--Progress-on-Federal-Policies-for-Wildlife-Corridors2.pdf>). This report provides a broad set of policy-setting activities, such as legislation, executive orders, secretarial orders, strategies, and memoranda, by the executive or legislative branches of state or federal governments.

Much of the recent policy for wildlife movement is incorporated in climate change adaptation or landscape-scale mitigation policies. However, there are some policies focused only on corridors and connectivity. Many are in progress; having not been completed, they may subsequently change, or ultimately, may not be completed as reported in this document. If any federal or state policies effecting connectivity conservation have been overlooked, it is the error of the author.

New Federal Policies

- **Executive Order (EO) 13604: Improving Performance of Federal Permitting and Review of Infrastructure Projects.** Signed by President Obama on March 22, 2012.

EO 13604 directs federal agencies to establish processes that “inform decision-makers and affected communities about the potential benefits and impacts of proposed infrastructure projects, and ensure that projects are designed, built, and maintained in a manner that is consistent with protecting our public health, welfare, safety, national security, and environment.” In addition, EO 13604 requires federal agencies to ensure that “projects are designed appropriately to avoid, to the extent practicable, adverse impacts on public health, security, historic properties and other cultural resources, and the environment, and to minimize or mitigate impacts that may occur.” <https://www.whitehouse.gov/the-press-office/2012/03/22/executive-order-improving-performance-federal-permitting-and-review-infr>

- **Department of Interior (DOI) Manual, Chapter 523 DM 1.** The Office of Policy Analysis amended DOI's Manual on December 20, 2012.

This new chapter in the DOI Manual adheres to Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, issued October 5, 2009. The purpose of the chapter is to provide policy and guidance on climate change department-wide. One new policy requires agencies to: “[f]ocus development activities in ecologically disturbed areas when possible, and avoid ecologically sensitive landscapes, culturally sensitive areas, and crucial wildlife corridors.” <https://www.doi.gov/sites/doi.gov/files/migrated/ppa/upload/Chapter-1-Climate-Change-Policy.pdf>

- **National Fish, Wildlife and Plants Climate Adaptation Strategy.** Finalized in March, 2013.

At the request of the U.S. Government, an inter-governmental working group, led by the U.S. Fish and Wildlife Service, created the National Fish, Wildlife and Plants Climate Adaptation Strategy. The report states: “There is an urgent need to identify the best candidates for new conservation areas (including refugia and corridors of habitat that allow species to migrate), and areas where habitat restoration can promote resiliency and adaptation of species and ecosystem functions.” The Strategy describes “...the importance of providing linkages and corridors to facilitate connectivity.” To achieve this goal, Strategy 1.4 recommends we “[c]onserve, restore, and as appropriate and practicable, establish new ecological connections among conservation areas to facilitate fish, wildlife, and plant migration, range shifts, and other transitions caused by climate change.” Additionally, Strategy 1.4.6 urges “[p]rovid[ing] landowners and stakeholder groups with incentives for conservation and restoration of key corridor habitats through conservation programs such as those under the conservation title of the Farm Bill and landowner tools under the ESA as well as other mechanisms...” Related is Strategy 7.1, which identifies actions to: “[s]low and reverse habitat loss and fragmentation.” <http://www.wildlifeadaptationstrategy.gov/pdf/NFWPCAS-Final.pdf>

- **Secretarial Order 3330 (SO 3330): Improving Mitigation Policies and Practices of the Department of Interior.** SO 3330 was issued on October 31, 2013 by Secretary Jewell.

The purpose of SO 3330 is to develop a Department-wide mitigation strategy. Central components include: “(1) the use of a landscape-scale approach to identify and facilitate investment in key conservation priorities in a region; (2) early integration of mitigation considerations in project planning and design; (3) ensuring the durability of mitigation measures over time; (4) ensuring transparency and consistency in mitigation decisions; and (5) a focus on mitigation efforts that improve the resilience of our Nation’s resources in the face of climate change.” The SO also recognizes the importance of connectivity conservation, “[t]hrough the development of a comprehensive mitigation strategy, we can ensure that our national wildlife refuges, national parks, and other Federal lands and waters are managed for conservation purposes with sound stewardship and a commitment to conserve habitat and fish and wildlife migration corridors.” <https://www.doi.gov/sites/doi.gov/files/migrated/news/upload/Secretarial-Order-Mitigation.pdf>

- **Executive Order 13653: Preparing the United States for the Impacts of Climate Change.** Published in the Federal Register on November 6, 2013.

President Obama gave direction to the Federal government to coordinate efforts, manage risks and pursue new strategies to address climate change. One important aspect was for Agencies to continue to develop climate Adaptation Plans, based on previous deliberation, such as in the *National Action Plan: Priorities for Managing Freshwater Resources in a Changing Climate*, (October 2011) and the

National Fish, Wildlife and Plants Climate Adaptation Strategy (March 2013). The latter document includes strategies that highlight the importance of protecting ecological connectivity, as mentioned in the previous entry in this document. <https://www.whitehouse.gov/the-press-office/2013/11/01/executive-order-preparing-united-states-impacts-climate-change>

- **America’s Agricultural Act of 2014, Public Law 113-79.** Signed into law on February 7, 2014.

The Agricultural Act of 2014 has four conservation programs, authorized until 2018, that could help conserve wildlife corridors. The Act authorizes payments to lands, voluntarily enrolled in the Conservation Reserve Program, which “could provide habitat for animal and plant populations of significant ecological value if the land is retained in its current use or restored to a natural condition.” The Act’s Conservation Reserve Enhancement Program (CREP) seeks to improve the water quality of certain streams, increase wildlife habitat and create wildlife corridors. The new Agricultural Conservation Easement Program (ACEP) allows for voluntary easements for the recovery of species (which could include corridors). Lastly, the Voluntary Public Access and Habitat Incentive Program (VPA-HIP) includes block grants to state and tribal fish and wildlife agencies to fund habitat improvement. The programs are administered by the Farm Service Agency (FSA) and technical support is provided by Natural Resources Conservation Service (NRCS).

<https://www.gpo.gov/fdsys/pkg/PLAW-113publ79/pdf/PLAW-113publ79.pdf>

- **A Report to the Secretary of the Interior from The Energy and Climate Change Task Force.** April 2014.

This report was developed as a result of Secretarial Order 3330. It provides 10 guiding principles as the Department and its bureaus develop new landscape-scale mitigation policy. It mentions protecting wildlife corridors to foster resilience. The report features the Western Governors’ Association’s Wildlife Corridors and Crucial Habitats Initiative as an example of ways to collaborate with state agencies. https://www.doi.gov/sites/doi.gov/files/migrated/news/upload/Mitigation-Report-to-the-Secretary_FINAL_04_08_14.pdf

- **Presidential Memorandum (PM): Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment.** November 3, 2015.

The Presidential Memorandum gave direction to federal Agencies, “to avoid and then minimize harmful effects to land, water, wildlife, and other ecological resources (natural resources) caused by land- or water-disturbing activities, and to ensure that any remaining harmful effects are effectively addressed, consistent with existing mission and legal authorities.” The President instructed the Agencies to adhere to the well-known mitigation hierarchy – avoidance, then minimization, then compensation. In so doing, the memorandum seeks to ensure that mitigation is durable and may result in a scenario as if no project occurred (stated differently, the project would result in a net positive benefit to natural resources). The PM directs agencies to use their existing authorities to realize a net benefit goal or, at a minimum, a no net loss goal. <https://www.whitehouse.gov/the-press-office/2015/11/03/mitigating-impacts-natural-resources-development-and-encouraging-related>

- **Department of Interior (DOI) Manual 600 DM 6.** November 3, 2015.

The DOI issued a new mitigation policy for *Implementing Mitigation at the Landscape-scale* via an addition to the DOI manual. The addition directs Agency officials to use compensatory mitigation to offset impacts to public lands and to tailor mitigation actions to anticipate and address the impacts of climate change. It includes direction to assure new development avoids crucial wildlife corridors.

<https://www.doi.gov/sites/doi.gov/files/uploads/TRS%20and%20Chapter%20FINAL.pdf>

- **Fixing America’s Surface Transportation Act (FAST Act), Public Law 114-94.** The FAST Act was signed into law on December 4, 2015.

The FAST Act retains provisions to reduce the number of motorist collisions with wildlife and improve connectivity among habitats disrupted by roads with high numbers of wildlife-vehicle collisions. *Moving Ahead for Progress in the 21st Century Act* (MAP-21) is the first national transportation law to weave throughout its programs, authority for state, federal and tribal managers, and researchers to reduce the number of motorist collisions with wildlife and improve connectivity among habitats disrupted by roads. The following programs include explicit language for protecting either wildlife or their habitat connectivity: Surface Transportation, Highway Safety Improvement, Federal Lands Transportation, Federal Lands Access, Tribal Transportation, and Development of Programmatic Mitigation Plans. <https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf>

Federal Policy-Making in Progress

The Federal government continues to make new policy regarding wildlife corridors and ecological connectivity. Different Agencies and Departments are engaged in rule-making, developing guidelines, and “stepping down” new policies into manuals, handbooks and other avenues to incorporate new policy into daily Agency activities.

- **US Forest Service White Paper: Seeking Recommendations in Formulating Agency Policy on Mitigating Adverse Impacts on National Forests and Grasslands.** March 2016.

To conform to Executive Order 13604 of March 22, 2012, and the Presidential Memorandum on Mitigation from November 3, 2015, the U.S. Forest Service (USFS) is directed to develop guidelines on new national mitigation policy. The USFS will develop and propose a new regulation for this mitigation policy in 2016 with directives to be completed by November 2017. The white paper describes the issues surrounding mitigation guidance and seeks recommendations in formulating Agency policy. http://www.fs.fed.us/emc/nepa/includes/MitigationInquiryWhitePaper_040416.pdf

- **A Review of Landscape Conservation Cooperatives by the National Academies.** A prepublication was made available to the public in December 2015 with the final report slated to be released in 2016.

This report documents an examination of the U.S. Department of the Interior (DOI)’s Landscape Conservation Cooperatives (LCC), five years after their establishment. The LCC were an integral component of DOI Secretarial Order No. 3289, published on September 14, 2009. The SO, states, “... Landscape Conservation Cooperatives. Given the broad impacts of climate change, management responses to such impacts must be coordinated on a landscape-level basis. For example, wildlife migration and related needs for new wildlife corridors, the spread of invasive species and wildfire risks, typically will extend beyond the borders of National Wildlife Refuges, Bureau of Land

Management lands, or National Parks.” In its Review, “[t]he committee concludes that the individual LCCs can point to many early accomplishments, and have made progress toward the LCC Network’s high-level goals related to addressing conservation strategy, developing collaborative conservation, and advancing science for conservation.” Some of these efforts were in service to wildlife corridors and ecological connectivity. http://www.nap.edu/download.php?record_id=21829

- **Bureau of Land Management Resource Management Planning 2.0.** The BLM started this initiative in May 2014 and released a proposed rule for resource management planning on February 11, 2016.

The Bureau of Land Management (BLM) has prepared a proposed rule to improve its resource management planning process. The proposed rule would revise existing regulations and is part of BLM’s ongoing Planning 2.0 initiative. Also after the rule is finalized, Planning 2.0 will also provide amendments to the BLM Manual where additional direction for conserving connectivity should be forthcoming. The proposed rule provides some discussion and consideration for wildlife corridors and connectivity, albeit a relatively small amount within the context of the 244-page document. An example in the Summary section states, “[t]he proposed rule would enable the BLM to more readily address landscape-scale resource issues, such as wildfire, habitat connectivity, or the demand for renewable and non-renewable energy sources and to respond more effectively to environmental and social changes.” In the Proposed Rule’s section on habitat for special status species (pages 137-138) it states: “[p]roposed paragraph (c)(5)(iii) of this section would refer to other areas of key fish and wildlife habitat such as big game wintering and summer areas, bird nesting and feeding areas, habitat connectivity or wildlife migration corridors, and areas of large and intact habitat.” The identification of these areas is important at the onset of planning, as fish and wildlife habitat often cross jurisdictional boundaries and conservation of such habitat may require landscape-scale management approaches. Overall, the Proposed Rule requires additional language to improve future BLM resource planning’s consideration for, and protection of, ecological connectivity. http://www.blm.gov/wo/st/en/prog/planning/planning_overview/planning_2_0.html

New State Policies

- **Florida Wildlife Corridor Resolution.** Signed on June 4, 2013.

Governor Rick Scott and his cabinet of the State of Florida passed a resolution acknowledging the vital importance of the Florida Wildlife Corridor and the significant ecological, cultural and economic health benefits that accrue by connecting important lands along the entire length of the State. http://www.floridawildlifecorridor.org/wp-content/uploads/2010/11/FL_Wildlife_Corridor_Resolution.pdf

- **New Mexico Joint Memorial HM1/SM11.** The New Mexico (NM) Legislature passed this Joint Memorial (JM) in 2013.

The JM requested that the New Mexico Game and Fish Department work with the New Mexico Transportation Department to hold a workshop to identify future wildlife crossing projects and funding, and requested that the Governor declare a wildlife safety awareness day. <http://www.nmlegis.gov/Sessions/11%20Regular/final/HJM010.pdf>

- **Western Governors' Association (WGA) Policy Resolution 2014-14, State Wildlife Science, Data and Analysis.** Summer, 2014.

This was a policy resolution that continues the WGA's Wildlife Corridors and Crucial Habitats Initiative, originally started in 2007. This new policy replaces WGA Policy Resolution 13-04 Conserving Wildlife and Crucial Habitat in the West. The WGA launched the Western Governors' Crucial Habitat Assessment Tool (CHAT) in December 2013; CHATs depict crucial habitat across 16 states, and the information is spatially explicit, can be mapped, and is available online at state and regional web portals. Policy Resolution 2014-14 directs the WGA Wildlife Council to "...continue its guidance in the development, management and implementation with partners of the state CHATs and Western Governors' CHAT." <http://westgov.org/policies?start=16>

- **California Assembly Bill No. 498 (AB 498).** Approved by the Governor on October 8, 2015.

AB 498 amends the California Fish and Game Code relating to fish and wildlife. According to the California Legislative Counsel's Digest: "[t]his bill would declare that it is the policy of the state to encourage, wherever feasible and practicable, voluntary steps to protect the functioning of wildlife corridors through various means, as applicable... This bill would include within the authorized purposes of a conservation bank the protection of habitat connectivity for fish and wildlife resources." https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB498

- **Wyoming Ungulate Migration Corridor Strategy,** The Strategy was developed by the Wyoming Game and Fish (WY G&F) Department and approved by the WY G&F Commission on February 4, 2016.

The strategy charts a policy to conserve Wyoming big game migration corridors. The Strategy works to:

- Update the WY G&F Commission's Mitigation Policy to include designations of ungulate migration bottlenecks and ungulate stopover areas as "Vital";
- Allow the designation of Ungulate Migration Corridors in accordance with the WY G&F Department's standardized definitions for seasonal wildlife ranges;
- Have the WY G&F Department conduct a risk assessment for each designated Ungulate Migration Corridor; and
- Direct the WY G&F Department to recommend measures to conserve Ungulate Migration Corridors based on the best available science for future plans and projects.

https://wgfd.wyo.gov/WGFD/media/content/PDF/Habitat/Habitat%20Information/Ungulate-Migration-Corridor-Strategy_Final_020416.pdf

- **New Hampshire Senate Bill 376-FN, An Act Relative to Wildlife Corridors.** This legislation passed both chambers of the legislature on May 23, 2016.

In the findings section of the Act, the legislature declared:

"- It is recognized as a public good that habitat connectivity, including wildlife corridors and habitat linkages, be maintained and expanded. It is the policy of the state of New Hampshire to encourage, wherever feasible and practical, voluntary steps to protect the functioning of wildlife corridors through various means, as applicable..."

- Connectivity between wildlife habitats is important to the long-term viability of the state's biodiversity. Preserving and connecting high-quality habitat for wildlife can create habitat strongholds....
- Because of the importance of wildlife corridors to assist in adapting to warming temperatures and shifting habitats and creating habitat strongholds, and in order to protect ecosystem health and biodiversity and improve the resiliency of wildlife and their habitats to such existing and potential changes, the fish and game department, in collaboration with the department of environmental services and the department of transportation, shall identify existing and needed wildlife corridors, including riparian corridors, and including potential crossings of transportation arteries...”
http://gencourt.state.nh.us/bill_status/billText.aspx?id=1001&txtFormat=html