

## **Species Status Assessments (SSAs) for Listings with State Input**

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Theme: National Resources and Environment

# Overview

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## Goal Statement

- All Fish and Wildlife Service decisions on species listings under the Endangered Species Act will be informed by state fish and wildlife agencies. By September 30, 2018, 100% of proposed species listings will be based on best available information that includes state input and/or data provided through participation in Species Status Assessments.

## Challenge

- Soliciting the best technical expert(s) to provide best available scientific information to inform the status of a species.
- Managing large groups for wide-ranging species for which many states will be involved.
- Participation by state representatives on SSA teams is voluntary. State participation can be through the submission of species data and information for consideration in the SSA, attendance of state representatives in SSA team meetings, or review by state representatives of the draft SSA document.
- Some states do not want to provide their data as it may be subject to release by the FWS under FOIA or may violate state law protecting landowner identity.
- Some states do not have authority over or expertise in invertebrates or plants, which make up the majority of listings.
- Not all SSAs result in proposed rules to list or delist/downlist a species. Similarly, not all proposed rules have an associated SSA.

# Overview

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## Opportunity

- The Species Status Assessment provides an opportunity for the FWS to work with the states to compile the best available scientific information about a species.
- States often have the most recent survey and research information about species found within their boundaries.
- Timely engagement early in the process with known species experts will ensure that the best available information and data is considered as part of the rule-making process to list a species under the ESA.

# Goal Structure & Strategies

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- For on-going SSAs for which a team has already been formed, the FWS will review participation. Many existing SSAs currently have participation from the state's fish and wildlife agency. For those that do not have sufficient state representation, the FWS will contact the respective governor's offices and state offices to request a representative as soon as possible. For species occurring on Tribal lands, the relevant Tribes will be engaged.
- For new SSAs (those for which a team has not yet been formed), the FWS will contact the respective governor's and state offices to request a representative to serve on the SSA team. For species occurring on Tribal lands, the relevant Tribes will be engaged.
- State representatives participating on SSA teams must be a state employee (i.e., not a contractor) and have relevant expertise in the ecology of the species (or similar species), the ecosystem, or the relevant biological stressors being analyzed.
- Quarterly reporting will be measured by whether states participated in the SSAs as indicated by the submission of species data and information by the states for consideration in the SSA or attendance by state representatives in SSA team meetings or comments provided by states on the draft SSA document.
- There could be times when the FWS invites state participation but the state declines to participate. If so, FWS will document that the state chose not to engage.

# Summary of Progress – FY 2018 Q1

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## **Level of results achieved**

- The initial review is presently underway and will be assessed at the end of Q3 FY 2018.
- After the initial review of existing SSAs and proposed rules that are already underway, activity will be dependent upon the onset of additional SSAs and associated rulemaking decisions.

## **Likelihood of success**

- High – Many SSAs already have participation from state fish and wildlife agencies.

## **Basis for the assessment**

- Inclusion of state expert representatives in the SSA process is integral to the success of the effort. This agency priority goal is consistent with program goals regarding use of the best available science in our decisions.

## **Actions planned to ensure achievement of the goal**

- Director's Memo to Regional leadership outlining expectations related to state involvement in SSAs.
- Step-down guidance for the Ecological Services Program regarding implementation of the Director's Memo and Agency Priority Goal.

# Key Milestones

## Milestone Summary

| Key Milestone  | Milestone Due Date | Milestone Status | Comments                             |
|--|--------------------|------------------|--------------------------------------|
| Quarterly Status Review  | Q1 FY 2018         | met              | initial review is presently underway |
| Quarterly Status Review  | Q2 FY 2018         |                  |                                      |
| Review of State participation in on-going SSA teams  | Q3 FY 2018         |                  |                                      |
| Solicitation of States for appropriate state participation in on-going (if needed) and new SSA teams | Q3 FY 2018         |                  |                                      |
| Quarterly Status Review  | Q4 FY 2018         |                  |                                      |

# Key Indicators

|   | FY18 Q1 | FY18 Q2 | FY18 Q3 | FY18 Q4 |
|---|---------|---------|---------|---------|
| % of SSAs, used in conjunction with a proposed listing, based on best available information that includes state input and/or data provided through participation in the SSA | N/A*    |         |         |         |
| Number of SSAs, used in conjunction with a proposed listing, with state participation, input and/or data in the SSA   | N/A     |         |         |         |
| Total number of SSAs used in conjunction with a proposed listing rule   | N/A     |         |         |         |

\* FWS did not provide data for Q1 while the scope and definition of the Priority Goal were still being discussed among DOI leadership and the Office of Management and Budget

# Data Accuracy and Reliability

- Means used to verify and validate measured values: Review of SSA team meeting notes, emails, and letters to determine whether State data and/or input was provided.
- Sources for the data: FWS meeting notes, emails or letters to/from States
- Level of accuracy required for the intended use of the data: Performance data is used for management purposes, as a representative indicator of progress in relation to the goal. The accuracy of the data is that which is considered necessary to provide a reasonable representation of the progress made relative to a target or goal for discussion purposes, so as to help:
  - determine if the progress is considered adequate
  - provide understanding of the ability for the processes/methods being implemented to achieve the goal
  - indicate if any further exploration or evaluation is needed to better ensure achievement of the goal; and
  - whether alternative action, including adjusting funding levels, facilities, workforce, IT capabilities, etc., is needed to help better ensure achievement of the goal.
- Limitations to the data at the required level of accuracy: Performance data is subject to potential errors from individual observation; miscommunication; and/or differences in qualitative judgement. However, based on multiple review levels and accuracy certifications, these limitations are not significant.
- How the agency has compensated for such limitations if needed to reach the required level of accuracy: Data is reviewed relative to its historical trends and programmatic context for plausibility, and is personally presented for review by senior officials to Departmental leadership and colleagues. Senior management and leadership consider this level of accuracy to be acceptable in their use of the data. Past experience in using the data, historical trend and programmatic context assessments, and bureau data quality certifications indicate that the limitations are considered minor and compensating measures are not considered necessary.

# Additional Information

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## Contributing Programs

- Fish and Wildlife Service:
  - Ecological Services – lead
  - Fisheries and Aquatic Conservation – engagement in SSAs for aquatic species
  - Migratory Birds – engagement in SSAs for migratory bird species
- National Park Service - engagement in SSAs for species occurring on NPS lands
- Bureau of Land Management - engagement in SSAs for species occurring on BLM lands
- US Geological Service – providing technical advisory services as species experts, modeling experts, etc.
- Association of State Fish and Wildlife Agencies (AFWA) – coordination and communication with the States
- State Fish and Wildlife Agencies – engagement in SSAs upon request
- Representative(s) designated by State Governors – engagement in SSAs upon request
- Tribes - engagement in SSAs for species occurring on Tribal lands
- National Forest Service - engagement in SSAs for species occurring on USFS lands

# Additional Information

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## Stakeholder Consultations

- This goal is being pursued due to the general concern of states and the Administration that there is not adequate state representation on SSAs.
- FWS will extend an invitation to the Governor to designate a state employee with the scientific expertise needed to inform the SSA. State representatives participating on SSA teams must be a state employee (i.e., not a contractor) and have relevant expertise in the ecology of the species (or similar species), the ecosystem, or the relevant biological stressors being analyzed.
- Invitations for participation shall be extended to the Governor's office and the state agency that has jurisdiction over the species to identify a state employee with necessary expertise to serve as the state representative on the SSA team. In most cases, the state agency with jurisdiction will be the state fish and wildlife agency, but in some cases may be another state agency, such as a department of agriculture or natural resources. For species occurring on Tribal lands, the relevant Tribes will be engaged.
- Quarterly reporting will be measured by whether states participated in the SSAs as indicated by the submission of species data and/or information by the states for consideration in the SSA or attendance by state representatives in SSA team meetings or comments provided by states on the draft SSA document.
- There could be times when the FWS invites state participation but the state declines to participate. If so, FWS will document that the state chose not to engage.