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AEC478

A Cooperative Agreement and the Implementation of the Endangered Species Act: How Extension Can Facilitate Stakeholder Involvement and Compliance[1]

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Introduction

The following EDIS publication provides a brief description of the Endangered Species Act and updated action pertaining to the endangered species issue. The goal of this publication is to provide brief but clear information about the legislation and current agreements around this issue that Extension agents can use to increase educated conversations. The protection of endangered species in Florida is a hot topic, and the public may call upon Extension agents as a source of unbiased information. Having an understanding of the conversations and agreements related to this important issue can help facilitate communication.

The U.S. Congress passed the Endangered Species Act (ESA) in 1973. The ESA is jointly administered by the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service. The purpose of the ESA is to protect and recover imperiled species (Council for Agricultural Science and Technology, 2009). Conservation efforts are broadly segregated into three divisions: 1) land acquisition, 2) education programs, and 3) permitting of habitat destruction and taking listed species. Funding for the ESA expired October 1, 1992, but Congress has appropriated funds to the program every year since (Congressional Research Service, 2007).

The Endangered Species Act and Agriculture

The ESA has been perceived to place burdens on agricultural land use via grazing permits, invasive weed control practices, forest harvesting, and reforestation of public and private lands (CAST, 2009). Since the 1970s, there has been an increase in the number of species added to the protected list. There has also been an increase in economic growth and the U.S. population. These occurrences have contributed to increased tension between regulated parties (e.g., developers, agricultural land stewards), environmental groups, and policy makers with regard to the implementation of the ESA (Congressional Research Service, 2007). Some agricultural interest groups may have assumed that the implementation of the ESA has induced negative economic impacts on local communities. In 1995, Stephen Meyer evaluated the economic impact of the ESA on the agricultural sector. He concluded that despite the increase in the number of listed species from 1975 to1990, there was no negative impact on states' growth in agricultural products or change in farm real estate value.

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The national effort to protect endangered species is spurred by rapid extinction (Mazzotti, 2011). Although extinction is a natural process, accelerating extinction rates that could not be explained by natural causes stimulated development of policy and regulation to protect them (Mazzotti, 2011). The leading causes of extinction include habitat loss via development and pollution, introduction of non-native species, and overkilling or overharvesting (Mazzotti, 2011). The impetus to protect listed species is not because of the perceived importance of one particular species, but the acknowledgment that so many kinds of species are valuable within an ecosystem (Mazzotti, 2011). Species protection can be of particular importance to the agricultural sector. Listed species can be a source of biodegradable agricultural chemicals (e.g., pesticides). Additionally, listed species' genetic material could be used in genetic engineering or crossbreeding practices and contributes to the development of new crops and products (Mazzotti, 2011).

Criticisms of the Endangered Species Act

Critics state the ESA does not provide

- clear guidance on assessment, consultation, or the enforcement process;
- consideration of the complexities of ecosystems;
- implications of proposed actions on affected stakeholders; or
- procedures to utilize sound science from nonfederal agencies or between agencies from different regulatory drivers (CAST, 2009).

Science writer Norris Scott (2004) expressed the need for clarity in procedures, an increase in agency flexibility, and the use of positive incentives to maximize the efficiency of implementing the ESA. Additionally, programs based on the ESA need to be streamlined, with greater coordination between agencies and increased stakeholder participation in decision making (Scott, 2004). Implementing these changes would increase the likelihood of efficient resource use, maximize common understanding of the action to be taken, and reduce conflict when developing solutions (CAST, 2009).

The Endangered Species Act in Florida

Section 6 of the ESA dictates that a cooperative relationship must exist between the FWS, the National Marine Fisheries Service, and the state agencies administering the conservation programs (Florida Fish and Wildlife Conservation Commission, 2011). In order to enter a cooperative agreement, state agencies must establish and maintain "adequate and active" conservation programs for listed species (FWC, 2011, p. 1). The federal agencies then agree to work collaboratively with the state in implementing state programs (FWC, 2011). The Florida Fish and Wildlife Conservation Commission (FWC) entered into a cooperative agreement in 1976. This agreement was renewed annually until 2001. In 2001, a new agreement replaced the earlier agreement and has been renewed annually (FWC, 2011).

Florida has a very prominent and extensive state conservation program. More than $18 million in state funds are appropriated annually to support state conservation efforts. Several state agencies oversee more than 9.8 million acres of conservation lands. Additionally, state agencies' efforts are supported by hundreds of expert scientists and land management staff (FWC, 2011). In 2008, revision of the cooperative agreement between the FWS and the FWC was initiated to 1) "facilitate recovery of species" under the ESA and 2) decrease "unnecessary duplication of effort" (FWC, 2011, p. 3). This was instituted because state agencies had duplication of issued permits and occasional inconsistencies in recommendations and management practices. These inconsistencies impacted the conservation agencies, conservation land managers, and the regulated community (e.g., developers and agricultural stewards) (FWC, 2011).

On May 14, 2012, the FWS and FWC signed a new cooperative agreement in which Florida agencies agreed to work cooperatively with one another in the "development of programs, plans, and projects" for listed species (U.S. Fish and Wildlife Service, 2012, p. 3). The agencies also agreed to develop and implement species management and recovery plans with greater stakeholder involvement (FWS, 2012).

It will take time to evaluate the effectiveness of this new agreement. Its successful implementation has the potential to generate more predictable outcomes on species conservation and impact on stakeholders, increase the efficiency of the permitting process, help ensure more pragmatic interventions, and help maximize effective resource use.

The Role of Extension

What role can Extension play in facilitating the effective implementation of this new cooperative agreement? The historical premise of Extension is to capitalize on the power of local involvement and support when implementing new initiatives (Campbell, 1998). With Extension agents working in every county in the state of Florida, UF/IFAS Extension can serve as a liaison between the federal and state agencies and the local communities that are impacted by the rules of the ESA. Extension agents can serve those residents within agricultural communities who may feel threatened by and distrustful of nonresident federal and state agency employees because of previous low-quality interactions between multiple stakeholders (CAST, 2009; Scott, 2004).

Extension programs should emphasize communication between federal and state agency workers and local community members. This could include distributing hard-copy publications, creating a website dedicated to ESA dissemination, and sponsoring town hall-style meetings or community workshops about ESA topics. Extension agents should evaluate their programs to determine

- knowledge gained by community members regarding current and pending legislation;
- knowledge gained by agency employees regarding community issues and concerns, as well as community-inspired solutions to problems; and
- the level of participation between local community members and agency employees in determining benchmarks and standards that enforce the requirements of the ESA (e.g., Arnstein, 1969).

By staying up-to-date on shifts and changes surrounding the protection of endangered species, Extension agents can work closely with their county partners to ensure affected parties are equally informed as they approach decision making surrounding contentious issues. New cooperative agreements are difficult to implement; however, the networks Extension agents have developed within their communities can be used to start conversations surrounding the ESA.

Lastly, the state of Florida enacted the Rural Economic Development Initiative (REDI) to coordinate state and regional efforts that impact Florida's rural communities (Cothran, Mulkey, & Blakeslee, 2008). The FWC and UF/IFAS participate in REDI activities, which

- review and evaluate the impact of statutes and rules on rural communities and work to minimize potentially adverse impacts of these rules; and
- work with communities to improve rural economies by finding ways to balance environmental management and growth management issues with local needs (Cothran et al., 2008).

The FWC and UF/IFAS should leverage its involvement with REDI and the newly signed cooperative agreement to galvanize stakeholder involvement and maximize cooperation, including the streamlining of conservation efforts.

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