



SAVING SPECIES ON PRIVATE LANDS: **UNLOCKING INCENTIVES TO CONSERVE WILDLIFE AND THEIR HABITATS**

BY LOWELL. E. BAIER



Saving Species on Private Lands is the second volume of Lowell Baier's proposed trilogy, or possibly a four-volume treatise on the conservation repercussions of America's iconic environmental law, The Endangered Species act (hereafter ESA). ESA was first passed in 1966 in halcyon days of early environmental activism, expanded in 1969, and set in its current concrete form with Congressional passage in 1973. Despite three subsequent amendments, the law prevails today substantially in its 1973 format, 47 years later. Having started my career in 1973 in the office in the Department of Interior where the law was written, I have spent the ensuing five decades trying to make this statute function and have positive on the ground conservation effects.

Baier's first volume. The monumental brick of a book, *Inside the Equal Access to Justice Act* (EAJA), is magnificently comprehensive as it dissects the malignant underbelly of the environmental movements' attempt to eradicate a century of conservation utilization first placed on our national landscape by President Theodore Roosevelt and Chief Forester Gifford Pinchot. The movement has sought for three decades and more to bankrupt the livelihoods of ranchers, farmers, and forest enterprises in our western states. Environmentalists'

use of EAJA to pursue saturation litigation on the backs of ESA, NEPA, CWA to disembowel the conservation mission of our land management agencies reminds me of Thomas Wolfe's lament in *YOU CAN'T GO HOME AGAIN* (1934)...I'm thinking about America...Sometimes it seems to me that America went off the track somewhere. Instead of going ahead and developing along the line in which the country started out, it got shunted off in another direction, and now we look around and see we've gone places we didn't mean to go. Suddenly we realize that America has turned into something ugly-and vicious-and corroded at the heart of its power..."

BAIER'S BOOK ENUMERATES AND EXPLAINS THE ALPHABET SOUP OF PROGRAMS THAT ENGAGE FARMERS, RANCHERS AND FOREST OWNERS IN THE NITTY GRITTY OF CONSERVATION ACROSS OUR NATIONAL LANDSCAPE: EQUIP, CSP, CRP, ACEP, HFRP. THESE PROGRAMS ARE THE WORK HORSES OF SPECIES RECOVERY IN AMERICA TODAY.

Following his first volume's treatise on environmental litigators' emasculation of federal conservation agencies, Baier next turns his attention to the largest potential market for the conservation of endangered species in the 21st century, the 13 plus million private landowners who control 71% of the lower 48 states. With the overwhelming media and environmental focus given to our nation's public lands (National Parks, Refuges, Forests, and BLM lands), few Americans realize that the vast majority of quality habitat for endangered species remains

under the stewardship of private landowners. Even in western states dominated by public lands (Idaho is 68% public, and Nevada is 92% public), private lands are disproportionately important because that is where the water is- and habitat in private ownership hosts the biodiversity that migrates to public lands seasonally.

SAVING SPECIES is not a barn burner of a book for general readership. However, if you are in any way a private land owner of 5 acres or more or involved in conservation through one of our nation's 1,400 land trusts, 3,300 conservation districts, involved in corporate sustainability enterprises, and involved in a federal or state conservation agency, this book is a must read.

Today most environmental organizations and their media mouthpieces focus on the Department of Interior as the savior of endangered species because its agency, the US Fish and Wildlife Service supervises the Endangered Species Act. However, in the last 40 plus years, USFWS has morphed into a regulatory agency with very limited program capacity actually to enhance species recovery. Its only program to outreach and cooperate with private landowners is called Partners for Fish and Wildlife, which I helped start with National Fish and Wildlife Foundation grants in the early 1990s. Beyond Partners, a \$60 million program annually, Interior is a toothless dog for contributing to species recovery. The Federal elephant in the room for conservation and SAVING SPECIES is USDA, our Department of Agriculture, which has a multitude of programs to incentivize, finance, and cooperate with private landowners. Baier's book enumerates and explains the alphabet soup of programs that engage farmers, ranchers, and forest owners in the nitty-gritty of conservation across our national landscape: EQUIP, CSP, CRP, ACEP, HFRP. These programs are the workhorses of species recovery in America today. I'll not try to elucidate the program particulars behind the acronyms, read the book. In the real world where on the ground conservation actually occurs, USDA is our lead conservation agency contributing to actually SAVING SPECIES. It is our workhorse, and the USDA motto is: "Keep Working Lands Working" providing a marriage between a sustainable economy and the environment which would make our forbearers, Roosevelt and Pinchot, proud.

Who in America today knows that our Department of Defense has one of the best habitat protection and species recovery programs in the federal government? It is called REPI (Readiness and Environmental Protection Integration program), another vintage federal bureaucratic acronym. However, on the ground, it works magnificently, building green envelopes of species habitat around our major military bases. In 2019 there are REPI programs on 106 DOD installations in 33 states. From 2002 to 2018, REPI executed 1,922 transactions with landowners protecting 586,665 acres of habitat at the cost of \$1.6 billion.

There are myriad federal, state, nonprofit programs and organizations supporting species conservation on private lands, most are unknown to the general public, but synopses of all are included in Baier's book, which serves as a Webster's dictionary for private landowners trying to find assistance to implement conservation activities on their lands. Many of the more recent technical programs of the Endangered Species Act that interface with private landowners are arcane and highly technical such as Habitat Conservation Plans (HCPs), Safe Harbor Agreements, Candidate Conservation Agreements with assurances. They are beyond the ken of lay audiences but critical for larger landowners coping with the nightmarish regulatory framework of our federal agencies.

An untold story in American conservation and completely overlooked reality of on-the-ground conservation is the day in day out work of private landowners who are the principal stewards of endangered and threatened species nationwide. Lowell Baier's book sheds first light on this critical conservation story.

*Amos S. Eno
President & Founder,
Land Conservation Assistance Network
Executive Director,
National Fish and Wildlife Foundation (1991-1999)*