

## **Framework for Joint Selection of Surrogate Species**

**by the U.S. Fish and Wildlife Service and State Fish and Wildlife Agencies**

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This framework provides a way for the U.S. Fish and Wildlife Service (Service) and State Fish and Wildlife Agencies (States) to work together in the selection of species to serve as surrogates in landscape conservation design. We believe that this framework accomplishes a path forward on several important points:

- It establishes a peer-to-peer relationship between the Service and the States
- It respects the different authorities and responsibilities of States and the Service
- It clarifies the decision-making roles of the States and the Service
- It helps define the role of LCCs, not as decision bodies, but rather as forums providing significant additional capacity, information, and tools to assist States and the Service with approaches to landscape-scale conservation in their geographies.

For the purposes here, federal trust species are migratory birds, federally endangered and threatened species, some marine mammals, and interjurisdictional fish. State trust species include all other species of fish and wildlife. State and Federal roles and authority are described in 43 CFR 24<sup>1</sup>, which provides general jurisdictional principles at § 24.3 (a):

“In general the States possess broad trustee and police powers over fish and wildlife within their borders, including fish and wildlife found on Federal lands within a State. Under the Property Clause of the Constitution, Congress is given the power to “make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

§ 24.3 (a) further sets out exceptions to this general jurisdictional principle such as when Congress has specifically given authority to the Secretary of the Interior to manage fish and wildlife resources, such as endangered and threatened species, migratory birds, certain marine mammals, and some anadromous fish.

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<sup>1</sup> 43 CFR 24 is available at:

[http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=5717b12bf35a7700b537919492cd2b5e&tpl=/ecfrbrowse/Title43/43cfr24\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=5717b12bf35a7700b537919492cd2b5e&tpl=/ecfrbrowse/Title43/43cfr24_main_02.tpl)

## Framework

- The Service and States will work together to decide the initial pool of species to be represented and the initial pool of surrogates. While input may be obtained from others, the decision on the final suite of surrogate species selected rests with the States and the Service. State Wildlife Action Plans are a valuable starting point and resource for discussions.
- The Service will not select State trust species as surrogates without concurrence from the State(s) involved.
- The initial scale for selection of surrogate species could be within the geographic boundaries of Landscape Conservation Cooperatives (LCC's). Sometimes the scale will need to be smaller than an LCC boundary and sometimes species and landscapes will transcend multiple LCC geographies. When the appropriate scale is determined, whether smaller or larger than an LCC geography, the Service and States will work together to coordinate across all administrative boundaries.
- If a State or group of States agrees on using a State trust species as a possible surrogate, the surrogate population objective will be identical to the State population objective or combined State objectives. If population objectives do not exist, the State(s) will develop population objectives in a consistent and coordinated manner with the Service. If the State(s) do not choose to develop population objectives, the State(s) and the Service will discuss.
- If no population objectives exist for federal trust species, the Service will develop population objectives in a consistent and coordinated manner with the affected State(s).
- The Service and the States will jointly decide the monitoring, data management, and reporting protocols necessary for surrogate species, subject to approval of such protocols, for state trust species, to the states involved.
- The Service and States may reach out to and use LCCs or other sources for scientific expertise on issues like decisions of scale, which species are best suited as surrogates, the development of robust monitoring protocols, and other topics. This input may inform the ultimate decisions made by the States and the Service.

## Additional Considerations

- We acknowledge that existing efforts around the country are moving forward at different paces, and we are comfortable with those moving forward as long as the framework outlined here is followed.
- We desire some sort of formalized mechanism for FWS and States to move forward together in this context and make decisions together (a possible example might be a

“decision council” patterned after the flyway councils). A joint State-FWS team could address this need further, including discussing details that need to be worked out. The desire is for a forum(s) that could be seen as a way that the States and Service make decisions over time that is more formal than single personal contacts and can transcend changes in people and relationships over time. Another example of a potential mechanism is agenda time specifically put into each of the regular regional meetings of the State and Service directors of the Fish and Wildlife Associations.

This mechanism should address the following decision points:

- scale(s) for selecting surrogates
- selection of surrogates
- setting population goals for surrogates
- agreement on monitoring protocols
- evaluating the approach taken and determining if adjustments are needed

This mechanism will define roles and responsibilities, including potential roles for LCCs. The team should plan to report out no later than the September 2013 AFWA meeting.

- This joint surrogate species approach might inform, or could be a first step in, a larger joint approach to the Strategic Habitat Conservation paradigm for landscape scale conservation.