



United States Department of Agriculture
Natural Resources Conservation Service



Working Lands for Wildlife

Bog Turtle

ESA Predictability Frequently Asked Questions

What is Working Lands for Wildlife? Working Lands for Wildlife (WLFW) is a partnership between the USDA Natural Resources Conservation Service (NRCS), the U.S. Fish and Wildlife Service (FWS) and private landowners. The effort provides farmers, ranchers and forest managers with Endangered Species Act (ESA) predictability for their voluntary conservation efforts. These efforts will help restore populations of specific declining species and strengthen rural economies by protecting the productivity of working lands.

Why should I enroll? WLFW provides financial assistance for landowners who choose to implement conservation practices for the bog turtle and manage their property as working land. Further, WLFW provides landowners with ESA predictability for the conservation practices since the species is listed as threatened under the Endangered Species Act.

Where do I go to get started? Contact your local NRCS service center. A NRCS planner will determine if your property has habitat that is suitable, or can be improved or can be created to benefit the bog turtle. If so, the NRCS planner and the landowner will jointly develop a conservation plan that will include a combination of conservation practices and measures.



Photo: USDA NRCS

Bog turtle

What happens if I agree to create, maintain or improve habitat for the bog turtle? Through WLFW, landowners receive regulatory predictability that ESA issues connected to the WLFW conservation practices and associated conservation measures will have been addressed for a 32-year period ending July 27, 2045. By providing this predictability, FWS encourages long-term implementation of the conservation practices and associated measures.

For the duration of the WLFW contract, the landowner must follow conservation measures tied to each conservation practice and maintain all existing or created habitat. There are no additional ESA actions or responsibilities required for the WLFW conservation practices and measures.

What habitat management responsibilities would I have for habitat and the bog turtle after my contract with NRCS expires? You will not be required to continue the conservation practices and measures after the contract expires. If you choose to continue using the WLFW conservation practices and measures beyond the contract duration, you will have no additional responsibilities under the ESA for a 32-year period ending July 27, 2045. If you change the management of the land that supports the bog turtle and do not follow the WLFW conservation practices and measures, you will not be covered by the ESA regulatory predictability developed by the NRCS – FWS partnership. You may want to discuss anticipated management changes with your local NRCS service center.



Photo: USDA NRCS

Bog turtle habitat

What if I want to pursue activities on my land that aren't covered by WLFW? The specific conservation practices covered under WLFW relate to routine agricultural operations and actions that benefit working lands and wildlife conservation. WLFW does not cover activities such as development for residential or industrial land uses, conversion to intensive commercial timber management, installation of energy related infrastructure or any other non-traditional agricultural activity. If there are specific questions, please contact the local NRCS service center.

How is the ESA predictability provided to me under WLFW different from the assurances received under a Safe Harbor Agreement? A SHA is a voluntary agreement between a landowner and the FWS that benefits a particular listed species through specific conservation measures. Through a SHA, the FWS agrees not to ask for more than the agreed-to conservation actions, allows a certain level of incidental take related to the specified management action and allows the landowner to return the habitat maintained or created to the original (baseline) condition at the end of the agreement.



Photo: USDA NRCS

Juvenile bog turtle

Under WLFW, no baseline condition of the species is documented. The landowner cannot return the habitat maintained or created to the original condition AND continue to be qualified for predictability. The predictability under WLFW is tied specifically to the implementation of the conservation practices developed by the NRCS – FWS partnership.

What is incidental take? "Take" is defined as: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or to attempt to engage in any such conduct; may include significant habitat modification or degradation if it kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.

"Incidental take" is defined as: Take that results from, but is not the purpose of, carrying out an otherwise lawful activity.

Does my participation in WLFW preclude my participation in a SHA? No, currently there are no SHAs in place for the bog turtle. However, if there is sufficient interest from landowners, a future SHA is a possibility. Because a SHA usually addresses management actions such as road building or timber management in addition to agriculture, and allows for a return to the original baseline conditions, a landowner may find it beneficial to enroll in a SHA in addition to WLFW.

Does WLFW offer predictability with regard to state regulations? No. The predictability offered under WLFW applies only to the ESA and not to any other state or federal law or regulation.

For more information about WLFW, visit <http://goo.gl/mE74va> or contact your local NRCS service center. Visit www.nrcs.usda.gov, to learn more about NRCS conservation programs.