

## **No Good Deed Goes Unpunished: Removing Barriers to Wildlife Conservation on Private Lands**

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### **'No good deed goes unpunished...'**

- You decided to do your part and adopted sage grouse conservation measures to avoid listing. Now....
- **Land use restrictions?** (*'You still have great habitat and grouse numbers, we're going to include you critical habitat and make sure you manage it right'...*)
- **Neighbors are exasperated** (*'we told you to plow up that sage like we did-now keep them grouse on your land'...*)
- **Rest 20% of pastures each year for nesting habitat** (*County assessor claims you are 'under-stocked' and plans to increase your tax rate...*)
- *My conscience says I'm doing the right thing, but it's increasing management complexity, cost & uncertainty*

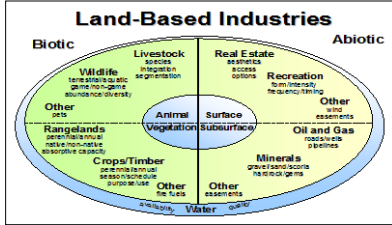
## **Unintended Consequences**

- **To landowners:**
- **Loss of property rights** (*water, access control*)
- **Loss of management flexibility** (*grazing/habitat use restrictions*)
- **Loss of revenue** (*crop depredation, forage, AUM's*)
- **Increased costs** (*predator avoidance measures, tax increases*)
- **Neighbor relations** (*nuisance and liability issues*)
- *Agencies aren't immune...*
- **Agency policies can** inadvertently hinder landowner conservation efforts (*WL, land, water*)

## **Presentation Summary**

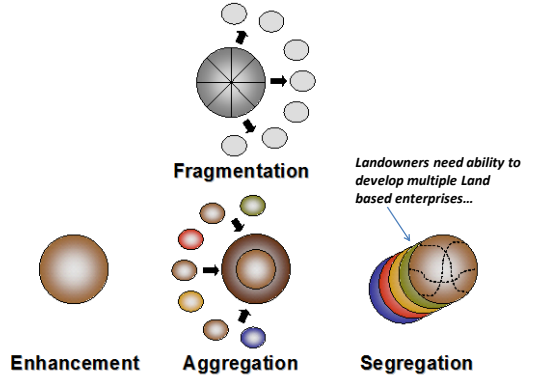
- **Discuss how well-intentioned landowner actions and governmental policies can create unintended consequences and barriers to conservation efforts.**
- **Discuss strategies and actions to negate 'barriers', facilitate and reward voluntary landowner conservation efforts.**

*Economic reality is, ranches are businesses...*



- Landowners want their properties to generate revenue and other personal values.
- Revenue allows good people to do good things, allows owner to increase ranch value and conservation goals.
- Land not producing desired values is at risk of changing hands or changing land-use.
- Policies and incentives can help or hinder effort

## Four Forms of Development



## Livestock Grazing



*How are these cattle affecting condition and trend?*

## Grazing...

**Unintended consequences:**  
Federal grazing regulations intended to protect land health can also hinder adaptability and creativity

**Barriers:**

- Lack of solid range condition and trend documentation.
- Costly, time consuming NEPA process...
- Hinders implementation of adaptive grazing practices.
- lawsuits and appeals

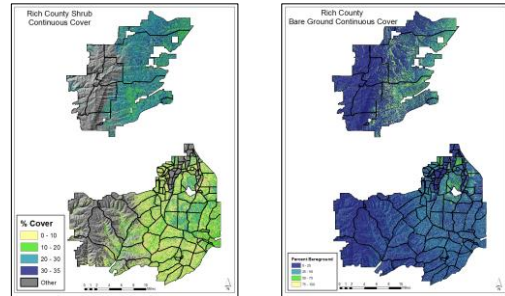


## Grazing for Land Health?

- Monitor and document grazing practices (& *practitioners*) doing exemplary land stewardship
- Promote grazing principles and practices which increase: profitability, soil carbon, watershed function, wildlife habitat and *resilience and resistance* to change.
- Advocate for adaptive, private-public land stewardship partnerships (*streamline NEPA?*)



## Compare Grazing Effects on Paired Landscapes



## Wildlife Conservation

- *Barriers*: landowners fear losing management control, flexibility, revenue, & fear increased costs, regulation, liability and lawsuits.
- Solutions which improve landowner *certainty, control and value* can be effective.



## Public Wildlife and Private Lands Landowner Incentive Programs (Game Species)

- Programs providing *guaranteed permits* to landowners and clients encourage co-existence with Big Game (*provides value, and some control of populations and hunters*). (CWMU, Ranching for WL)
- Many Walk-In-Access programs (*both hunting and fishing*) also provide value and control.
- Funding partnerships with agencies and NGO's can also provide value, management assistance and *recognition of the importance of private lands conservation*.

### Public Wildlife and Private Lands Landowner Incentive Programs (Game Species)...

- With proper incentives, these programs could also conserve big game movement corridors and species of concern.
- Increase *Certainty* and *Value* by scaling permit availability, offering longer contracts and seasons to landowners who:
  - partner with neighbors to secure corridors, winter range
  - implement conservation measures for species of concern on their lands.



### Public Wildlife and Private Lands

- Well managed or restored streams, wetlands and uplands can produce abundant fish and wildlife
- Private land contributions to Conservation must be part of discussion in access policy development (*more than just 'who gets to fish'*)
- Because excessive public access to private streams, wetlands and uplands can become disincentive to landowner conservation efforts.



### Public WL and Private Lands....

- Reinterpretation of stream access laws in UT, NM, MT have put some privately funded stream/fisheries restoration efforts on hold. Creates uncertainty, less value.
- Lacking 'certainty' regarding access laws, landowners are less likely to invest in expensive properties and restorations.
- Encourage stream/fisheries conservation with innovative programs (*creative Walk-in Access?*) that provide certainty and benefit both landowners and public.



### Wildlife Conservation-Species of Concern

- Attempt to introduce endangered black-footed ferrets in Utah failed, despite broad (Safe Harbor) protection to landowners and adjacent counties. *Reintroduction required county approval.*
- Residents concerned an uncompromising NGO would litigate for livestock grazing reductions (on public allotments) to increase prairie dog forage (as ferret habitat).
- NGO would not provide assurance, NGO refused, and county declined.
- Collaboration needed



### Wildlife Conservation-Species of Concern

- Proposed Greater Sage Grouse introduction to Southern Colorado Ranch was put on hold due to Agency inability to provide pre-listing conservation assurances for adjacent landowners.
- **Solution:** Need to modify or develop appropriate assurance mechanism (*modify CCAA or Safe Harbor?*)



### Water: In-stream flows for fish, beneficial use, and abandonment

- **Barrier:** In many states, landowners risk losing water rights (abandonment) if water is used to increase in-stream flows for fish.
- Not considered beneficial use.
- **Solution:** Some states (MT, UT) now allow conservation organizations to lease water rights (term lease) from willing lessees without risk of abandonment or permanent change of use.



### Water: Priority Rights

- 'First in time, first in line' water right prioritization rule can leave wildlife and junior shareholders without water in drought times.
- **Solution:** Collaborative efforts in Montana reward senior shareholders for voluntarily sharing water with junior shareholders and wildlife, keeping junior shareholders and fish 'afloat' during drought.



### Energy: Split Estate

- Split estates (mineral and surface under different ownerships) present challenges to surface owner's desire for wildlife habitat management, Conservation Easements, Safe Harbor agreements.
- **Solution?** Need up-front collaborative planning (surface, mineral and regulatory) to coordinate production and conservation.
- **Reward? Certainty and Value**



## Energy and Forest Restoration

- *Plan:* A CO Landowner desired to use clean CBM-generated water to irrigate tree seedlings in reforestation project after large fire.
- *Unintended Consequences:* Incompatible water policies among three State water agencies scrubbed a simple and environmentally sound project.



- *Solution:* Need coordination between agencies to encourage, facilitate and reward creative conservation efforts

## Forestry: Fuels Reduction Conundrum

- County informed NM landowners to reduce forest fuel loads, otherwise unwilling to pay fire suppression costs, however....
- County burn ban prohibited prescribed fire as a mgt tool.
- Landowner could log small diameter fuels and decadent aspen (costly, deficit cut)....
- **but if timber cuts are not profitable, landowner loses Forest-Ag Tax status! (significant tax increase)**
- *Consequences:* Disincentive to manage for healthy forests



## Agricultural Tax Qualification

- *UT and NM Policy:* Must stock livestock at 50% of estimated forage production, in attempt to separate true Ag lands from 'housing developments in waiting'
- However, also reduces ability of legitimate producers to reduce stocking rate for land health and wildlife conservation considerations



## Agricultural Tax...

- *Unintended Consequences:* elderly life-long ranchers risked losing their ag tax status if they 'retired' and reduced their herd size.

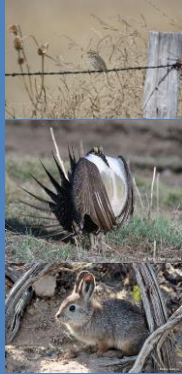


("Cowboy up?")

- *Solution:* Some states (Texas is one) consider wildlife conservation and Agricultural production as land-based 'products' of working ranches, and tax them alike.

### Greater Sage Grouse and SGI

- **Collaborative**, strategic, ecosystem-oriented landscape scale recovery.
- **Partnering** of Private, State and Federal lands & agencies
- **Well funded** (NRCS Farm Bill-SGI programs)
- **Prioritized** 'core' recovery areas, habitat focused, multi-species benefit (*GSG is focal specie*)
- **Landowner incentives & rewards**
- **However, to be successful must protect participating landowners**



### Coexisting with Large Carnivores

- **Collaboration, not conflict**
- **Provide landowners with knowledge, incentives and tools for co-existence**
- **Focus on *Functional Systems*, not single species welfare**
- **Develop long-term funding sources for compensation and co-existence (*losses will occur*)**



### Fostering Private Lands Conservation

- Conservation of wildlife, WL habitat and other ecological services need to be prioritized, encouraged, facilitated and rewarded in policy development at *all levels* of government.
- Plethora of Federal, state and county Agencies must consult & modify policies to be complementary and not hinder landowner conservation efforts (*unintended consequences*)



### Facilitate Conservation Partnerships, Document and Reward Landowner Conservation

- Voluntary conservation measures successfully implemented by landowners must be documented and recorded in order to facilitate landowner recognition, rewards, mitigation credits & exchanges.
- Who to document and record actions, and oversee transactions?
  - Government agencies alone?
  - Private sector with Governmental partnership & oversight
  - *\*(likely needs to be led by private sector)*

