

Survival Permit Processing may obtain a copy by contacting the Division of Conservation and Classification, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420, Arlington, Virginia 22203 (telephone (703) 358-2105), and may be viewed at: <http://endangered.fws.gov/candidates/ccaahandbook.html>. Written comments and materials regarding the draft guidance should be directed to the same address. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Chris Nolin, Chief, Division of Conservation and Classification, U.S. Fish and Wildlife Service, at the above address (703) 358-2105.

SUPPLEMENTARY INFORMATION:

Background

The Candidate Conservation Agreements with Assurances Policy, dated June 17, 1999 (64 FR 32726), is intended to facilitate the conservation of species proposed for listing under the Endangered Species Act (Act), species that are candidates for listing, and species that become candidates, by giving non-Federal property owners incentives to implement conservation measures for declining or at-risk species. The incentives available through Candidate Conservation Agreements with Assurances involve the Service providing property owners certainty that no further land, water, or resource use restrictions beyond those agreed to in the Candidate Conservation Agreement with Assurances will be imposed if the species later becomes listed under the Act. If the species does become listed, the property owner is authorized, through an enhancement of survival permit that is issued in association with the Candidate Conservation Agreement with Assurances, to take the covered species as long as the level of take is consistent with the level identified and agreed upon in the Agreement. Before entering into a Candidate Conservation Agreement with Assurances, however, the Service must determine that the benefits of the conservation measures to be implemented, when combined with the benefits that would be achieved if it is assumed that conservation measures were also to be implemented on other necessary properties, would preclude or remove any need to list the covered species. "Other necessary properties" are other properties on which conservation measures would have to be implemented in order to preclude or

remove any need to list the covered species. These assurances will be provided in the property owner's Candidate Conservation Agreement with Assurances and in an associated enhancement of survival permit issued under section 10(a)(1)(A) of the Act.

The purpose of the Candidate Conservation Agreements with Assurances Program is to facilitate the conservation of proposed and candidate species, and species that may become candidates. Much of the property containing our nation's fish and wildlife and their habitat is owned by private citizens, States, local governments, Native American Tribal governments, conservation organizations, and other non-Federal entities. The future of many of these declining species is dependent upon conservation efforts on these non-Federal lands, but conservation efforts for these species will be most effective and efficient when initiated early in a species' decline. Early conservation efforts can, in some cases, preclude or remove any need to list species as threatened or endangered under the Act. By preventing or removing the need to list a species through early conservation efforts, property owners can maintain land use flexibility. Specifically, initiating or expanding conservation efforts before a species and its habitat are critically imperiled increases the probability that simpler and less expensive conservation options will be available and that conservation of the species will more likely be successful.

This draft handbook provides consistent procedures and policies for the Service's compliance with the enhancement of survival permit provisions of section 10(a)(1)(A) of the Act. Consistency in the section 10(a)(1)(A) program will be achieved by (1) providing national procedural and policy guidance; (2) providing standardized guidance to our offices and personnel who participate in the Candidate Conservation Agreements with Assurances program and review and process enhancement of survival permit applications; (3) ensuring uniform Service compliance with section 10(a)(1)(A) of the Act associated with a Candidate Conservation Agreement with Assurances; (4) providing assistance to applicants in the non-Federal sector who wish to apply for enhancement of survival permits; and (5) providing for conservation of federally proposed, candidate, and other at-risk species.

Public Comments Solicited

We intend that a final decision on the Draft Handbook for Candidate Conservation Agreement with

Assurances and Enhancement of Survival Permit Processing will take advantage of information and recommendations from all interested parties. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this draft document are hereby solicited. All comments and materials received will be considered prior to the approval of a final document.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Required Determinations

Regulatory Planning and Review

This Draft Handbook for Candidate Conservation Agreements with Assurances and Enhancement of Survival Permitting Process will not have an annual economic effect of \$100 million or more, or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. A cost-benefit and economic analysis is not required.

a. The purpose of the draft handbook is to clarify concepts previously discussed in the CCAA Policy and is intended as guidance for the Service and applicants to use with the existing CCAA and enhancement of survival permitting process. Any economic effects associated with enhancement of survival permits and the CCAAs under which they are issued would be attributable as effects of the Agreements under section 10(a)(1)(A) of the ESA. We are issuing the guidance to assist applicants with filing adequate CCAAs under section 10(a)(1)(A) and would not expect to generate economic effects. Further, this notice concerns a handbook being issued for education purposes which is expected to assist applicants by promoting a better understanding of application requirements. As such, the Government expects a positive effect on the environment because the guidance improves the CCAA development and enhancement of survival permitting processes by addressing the various concepts associated with these processes.

As of December 2002, the Service has issued 5 enhancement of survival permits, and approximately 30 CCAAs are currently under development. Any economic effects associated with the 30 CCAAs under current review would be attributable to the implementation of the CCAA policy itself and not to this