

# **“Candidate Conservation Agreements”**

*Permits for those who Operate in the  
Habitats of Threatened or Endangered  
Species*

# Two Standards in the Law

- “Each federal agency shall insure that any action authorized, funded or carried out by such agency is not likely to jeopardize the continued existence of (listed) species” (Sec. 7, all species)
- “It is unlawful for any person to take any (listed) species within the United States” (Sec. 9, fish and wildlife only, not plants)

# So, Landowners Face a Choice

- Be prepared to prove that your land management practices will not “harm” an endangered or threatened species, or,
- Explore what Section 10 offers as a way to allow you to continue what you do even though it may arguably “harm” a listed species.
- Do nothing and hope for the best



# Expect That Most Sec. 10 Permits Will...

- Take some time to develop,
- Require outside expertise,
- Involve a lot of negotiation,
- May require some changes on the ground,
- Have long term monitoring obligations, and,
- Generally cause you to question your sanity



**CCAA's are the only existing legal method for insulating private landowners from the more punitive aspects of the ESA, if a species were to be listed as "threatened" or "endangered"**