

Huron-Maximetti

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

R-9-RRE&W

REPLY TO: 2630 Habitat

March 13, 1974

SUBJECT: Endangered Species Act of 1973 and HR 11537



TO: Forest Supervisors and Division Chiefs

Two recent items of legislation dealing with wildlife will have an effect on management of National Forest System lands.

ENDANGERED SPECIES ACT OF 1973

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The recently enacted "Endangered Species Act of 1973" (P.L. 93-205) is of direct interest to the Forest Service in the management of habitats for endangered and threatened species on National Forest lands. The Washington Office has been meeting with the Bureau of Sport Fisheries and Wildlife as a basis for establishing direction for Forest Service responsibilities under this Act. In the interim, National Forests in the Eastern Region should:

1. Review P.L. 93-205 (copy enclosed). Particular emphasis should be given to Section 7, "Interagency Cooperation." This section spells out the responsibilities of the Department of Agriculture under this Act. Preliminary contacts with the "Bureau" and State personnel are desirable. We should be involved in cooperating with the various States in developing State lists of endangered species as part of State programs to protect endangered wildlife. We are aware that many of you have been working toward this goal.

Memorandums or agreements pertaining to P.L. 93-205 should not be undertaken until the WO provides National direction in this matter. Our Division of Recreation and Wildlife will work with the Washington Office in developing direction to implement this legislation.

2. Review the enclosed material relating to the Act. This provides a quick analysis of significant provisions of the Act and their possible effects on National Forest administration. This list is not all inclusive and later interpretations may change this analysis. Of special interest is item II. Any management action (construction of roads, structures, etc., recreation development, ORV use and any resource management practice) which could jeopardize or modify the habitat of any species listed (or to be included) under the Act could be considered in violation of the Act.

3. Review R-9 FSM 2633. This will be revised to conform with the new Act and 1973 "Red Book." We will request your input in preparing this revision.

4. Insure that proposed habitat development programs in cooperation with the various States (Ref: our 2620 memorandum of 6/22/70 and 4/21/72) include a section on endangered and threatened species. This has been incorporated into the habitat programs for the National Forests in Missouri, National Forests in Wisconsin (draft) and into the draft Habitat Guides for the National Forests in Michigan.

5. Recognize the Eastern Region's need to protect endangered and threatened species currently outlined in the booklet, "...the fairest one of all." This will continue to provide basic direction to meet the objectives of P.L. 93-205. The FY 1975 budget includes special funding for endangered and threatened species (\$125,000 to R-9, including overhead). These funds will be identified by Forest and project in the R-9 FY 1975 budget.

HR 11537

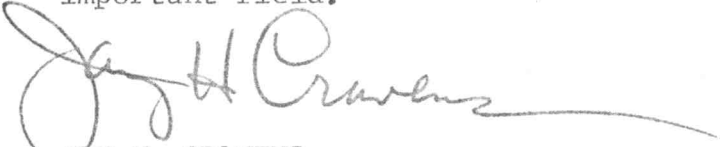
On January 22, the House passed by 355 to 25, HR 11537, a bill to intensify wildlife management on public lands. HR 11537 is the subcommittee version of HR 75. Under Title II of the bill, the Secretaries of Agriculture and Interior would be required to develop comprehensive wildlife conservation and rehabilitation programs in consultation with the States.

Bill HR 11537 provides for the development of comprehensive plans in cooperation with the States. The States may then enter into cooperative agreements with the Secretaries to implement the plans. If no cooperative agreement is arranged, the comprehensive plan could not be implemented.

The Departments of Agriculture and Interior both opposed Title II in testimony on HR 75 on March 8, 1973 because (1) the Departments already have authority to plan and practice wildlife management on the public lands and to cooperate with the States, and (2) many of the requirements of the bill would conflict with overall Department responsibilities. Enclosed is a copy of the Secretary's position statement on HR 9754, a bill similar to HR 11537. Copies of the Secretary's position statement on HR 75 and HR 733 were previously sent to you.

HR 11537 was strongly supported by the International Association of Game, Fish and Conservation Commissioners. This bill apparently reflects a concern of some States over jurisdiction of resident wildlife and land management programs and their impact on wildlife. It also appears to be a reflection of their concern for a "balanced" resource program on public lands.

Both endangered species management and general wildlife habitat management are complex programs where interagency activity and State programs must be dovetailed together so that our overall efforts are fully effective. We need to be aware of developments and proposals in this important field.

A handwritten signature in cursive script, reading "Jay H. Cravens", with a long horizontal flourish extending to the right.

JAY H. CRAVENS
Regional Forester

Enclosures

SIGNIFICANT PROVISIONS OF THE ENDANGERED SPECIES ACT OF 1973

1. Establishes two categories of wildlife species subject to Federal protection:
 - a. Threatened species
 - b. Endangered species
2. Creates a Federal-State partnership to conserve such species.
3. Authorizes a matching grant-in-aid program to assist the States in carrying out this objective--(but only to States that have a management and protection plan approved by the Secretary of the Interior).
4. Directs the Secretary of the Interior to identify those species which, though not in danger of extinction, are likely within the foreseeable future to become endangered--by creating a new list of "threatened species" subject to Federal protection, in addition to the endangered species category established by the 1969 Act.
5. Extends protection to species that are in trouble in any significant portion of their range, not just to those that are threatened with world-wide extinction.
6. Eliminates existing dollar ceilings under the Land and Water Conservation Fund Act on the acquisition of critical habitat for endangered and threatened species of animals and plants. ✓
7. Permits the Federal Government to share up to two-thirds in the costs of State programs for the conservation of endangered and threatened species which have been approved by the Secretary of the Interior. \$10,000,000 is authorized for this assistance in the initial 3-year period. *Not appropriated any way near that amt.*
8. Prohibits the unauthorized import or export, taking, possession, sale, delivery, and transport of endangered species. The Secretary of the Interior may extend such prohibitions to threatened species by separate regulations.
9. Permits the Secretary of Commerce to designate additions to the endangered and threatened species lists for marine species which come under his jurisdiction.
10. Directs the Secretary of the Smithsonian Institute to review species of plants which are now or may become endangered and to devise methods for their conservation. A report is to be made to Congress within one year.
11. Directs all Federal Departments and Agencies to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of endangered or threatened species or result in the destruction or modification of habitat critical to such species. ✓
12. Provides for criminal penalties for violations.

