



NEWS

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AGENCIES FOCUS ON 'NO SURPRISES' AND 5-POINT POLICY INITIATIVE TO STRENGTHEN ENDANGERED SPECIES CONSERVATION PARTNERSHIPS

A "No Surprises" rule, providing that the Federal government will not require additional land, water or financial compensation or new restrictions of non-federal landowners who have properly implemented Habitat Conservation Plans under the Endangered Species Act, was filed with the Federal Register today by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The two agencies also announced their intention to develop a five-point policy initiative designed to further strengthen HCPs as a conservation tool.

"The fact is more than 700 rare species inhabit private property," said Interior Secretary Bruce Babbitt. "We needed to come up with incentives that enable landowners, including developers, farmers, even timber and mining companies, to preserve and protect wildlife habitat by taking simple, flexible, inexpensive and above all, scientifically-sound steps. The 'No Surprises' rule and the 5-point policy initiative does exactly that, to the benefit of the economy and to God's creation."

"This 'No Surprises' rule represents significant progress in wildlife conservation and, once more, demonstrates the flexibility of the Endangered Species Act," said Commerce Secretary William M. Daley. "We expect these assurances to result in even more successful partnerships between the private and public sectors."

The Departments of the Interior and Commerce first established the "No Surprises" policy for HCPs, in 1994, to provide regulatory certainty in the HCP process. That policy is the basis of the final rule, filed today at the Federal Register.

The Services are developing the five-point policy initiative, designed to improve the habitat conservation planning program, to address monitoring, adaptive management, measurable biological goals, permit duration and increased public participation. When complete, the policy initiative will be published in the Federal Register and will include a 30-day comment period.

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Congress created HCPs, designed to protect a species while allowing economic development, in 1982, when it became apparent that the Endangered Species Act lacked such a mechanism. An HCP allows the Services to permit "taking" of endangered or threatened species incidental to otherwise lawful activities, when the taking is minimized by conservation measures. Two hundred twenty five HCPs are now in effect and over 200 more are under development.

"People in the development business had a legitimate concern," said Fish and Wildlife Service Director Jamie Rappaport Clark. "They wanted some sort of assurance that if they once agreed to be a party to an HCP, we wouldn't come back later and add something to it. Like its name, 'No Surprises' simply provides that there will be none down the road. At the same time, public input, effective scientific monitoring, biological goals and adaptability are all key components of good HCPs and today we are taking steps to better address those needs."

"We are pleased to be able to provide this incentive to non-Federal landowners since we must have their support to conserve species," said Rollie Schmitten, NOAA's Assistant Administrator for Fisheries. "We want landowners to know that we intend to keep our side of the bargain once we have agreed to the terms of an HCP."