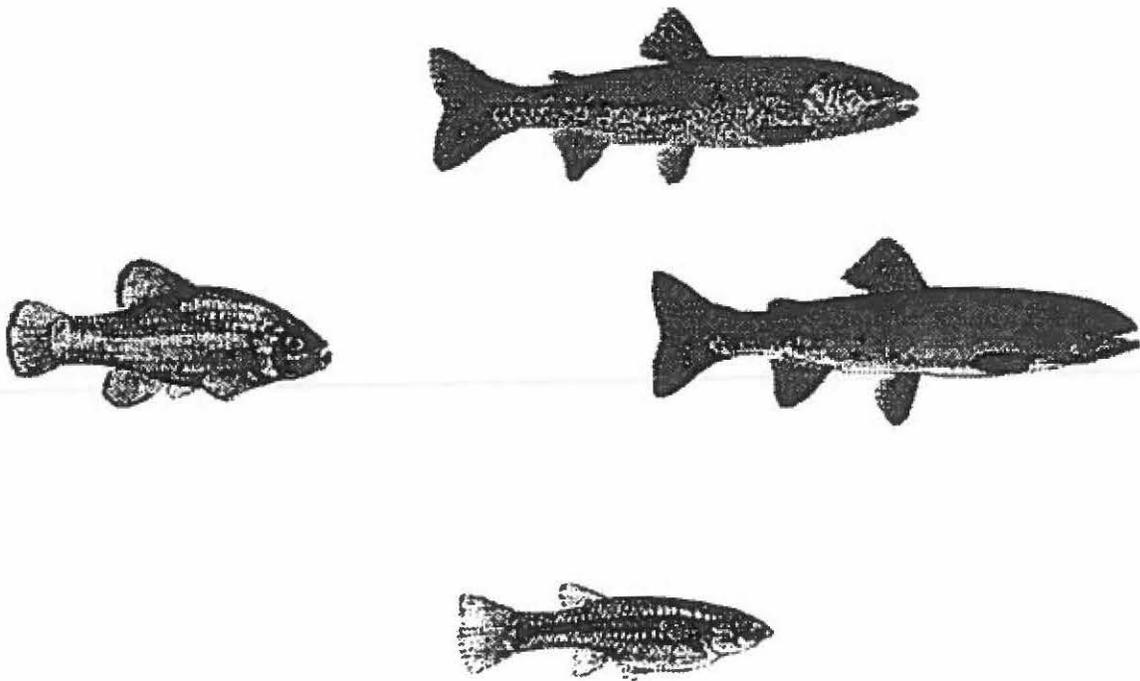


**Position Paper:**  
**Conserving Federally Threatened, Endangered, and Proposed Species**  
**While Providing and Enhancing Recreational Fisheries Programs**



**February 10, 1995**

## **Position Paper:**

### **Conserving Federally Threatened, Endangered, and Proposed Species While Providing and Enhancing Recreational Fisheries Programs**

#### **Executive Summary:**

This paper identifies a list of actions and guiding principles that will enable stakeholders to work more effectively together to conserve and restore aquatic species listed or proposed for listing under the Endangered Species Act (ESA), while continuing to provide and enhance recreational fisheries. Issues involving non-listed and candidate species are not discussed in this paper, but could benefit from further dialogue among stakeholders.

Actions recommended in this paper are based on principles that acknowledge: 1) the irreplaceable intrinsic and ecological value of all indigenous species; 2) States have primary management responsibility for non-listed and candidate aquatic species; 3) the preeminence of the ESA in issues effecting conservation and recovery of listed or proposed species; 4) the nationally important societal and economic value of recreational fisheries programs; and 5) the necessity of effective partnerships between stakeholders to achieve mutual goals. Actions called for are designed to increase interagency cooperation on issues pertinent to ESA species conservation/recovery and recreational fisheries; to reduce the potential for conflict between varying interests; to establish partnerships among vested interests; and to evaluate effectiveness of resource conservation efforts and fisheries enhancement programs and make necessary adjustments. Finally, this paper encourages the Federal Government to reach out to the States, Tribes, and the recreational fisheries and boating community and demonstrate its willingness to find solutions to avoid conflicts while implementing the ESA.

#### **Position Statement:**

**We are committed to conserve Federally threatened, endangered, and proposed species while providing and enhancing recreational fishery resources and fishing opportunities.**

#### **Background:**

Fishery resources and aquatic ecosystems are integral components of our national heritage. Most importantly, aquatic resources are essential and irreplaceable parts of most ecosystems. Fishery resources play an important role in our Nation's social, cultural, and economic well-being. Annually, approximately 50 million anglers spend \$24 billion on tackle, equipment, food and lodging, and other fishing-related expenditures. These expenditures generate over \$2.1 billion in Federal income tax revenue and provide employment for 1.3 million people (Sport Fishing Institute, 1994).

Although significant effort has been directed toward the conservation and enhancement of aquatic resources, many fishery resources are severely stressed. In 1989, 364 species and subspecies of fish in North America were characterized as being in need of special management considerations (Williams et al., 1989). This represents an increase of 139 taxa over the past decade. As of

November, 1994, within the United States there were 103 species of fish and 57 species of clams/mussels on the threatened or endangered species list (50 CFR 17.11 & 17.12). Approximately 36 percent of the fishes, 64 percent of the crayfishes, and 69 percent of the freshwater mussels in the United States are ranked as extinct or imperiled (Data from the National Network of Natural Heritage Programs and The Nature Conservancy, Eastern Regional Office).

Most of North America's aquatic environments and biological communities have been significantly altered. Habitat loss and degradation is the most commonly cited cause for fish declines. As habitat integrity was compromised, resulting conditions reduced the capacity of ecosystems to support indigenous species. Scarcity of indigenous sport fish and public desire for specific species contributed to the introduction of nonindigenous fish species. The risks associated with nonindigenous species were often not well understood, and introductions have been cited for the decline of some indigenous species. Nonindigenous species have now established self sustaining populations in most aquatic ecosystems in the U.S., where some provide significant social and economic benefits. Management for game and nongame fishes, indigenous and nonindigenous fishes can be complementary or at least compatible in many situations.

Given the present condition of aquatic ecosystems and composition of aquatic communities, fisheries management must be multipurpose and incorporate an ecosystem approach to conservation and use and be based on a sound understanding of life history and habitat requirements. The ability of aquatic ecosystems to produce and support fish are limited. An effective ecosystem approach will consider human needs and impacts as integral components, and will be responsive to the desires of the public that use and appreciate aquatic resources.

There is an inextricable link between resource stewardship, recreational fisheries, and effective partnerships. Abundant recreational fishery resources depend on healthy aquatic ecosystems, and resource stewardship depends on the personal and financial commitment of the recreational fisheries community. Partnerships between Federal agencies, States, Tribes, the recreational fisheries and boating community, conservation organizations, and the public are necessary to develop and implement programs that improve the quality of aquatic environments, recover Federally threatened, endangered, or proposed (Federal T/E/P) species, preclude the need to list species, and provide and enhance recreational fisheries.

The significant economic, cultural, and social value of fishery resources coupled with the noticeable declines of these resources portends the potential for conflict between conservation of Federal T/E/P species and recreational fisheries management. The purpose of this position paper is to provide a framework for protecting aquatic ecosystems, restoring deteriorated ecosystems, and providing recreational fishing opportunities and benefits that are consistent with maintaining ecosystem health and conserving Federal T/E/P species.

#### **Supporting Principles and Action Items:**

##### **I. Pertinent Laws and Federal Policies:**

There are many Federal laws that provide for and recognize the importance of aquatic resources

and associated uses (e.g. the Fish and Wildlife Coordination Act, the Federal Water Project Recreation Act, the Reclamation Act, the Federal Aid in Sport Fish Restoration Act). These laws outline the roles of several Federal agencies to protect, restore, and conserve aquatic resources, and apply to activities undertaken, permitted, licensed, or funded by a Federal agency. State agencies have primary responsibility and authority for management of aquatic resources within their borders unless otherwise preempted by Federal law. This document describes how various stakeholders may initiate actions under the purview of these laws to resolve conflicts over resource use and conservation, and is not an exhaustive review of pertinent laws. Actions described below are recommended in context of this position statement -- "to conserve Federally threatened, endangered, and proposed species while providing and enhancing recreational fisheries opportunities."

**I.A.** The Endangered Species Act of 1973 (as amended), the implementing regulations (50CFR), and policy and guidance govern how the Federal government fulfills its obligations to conserve Federal T/E/P species.

**Action Items:**

1) The U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) will promote compatibility and reduce conflicts between ESA administration and recreational fisheries by: 1) ensuring consistency in ESA administration between and within the two agencies; 2) fostering implementation at the lowest possible organizational level; 3) promoting collaboration with other Federal, Tribal, and State fisheries managers; and 4) improve and increase their efforts to inform non-Federal entities of the requirements of the ESA with particular reference to Sections 9 and 10.<sup>1</sup>

2) All Federal agencies will aggressively work to identify and resolve conflicts between recreational fisheries and their respective responsibilities under the ESA.

3) The lead Federal agency will ensure that the effectiveness of actions taken to recover Federal T/E/P species is evaluated and will adjust or curtail current and future actions accordingly.

4) Federal agencies will continue and increase their efforts to work with partners (States, Tribes, private, and others) to implement conservation activities designed to preclude the need to list species and to enhance recovery of listed species.

**I.B.** The Fish and Wildlife Act of 1956 recognizes the inherent right of every citizen and resident to fish for pleasure, enjoyment, and betterment and requires the Secretary of the Interior to

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<sup>1</sup> Section 9 of the ESA describes prohibited acts and exceptions with respect to any endangered species of fish, wildlife, or plant. Section 10 allows the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service to issue permits allowing *take* of these species.

maintain and increase public opportunities for recreational use of fish and wildlife resources.

**Action Items:**

- 1) Department of the Interior agencies will restore, maintain, and enhance public fishing opportunities where and when possible as required by the Fish and Wildlife Act of 1956.
- 2) The FWS will maintain production levels within the National Fish Hatchery System for recreational purposes and to meet mitigation commitments consistent with legal requirements, program objectives, and funding constraints. Reduction in production levels should not occur without timely coordination with States, Tribes, and other Federal agencies.

**I.C.** States possess broad trustee and police powers over fish, wildlife, and plants within their borders, and unless preempted by Federal authority, they have primary authority and responsibility for protection and management of these resources.

**Action Items:**

- 1) Federal agencies will recognize States' jurisdiction to manage species where that jurisdiction is not preempted by specific Federal authorities.

**I.D.** The Federal Aid in Sport Fish Restoration Act of 1950 (Act) provides funds to the States for management, restoration, and enhancement of fisheries resources having "material value in connection with sport or recreation in the marine and/or fresh waters of the U.S." These funds are derived from specific taxes paid by anglers and boaters.

**Action Items:**

- 1) Consistent with applicable Federal laws and regulations, the FWS will assist the States in meeting the sport fish restoration and boating needs while recognizing the rights of States to set their own priorities.
- 2) The States, Federal agencies, private organizations, and the recreational fisheries and boating community will encourage expenditures of all Sport Fish Restoration revenues for the purposes as defined in the Act and the Secretary's Rule (50 CFR, Sec. 80, October, 1992).

**II. Partnerships:**

**II.A.** Effective partnerships are based on trust, understanding, and appreciation of diverse missions, and recognition of professional expertise. There must be mutually understood and accepted goals and objectives among States, Tribes, Federal agencies, private organizations; and the recreational fisheries and boating community, relating to enhancing recreational fisheries while conserving Federal T/E/P species.

**Action Items:**

- 1) Foster strong partnerships among States, Tribes, Federal agencies, private organizations, and the recreational fisheries community by convening and facilitating an annual recreational fisheries summit to evaluate stakeholder's accomplishments toward meeting the actions contained in this position paper.
- 2) Federal agencies will coordinate with all affected partners early in the decision making process on Federal T/E/P species issues that may affect recreational fisheries.
- 3) Federal agencies, States, Tribes, private organizations, and the recreational fisheries and boating community, will encourage proactive conservation, restoration, and improvement projects on private lands to conserve Federal T/E/P species and enhance aquatic habitats and associated opportunities for recreational fisheries.
- 4) Federal land management agencies, in partnership with States, Tribes, Federal agencies, private organizations, and the recreational fisheries and boating community, will restore and enhance aquatic habitats to conserve Federal T/E/P species and increase recreational fishing opportunities on Federal lands, consistent with agency missions, authorities, and as described in various agency strategic plans and initiatives.

### **III. Ecology and Recreational Fisheries:**

**III.A.** Fisheries management actions in drainage basins must be compatible with recreational fisheries and Federal T/E/P species conservation objectives throughout the drainage.

#### **Action Items:**

- 1) Proposals to introduce new species or new hybrids into a basin will be ecologically justified and evaluated with respect to impacts on Federal T/E/P species. The American Fisheries Society Position Statement on the Introduction of Aquatic Species (Kohler & Courtenay, 1986) should be followed prior to making decisions regarding new introductions.
- 2) Fisheries management agencies will continue to evaluate, and adjust as feasible, recreational fisheries management programs relative to conservation of Federal T/E/P species.
- 3) Identify and set priorities for the restoration of habitats needed to support the conservation of Federal T/E/P species and increase opportunities for recreational fishing that are consistent with maintaining ecosystem health.

**III.B.** In many aquatic habitats and biological communities that are significantly altered, nonindigenous fish species will continue to be an important option for providing recreational fishing opportunities. The primary fishery management emphasis in relatively unaltered habitats should be recovery, conservation, and use of indigenous fish species.

**Action Items:**

1) Introductions of fish and other aquatic organisms into waters inhabited by Federal T/E/P species will be consistent with management plans incorporating sound genetic and ecological principles, Federal T/E/P species conservation, disease control, and recreational fisheries and socio-economic objectives.

**III.C. Habitat degradation has extirpated Federal T/E/P species from specific areas where they once naturally occurred.**

**Action Items:**

1) The FWS and NMFS will work with and seek peer review of States, Tribes, and appropriate Federal agencies in recovery planning and will eliminate unnecessary restrictions affecting recreational fisheries, especially in areas that are (1) currently unoccupied by Federal T/E/P/ species and (2) do not play a present or planned future role in T/E/P species recovery.

**IV. Public Outreach and Education:**

**IV.A. The relationship between conserving Federal T/E/P species and enhancing recreational fisheries is not well understood by the public. Public knowledge is critical to succeed in these management efforts.**

**Action Items:**

1) States, Tribes, Federal agencies, private organizations, and the recreational fisheries and boating community will work cooperatively to develop outreach actions to provide the public a better understanding of the relationship between conserving Federal T/E/P species and enhancing recreational fisheries programs.

2) To the extent possible, the public will be involved in identifying opportunities to enhance recreational fishing, and in identifying and implementing solutions to aquatic ecosystem degradation problems.

**V. Funding:**

**V.A. Consistent funding sources from Federal, State, and other sources are necessary to sustain fish management programs and meet mandates under the ESA.**

**Action Items:**

1) The FWS, NMFS, State agencies, and the recreational fisheries and boating community will seek additional legislative support for funding programs for the conservation of Federal T/E/P species so that conservation efforts do not divert recreational fisheries dollars.

2) Federal agencies will seek to increase Federal funding to States to carry out Federal mandates for conservation of Federal T/E/P species.

3) Federal and State agencies will seek to increase and target Federal and State funds for pre-listing activities that help preclude the need for additional ESA listings.

#### **VI. Mitigation:**

**VI.A.** When fisheries management programs and recreational fishing opportunities are altered or curtailed to meet objectives for the conservation of a Federal T/E/P species, other compatible fishing opportunities should be developed to replace lost recreational fishing opportunities.

##### **Action Items:**

1) The States, Tribes, Federal agencies, private organizations, and the recreational fisheries and boating community will seek to establish and implement a national recreational fisheries mitigation policy.

#### **Literature Citations:**

Kohler, C.C. & Courtenay, W.R., Jr. 1986. American Fisheries Society position on introductions of aquatic species. *Fisheries* (Bethesda) 11:39-42

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