



DEPARTMENT of the INTERIOR

news release

FISH AND WILDLIFE SERVICE

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PUBLIC IDENTIFIES MANY ISSUES TO BE CONSIDERED IN REVIEW OF ENDANGERED SPECIES ACT

Members of the public have identified a wide range of issues that should be addressed during a review of the Endangered Species Act now being conducted by the Interior Department's U.S. Fish and Wildlife Service, Robert A. Jantzen, the Service's Director said today.

The study is being made as part of the government-wide regulatory review process required by Executive Order 12291 and in preparation for Congressional reauthorization hearings next year. The Endangered Species Act of 1973 expires in September 1982 unless reauthorized by Congress.

Jantzen said some 400 comments were received on about 50 issues from State and Federal agencies, private conservation groups, business and industry representatives, universities, and individual members of the public. The Fish and Wildlife Service had requested public participation in a September 18, 1981, notice in the Federal Register and accepted comments through October 16.

"Since the comment period closed," Jantzen said, "we've been evaluating the policies, procedures, and problems we've identified with the public's help. Some can be resolved administratively, but others may have to be resolved through the legislative process. We are now organizing these issues into more specific categories and assigning priorities for thorough review."

Jantzen said that preliminary efforts have identified 12 major issues as "first priority," including such questions as whether the Act should cover separate populations and subspecies of wildlife as opposed to entire species; whether a separate listing category should be added for "experimental populations" (such as the foster flock of whooping cranes established in Idaho); and whether controls should be reduced on wildlife kept in captivity. Some items ranked as "Priority II" include how hybrids should be dealt with under the Act and whether removing endangered plants from the wild should be prohibited. (See attached lists for additional issues.)

Public comments are available for inspection at the Office of Endangered Species, U.S. Fish and Wildlife Service, 1000 North Glebe Road, Arlington, Va.

PRIORITIES OF ISSUES IDENTIFIED BY THE FISH AND WILDLIFE SERVICE

Priority I - Full and Detailed Issue Paper with Full Range of Options

1. CRITICAL HABITAT - Desirability of retaining Critical Habitat designation.
2. LOWER LIFE FORMS - Should the ESA afford protection to "lower life forms"?
3. POPULATIONS AND SUBSPECIES - Should the ESA afford protection to populations and subspecies?
4. ECONOMIC CONSIDERATIONS - Should additional economic considerations be added to listing process?
5. EXPERIMENTAL POPULATIONS - Should an "experimental populations" category be added to Section 4?
6. JEOPARDY STANDARD - Should the Section 7 "jeopardy standard" be modified?
7. BIOLOGICAL ASSESSMENT - Should "biological assessment" requirement be dropped from the Act?
8. EXEMPTION PROCESS - Should the exemption process be modified?
9. ICAC - Should ICAC be abolished? (International Convention Advisory Commission was established by Congress in the 1979 amendments; Congress would also have to abolish)
10. CAPTIVE WILDLIFE - Should there be a modification of the Act to reduce the amount of control over captive wildlife?
11. PERMIT CLEARINGHOUSE - Should a central clearinghouse be established to streamline multi-agency issuance?
12. BOBCAT ISSUE - Should the ESA be changed to modify the Convention on International Trade in Endangered Species (CITES) standard of "reliable population estimates" which resulted from the bobcat litigation?

Priority II - Minor Issue Paper Containing a Brief Discussion
of the Issue along with Several Alternative Solutions

1. HYBRIDS - Consider alternative methods of dealing with hybrids.
2. CANDIDATE SPECIES - Should "candidate species" be afforded some degree of protection?
3. LISTING PROCESS - Are there ways to streamline the listing process by defining "hearings" and "meetings"?
4. PETITIONS - Should the petitions process be modified?
5. SECTION 6 COOPERATIVE AGREEMENTS - Should several technical amendments be made to the Section 6 cooperative agreements standard?
6. CONSULTATION/CONFERENCE PROCEDURES - Can the Section 7 Consultation/Conference procedures be streamlined?
7. FEDERAL ACTION - Consider various methods of better defining concept of "Federal Action" as it applies to Section 7.
8. PRE-ACT EXEMPTIONS - Should "pre-act exemptions" be clarified?
9. PLANT TAKING PROHIBITIONS - Should there be taking prohibitions on plants?
10. 9(c) (2) EXEMPTION - Does the 9(c) (2) sport trophy exemption need modification/clarification?
11. 9(b)/CITES SPECIES/FOREIGN RAPTORS - Is there a need to clarify the application of 9(b) to CITES species and foreign raptors?
12. PART 14 REGISTRATION REQUIREMENTS - Should the registration requirements for importers and exporters in Part 14 be removed?
13. SECTION 9 PROHIBITIONS/CITES - Review the relationship of Section 9 prohibitions to importation procedures under CITES.
14. ANTIQUES EXEMPTION - Should antiques exemption be clarified to conform with Customs?
15. PERMIT CRITERIA - Should there be additional criteria for issuance of permits?
15. SECTION 9(g) - Should the citizens suit provision of Section 9(g) be modified?