Endangered species on federal lands. Panel: Part II, Forest service philosophy of endangered species management

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ENDANGERED SPECIES ON FEDERAL LANDS

PANEL: PART I,
INTRODUCTION

John L. Spinks¹

Since I've already spoken once during the symposium, I only have two brief points to make for my part of the panel presentation.

One is in terms of public land. The Fish and Wildlife Service has about 35 million acres in the National Wildlife Refuge System. The management of those resources are subject to the same Section 7 scrutiny as any other federal agency action. As a matter of fact, by policy from the director of the Fish and Wildlife Service, it is our responsibility to make certain that we live up to the highest expectations in compliance with Section 7. If there is a finding of either adverse modification of critical habitat or a jeopardy finding, that activity will not be done by the Fish and Wildlife Service—and that is in writing from the director.

The second point I would make is that, though the Fish and Wildlife Service has a lead agency role, as does the National Marine Fisheries Service, in administering the Endangered Species Act of 1973 as amended, I hope all of you here can immediately grasp that the job of protecting endangered and threatened species and recovering these species is completely beyond the scope of any one agency. Were it not for the real dedication and assistance that the service gets from folks like these up here and their agencies, not to mention all the 50 state agencies and the very concerned and dedicated private individuals, we would never get to first base. As a matter of fact, on behalf of the service, I think all we can say is we appreciate the assistance we've gotten over the years—it has been continuous and is still forthcoming—and the interest that generates a symposium like this. We certainly appreciate the attendance of all those here.

PANEL: PART II,
FOREST SERVICE PHILOSOPHY OF ENDANGERED SPECIES MANAGEMENT

Jerry P. McIwain²

We have heard some excellent talks on endangered species philosophy here at this session, treating strategies, genetics, ecology, and some new techniques and concepts that are very interesting to me. Within the limitations that are placed on a federal agency, the Forest Service has been dealing with many of these philosophies and strategies for a long time. We have been trying to get them down to the ground level and convert these things that we have all been talking about for the last day and a half into on-the-ground management, and that is basically what I am going to talk to you about today.

I will talk about the Forest Service philosophy of endangered species management and how this policy is being translated into policies and procedures to get the job done, about the overall program to accomplish our endangered species job, land management on the national forest system, and how the research and state and private forestry arms of the Forest Service are affected by the Endangered Species Act.

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The Forest Service has been in the endangered species game for a long time. We set up the Sespe Condor Sanctuary on the Los Padres National Forest in 1946 and had been studying this bird for a considerable number of years before that.

Programs to protect and manage bald eagles, ospreys, Kirtland's warblers, and several others were implemented on national forest system lands long before the Endangered Species Act was passed. Passage of the act in 1973 did give our program considerable impetus and made endangered species management an organic part of our agency responsibilities.

The evaluation of policy and procedures for the management of endangered species is very dynamic at the moment because things are changing so rapidly. Knowledge of the biology of listed species is being acquired rapidly, Congress has recently amended the law, and Fish and Wildlife Service regulations are continually evolving. We have been trying to get a new Forest Service Manual chapter out now for almost three years. It was just about ready to go before the endangered species amendments of this year were passed which did away with some of our policies and procedures, so we are back to the drawing board.

The basic Forest Service philosophy of endangered species management is to meet both the letter and the spirit of the law by achieving the recovery of listed species on national forest lands, not jeopardizing listed species in our other programs, and assuring that Forest Service management does not contribute to a sensitive species qualifying for listing.

The Forest Service moved out rather rapidly in establishing a positive program after the 1973 act was passed. We feel that our programs are going a step further than the requirements of the law in many cases and are establishing a comprehensive endangered species program.

Our program considers not only the federally listed species, but also state-listed species, plus a third category we are calling sensitive species. Sensitive species are those which are proposed to be federally listed or species that are recognized by the Regional Forester to need special management in order to prevent the need for their placement on federal or state lists. All plants that have been officially proposed to be listed are considered sensitive and managed as if they were already listed.

Some interpretations of the law are that the legal requirements exist only as long as a species is listed. If recovery were achieved for that species and it were removed from the list, there would be no more legal protection for that species. The species could then decline to the point that it was relisted and the cycle would begin again. Our programs are aimed at achieving recovery of a listed species and continuing that status in perpetuity.

Endangered species program changes have outstripped the flexibility of our budgeting system. The Forest Service budget is generated at the ground level and aggregated upward. It is also formulated two years ahead of time. The Endangered Species Act Section 7 regulations were just finalized this past January and they impose a considerable number of requirements on the Forest Service and other federal agencies. Of course, our budget was already formulated and was not responsive to the increased work load brought about by the new regulations. Considerable budget adjustments made in the Washington office were necessary. To avoid this happening in the future, it was necessary to prepare two national programs, one for plants and one for animals.

The general thrust of these programs is in three phases: inventory, interim management, and recovery management. These three phases relate to each individual species of concern. We are in phase 1 for a certain group of species, phase 2 for another group, and phase 3 for others.

Basically the first phase is analysis of the situation: identification of research needed, really finding out where we are on a species, and what we need to do. Then we move into the second phase, an interim management phase. This is the actual conducting of needed research relative to habitat requirements, establishing management programs, and protecting the species while we are doing this. The third and final phase is recovery management. This final phase is initiated after recovery plans or other specific Forest
Service plans have been prepared to protect the species. The species and their habitats are managed to achieve recovery and prevent recurrence of endangerment.

Because this is a panel on public land management, we will now turn to some of the specific programs on the national forest system lands.

Of the 236 domestic species currently on the federal list, there are about 70 species that occur on national forest system land. Of these 70, there are quite a few that occur only on Forest Service lands or Forest Service lands play an essential part of the total conservation effort for that species. The 1973 act considerably changed the way we do things in the national forests. The act required us to evaluate all the Forest Service projects, decide whether or not they may affect a species, and, if so, enter into the formal consultation process with the Fish and Wildlife Service. This has been a considerable work load and will certainly grow larger in the future. We have had well over a hundred formal consultations since the regulations became effective in January of this year. Some of them have been very complex. Our field people are involved in several endangered species program activities as a result of national direction from the chief's office.

We have agreed with the Fish and Wildlife Service (as have all federal land managing agencies) to a time frame for making recommendations for the designation of critical habitat for those species already listed and for which no critical habitat was established. This job is in response to the president's request in his environmental message of 1977 that federal agencies speed up identification of critical habitats on public lands.

Our regions have been directed to assure that threatened, endangered, and sensitive species are adequately covered in regional and forest land management plans required by the National Forest Management Act. Guidelines are being developed to determine which management direction should be expressed in regional plans for wide ranging species and which direction should be left up to each individual national forest.

The Forest Service will prepare action plans to accomplish activities identified in recovery plans for our agency. Of course, a recovery plan cannot commit another federal agency to the expenditure of funds. Also, many recovery plans do not provide sufficient details for on-the-ground management activities, so we must go a step further and prepare action plans to further refine those jobs most logical for the Forest Service to accomplish, and to serve as our agreement with the Fish and Wildlife Service to perform certain tasks in the accomplishment of the recovery plan.

We are monitoring, in cooperation with the states, all populations of threatened and endangered species on the national forest.

Another program thrust, which is a legal obligation I have already mentioned, is to review all of our programs and activities and decide whether or not they may affect a listed species. If the project or activities may affect the species, we formally consult with the Fish and Wildlife Service.

The final item related to national direction is to survey listed or sensitive species to locate populations and define habitat characteristics and biological needs.

Before I talk about some specific projects for endangered species, I would like to mention our budget and personnel. As you are aware, the Department of Agriculture gets no appropriations through the Endangered Species Act as does the Department of the Interior and the Department of Commerce. We do have a specific budget item for endangered species that we make up out of our normal wildlife appropriations, and then we have an agreement with Congress about how much money will be spent on the endangered species program. This current fiscal year we are budgeting on the national forest system $5.223 million for endangered species programs. I think that this budget is probably second in size to that of the Fish and Wildlife Service. I am not sure how large the BLM budget is. This sounds like a lot of money, but when you take that much money, allocate it to nine regions, 154 national forest, and umpteen ranger districts, it is not nearly as much as it sounds. In fact, it is not nearly enough to accomplish a proper job.

The Endangered Species Act, along with some other legislation, has really changed our personnel picture also. The Forest Service during the last four or five years has hired an
average of 15 to 20 wildlife biologists a year. This past fiscal year, we hired 123 biologists and much of this increased hiring was a direct result of the Endangered Species Act. I think that upped our total number of wildlife biologists to somewhere in the vicinity of 370 biologists in the national forest system.

The Forest Service is involved in hundreds of projects around the country, but these examples will give you some idea of the type of things that we are getting into, and some of the complexities of the situations that we are dealing with now.

When the California Region began a project to identify and recommend critical habitat for bald eagles, they found that not enough information was available to accomplish the job. We knew the habitat conditions where eagles presently occurred, but information was lacking on the criteria for suitable unoccupied habitat.

We wanted to designate not only the presently occupied habitat, but also unoccupied habitat which was suitable or may be suitable in the foreseeable future. A program was started in northern California to gather the necessary information. A team consisting of a forester and a wildlife biologist evaluated every bald eagle nesting territory in the state, collecting information on such parameters as size of tree, aspect, distance from water, disturbance factors, productivity of the nest, form of the nest tree, timber types immediately under the nest tree, and timber types out a certain distance from the nest tree. A computer program then analyzed the important factors that went into making up the eagle habitat. This program is just being completed and we are now using the results of the survey to write criteria for the identification of bald eagle habitat. Another project we are doing with eagles is experimentally improving eagle nest trees. Some trees have been pruned to improve them for nesting eagles. We have actually tried to encourage some eagles to move by judicious pruning of trees and, in some cases, by constructing artificial nest platforms in the trees. This is only being done in those areas where the nest tree is dying or is in an area that is subject to a large degree of disturbance.

Another project recently completed in California was the restoration of a peregrine falcon eyrie. An active nest site on the Mendicino National Forest shifted off of the cliff face. Climbers went up to the original nest ledge and made a pattern. The pattern was then used to preconstruct an artificial nest platform. Crews then drove metal rods into the cliff face, installed the artificial nest platform, and covered it with cement and natural materials to make it look essentially like the natural nest ledge. As far as we know this has not been done before, and we are anxiously waiting to see if the new ledge will be accepted by the peregrines.

Some interesting work on genetic analysis with some of the threatened trout and salamanders is being done. The Little Kern golden trout occurs only in the Little Kern River drainage primarily on the Sequoia National Forest. Over the years, populations of this threatened species have interbred with introduced rainbow trout so that there are now very few pure strain Little Kern golden trout.

Through the use of the electrophoresis technique, done under contract with the University of California at Davis, it was determined exactly which streams within the watershed contained the pure strain and which streams were genetically polluted, so to speak. With this information, agreement was reached between the California Department of Fish and Game, the National Park Service, and the Forest Service on a management plan for the watershed. This management plan calls for replacement of many of the genetically inferior populations with pure stock, installation of artificial barriers to prevent further interbreeding, and other stream improvement practices.

The electrophoresis technique was also used on the shasta salamander, a species listed as rare by the state of California. This work showed that there were five distinct populations of this salamander, some of which had been genetically isolated for well over 4000 years; these were genetically more different than some of the full species of salamanders were from each other. This brings up new questions of taxonomy and how species should be classified as threatened or endangered and legally protected.

I am going to leave off some of these other
project examples so that we will have more time for questions. The Forest Service research arm is completely separate from the national forest system. It conducts research on any forest and range land, independent of ownership. We have 10 work units or work locations where endangered species work is going on. This covers about 38 different federally listed species.

The state and private forestry program is one which some of you may not know about. This third arm of the Forest Service is involved in providing technical advice on resource management to state foresters and private land owners and administering several federally financed forestry programs. Of course, this program is also subject to the Endangered Species Act. It is very difficult to determine the impact of the act on programs of this type. Both actual and financial assistance and technical assistance given through the state and private forestry program are subject to the act.

The National Forest Management Act is going to drastically change the planning processes of the Forest Service. Very briefly, some of the things that are going to be required by law now are these: we will set wildlife goals and objectives, inventory all species by habitat types, monitor populations and habitat quantity and quality, quantify species and habitat diversity, prescribe protection and management of critical habitats, and formulate and evaluate alternate management regimes. These are things that must be done now by law, and, of course, endangered species management as well as all wildlife management is tied up in these requirements. I will finish with the thought that as we start making forest plans under the new National Forest Management Act, we will most certainly be calling upon you for help.

PANEL: PART III,
THE BUREAU OF LAND MANAGEMENT'S ENDANGERED SPECIES PROGRAM

Richard Vernimen

ABSTRACT.—It is the responsibility of the Bureau of Land Management (BLM) to conserve plants and animals... and the habitat on which they depend... which are officially listed according to federal or state laws in categories that imply significant potential for extinction. The BLM also provides for the conservation of the habitats of unlisted extinction-prone (i.e., sensitive) plants and animals. It also applies to all BLM programs and actions related to the public lands, the federal subsurface mineral estate, and the submerged lands of the Outer Continental Shelf (OSC).

The BLM administers 448 million acres of land within the 11 western states and Alaska (U.S. Department of the Interior, BLM 1977). In addition, we are responsible for BLM-authorized actions taking place on the Outer Continental Shelf and federally owned subsurface minerals, i.e., coal, oil and gas, etc. (hereinafter all of the above lands will be referred to as BLM-administered lands).

Within these vast acreages and areas of responsibility we must take into consideration the welfare of 48 threatened and endangered (T/E) animals (U.S. Department of the Interior, BLM 1977) and 3 endangered plants (Federal Reg. 6/20/78). The T/E plants and animals occurring on the subsurface and Outer Continental Shelf (OSC) must also be considered if BLM-initiated actions affect a T/E species or its habitat (i.e., oil and gas impacts on marine mammals). A third category of species we must take into account are state T/E species. Our 1977 statistical report listed 138 species of animals.

With the recent passage of the 1978 amendments to the Endangered Species Act of 1973 (ESA), proposed species must also be considered for formal consultation. A number of plants and animals fall into this category.