

# THE ENDANGERED SPECIES ACT

## THE LACEY ACT

The response on membership forms indicates that many FNPS members feel strongly about the issues presented in this release from **Faith Campbell, Ph.D.** of the Natural Resources Defense Council, 1725 I St., N.W. Suite 600, Wash., D.C., 20006. If you are one of these members, here is help on how to take action.

The future of Endangered Species Act protection for plants appears ever more precarious. The Interior Department has already indicated that it places a low priority on plants; the highest rank which a plant can attain on the new priority system for listing actions is 11. The result of this ranking is that some full species of vascular plants may be listed during the next year, but no lower ranked taxon, *i.e.*, subspecies of vascular and non-vascular plants, will be considered, even though it may be at high risk and all field study may have been completed. Now I have learned that at least one high official of the Department has suggested eliminating plants from protection under the Act.

Development interests have also suggested downgrading or eliminating protection for plants. One association representing primarily Western interests has reportedly placed a high priority on deleting plants.

At least one Congressman has publicly advocated removal of plants from the Act. We must treat these as serious threats and increase our preparations to counter such a move.

Please begin **now** to identify individuals and organizations in your State who support plant conservation and will write to congress when the time comes next year.

Finally, begin compiling information on rare plants in your State and how the Act can benefit them. When hearings begin in late January, this information should be sent to the House and Senate committees.

Political action at the State level is *absolutely essential* if we are to rescue a meaningful endangered species program. Natural Resources Defense Council and others located in Washington are ready to help. As you already know, I have arranged for production of a pamphlet describing rare plant species (by region of the country) and their protection under the Act. Those of you who wish to purchase these lobbying materials at cost should contact me *immediately*.

A second invaluable tool for lobbyists or biologists is the issuance of the December, 1980, list of 3,000 plant "candidates" **by State of occurrence**. A new book reports currently listed species, candidates for listing, and those no longer under consideration for listing, in both alphabetical order by genus and State of occurrence. It also contains maps indicating the relative numbers of plants in each category in each State except Alaska and Hawaii. Organizations and institutions which work with plant conservation throughout the country should request **Review of Plant Taxa for Listing as Endangered or Threatened Species: Compilation by State**. Organizations working in one or a few States should ask for computer print-outs of only those States, as the book is in short supply. Address these requests to Dr. John Nagy, Brookhaven National Laboratory, Building 475, Upton, New York 11973. Updates and corrections to this list will be issued from time to time. These lists are invaluable in preparing educational material on the importance of the Act in conserving locally occurring species and biological communities.

Conservation organizations planning to work together to re-authorize the Act held a second meeting on September 25. At that time they reviewed progress on preparation of educational materials (e.g., the plant pamphlet) and briefing papers on controversial issues, and continued discussions of how the groups can work together despite some serious philosophical disagreements.

### TEXT OF LOBBYING PAMPHLET

#### Why Conserve Plant Species

Wildflower displays have inspired poets and lovers for centuries. The cactus' twisted shape and threatening spines and the Venus flytrap's hinged traps also charm us. Our appreciation for the beauty and variety of wild plants impels us to protect them.

The most important reason for conserving plants, however, is practical: to continue to obtain the many utilitarian benefits plants provide.

Mankind's very existence depends on a healthy ecosystem in which plants play a dominant role. Only green plants can convert sunlight, atmospheric carbon dioxide, and water

into food which can be used by animals. Wild plants directly provide fodder for our cattle and sheep. They also shelter birds that prey on agricultural pests, and bees and other insects that pollinate our crops. So important are plants in the web of life that Dr. Peter Raven of the Missouri Botanical Garden estimates that each plant the becomes extinct causes the extinction of 10 to 30 dependent species of insects, higher animals, and other plants.

Many species of wild plants have great proven or potential utilitarian value. A quarter of all medical prescriptions sold in the United States contain chemicals derived from higher plants. Vincristine, extracted from the tropical periwinkle, is one of the standard treatments for Hodgkin's Disease, which strikes 5,000 - 6,000 Americans annually. An endangered wild corn from Mexico, *Zea diploperennis*, may make our major crop more resistant to fungal infections, such as that which destroyed 15% of U.S. production in 1971. Various plant products show promise for industrial use, especially oil from the seeds of the jojoba and rubber from guayule, both native to the U.S. and Mexican deserts.

#### Threats to Wild Plants

Around the world, an estimated 10% of all vascular (stemmed) plants may become extinct in coming decades. The U.S. is no exception. Botanists with the U.S. Fish and Wildlife Service have identified 3,000 species of terrestrial plants from all parts of the country that are probably threatened. Man's activities have increased the rate of extinction alarmingly.

The major cause is loss of habitat — that area which provides the right combination of sunlight, water, temperature, soil nutrients, and associated species of other plants, insects, etc., for the plant to thrive. Habitat loss occurs if a river valley is drowned by a dam, a swamp is drained, a forest is cleared, meadows or desert valleys are converted to croplands or housing developments. A habitat may also be made unsuitable by poisoning by pesticides or pollution, suppression of natural fires, or disturbance of the soil by off-road vehicles or hikers. While wide-spread plant species may persist in still undisturbed areas, plants that are confined to a few small locations are highly vulnerable.

Overcollecting for horticulture or

other purposes also threatens some plants. Cacti, Venus flytrap and pitcher plants, woodland orchids, and alpine plants, such as those of the genus *Lewisia*, are very popular. The collecting pressure, especially when combined with habitat loss, may decimate entire species. Nearly one-quarter of our native cacti are so jeopardized.

A final cause of extinction is competition with or predation by introduced species. Plants on islands are particularly vulnerable because they have evolved in isolation from these stresses. Over 40% of the native flora of Hawaii is already extinct or endangered.

### The Endangered Species Act

The Act is widely considered the most important wildlife conservation law in the world. It establishes a comprehensive program to conserve a species of plant or animal — including insects and other invertebrates — determined to be "endangered" (in danger of extinction in all or most of its range) or "threatened" (likely to become an endangered species in the foreseeable future). Any species or subspecies of plant may be eligible; unlike vertebrate animals, however, geographically separate populations of plants and invertebrates are not protected by the Act. The public participates in identifying species that deserve protection.

A plant listed as endangered or threatened benefits from the following protections under the Act:

- restriction of interstate or international commerce (listed animals are also protected from killing or collecting).
- assurance that the actions of Federal agencies will not jeopardize species' continued existence or damage critical habitat (this does not prohibit all development).
- implementation of conservation programs by Federal land-owning agencies (the Forest Service's is widely praised).
- cooperative management by States (so far, 10 have such programs for plants).
- purchase of habitat where necessary.

The U.S. Fish and Wildlife Service protects terrestrial species. So far, it has listed only 63 of the estimated 3,000 eligible plant species. Enforcement of trade restrictions by the FWS (domestic) and Department of Agriculture (international) is also sadly lax. Public pressure can help improve these agencies' programs.

### Reauthorization of the Endangered Species Act

The Fish and Wildlife Service can protect endangered species only as long as it has legal permission to spend tax dollars for this purpose. This permission, or authorization, expires on 1 October 1982; Congress must pass a new law if the program is to continue.

House and Senate consideration of the new law will begin in late January with hearings to examine how the Act has been implemented. The committees will then "mark up", or draft, bills. Congressional procedures require that the committees approve these bills **before 15 May 1982**. The bills must then be passed by both the House and Senate, and differences between them reconciled. The final bill must be passed once again by both chambers and signed by the President - all before 1 October 1982.

During this reauthorization process, Congress may change or repeal any part of the Act. Many development interests have already begun lobbying Congress to weaken the entire program. Most of the proposals would undermine provisions in the Act intended to protect species' habitats from inadvertent destruction as a result of inadequately planned development projects. Other amendments would permit agencies to abandon on-going programs to conserve species found on land under their jurisdiction.

Still other changes would slow efforts to list additional disappearing species under the Act. Worst of all, some Congressmen, Administration officials, and development interests have suggested eliminating plants and invertebrates from the Act's protection.

### What You Can Do To Conserve Rare Plants

The Endangered Species Act is the only national program to conserve rare plants. Reauthorization of a strong Act is essential to survival of these valuable species. Conservationists can *make this happen* by working together to lobby Congress. Congress does respond to public pressure — especially in an election year like 1982!

Because we are fewer in number, plant conservationists must work particularly hard to make sure that Congress does not eliminate or reduce the Act's protections for plants.

Conservationists have already begun to organize a coordinated lobbying campaign. In many states, native plant

societies, garden clubs, or other groups are already knowledgeable about rare species in your region and the endangered species program. They need your help to

- identify additional supporters of the Act;
- compile information on how the Act benefits species in your area and prepare testimony for the January hearings;
- write letters to Congressmen and Senators from your State before they vote on the Act.
- schedule 30 minutes at one of your chapter meetings as soon as possible to discuss the Act. Complete speakers kits (i.e. sample speech, fact sheets, answers to most commonly asked questions) will be available from me soon; they will be helpful in planning your session.
- organize panels of speakers at local functions (including opponents of the Act) to publicize the Act. Use the speakers kit, your knowledge of the local effects of the Act, and the newsletter described above. Other material available from Washington will be useful to you.

Please contact me promptly with any questions or suggestions. *I am particularly eager to learn your ideas for strengthening the Act or improving its implementation.*

Help us conserve rare plants by keeping the Endangered Species Act strong!

### AUTHORS AND ARTISTS

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Paul and Sherry Cummings manage The Tree Gallery in Boynton Beach.

Terry Mock in Finance Chairman of FNPS, and is a developer with a "white hat".

Marie B. Mellinger of Tiger, Georgia, sent her article to **Palmetto**, saying, "This is to help the cause of saving Florida Native Plants."

Melanie Darst is a botanical artist for Tall Timbers Research near Tallahassee.

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