

THREATENED OR ENGANGERED ?

For almost four decades the Endangered Species Act (ESA) has directly and indirectly prevented the extinction of numerous species and their ecosystems for this and future generations. As one of the most important and successful governmental programs administered by the U. S. Fish and Wildlife Service (USF&WS) it has an impressive record of creating an awareness for and preservation of our wildlife and environs in peril.

THE ACT:

The twofold goals of the enactment are:

- 1.) Protect species in need and then pursue recovery;
- 2.) Conserve candidate species and species at risk so that listing under ESA is not necessary;

“working in partnership with others”.

America’s fish, wildlife and plant resources belong to all of us, thus saving endangered and threatened species is a shared responsibility. The ESA recognizes that the task cannot be accomplished by any single entity and the USF&WS will improve implementation [of its goals] by strengthening partnerships with state and local governments, other Federal agencies, Tribes, non-governmental organizations, **industry**, academia and private landowners*.

Equally important, “ESA will make a commitment to continuously find new ways to work with America’s citizenry on imperiled species conservation and recovery. The ESA will build trust by listening to the ideas of others, learning from others experiences and collaborating in the development of innovative approaches and a shared vision that will yield lasting results.”

THE VISION:

- 5 year reviews
- Recovery plans
- Interagency consultations
- Habitat conservation planning
- Safe harbor agreements
- Candidate conservation agreements
- Conservation banks
- **Comparative endangered species**
- Conservation Fund (Section 6) Grants

GUIDING PRINCIPLES:

- Ensure clear and consistent policies and implementation
- Base decisions on sound science
- Focus on recovery
- Provide conservation incentives
- Increase public participation’
- **Reduce the frequency and intensity of conflicts**

“The ESA will continually refine our tools to help protect landowners’ interests and promote endangered species conservation.”

Under the ESA species may be listed as either, endangered or threatened. “Endangered”, means a species is in danger of extinction throughout all or a significant portion of its range. “Threatened”, means a species is likely to become endangered within the foreseeable future.

Species are "listed" as endangered or threatened solely on the basis of their biological status and threats to their existence according to five factors:

- 1.) Damage to or destruction of a species' habitat
- 2.) Overutilization of the species' for commercial, recreational, scientific or educational purposes
- 3.) Disease or predation
- 4.) Inadequacy of existing protection
- 5.) Other natural or manmade factors that affect the continued existence of the species

"The USF&WS is required to base its listing decisions on the best scientific information available."

The USF&WS is precluded from proposing a species listing of a higher priority until it has worked with the partners involved to carry out conservation actions for the species to prevent further decline and possibly eliminate the need for listing.

NOTE: All of the above information is taken directly off of the ESA website, however, the boldness of type is by Calvin Smith as are the following comments –

The successes of the ESA are great and wonderful, e. g. the Whooping Crane [personal info – my Grandfather, E. B. McCallum, was the first game warden at the Arkansas National Wildlife Refuge and helped with the initial stages of their restoration], the Bald Eagle, the Blackfooted Ferret (hopefully) and the Northern Spotted Owl. The latter brings us to one of the comparisons that can be made and how it relates to the Sand Dune Lizard status.

During the Spotted Owl recovery process it was listed as "threatened" in 1990. By 1992 the USF&WS designated 6.9 million acres of critical habitat all on Federal lands. In 1993 the Northwest Forest Ecosystem Management Assessment Team, and interagency, interdisciplinary conclave of scientists, economists, sociologists and representatives from other special interest groups was assembled to craft a balanced, comprehensive long range options for the management of 24 million acres of forest lands within the range of the owl.

The plan was finalized and submitted in 1994 with a variety of law suits being filed that significantly affected the U. S. Forest Service and Bureau of Land Management timber sales.

The USF&WS agreed to conduct a five year review and considers revision of the "critical habitat". The review served as a comprehensive summary of scientific information on the species and recommended that the owl remain on the "threatened" list. [It was never declared "endangered".]

Therefore, as I proposed in my original comments presented at the Artesia meeting in May, I stand by my recommendation to keep *Sceloporus graciosus arenicolus* on the threatened list. After further investigations, personal interviews and discussions with petroleum related representatives, it is my belief that the most meaningful and productive means to address the existing conflicts is through a Memorandum of Agreement similar to the one now in place between the BLM and the petroleum industry in the Permian Basin of New Mexico and Texas.

By remaining on the threatened list the species and its habitat (along with others sharing the same biome) can be and should continue to be, as prescribed by the ESA, subjected to much more research and evaluation to determine scientifically, apart from the political pressures and/or agendas, if the endangered status is justified as defined by the ESA.

It is evident and well documented that once a species is raised to the endangered level all the resources available (financial as well as human) are directed toward enforcement, protection and observation. The research has purportedly been done. THE reason the Spotted Owl recovery worked is because all of the available resources that were brought together from diverse entities and directed toward enhancing the knowledge about the species and its relationship with

the shared environs, including humans. This, as mentioned in the ESA report, was to the benefit of all concerned, especially the owl.

An MOA with the same constituents that have already been participatory in the archaeological agreement (who are already the most active in the region) would be much more receptive to listening if they could be heard, instead of mandating control and trying to enforce management. Why not pursue an agreement and voluntary participation rather than for sure face hostile reaction from the oil and gas producers, the ranchers and discourage the new alternative energy firms considering major development in Southeastern New Mexico.

I do not believe the USF&WS wants another Spotted Owl. They would be defeating their stated purposes and goals and going against past experiences by placing *S. g. a.* on an elevated listing without proper/inclusive scientific evidence to determine if in fact it is eligible and we do not, at this point, know that!

Respectfully submitted,

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