

# Department of the Interior

## Departmental Manual

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**Series:** Fish and Wildlife Management

**Part 632:** Endangered Species Conservation Program

**Chapter 1:** Authority, Policy, and Responsibility

**Originating Office:** U.S. Fish and Wildlife Service

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### 632 DM 1

**1.1 Authority.** The primary authority for carrying out programs to conserve endangered and threatened species is the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.). In addition, the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (the Convention) regulates international trade in certain plants and animals that are or could be detrimentally affected by such trade.

**1.2 Purpose.** The purpose of this manual chapter is to assign responsibility for the planning and carrying out of programs under the Endangered Species Act and the Convention. Procedures for coordination within the Department and with other Federal and State agencies, non-government organizations, and foreign countries are delineated.

**1.3 Goal.** The goal of the program is to preserve plants and animals in their natural environments. Those species urgently in need of help are identified with the aid of the scientific community, Federal and State biologists, private citizens, other countries, and national and international conservation organizations. Just as it is almost impossible to identify a single factor most responsible for endangerment, there is seldom a simplistic or short-term approach to improving the status of a threatened or endangered species. Research, public education, habitat preservation and management, law enforcement, and reintroductions are all essentially interlinked and demand a high degree of coordination and support.

#### **1.4 Policy.**

A. The Endangered Species Act of 1973 (the Act) combined and strengthened the provisions of its predecessors (the Endangered Species Preservation Act of 1966 and the Endangered Species Conservation Act of 1969). The principal provisions of the 1973 Act include the following:

(1) Establishment of a national policy for conservation of endangered and threatened plants and animals and the ecosystems upon which they depend,

(2) Development and maintenance of a list of species that are officially recognized as endangered or threatened (includes both foreign and U.S. species and both plants and

animals),

(3) Development and implementation of recovery programs that utilize land acquisition, management of habitat, captive breeding/artificial propagation, species biology research, and protection planning techniques to improve the status of species,

(4) Regulation of take, trade, import, export, and interstate commerce and enforcement of relevant prohibitions,

(5) Interagency cooperation whereby all Federal agencies ensure that their actions will not affect listed species,

(6) Authority to enter into cooperative agreements with the States, and

(7) Authority to enter into bilateral or multilateral agreements with foreign countries to carry out species conservation programs.

B. The Convention on International Trade in Endangered Species of Wild Fauna and Flora is a multinational (95 parties as of September 1, 1987) treaty created in 1973 to prevent over-exploitation of species of animals and plants through international trade. The principal provisions of the agreement include the following:

(1) Establishment of a permit system, administered by designated authorities in each nation, to regulate international trade in species threatened with extinction and in those that may become so;

(2) Establishment of an orderly process for development and maintenance of three lists (Appendices to the Convention) of species protected by such regulations, and for deciding upon recommendations to improve the implementation of the Convention.

(3) Institution of permit requirements that help to insure that international trade is not detrimental to the survival of the species, and that the plants and animals in trade are lawfully acquired; and

(4) Strengthening of cooperation among regional agencies, foreign governments, and non-government organizations to conserve species.

C. The Act places the primary responsibility for its administration upon the Secretary of the Interior with regard to most non-marine species. Marine species, with certain exceptions, are the responsibility of the Secretary of Commerce. The Convention calls for the U.S. Government to designate Management and Scientific Authorities to administer the provisions of that treaty; both of these responsibilities rest with Interior. The law enforcement responsibilities of the Act and the Convention that pertain to import and export of terrestrial plants are placed with the Secretary of Agriculture. The Secretary of the Interior will effectively plan, coordinate, and carry out a national program to protect endangered species, as directed by the Act and the Convention.

D. The Secretary will utilize all authorities (those granted under the Act and the Convention as well as all others) to conserve endangered and threatened species and to prevent additional species from becoming endangered or threatened. Species under consideration for listing as endangered or threatened will be identified so that their conservation can be considered in the planning efforts of all Federal agencies. Species will be placed on the Federal List of Endangered and Threatened Species in accordance with a priority system incorporating degree of threat (magnitude and immediacy) and genetic uniqueness as criteria.

**1.5 Delegation of Authority.** Leadership and coordination responsibilities within the Department of the Interior for the Act and the Convention have been assigned to the Assistant Secretary for Fish and Wildlife and Parks and further delegated, in part, to the Director of the Fish and Wildlife Service (Service) (242 DM 1). The Service has established a national Division of Endangered Species and Habitat Conservation (under the Assistant Director for Fish and Wildlife Enhancement) to monitor the Service's endangered species activities and has placed expert staff in all appropriate Divisions and Regional and Field Offices to carry out the provisions of the Act. The Service has established the Office of Management Authority (under the Assistant Director for Fish and Wildlife Enhancement) and the Office of Scientific Authority (under the Regional Director for Research and Development) to fulfill the respective functions called for in the Convention. The Office of Scientific Authority also carries out the listing of foreign species and Section 7 consultations with regard to import, export, and foreign commerce permits under the Act. The Director of the Service redelegates authority to Regional Directors to carry out certain provisions and tasks as described in the Fish and Wildlife Administrative Manual (4 AM 1) and in accordance with the General Program Delegation Chapter of the Departmental Manual (242 DM 1).

#### **1.6 Coordination and Operating Responsibilities.**

A. The Fish and Wildlife Service, which has responsibility for administering the majority of the Act and the Convention, will serve as a leader in the field of endangered species conservation. The Service will establish procedures and policies, develop methodologies, and provide technical assistance and encouragement to other Federal agencies, States, foreign countries, and private interests.

B. The Service will coordinate carefully with other Federal agencies that also have responsibilities for carrying out specific portions of the Act and the Convention. The Service maintains the List of Endangered and Threatened Wildlife and Plants (covers both marine and non-marine species) but the National Marine Fisheries Service, Department of Commerce initiates rulemakings to list species for which it is responsible. The Service and the National Marine Fisheries Service will work cooperatively to promulgate and update joint listing (Section 4 of the Act) and consultation (Section 7 of the Act) procedural regulations. The Service will work closely with the Department of Agriculture's Animal and Plant Health Inspection Service to carry out the enforcement provisions of the Act and the Convention. The Service is responsible for enforcement with regard to animals (entirely) and interstate commerce in plants, while Agriculture is responsible for enforcement of the export and import provisions with regard to non-marine plants.

C. All Federal agencies are charged under Section 7 of the Act with ensuring, in consultation with the Fish and Wildlife Service or the National Marine Fisheries Service, that their actions are not likely to jeopardize listed species or adversely modify their critical habitat, and with carrying out actions to improve the status of endangered and threatened species. Interior agencies will carry out this responsibility to the fullest extent possible. Interior land management agencies, such as the Service, the National Park Service, and the Bureau of Land Management, will also especially utilize their authorities to not only protect listed species but also to avoid precipitating the decline of other species to the point where listing would be appropriate. All Interior agencies will coordinate closely with the Fish and Wildlife Service on actions involving endangered species conservation.

D. The Fish and Wildlife Service will work closely with affected States and foreign countries, as required by the Act's provisions, in an effort to achieve maximum species conservation. The Service will also work closely with non-government organizations to achieve their support of and cooperation in carrying out programs under the Act and the Convention. The Service will attempt to coordinate activities of all the involved parties, wherever possible, to avoid duplication and to maximize the effectiveness of species conservation programs.

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