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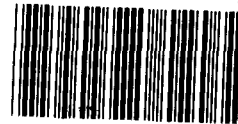
United States General Accounting Office

Report to the Ranking Minority Member,  
Subcommittee on Water, Power and  
Offshore Energy Resources, Committee  
on Interior and Insular Affairs, House of  
Representatives

July 1992

# ENDANGERED SPECIES

## Contract Funding for Selected Species



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**Resources, Community, and  
Economic Development Division****B-248849**

July 17, 1992

The Honorable James V. Hansen  
Ranking Minority Member  
Subcommittee on Water, Power and  
Offshore Energy Resources  
Committee on Interior and Insular Affairs  
House of Representatives

Dear Mr. Hansen:

This report responds to your request that we determine whether individuals or organizations that petition the Department of the Interior's Fish and Wildlife Service (FWS) to take actions under the Endangered Species Act (ESA) also receive FWS funds to perform studies associated with those plant and animal species. As agreed with your office, we compared FWS contracts, cooperative agreements, and purchase orders (hereafter referred to as contracts) awarded for ESA studies during the last 3 fiscal years with a list of ESA petitioners to determine whether any petitioners had received ESA funding.

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**Results in Brief**

According to FWS officials, FWS contracting policies do not prohibit petitioners from receiving ESA funding to study the same species for which they have submitted petitions. Of the 222 contracts for studying endangered species that we examined, 38 contracts had been awarded to study species for which petitions had been submitted. However, we noted only one instance where a petitioner was associated with an FWS contract award. In this instance, the principal investigator for the organization that received FWS funding was the same person who had petitioned for the species to be placed on the endangered species list.

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**Background**

ESA was enacted in 1973 to protect plant and animal species whose survival was in jeopardy. Primary responsibility for implementing the act was assigned to two federal agencies: FWS was placed in charge of protecting freshwater and land species, and the National Marine Fisheries Service in the Department of Commerce was made responsible for protecting most marine species.

Under ESA, a species may be added to the endangered species list at the initiation of FWS. Furthermore, any individual or organization may petition

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FWS to add a species to the endangered species list. Petitions can also be submitted to remove a species from the endangered species list; designate, or revise the designation of, habitat critical to the species' protection; or change the species' classification (e.g., from threatened to endangered). Through fiscal year 1991, FWS had received over 200 petitions concerning endangered species. The vast majority of these petitions were to add a species to the endangered species list.

To carry out its responsibilities under the act, FWS initiates many types of studies, including studies of a species' status and habitat and plans for a species' recovery after the species has been listed. This work is done by FWS biologists and through contracts with a variety of individuals and organizations, such as universities, state governments, and nonprofit groups. Each of FWS' seven regional offices is responsible for administering ESA contracts.

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## One ESA Petitioner Received FWS Contract Funding

FWS procurement procedures require that contracts over \$2,500 be awarded competitively.<sup>1</sup> Before awarding contracts, regional program officials review contract applications for their technical merit, and officials from the region's Division of Contracting and General Services coordinate the application process and ensure compliance with agency procurement policies and procedures. According to agency officials, few contracts are awarded noncompetitively. Furthermore, FWS contracting policies, according to agency officials, do not prohibit entities that submit petitions from receiving ESA contracts. These officials also noted that the number of experts knowledgeable about any given species may be limited.

We identified 222 contracts awarded during fiscal years 1989 through 1991 and compared the names of the species that were being studied under the contracts with the names of the species for which petitions for various FWS actions had been submitted. This comparison showed that 38 contracts had been awarded to study species for which petitions had been submitted. A comparison of the names of the entities receiving the contracts with the names of the petitioners showed that, in one instance, an organization that had received FWS funding to study a species had employed as its principal investigator the individual who had petitioned to have the species listed.

In this case, FWS received a petition on July 11, 1990, from an individual to place the dusky gopher frog on the endangered species list. According to

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<sup>1</sup>Cooperative agreements and purchase orders are not required to be awarded competitively.

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agency officials, FWS at that time was planning to initiate a study of the status of three frog species, including the dusky gopher frog. FWS officials told the individual that his petition would force FWS to meet legislatively required time frames for responding to the petition. As a result, the agency would not have sufficient time to fill data gaps that it had already identified regarding these species. On this basis, the individual withdrew his petition.

In the same time period, FWS approved a \$4,000 study of the dusky gopher frog as an amendment to an existing cooperative agreement with the Alabama Natural Heritage Program. The Heritage Program had identified the petitioner, already an employee of the Heritage Program, as its chief investigator for this study. Because FWS considered this individual an expert on the dusky gopher frog, it awarded \$4,000 to the Heritage Program.

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## Agency Comments

We discussed the factual information obtained during our review with the FWS Chief, Branch of Contracting, and the Acting Chief, Division of Endangered Species, and incorporated their comments where appropriate. These officials generally agreed with the information presented in this report. We did not obtain written agency comments on a draft of this report.

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## Scope and Methodology

In conducting our review, we interviewed regional and headquarters contracting officials and ESA managers to identify relevant contracting policies and procedures, and we examined FWS procurement records for ESA studies. The procurement records included contracts—generally for expenditures over \$25,000; purchase orders—simplified contracts for expenditures that do not exceed \$25,000; and cooperative agreements—agreements between FWS and other organizations that are drawn up when a sharing of work is anticipated. For each procurement, we identified the entity and species involved—including, when available, the principal investigator for contracts awarded to organizations, the amount of the procurement, and the type of work to be performed. We did not identify individuals working for or belonging to organizations that received contracts other than those listed on the contract as the principal investigator. We also reviewed information contained in the FWS petition

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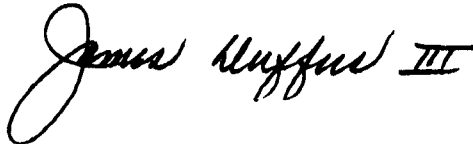
data base.<sup>2</sup> Appendix I lists the contract records reviewed that concerned species for which petitions had been submitted.

We conducted our review from September 1991 to May 1992 in accordance with generally accepted government auditing standards.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will send copies to the Secretary of the Interior and make copies available to others on request.

Please contact me at (202) 275-7756 if you or your staff have any questions. Major contributors to this report are listed in appendix II.

Sincerely yours,

A handwritten signature in cursive script that reads "James Duffus III". The signature is written in black ink and is positioned above the typed name.

James Duffus III  
Director, Natural Resources  
Management Issues

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<sup>2</sup>FWS headquarters maintains a data base that tracks all petitions received since ESA's enactment in 1973. This data base includes the name of the species for which a petition is being submitted, the action being requested, and the names and addresses of all the petitioners.



# ESA Contracts That Concerned Petitioned Species, Fiscal Years 1989 Through 1991

Species	Petitioner <sup>a</sup>	Contractor <sup>a</sup>	Contract amount	Fiscal year
Alligator snapping turtle <sup>b</sup>	Florida Audubon Society (1983)	Individual	\$1,000	1991
Bald eagle <sup>c</sup>	Individual, Vallejo, Cal. (1986)	Institute for Wildlife Studies	99,758	1991
		Arizona Dept. of Game and Fish	5,000	1991
		Bodega Bay Institute	39,800	1991
		Catskill Center for Conservation and Development	100	1989
		Rocky Mountain Arsenal	236,870	1989
California sea otter <sup>d</sup>	Individual, Wickford, R.I. (1982); Friends of the Sea Otter (1983)	U.S. Coast Guard, Piedra Blancas Light Station, Cal.	0	1991
Cladonia perforata (reindeer lichen) <sup>b</sup>	Individual, Plantation, Fla. (1989)	Florida Dept. of Agriculture and Consumer Services	6,500	1990
Clanton's cave amphipod <sup>b</sup>	Kansas Speleological Society (1989)	University of Kansas	11,891	1990
Dusky gopher frog <sup>b</sup>	Individual, Montgomery, Ala. (1990)	Alabama Natural Heritage Program	4,000	1990
Florida semaphore cactus <sup>b</sup>	Individual, Big Pine Key, Fla. (1986)	Florida Atlantic University	1,100	1991
Florida scrub jay <sup>b</sup>	University of Florida/State Museum (1984)	Archbold Biological Station	25,000	1991
Gray wolf <sup>c</sup>	Individual, Gilman, Wisc. (1988); Farm Bureaus of Wyo., Mont., & Ida. (1990)	U.S. Dept. of Agriculture (USDA), Montana Animal Damage Control	15,844	1990
Grizzly bear <sup>d,e</sup>	Campaign for Yellowstone's Bears (1985); Fund For Animals, (1991); Individual, Boulder, Colo. (1991); Faegre & Benson (1991)	U.S. Forest Service, Kootenai National Forest, Mont.	40,000	1989
		National Park Service, Bureau of Land Management, USDA	0	1990
		Idaho Dept. of Fish and Game	10,000	1991

(continued)



**Appendix I  
ESA Contracts That Concerned Petitioned  
Species, Fiscal Years 1989 Through 1991**

<b>Species</b>	<b>Petitioner<sup>a</sup></b>	<b>Contractor<sup>a</sup></b>	<b>Contract amount</b>	<b>Fiscal year</b>	
Grizzly bear <sup>d,e</sup> (cont.)		National Park Service, Yellowstone National Park	\$20,000	1991	
Least Bell's vireo <sup>b</sup>	Individual, Goletta, Cal. (1979)	The Nature Conservancy	277,685	1991	
Longnose darter <sup>b</sup>	Native Americans for a Clean Environment (1989)	Individual	2,000	1991	
Louisiana black bear <sup>b</sup>	Individual, Lafayette, La. (1987)	Louisiana State University	10,000	1989	
Northern spotted owl <sup>b</sup>		Sierra Nevada Group, Sierra Club (1986); Green World (1987); Sierra Club Legal Defense Fund, Inc. (1987)	U.S. Forest Service	50,000	1990
		State of Oregon	30,000	1991	
		Meyer Resources, Inc.	25,000	1991	
		Oregon State University	1,000	1991	
		Individual	1,000	1991	
Okeechobee gourd <sup>b</sup>	Desert Botanical Garden (1988)	Individual	1,500	1991	
		Center for Plant Conservation, St. Louis, Mo.	3,100	1991	
		U.S. Army Corps of Engineers, Omaha, Nebr.	30,000	1991	
Pallid sturgeon <sup>b</sup>	Dacotah Chapter of the Sierra Club (1988)	University of Missouri	5,000 <sup>f</sup>	1991	
Piping plover <sup>e</sup>	Audubon Society of Omaha (1988)	The Trustees of Reservations	3,000	1989	
		Individual	835	1991	
		Individual	2,400	1991	
		Puerto Rico Conservation Foundation	5,700	1991	
Puerto Rican sharpshinned hawk <sup>b</sup>	International Council for Bird Preservation (1980)	National Park Service, Dinosaur National Monument, Colo.	2,000	1990	
Razorback sucker <sup>b</sup>	Sierra Club Legal Defense Fund, Inc. (1989)	U.S. Forest Service, Gunnison, Colo.	3,000	1990	
Uncompahgre fritillary butterfly <sup>b</sup>	Yale Univ./ Peabody Museum of Natural History (1979)				

(continued)

**Appendix I  
ESA Contracts That Concerned Petitioned  
Species, Fiscal Years 1989 Through 1991**

<b>Species</b>	<b>Petitioner<sup>a</sup></b>	<b>Contractor<sup>a</sup></b>	<b>Contract amount</b>	<b>Fiscal year</b>
Western snowy plover <sup>b</sup>	National Audubon Society (1988)	University of Missouri	\$5,000 <sup>f</sup>	1991
Western spotted frog <sup>b</sup>	Utah Nature Study Society (1989)	Utah Division of Wildlife Resources	5,000	1991
Woodstork <sup>e</sup>	Individual, Athens, Ga. (1984)	National Park Service	10,000	1989

<sup>a</sup>We have included the names of organizations that have submitted petitions to the Fish and Wildlife Service (FWS) or received contracts to study petitioned species. When an individual was the petitioner or was awarded funding, we did not list the individual's name.

<sup>b</sup>FWS was petitioned to place this species on the endangered species list.

<sup>c</sup>This species is already listed; FWS was petitioned to remove the species from the endangered species list.

<sup>d</sup>This species is already listed; FWS was petitioned to change its endangered species classification.

<sup>e</sup>This species is already listed; FWS was petitioned to designate the habitat critical to the species' protection.

<sup>f</sup>This contract was awarded to study both the piping plover and the western snowy plover.

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# Major Contributors to This Report

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