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ENDANGERED SPECIES

Fish and Wildlife Service Uses Best Available Science to Make Listing Decisions, but Additional Guidance Needed for Critical Habitat Designations

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Highlights

Highlights of GAO-03-803 a report to congressional requesters

Why GAO Did This Study

Recent concerns about the U.S. Fish and Wildlife Service's (Service) endangered species listing and critical habitat decisions have focused on the role that "sound science" plays in the decision-making process—whether the Service bases its decisions on adequate scientific data and properly interprets those data. In this report, GAO assesses the extent to which (1) the Service's policies and practices ensure that listing and critical habitat decisions are based on the best available science and (2) external reviewers support the scientific data and conclusions that the Service used to make those decisions. In addition, GAO highlights the nature and extent that litigation is affecting the Service's ability to effectively manage its critical habitat program.

What GAO Recommends

Because the Service's critical habitat program faces serious challenges, including potential legal challenges and questions regarding the role of critical habitat in species conservation, GAO is recommending that the Service provide clear strategic direction for the critical habitat program, in a specified time frame, by identifying the issues affecting the Service's ability to effectively manage the program and recommending policy/guidance, regulatory, and/or legislative changes necessary to address these issues.

www.gao.gov/cgi-bin/getrpt?GAO-03-803.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Barry T. Hill at (202) 512-3841 or hillbt@gao.gov.

What GAO Found

The Endangered Species Act requires the U.S. Fish and Wildlife Service to identify, or "list," species that are at risk of extinction and provide for their protection. The act also generally requires the Service to designate critical habitat—habitat essential to a species' conservation—for each listed species. The Service must use the best available science when making listing and critical habitat decisions.

The Service's policies and practices generally ensure that listing and critical habitat decisions are based on the best available science. The Service consults with experts and considers information from federal and state agencies, academia, other stakeholders, and the general public. Decisions are subject to external "peer review" and extensive internal review to help ensure that decisions are based on the best available science and conform to contemporary scientific principles.

External reviews indicate that the Service's listing and critical habitat decisions generally have scientific support, but concerns over the adequacy of critical habitat determinations remain. Listing decisions are often characterized as straightforward, and experts, peer reviewers, and others generally support the science behind these decisions. Critical habitat designations, on the other hand, are more complex and often require additional scientific and nonscientific information. As a result, peer reviewers often expressed concern about the specific areas designated, while other experts expressed concerns about the adequacy of the data available to make designations.

The Service's critical habitat program has been characterized by frequent litigation. Specifically, the Service has lost a series of legal challenges that will require significant resources for the next 5 fiscal years to respond to court orders and settlement agreements for designating critical habitat. As a result, the Service is unable to focus resources on activities it believes provide more protection to species than designating critical habitat. While the Service recognizes that it has lost control of the program, it has yet to offer a remedy. Without taking proactive steps to clarify the role of critical habitat and how and when it should be designated, the Service will continue to have difficulty effectively managing the program.

The Canada lynx is one of more than 1,200 listed species in the United States. While scientific controversy surrounding most Service decisions to list species is rare, the Canada lynx is one example of a Service decision where there was significant scientific controversy.

Source: U.S. Fish and Wildlife Service.