



December 18, 2001

The Honorable James V. Hansen
Chairman, Committee on Resources
U.S. House of Representatives
Washington, D.C. 20515-6201

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Commerce on H.R. 2409, entitled the "Endangered Species Consolidation Act of 2001." The Department of Commerce opposes H.R. 2409 because we do not believe it would increase efficiency in administering the Endangered Species Act (ESA). For example, transferring the enormous responsibility for managing the recovery of anadromous species such as Pacific salmon from the National Marine Fisheries Service (NMFS) to the U.S. Fish and Wildlife Service (FWS) at this critical time would result in significant delays in realizing our goals of salmon recovery.

The Secretaries of Commerce and the Interior are well aware that in some situations covering the same geographic areas both Services have jurisdiction for separate aquatic species (for example, bull trout for FWS and chinook salmon for NMFS in the Snake River in Idaho). However, the Secretaries met in July to coordinate ESA implementation and established a senior-level working group to assure this occurs.

Specifically, the Department of Commerce does not support H.R. 2409 for the following reasons:

- (1) The transfer would be enormously disruptive at a critical time.

Over the past 10 years, NMFS has developed extensive working relationships with its management and science counterparts in Federal, state, and local agencies, and with the tribes. Although the two agencies use the same jointly developed regulations, guidance, and policies to administer the ESA, these collaborative efforts could be substantially disrupted and delayed for several years during the transition period.

- (2) NMFS has developed considerable salmon expertise on genetics, habitat, harvest management, and life histories.

NMFS Science Centers work closely with NMFS management to provide expertise that leads to informed management of listed species. The close collaboration that now exists between the NMFS Science Centers, Regional Offices, and Headquarters staff would be lost if ESA jurisdiction for species, such as salmonids, were transferred to FWS.

- (3) NMFS would have to continue its involvement in managing aquatic species, but would not have full responsibility.

NMFS is responsible for approving Fishery Management Plans and consulting on Essential Fish Habitat under the Magnuson-Stevens Fisheries Conservation Act. NMFS also provides fish passage prescriptions for private hydropower facilities under the Federal Power Act. NMFS would also review projects affecting Pacific salmon pursuant to the Fish and Wildlife Coordination Act, the National Environmental Policy Act, and the Clean Water Act.

We expect to see increased efficiencies in our ESA processes and increased responsiveness to our constituencies. The Department is committed to quickly resolving the problems that cause real or perceived delays in our ESA procedures. The Department of the Interior shares this commitment, and we intend to continue to work together to resolve problems from overlapping management of certain species. Success can be achieved by working together to find and implement the efficiencies necessary to make our respective programs more effective.

We will continue to work with the Committee to keep you informed of our progress. The Office of Management and Budget has advised that there is no objection to the transmittal of these views from the standpoint of the Administration's program.

Sincerely,



Theodore W. Kassinger

cc: The Honorable Nick J. Rahall
Ranking Minority Member