

California Native Plant Society

1722 J Street, Suite 17 • Sacramento, CA 95814 • (916) 447-2677 • FAX (916) 447-2727

Equal Protection for Plants Campaign

Few people realize that the federal Endangered Species Act (FESA) provides almost no protection to most federally endangered and threatened plants. In fact, although FESA protects federally listed animals everywhere, it allows nearly unlimited destruction of federally listed threatened and endangered plants outside of federal lands - where more than 80% of federally listed plants live in California.

This outdated policy flies in the face of biological reality. Science tells us that plants and animals are inextricably intertwined and contribute equally to the health and survival of the ecosystems that sustain us all. If we are to conserve healthy ecosystems and biological diversity, we cannot pick some species to save and ignore others.

For these reasons, CNPS has launched the Equal Protection for Plants Campaign. Our goal is to amend FESA, and state species protection laws where necessary, to provide plants with the same protections that are currently provided to animals. We have launched a public education campaign and a petition drive to build support for this idea. For more information on the Equal Protection for Plants Campaign, contact Emily Roberson – EMILYR@cnps.org or the CNPS office 916 447 2677.

Open Letter calling for Equal Protection for Plants under the Federal Endangered Species Act June 24, 1999

Plants and animals contribute equally to the stability, health, and functions of the ecosystems on which we all depend for survival. However, plants and animals are not treated equally under the Federal Endangered Species Act.

Federally listed plant species are among the rarest and most imperiled species in our nation. But although the Federal Endangered Species Act prohibits the unauthorized destruction or even harm of Federally listed animals everywhere they occur, it allows many listed plants to be killed, without limit, on non-Federal lands, except in restricted circumstances*. In fact, some plant species can be knowingly driven to extinction without violating the Federal Act.

Lesser protection for plants is unsupportable biologically. It disregards our current understanding that plants and animals are inextricably intertwined in the structure and functioning of healthy ecosystems.

Unless plant species are protected from extinction as vigorously as animals, efforts to conserve biological diversity will inevitably fail. Plants and animals depend upon each other for food, habitat, indeed for their very survival. We cannot arbitrarily pick only one kingdom to protect. Ecosystems cannot survive with only one group or the other.

For these reasons, the undersigned individuals and organizations urge that the Federal Endangered Species Act be amended to provide the same protection for plants that it currently provides for animals through all of its policies, programs, and penalties.

Signed (as of October 21, 1999),

National Parks and Conservation Association, Washington DC
NRDC, Washington, DC
American Lands Alliance, Washington DC
Endangered Habitats League, San Diego, CA
Endangered Species Coalition, Washington DC
Sierra Nevada Forest Protection Campaign, Sacramento, CA
Pacific Rivers Council, Portland, Or
California Botanical Society, Sacramento, CA
Oregon Natural Resources Council Action, Eugene, OR
Sequoia Forest Alliance, Weldon, CA
Safe Alternatives for our Forest Environment, Hayfork, CA
Cold Mountain, Cold Rivers, Missoula MT
Forest Issues Group, Grass Valley, CA
Center for Sierra Nevada Conservation, Georgetown, CA
Whidbey Environmental Action Network, Seattle, WA
Oregon Natural Desert Association, Portland, OR
Grassroots Environmental Effectiveness Network, Washington DC
Grassroots Environmental Effectiveness network, Washington, DC.
Southwest Center for biological Diversity, Tuscon, AZ
Society for Conservation Biology
Student Environmental Action Coalition, Normal IL
Defenders of Wildlife, Washington DC
John Wesley Powell, Audubon Society, Normal IL
US PIRG, Washington DC
Florida Native Plant Society
Native Plant Society of Oregon
Texas Committee on Natural Resources (TCONR)
Washington Native Plant Society
Southern California Botanists
Indiana Native Plant and Wildflower Society
The Wilderness Society, Washington DC
The Sierra Club, Washington DC

*Section 9 (a) (1) of FESA (16 U.S.C. § 1531 et seq.) gives animals full protection from destruction “within the United States or the territorial sea of the United States” or “upon the high seas”. But Section 9 (a) (2) (B) of FESA prohibits destruction of Federally listed plant species only on “areas under Federal jurisdiction”. Plants also cannot be killed in knowing violation of state law, while trespassing, or in violation of Section 7 of FESA which governs Federal agency actions.

Therefore, listed plants are only protected (1) on Federal lands or during activities that are funded, permitted, or carried out by a Federal agency and are therefore under Federal jurisdiction, or (2) in the unlikely event that it can be proved that they are destroyed in knowing violation of state law or during trespassing. Logging, housing development, mining, and other activities may all kill unlimited numbers of Federally listed plants, even cause extinction of a species, as long as the destruction does not meet these conditions.

