

The Utah Native Plant Society is signatory to the following "open" letter which is a part of the Equal Protection for Plants Campaign initiated by the California Native Plant Society. This letter has been included as in the appendix of a 2002 publication referenced below.

**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 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 June 20, 2002),

1. National Parks and Conservation Association, Washington DC
2. Natural Resources Defense Council, Washington, DC
3. American Lands Alliance, Washington DC
4. Endangered Habitats League, San Diego, CA
5. Endangered Species Coalition, Washington DC
6. Sierra Nevada Forest Protection Campaign, Sacramento, CA
7. Pacific Rivers Council, Portland, Or
8. California Botanical Society, Sacramento, CA
9. Oregon Natural Resources Council Action, Eugene, OR
10. Sequoia Forest Alliance, Weldon, CA
11. Safe Alternatives for our Forest Environment, Hayfork, CA
12. Cold Mountain, Cold Rivers, Missoula MT
13. Forest Issues Group, Grass Valley, CA
14. Center for Sierra Nevada Conservation, Georgetown, CA
15. Whidbey Environmental Action Network, Seattle, WA
16. Oregon Natural Desert Association, Portland, OR
17. Grassroots Environmental Effectiveness Network, Washington DC
18. Center for Biological Diversity, Tuscon, AZ
19. Society for Conservation Biology
20. Student Environmental Action Coalition, Normal IL
21. Defenders of Wildlife, Washington DC
22. John Wesley Powell Audubon Society, Normal IL

23. US PIRG, Washington DC
24. Florida Native Plant Society
25. Native Plant Society of Oregon
26. Texas Committee on Natural Resources (TCONR)
27. Washington Native Plant Society
28. Southern California Botanists
29. Indiana Native Plant and Wildflower Society
30. The Wilderness Society, Washington DC
31. The Sierra Club, Washington DC
32. Friends of Georgia, Inc., Stone Mountain, GA
33. North Carolina Wild Flower Preservation Society
34. Botanical Society of America
35. Society for Conservation Biology, Missouri Chapter
36. T&E Inc., Cortaro, Arizona
37. Utah Native Plant Society

*Section 9 (a) (1) of the ESA (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 the ESA 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 the ESA 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.

The foregoing was excerpted from an appendix in the following publication:

Roberson, E.B. 2002. Barriers to Native Plant Conservation in the United States: funding, staffing, law. Native Plant Conservation Campaign, California Native Plant Society, Sacramento, CA and Center for Biological Diversity, Tucson, AZ

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