

REALITY vs. RHETORIC

Register Guard Editorial

ESA Facts

The Register-Guard MAY 28, 2005

Promising bipartisan effort under way in Senate

The Endangered Species Act has become endangered itself as Congress puts the three-decade-old law in its gunsight.

Leading the legislative search-and-destroy effort is Rep. Richard Pombo, a California Republican who chairs the House Resources Committee. Pombo insists the law "has not achieved its original intent of recovering species," Hecities a critical study (which he commissioned) that shows that only 10 of the 1,300 species listed as endangered or threatened have fully recovered.

Pombo's right. The act needs to be improved but not shot, skinned and deboned as he proposes in a sweeping overhaul that will be introduced early next month.

Pombo's study correctly points out that less than 1 percent of protected species have fully recovered., while nearly two-thirds have fallen into the categories of uncertain, declining or possibly extinct. But it conveniently overlooks the length of time-often decades-before species can recover after listing. Many species were listed within the last 15 years, and it's unrealistic to think they could already have recovered after lengthy decline.

Lawmakers shouldn't fall for Pombo's skewed analysis and should instead listen to experts such as Jamie Rappaport Clark, who oversaw the U.S. Fish and Wildlife Service under President Clinton. Clark regards the law as a "remarkable success," noting that just 1 percent of listed species have gone extinct.

The Endangered Species Act has been a success—and a raging one at that. The American bald eagle is no longer in danger of extinction. Species ranging from the California condor to red and gray wolves have recovered and their numbers are on the rise. Hundreds of species are improving, and some are nearing their recovery goals. Meanwhile, the act has inspired conservation efforts across the world.

A more enlightening reform effort is under way in the Senate, where Sen. Lincoln Chafee, R-R.I., is drafting a bipartisan proposal. Among other things, it would provide grants or tax incentives to landowners in exchange for maintaining critical habitat for threatened or endangered animals and plants. It would also require scientists to create formal recovery plans before they impose land use restrictions, easing impacts on property owners while still ensuring that adequate protections are in place.

Lawmakers should focus on making the act more simple, flexible and affordable. They should also look for ways to make recovery efforts more collaborative and to work more cooperatively with local governments and private property owners.

The Endangered Species Act certainly has flaws that should be fixed. But it's the nations most powerful, effective and visionary environmental law, and Congress should reject efforts to undermine it.

RHETORIC

"The Endangered Species Act has become endangered itself as Congress puts the three-decade-old law in its gunsight."

REALITY

The Endangered Species Act is not in danger. It is simply a thirty year old law that is in need of meaningful changes. We agree with the goals and objectives of the Endangered Species Act but it needs updating to meet those goals. Updating does not mean destroying the act. It means strengthening it to achieve its original intent of recovering, not simply listing, species. Little progress has been made in 30 years; now is the time to apply some of the lessons learned to make the Act better.

RHETORIC

"Leading the legislative search-and-destroy effort is Rep. Richard Pombo, a California Republican who chairs the House Resources Committee. Pombo insists that the law "has not achieved its original intent of recovering species." He cites a critical study (which he commissioned) that shows that only 10 of the 1,300 species listed as endangered or threatened have fully recovered."

REALITY

No one can argue with the sad success statistics of the Endangered Species Act. The original intent of recovering species is not achieved when only 10 in 1,300 have been recovered. One percent is not good enough. We can and must do better. The U.S. Fish and Wildlife and the Natonal Marine Fisheries, which administers ESA, provides the statistics we have cited on their websites for those who are interested.

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RHETORIC:

"Pombo's right. The act needs to be improved but not shot, skinned and deboned as he proposes in a sweeping overhaul that will be introduced early next month."

REALITY:

It seems odd to criticize, with emotional rhetoric, legislation that has not even been seen. In fact, to date, only public comment and testimony have been taken on the bill. Both the House and Senate have held hearings, traveling across the country from Washington to Mississippi, collecting testimony and comments on the successes and failures of the Endangered Species Act, and the most appropriate changes needed to improve the act.

RHETORIC:

"Pombo's study correctly points out that less than 1 percent of protected species have fully recovered, while nearly two-thirds have fallen into the categories of uncertain, declining or possibly extinct. But it conveniently overlooks the length of time - often decades - before species can recover after listing. Many species were listed within the last 15 years, and it's unrealistic to think they could already have recovered after lengthy declines."

REALITY:

The facts agree. The Endangered Species Act has been unsuccessful in recovering species 99% of the time, which includes the 66% of protected species that have actually seen a decline in their numbers. We cannot ignore the facts the ESA has provided us in the 31 years since it became law.

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REALITY:

With more species found to be extinct than recovered, this law in no way can be regarded as a "remarkable success."

No one would take their pet to a veterinarian with a success rate of 1%. So, why are we entrusting our most vulnerable species to an act with no better rate?

Jamie Rappaport Clark, who advocated extensive changes to ESA while serving in the Clinton administration, brings extensive professional background to the debate over changes to be made, and her input will be valuable in the process. But, countless other experts have also submitted testimony and comments addressing the failures and successes of the Act. Others have been more willing to address the poor recovery rate and work for commonsense changes.

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RHETORIC:

"The Endangered Species Act has been a success - and a raging one at that."

REALITY:

With only a 1% recovery rate, the ESA is not even close to a "raging success." If any other public program had a similar record of failure, it would have been updated and strengthened years ago. We are working to update this law because of its good intentions and our desire to see more species recovered, not merely placed on a list.

RHETORIC:

"The American bald eagle is no longer in danger of extinction."

REALITY:

The American bald eagle is still listed as an endangered species and more importantly, its recovery has less to do with its listing on the ESA and more to do with the banning of the pesticide DDT in 1972 and a ban on hunting bald eagles.

This brings to light another failure of ESA: delisting species after recovery. In fact, few standards are set to determine "successful recovery." To ensure effectiveness, the Act should require a plan to help a species recover before it is listed. The current act requires no such plan.

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"Species ranging from the California condor to red and gray wolves have recovered and their numbers are on the rise."

REALITY:

Again, this has less to do with their listing on the ESA than it does with the expanded knowledge of the species, and more specifically their breeding habits. Protection under the ESA is crucial to recovery and study efforts but to ensure effectiveness, independent scientific review is needed when listing species and developing recovery plans.

Now is the time to update the ESA with the valuable knowledge we have gained over the last 30 years and provide ways so that knowledge can be used in recovery of species.

RHETORIC:

"Hundreds of species are improving, and some are nearing their recovery goals."

REALITY:

Recovery goals aren't currently mandated under the ESA. The current lack of criteria to judge recovery makes evaluating progress very difficult.

We can't afford to ignore the fact that over 800 species are declining. In fact, populations of 66% of species have declined since their listing under the ESA.

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RHETORIC:

"Meanwhile, the act has inspired conservation efforts across the world."

REALITY:

An improved ESA, with further updates and strengthening, could encourage even more conservation efforts through partnering with local land owners and local governments. The ESA will be more effective if it can collaborate with private landowners, on whose land 90% of endangered species live. We must make the Act friendlier to state and local conservation efforts.

RHETORIC:

"A more enlightened reform effort is under way in the Senate, where Sen. Lincoln Chafee, R-R.I., is drafting a bipartisan proposal."

REALITY:

Senator Chafee is, in fact, interested in a bi-partisan partnership and proposal with the House of Representatives. Included in this bi-camel approach are Rep. Pombo (R-CA), Rep. Walden (R-OR), Rep. Cardoza (D-CA) and Senator Crapo (R-ID) who are working to write legislation that enhances recovery of species and the conservation of habitat.

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REALITY:

According to joint reports of the Senate and House, these are the same issues being considered in both versions of the legislation. In fact, these are the same issues being talked about by all groups who want commonsense updates to make the ESA more effective in achieving its goal of recovery. Testimonies, from private landowners, leading scientists, and on-the-ground implementation experts have all said the same thing...promoting incentives for private conservation is needed in both House and Senate versions.

RHETORIC:

"Lawmakers should focus on making the act more simple, flexible and affordable. They should also look for ways to make recovery efforts more collaborative and to work more cooperatively with local governments and private property owners."

REALITY:

This is almost a verbatim quote from Chairman Pombo. Working together we can make the Act less burdensome and more effective in achieving our goal of recovering species.

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RHETORIC:

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REALITY:

The Endangered Species Act has become the nation's most powerful and effective weapon to hinder, through litigation, reasonable environmental protections and recovery efforts. Efforts, in both the House and Senate, will stay focused on updating and strengthening the ESA so it can achieve its true purpose of recovering our nation's most endangered species.