

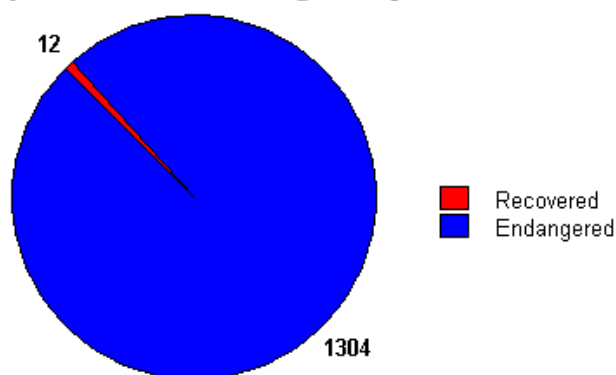
## Improve and Update the Endangered Species Act

**Issue.** Originally adopted in 1973, the Endangered Species Act (ESA) was designed to protect species believed to be on the brink of extinction. When the law was enacted, 109 species were listed for protection. According to the U.S. Fish and Wildlife Service (FWS), there are currently 1,265 species in the United States that are listed under the ESA as threatened or endangered. An additional 39 species were listed and de-listed over the last thirty-years, for a grand total of 1,304 species. According to the Fish and Wildlife Service's data on de-listed species, in the Act's history only **12 of these 1,304 species** have been recovered. **That amounts to a species recovery rate of less than 1 percent.**

These numbers clearly demonstrate that the Endangered Species Act is not accomplishing its conservation objectives. At the same time, the ESA, with its absolute mandate to recover threatened and endangered species without consideration to economic or social factors, is implemented in a manner that is extraordinarily burdensome to landowners and rural communities.

One of the most evident weaknesses of the current ESA is its failure to integrate sound science into the decision-making process. A high-profile situation in Colorado and Wyoming clearly highlights the shortcomings in the ESA.

**By the Numbers: Endangered Species Recovered**



**Preble's Mouse Case Study Calls for Higher Scientific Standards in ESA Decisions.** In 1954, the Preble's meadow jumping mouse was created as a subspecies of mouse in Colorado and Wyoming. Based upon this study and unpublished work, Preble's was listed under the ESA in 1998. Since then, it has cost landowners and local governments millions of dollars each year. When questioned how Preble's could be distinguished from other subspecies, the FWS replied it was possible by examining differences in the color of pelts and taking measurements inside the mouse's skull. Today, Preble's are known to exist far and wide. And an independent scientific review (Ramey et al. 2005) concluded Preble's was not physically or genetically a valid subspecies. Colorado and Wyoming have both called for the immediate de-listing of Preble's.

This example demonstrates that Congress should act to make improvements to the ESA that not only incorporate "sound science" but also accomplish the following objectives:

- **Establish Recovery Objectives:** Establishing recovery objectives will give us a goal to work toward and, when that goal is reached, species can be removed from the list.
- **Encourage Voluntary Conservation Efforts:** Voluntary conservation efforts should be promoted by creating new avenues for private property owners to proactively participate in species recovery efforts. These efforts should include creating a habitat reserve program, tax incentives, loan or grant programs and other initiatives that encourage landowners to voluntarily participate in species conservation efforts.
- **Increase State and Local Involvement in Species Recovery Efforts:** Use state and local

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expertise and abilities by providing more flexibility so that States can facilitate voluntary efforts to protect and enhance species.

- **Increase Funding for Voluntary Programs:** Provide financial support for voluntary programs and state or locally led initiatives that are critical to ensuring species recovery.
- **Encourage Prelisting Measures:** Promote efforts like the collaborative efforts by states, local governments and private parties to develop protection programs to address species of concern before they have to be listed under the ESA.
- **Strengthen the Critical Habitat Designation Process:** Strengthen the critical habitat designation process by ensuring that critical habitat designations are supported by sound decision-making procedures, take into account existing habitat protection measures (such as habitat conservation plans and other state and federal land conservation or species management programs) and rely on timely field survey data.
- **Improve Habitat Conservation Planning Procedures (HCP) and Codify “No Surprises”:** The HCP process has the potential to be a success story but too often private property owners are stymied by the delays and costs of getting HCP approval. HCP approval should be streamlined. Further, landowners involved in conservation efforts need to be certain that a "deal is a deal." The "No Surprises" policy must be codified under the Act and cover all commitments by private parties to voluntary protection and enhancement of species and habitat.
- **Ensure an Open and Sound Decision-Making Process:** The ESA process must be open to new ideas and data. We need a decision-making process that allows for full public participation, better data collection and independent scientific review to support both the listing and recovery decisions.

In 2005, the House passed the Threatened and Endangered Species Recovery Act, which incorporated provisions listed above, by a bipartisan vote of 229-193. The bill was not considered in the Senate.

**Status.** With control of Congress switching from Republican to Democratic control, it is unlikely that any ESA reform legislation will be considered in 2007.

**NRECA Position.** Many communities have experienced the social and economic upheavals from the rigid application of the Endangered Species Act. NRECA urges ESA update legislation and strongly supports measures that make “sound science,” sound-decision making in critical habitat designations and necessary improvements to the ESA.

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