

# MOTHERBOARD

---

MASS EXTINCTION

## These Animals Went Extinct While the Government Was Deciding Whether or Not to Protect Them

By Brian Merchant

March 08, 2013



The Guam Broadbill went extinct while languishing on the government's "candidate list." Image: Fish & Wildlife

If a waning plant or animal species manages to get listed as 'endangered' by the U.S. government, its chances of survival are outstanding. Since the Endangered Species Act was put into place in 1973, only ten listed species have definitively gone extinct, according to both Fish and Wildlife Service records and the Center for Biological Diversity. And two of those were already in steep decline, and probably doomed by the time they made the list. Given that there are 200,000 known species living in the United States, and that some will naturally go extinct at a certain rate anyway, the law boasts a sterling record.

"That's a 99.99% success rate in terms of stopping extinction," Noah Greenwald, the endangered species program director at the CBD, told me.

But that's only counting the species that are lucky enough to make the cut. The real problem is getting species onto the list in the first place, preferably before they die off altogether. Getting threatened species registered on the endangered list is an agonizing process; it often takes a multi-decade slog through seven levels of bureaucratic

hell before a species gets listed. As of 2004, the CBD counted 85 species that had gone extinct before they were ever placed on the list at all. More have died off since then.

All sorts of phenomena are killing species off now, after all. Many conservation biologists believe we're in the midst of a major, human-caused extinction event: development, climate change, habitat loss, fishing, hunting, you name it, we're doing it, and it's killing off plants and animals in droves.

Typically, organizations like the CBD or the WildEarth Guardians push back by petitioning the federal government—and sometimes sue it—to get a new species considered for federal protection. Proposed species are then placed on a "candidate list," which is typically already hundreds of names long, where they await the bureaucracy to determine their fate. The CBD has called the candidate list "an extinction waiting room." In 2009, WildEarth released a report (PDF) detailing the 40 species on the candidate list that the Fish & Wildlife considered the "most imperiled." Many had been languishing so long, some for more than two decades, that many were already believed to be extinct.

In other words, dozens of plants and animals have gone extinct while the government is deciding whether or not they need to be protected. The Obama administration made news when it announced that in response to pressure from both groups, that it would finally be finalizing decisions on the hundreds

of species on the candidate list's backlog—in addition to hundreds more. The question is, will the government be able move fast enough to save some of the nation's most threatened plants and animals?

A species can go extinct before earning official protection primarily in three different circumstances. Below, I'll illustrate with an unfortunate example of each:



Image: RedOrbit

That's the Amak Song Sparrow, which hasn't been sighted since 1980. According to the CBD, it's one of 42 species to die off while the decision of whether or not it should be placed under the Endangered Species Act was being delayed for one reason or another.



Image: Field Observations of California Reptiles and Amphibians

And here's the Breckenridge Slender Salamander, a subspecies of which was last spotted in 1983, and is a fine example of an animal that went extinct without the endangered listing process ever getting initiated at all. As of 2004, that had happened to 31 other species, too—they'd died off before anyone had bothered to file the paperwork.



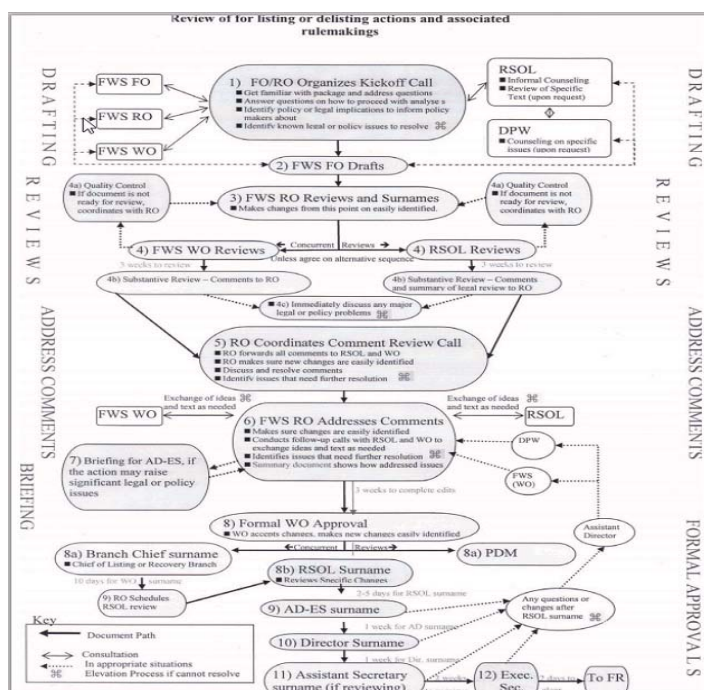
Image: Wikimedia Commons

This here's the Fresno Kangaroo Rat. It was one of ten species to finally become listed as "endangered" after it was extinct. An instance, if there ever was one, when being late is worse than never.

So, that brings us to 85, our grim magic number. The 10 posthumously listed plus 42 that died before they ever could get listed plus 32 that were never considered equals 85 species wiped off the face of the Earth despite laws enacted specifically to protect them.

So what goes wrong? How is it that the system breaks down? That scores of species never got the protection guaranteed them under the law?

Here's a good place to start. Greenwald forwarded me this flowchart of how, ideally, the Endangered Species Act approval process is supposed to work:





That's just the first page. It's mind-boggling: just look at how many checks and reviews and consultations a species has to successfully clear to get listed. In all, between 20-25 people and institutions have to sign off on a proposal before a species can get protection. This can take years, and too often, decades.

Greenwald began explaining the intrinsic problem with such a lengthy, convoluted process by pointing out, astonishingly, that “this is actually their reform proposal to make the process more clear.” As in, it's more complicated as of right now. In an email, he wrote that “I compare this chart to the process for peer review of scientific publications, which typically involves 3-4 people, and it seems pretty cumbersome. It also invites political intrusion into what should be a scientific call.”

And therein lies the root of those extinction-causing delays. By law, protection must be granted according to the “best available science”—just like our clean air and water protections. If there's ample scientific evidence that a species is dying, the law says measures must be taken to protect it. But, as with our clean air and water protections, granting species protection is often politically controversial, primarily because it can halt or slow real estate development and industrial operations. Business interests, and therefore politicians as well, often protest potential listings they fear will infringe on economic growth.

Take, for instance, the lesser prairie chicken, whose dwindling populations live across Texas and the Midwest. It's currently under consideration for protection, but it lives on land that's being fracked by the oil and gas industries. The listing could force industry to take expensive measures to protect the chicken, so industry has made a lot of noise about how the protecting the chickens will cost people their jobs. Similar snafus have played out since the dawn of the Endangered Species Act, another notable instance being the desert tortoises and the solar power developers in Southern California.

As a result of the political firestorm a listing is apt to stir up, the officials at the Fish and Wildlife are weary about adopting any new ones.

“Fish and Wildlife are afraid of their funding getting cut off,” Greenwald says. “They perceive listing as a

controversial act, so they limit the amount of controversy. They're timid. They have a very cumbersome process.”

That process had in fact grown so cumbersome, its practitioners so timid that both the Center for Biological Diversity and WildEarth Guardians had to become a lot more aggressive. Each sued the Fish and Wildlife Service to force them to stop dragging their feet on listing species.

During all eight years of the Bush administration, only 62 species were added to the list—a record low since the law's inception. By contrast, the Clinton administration added an average of 65 species each year, and George senior listed 58 a year. The first four years of Obama's term weren't much better.

“They have protected new species at a very slow rate,” Andrew Wetzler, director of the Natural Resources Defense Council's land and wildlife program, told Mother Jones in 2011. Obama's team added 47 Hawaii-based species held over from the Bush administration, and has since added around a hundred more.

As a result of the suit, which ended in a 2011 settlement between the Fish and Wildlife and the two groups, the administration has promised to make rulings for each of the candidates in the “extinction waiting room” by 2018. It has already been whittled down to 184 species, the lowest number it's been since the 90s. Conservation groups see this as a hugely encouraging sign. But it may still be too little too late for some of the species that have teetered on the brink for decades.



Image: Fish & Wildlife

Take, for instance, the Tacoma pocket gopher. The CBD petitioned the government to add it to the list in 2002. The gopher sat on the candidate list for a decade

before it and three closely related species were granted protection in 2012, in the aftermath of the 2011 settlement. Unfortunately, it was already extinct.



Image: UGA.edu

Or look at the Florida rainbow snake—the CBD petitioned for protection for it and 400 additional wetland creatures. Rather than conduct a scientific survey, Fish and Wildlife ruled the snake extinct on the spot. There’s currently a \$500 reward for anyone that finds enough evidence of a living rainbow snake to prove them wrong.

But the real questions concern the species that are still hanging on. Species like the Montana grayling, a trout-like fish that is now only found in a single stretch of a single river. It’s the one that first jumps into Greenwald’s mind when I ask him about species liable to be lost to the sluggishness of the bureaucratic process.

“It has been waiting for protection since 1982,” he says. “It only occurs in one stretch of the river in Big Hull river in Montana. It’s threatened by water withdrawals. You’d be losing a top predator, and one that people fish for. It’s very beautiful.”



Image: Southeast Fly Fishing Forum

Greenwald tells me that the Federation of Fly Fishers joined the CBD to sue the state, and that they’d filed multiple lawsuits to save the vanishing fish.

“We’d be losing the last population of the grayling in the lower 48,” he says.

They won a decision by 2014. A victory, but like so many small triumphs in an otherwise Sisyphean process, it may prove hollow. The Montana grayling, like other species with dwindling populations, might not last another two years without active protection from the state.

“They’re hanging on, and it is pretty tight. But we hope that they’ll make it,” he says. “It’s a real threat that it could go extinct before then.”