

Local View: Lessons from a beetle on Endangered Species Act's power

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This year marks the 40th anniversary of the Endangered Species Act, our nation's premier environmental law, which highlights the critical role biological diversity plays in maintaining a functioning space for all living beings.

Nebraskans don't have to look far to find examples of the act's remarkable record of preventing extinction and helping plant and animal species recover.

During the past century, more than 230 species of birds have been documented on our salt marshes, including such species as the piping plover and peregrine falcon, both of which have recovered from the brink of extinction with help of the Endangered Species Act.

But the plight of the Salt Creek tiger beetle here in Lancaster County is a stark reminder that the success of the act over the next four decades, and beyond, is limited to our willingness to follow the best available science rather than the most expedient politics.

With only a few hundred individuals remaining, not only is our little brown, half-inch-long beetle considered one of the rarest insects on the planet, it is struggling to survive in one of the most restricted ranges of any U.S. insect: 90 percent of its salt-marsh habitat has been destroyed or severely degraded.

Yet, earlier this month the U.S. Fish and Wildlife Service, announcing a long-awaited decision on how much critical habitat should be set aside for the beetle, proposed that only 1,110 acres be designated in Lancaster and Saunders counties. The decision stands in sharp contrast to a 2005 recommendation by scientists that 36,000 acres of habitat were needed to be protected to ensure the beetle's recovery.

Since the Bush administration, our government agencies have been taking a politically hand-cuffed, extremely timid approach to implementing the full power of the Endangered Species Act.

We saw it last summer in the decision not to extend the act's protection to the critically imperiled dunes sagebrush lizard, an outcome fueled by heavy lobbying from oil, gas and livestock industries. We saw it again late last year with the scientifically indefensible decisions to cut 90 percent of the mountain caribou's high-mountain habitat. And if we aren't careful, this politically compromised approach is likely to continue.

Led by U.S. Rep. Doc Hastings, R-Wash., Republicans have pushed hard in recent years to weaken the Endangered Species Act. Hastings, who chairs the powerful House Committee on Natural Resources, routinely has attacked both the act and the conservationists, like me, who work to enforce it.

Not surprisingly, the facts don't support Hastings' claims that legal petitions from conservationists forcing the Fish and Wildlife Service to make timely decisions about protecting imperiled species are a waste of time and taxpayer money.

A study published last year in the journal *Science* found that citizen-initiated lawsuits did a better job than the Fish and Wildlife Service of identifying the nation's most-imperiled plants and animals. Dan Ashe, director of the service, has said he believes petitions from citizen and conservation groups are one of the strengths of the Endangered Species Act.

A perfect example is the recent lawsuit featuring the burying beetle, which forced the U.S. Fish and Wildlife Service to do a better job of limiting illegal "take" of protected species. That litigation also brought greater public awareness to why the 12 million-acre Sandhills region is referred to by scientists as "the most important biologically intact focal area within the Great Plains." A side effect of that litigation was to assist the U.S. Department of State with the November 2011 determination to delay the Keystone XL pipeline until an alternative route circumventing the environmentally sensitive Sandhills was solidified.

It's clear only with the help of citizens can the Endangered Species Act continue its unequalled record of success: In its first four decades, the law has prevented the extinction of 99 percent of the more than 1,400 plants and animals it protects.

To make sure that success continues for another 40 years, all we have to do is follow the science, not the politics.