



CONGRESS BLOG

THE HILL'S FORUM FOR LAWMAKERS AND POLICY PROFESSIONALS

Program for protecting species under Endangered Species Act badly needs a jump-start

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The Endangered Species Act has been tremendously successful at recovering species under its protection. Indeed, a recent study from the Center for Biological Diversity where I work, found that more than 85 percent of continental birds protected by the Act are stable or improving.

But here's the thing: The Act only works for species once they are actually listed as threatened or endangered. Every day that legal protection is delayed for an endangered species is a day it's closer to extinction. Indeed, at least 42 animals and plants have gone extinct waiting for protection, including the Hawaiian bird, Bishop's 'O'o, and the little Mariana fruit bat.

That's why this week the Center filed a notice of intent to sue the U.S. Fish and Wildlife Service for failing to act on petitions to protect 417 species from across the country, including Florida sandhill cranes, coastal flatwood crayfish and eastern diamond rattlesnakes.

Conservation groups, including the Center, petitioned to protect most of these species between 2008 and 2010, meaning they have already been waiting six to eight years for help.

Unfortunately that's not surprising. A recent peer-reviewed study I co-authored found that on average, species have waited 12 years for protection, even though the Endangered Species Act requires that protection take no more than two years. These unnecessary bureaucratic delays increase risk of extinction for America's most at risk wildlife and ultimately make recovery more difficult and expensive.

Predictably opponents of endangered species in Congress wasted no time in criticizing our honest effort to speed protection for these 417 species. Specifically, the Congressional Western Caucus, which is chaired by the anti-environmental Rep. Cynthia Lummis (R-Wyo.) and includes 54 Congressional Republicans from the West, bizarrely claimed that we now have "full control over federal endangered species policy." They also accused us of flooding "the agency with petitions to list as many species as can be found under every rock and in every crevice, and then sue when the FWS is unable to meet rigid, artificial deadlines under the Endangered Species Act (ESA) for reviewing those petitions."

That derisive tone toward endangered species is characteristic of many Republicans in Congress. Fortunately such views are out of step with a clear majority of the American public that in poll after poll overwhelmingly supports protection of endangered species.

Rather than searching “under every rock and in every crevice,” these 417 petitioned species represent a portion of the many hundreds of legitimately imperiled species that need consideration for endangered species protection.

In fact, the Fish and Wildlife Service has already determined all 417 may warrant protection, but has failed to take the next step and determine whether protection is warranted, which is why we filed our notice of intent. Still hundreds of other species have yet to be petitioned for protection and thus are currently not even in the queue for protection.

In other words, if the U.S. Fish and Wildlife Service is to truly provide protection to all of the many species at risk of extinction, it needs to move considerably faster. Under the Obama administration, the agency has protected a total of 232 species, for an average of 31 species per year, many under a five year settlement agreement we had with the agency to make protection decisions on 757 species that is now coming to an end. Although this represents a vast improvement over the 62 species protected during the entire eight years of the Bush administration, it falls well below the 499 (an average 62 per year) protected under the Clinton administration.

One problem is that the Fish and Wildlife Service routinely requests far less money than it needs to address the backlog of species needing protection and, since 1998, has requested and been granted a cap on the dollars that can be spent for listing of species.

To be fair, there’s no indication from Congress, as exemplified by the attack on us from the Western Caucus, that it would be receptive to a request for more money for listing species, yet the agency’s approach of requesting not much more money than is necessary to respond to court ordered deadlines to issue findings on species’ protection does little to highlight the full scope of the problem.

We don’t relish suing the Fish and Wildlife Service to obtain decisions for these 417 species, but if there is no indication that it will take quick action to protect these species, as well as many others, we see no other choice to ensure that more species like the passenger pigeon or Carolina parakeet are not lost to extinction – something that can never be undone.