

## Trump Attacks Endangered Species Act

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WASHINGTON, DC, July 23, 2018 (ENS) – The Trump administration is proposing new rules for implementing the Endangered Species Act, ESA, that will make it more difficult to recover Threatened and Endangered species across the country.

Conservation groups fear that the revisions would allow drilling, mining and ranching in what is now protected habitat, but the government agencies involved said in a statement, “The changes incorporate public input, best science and best practices to improve reliability, regulatory efficiency and environmental stewardship.”

ocelot

The Endangered Species Act was signed into law in 1973 by Republican President Richard Nixon and now protects more than 1,200 plant and animal species.

The U.S. Fish and Wildlife Service and National Oceanic Atmospheric Administration (NOAA) Fisheries Thursday proposed several changes to the law.

One set of regulatory changes would weaken the consultation process designed to prevent harm to endangered animals and their habitats from the activities of federal agencies.



The ocelot is listed as Endangered under the Endangered Species Act although it remains in Texas and Arizona. Populations of ocelots in northeastern Mexico and Texas have experienced declines and genetic isolation. The number of wild ocelots in Texas is between 50 and 80 animals. This one was photographed at the Franklin Park Zoo, Boston, Massachusetts, December 24, 2015 (Photo by Eric

A second set of proposals would limit the designation of critical habitat and weaken the listing process for imperiled species.

A third regulation would eliminate nearly all protections for wildlife newly designated as “Threatened” under the ESA.

The proposals appear to be part of a broader effort by Interior Secretary Ryan Zinke to undercut protections for wildlife and public lands.

The first change relates to the designation of critical habitat – land required for survival by listed species. The agencies propose to first evaluate areas of critical habitat currently occupied by the species before considering unoccupied areas. Second, the agencies propose to “clarify” when they may determine unoccupied areas are essential to the conservation of the species.

The agencies say they “recognize the value of critical habitat as a conservation tool,” but “in some cases, designation of critical habitat is not prudent.”

So, they are proposing a “non-exhaustive list of circumstances where they may find that designation for a particular species would not be prudent.”

The agencies said they “...anticipate that such not-prudent determinations will continue to be rare and expect to designate critical habitat in most cases.”

wolves

Several of the changes relate to Threatened species, defined by the ESA as species that are likely to become in danger of extinction within the “foreseeable future.”

For the first time, the agencies are proposing an interpretation of “foreseeable future” so that it extends only as far as they can “reasonably determine that both the future threats and the species’ responses to those threats are probable.”

The Fish and Wildlife Service is separately proposing to rescind its blanket rule under section 4(d) of the ESA, which automatically

conveys the same protections for Threatened species as for Endangered species unless otherwise specified. This brings its regulatory approach to Threatened species protections in line with NOAA Fisheries, which does not employ such a blanket rule.

The proposed changes would affect only future listings or downlistings and would not apply to species already listed as Threatened.

“One thing we heard over and over again was that ESA implementation was not consistent and often times very confusing to navigate. We are proposing these improvements to produce the best conservation results for the species while reducing the regulatory burden on the American people,” said U.S. Fish and Wildlife Service Principal Deputy Director Greg Sheehan.

“We work to ensure effective conservation measures to recover our most imperiled species,” said Chris Oliver, NOAA Assistant Administrator for Fisheries. “The changes being proposed today are designed to bring additional clarity and consistency to the implementation of the act across our agencies, and we look forward to additional feedback from the public as part of this process.”

There will be a 60-day period allowed for public comment, but conservation groups are speaking out right now.

Ginette Hemley, senior vice president, wildlife conservation, at the nonprofit World Wildlife Fund said, “Any effort to weaken the Endangered Species Act is of grave concern. Its effectiveness is proven – 99 percent of species listed on it have avoided extinction.

The steps proposed today by the administration, including removing the Blanket Section 4(d) Rule, would weaken important protections for threatened and endangered species and put our planet's imperiled wildlife further at risk."

"By keeping these precautionary measures under the ESA intact," said Hemley, "we can ensure the survival of America's remarkable wildlife while also doing our part to stem the sweeping loss of biodiversity we are seeing globally."

The Trump administration's proposals mirror an agenda favored by oil and gas companies, mining companies and ranchers in Western states, who have contended that the ESA is an expensive and unwanted intrusion of the federal government onto their lands.

But until now, efforts to enshrine that agenda in law have failed, even when Republicans controlled both the White House and Congress as they do now due to widespread public support for the conservation of animals and plants at risk of extinction.

"These proposals would slam a wrecking ball into the most crucial protections for our most endangered wildlife," said Brett Hartl, government affairs director at the nonprofit Center for Biological Diversity.

"If these regulations had been in place in the 1970s, the bald eagle and the gray whale would be extinct today," said Hartl. "If they're finalized now, Zinke will go down in history as the extinction secretary."

"Under the proposal relating to federal consultations, impacts to critical habitat will be ignored unless they impact the entirety of an

animal's habitat," says Hartl, "ignoring the fact that "death by a thousand cuts" is the most common way wildlife declines toward extinction."

The proposal will also prohibit designation of critical habitat for species threatened by climate change and will also exclude designation of critical habitat for areas where species must move to avoid climate threats. eagle

"This proposal turns the extinction-prevention tool of the Endangered Species Act into a rubber stamp for powerful corporate interests," said Hartl. "Allowing the federal government to turn a blind eye to climate change will be a death sentence for polar bears and hundreds of other animals and plants."

Steve Holmer of the nonprofit American Bird Conservancy said, "Under these changes, birds newly listed as Threatened could legally be killed or harmed. The changes would also make it more difficult to list species that the best science indicates should be listed, and to conserve and restore habitat, due to the weakening of Section 7 consultation for management of federal lands."

"Several bird species listed as Threatened under the ESA – the Marbled Murrelet and Northern Spotted Owl in particular – likely owe their current existence to the ESA's blanket 4d rule against take and the inter-agency cooperation mandated by Sec. 7," explained Holmer.

Opposition to Trump's proposals also is strong among Democrats in Congress.

Ranking Member of the House Natural Resources Committee Congressman Raúl

Grijalva, an Arizona Democrat, said, “The Trump administration doesn’t seem to know any other way to handle the environment than as an obstacle to industry profits, and House Republicans don’t seem to know any other response than standing around and applauding bad decisions.”

“If a single company can make a single dollar from the destruction or displacement of an endangered species, it’s full speed ahead,” said Grijalva. “The public doesn’t demand this; this is part of the endless special favors the White House and Department of the Interior are willing to do for their industry friends. It’s reprehensible and it needs to be opposed and reversed.”

But Trump administration officials take a different view.

“By creating a clearer regulatory distinction between threatened and endangered species, we are also encouraging partners to invest in conservation that has the potential to improve a species’ status, helping us work towards our ultimate goal: recovery,” said Sheehan.

The proposed rules are available here and will publish in the Federal Register on July 25, 2018, and will provide detailed information on how the public can submit written comments and information concerning these provisions.

Comments for each of the three notices must be received within 60 days of publication in the Federal Register, by September 24, 2018. All comments will be posted on <http://www.regulations.gov>.