

Endangered Species Act

POSITION: Federated Women in Timber (FWIT) commends the House of Representative for passing HR3824, the Threatened and Endangered Species Recovery Act (TESRA), in an attempt to correct flaws in the current Endangered Species Act (ESA). FWIT is also pleased that S-2110, the Collaboration for the Recovery of Endangered Species Act (CRESA), has been introduced in the Senate.

Both bills have merit and very necessary proposed changes to the current Act. However, FWIT supports the Senate version of an ESA revision and reauthorization for a number of reasons:

CRESA

- Focuses on recovery – for much of its history, the ESA has been about how to get species "on" the list. The focus should be on the recovery of the species and how to get them "off" the list.
- Establishes a priority and recovery system for species, and includes economic and social factors as well – people and economies still count
- Allows more state involvement and acknowledges state successes. In Idaho you can point to state successes such as the Lemhi Agreement, the work on Southern and Northern Idaho ground squirrels, and Idaho's wolf recovery program. States have a more resources and capacity to resolve issues.
- Provides monetary incentives to private landowners who go above and beyond normal species recovery. One example is the tax credit incentives, whereby landowners get "credits" for conservation, much like industries that receive "credits" under the Clean Water Act or the Clean Air Act. This provides more flexibility with limited resources.

TESRA

- Introduction and passage of TESRA by the House indicated a national bipartisan acknowledgement that the ESA is in need of help. Thirty-two Democrats voted for passage and 27 Republicans voted against passage.
- Contains important monetary incentives to private landowners who go above and beyond normal species recovery.
- Allows for more state involvement and provide4s additional funding sources to augment ongoing state programs.
- Concerns for FWIT are that Senate resource committee leadership has been critical of TESRA, and will not accept some of the provisions. Of particular concern to ranching communities is Section 24 which would require the Secretary of Interior to finalize and inventory all "wildlife

values” on public lands, without making any provisions regarding the land use community - timber, grazing, mining etc. Some also believe that the complete elimination of critical habitat designation is too extreme for any moderate conservation community. Some states have had problems with the designation of critical habitat, but FWIT believes other sections of the ACT – particularly 6, 7, 10 have higher priority.

BACKGROUND: Becoming law in 1973, the Endangered Species Act was enacted to conserve threatened and endangered species by first listing the species then improving their status until they could be removed from the list. The current law has failed miserably in this issue. For thirty-three years the ESA has taken control of private land out of the hands of the owners in the name of protecting endangered species. Yet the ESA is actually responsible for the destruction of whole industries and the towns they supported, as lumber mills were shut down for lack of timber supply.

Since the last extension of the Act that expired in 1992, several bills have been introduced to reauthorize the law. There have also been attempts to amend specific elements of the Act without reauthorization. Though none of the previously proposed amendments have reached the floor of either Chamber, Congress continued to appropriate funds for the ESA programs. The history of the ESA shows us that in many cases the law has been used unethically to control land and people rather than recovering species. And, litigation has been used to stop needed administrative improvements in ESA implementation.

RATIONALE: Laws and regulations are meant to strengthen a nation and its people, not create destruction from within. FWIT supports the efforts of members of the House and Senate to improve the ESA. It is time to recognize that the current thirty-three year old law needs to be brought into the 21st century to ensure that America’s species have the best chance of recovery.

CONCLUSION: FWIT members stand ready to participate in meaningful discussions to an attempt to blend the House and Senate versions of the proposed bills into an Act that will improve the regulatory process and include incentives that will benefit both people and the species the ESA was designed to protect. FWIT members also recommend that consideration be given to addressing the issue of litigation in any final version of new ESA language.