



ENDANGERED SPECIES ACT (ESA)

Issue:

The Endangered Species Act (ESA) provides a set of protections for species that have been listed as endangered or threatened and is administered by the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS). Originally enacted in 1973, Congress envisioned a law that would protect species believed to be on the brink of extinction. When the law was enacted, there were 109 species listed for protection. Today, there are 1,662 domestic species on the list, with 23 species considered as “candidates” for listing. Unfortunately, the ESA has failed at recovering and delisting species since its inception. Only 3 percent of all listed species have been recovered and removed from ESA protection since 1973, with 2 percent removed from the list due to extinction or “data error.”

Background:

The ESA is one of the most far-reaching environmental statutes ever passed. It has been interpreted to put the interests of species above those of people, and through its prohibitions against the “taking” of species, it can restrict a wide range of human activity in areas where species exist or may possibly exist. Furthermore, it allows private special interest groups to sue anyone whom they allege to be in violation of the act.

The ESA is a litigation-driven model that rewards those who use the courtroom at the expense of those who practice positive conservation efforts. Sue-and-settle tactics currently employed by some environmental groups have required the government to make listing decisions on hundreds of new species. These plaintiffs have been rewarded for their efforts by taxpayer-funded reimbursements for their legal bills as a result.

While the ESA has had devastating impacts on many segments of our society, its impacts fall more unfairly on farmers and ranchers. One reason for this is that farmers and ranchers own most of the land where plant and animal species are found. The land is open, unpaved and relatively undeveloped, thus providing actual or potential habitat for listed plants and animals. Often farm or ranch practices enhance habitat, thereby attracting endangered or threatened species to their property.

Unlike in other industries, land is the principal asset for a farmer’s or rancher’s business. ESA restrictions are especially harsh for farmers and ranchers because they prevent them from making productive use of their primary business asset. Also unlike in most other industries, farm and ranch families also live on the land that they work. Restrictions imposed by endangered species concerns adversely impact farm and ranch quality of life.

Despite the fact that the ESA was enacted to promote the public good, farmers and ranchers bear the brunt of providing food and habitat for listed species through restrictions imposed by the ESA. Society

expects that listed species be saved and their habitats protected, but the costs for doing this fall to the landowner upon whose property a species is found.

We believe that farmers and ranchers will respond to incentives to protect species and habitat on their privately owned lands. Instead of being forced to feed and shelter listed species on their own, farmers and ranchers should receive technical and financial help to accomplish this. The ESA should provide a carrot instead of the stick it currently wields.

Today, the American public has a growing understanding of and appreciation for species' conservation. There are countless examples of effective voluntary conservation programs and practices that are being implemented at the state and local levels. However, the ESA's scope and reach is far more expansive today, covering situations not contemplated when the law was enacted. Improvement upon the current processes and procedures would help to serve the people most affected by implementation of the law's provisions.

AFBF Policy:

We believe that endangered and threatened species protection can be more effectively achieved by providing incentives to private landowners and public land users rather than by imposing land use restrictions and penalties.

The ESA should not be reauthorized in its current form. The current federal ESA must be amended and updated to accommodate the needs of both endangered and threatened species and humans with complete respect for private property rights within the framework of the United States Constitution.

Human need for food, fiber, shelter and energy shall have priority over the protection of endangered and threatened species.

Contact: Ryan Yates, 202-406-3664, ryany@fb.org

February 2019