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Testimony  
Before the Committee on Resources  
United States House of Representatives

Hearing on Abuses of the Endangered Species Act: the So-Called “Preble’s Meadow  
Jumping Mouse”  
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“Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed. It is a many-faceted treasure, of value to scholars, scientists, and nature lovers alike, and it forms a vital part of the heritage we all share as Americans.”

These were President Nixon’s words upon signing the Endangered Species Act in 1973. America’s conscientious use of its natural resources, including the diversity of life that makes its home within our borders, sets us apart. Preserving our country’s natural wonders is a priority that binds together Americans from all walks of life and from all political persuasions. This has been a theme throughout our nation’s history.

You have a special responsibility. Through your work on the Committee on Resources, you are able to speak for all Americans and ensure that we are leaving our children a healthier, more sustainable environment in which to dwell and explore.

Scientific advances have created so many openings to do just that. We constantly learn more about the world around us, and have remarkable opportunities to apply that knowledge in ways that improve our own lives and the lives of others.

The Preble’s meadow jumping mouse situation could be one of those opportunities, if we were prepared to accept its lessons. Scientific techniques for delineating nature’s diversity have transformed over time, and it certainly is important that the U.S. Fish and Wildlife Service use current techniques to understand how thousands of years of evolution have contributed to the biological needs of endangered species now, as well as to use modern tools to predict what challenges a species may face in the future. Congress understood this, and made sure that Endangered Species Act decisions would be based on science, and that the Service would seriously consider new scientific information in particular. For the most part, the Preble’s mouse situation proves that these aspects of the Act work as Congress intended. Prior to listing, the Service found genetic support for the mouse’s uniqueness. During later recovery plan discussions, the Service agreed that additional genetic information using newer techniques would be useful in conservation planning. The Service partnered with Wyoming to fund a genetic study. Multiple rounds of review, a separate study, peer-reviewed journal publications, more fieldwork, and an impartial panel later, and a clear picture has finally emerged about the differences between the studies conducted by Dr. King and Dr. Ramey. The panel found that the mouse is a valid subspecies, and that the chemical signatures left no room for doubt that the source of the discrepancies between the studies’ findings was contamination in some of Dr. Ramey’s samples.

So, we should all be celebrating that the Act worked correctly and as a result we have a better understanding the mouse’s conservation challenges: for example, the Denver metro area seems to have impeded Preble’s mouse gene flow.

Instead, here we all sit, at a meeting that is clearly not about the science, where the government’s choice of the hearing’s title insists on continuing to openly question whether the mouse is distinct despite the findings of its own biologists and its own expert

panel. The mouse's future remains in limbo. The Service has left the delisting proposal on the table, rather than withdrawing it in August as it was legally required to do. Instead of moving forward and applying the information learned during the genetic investigation to Preble's mouse conservation and recovery, the Committee Chair (who earlier this year attempted to gut the Endangered Species Act) and Congresswoman Musgrave (who earlier this year considered attempting to prohibit future government research on the mouse), would like to ruminate on how the mouse is indicative of the Act's "abuse."

They will be hard-pressed to do so convincingly, and not just because the scientific community has determined that the mouse is distinct.

Despite all the misinformation that many have attempted to propagate, the mouse is actually a good example of the balance that the Act as it is implemented strikes between endangered species needs and human pressures. After eight years of listing, the Service has made zero jeopardy findings regarding the mouse, which means no projects have been stopped. Instead, the Service's current database shows 168 consultation records. These involved projects including residential and commercial development, reservoirs, highway construction, and water developments. The Service has issued 125 permits authorizing take of Preble's meadow jumping mice, and has permitted the take of over 2,000 acres of occupied Preble's mouse habitat. Any travel through the Front Range lays to rest assertions that the mouse has stopped development – the mouse is only found along streamsides, which constitute a very small portion of the Front Range landscape, and development continues even in occupied stream reaches. The Service has also permanently exempted a wide variety of activities in Preble's mouse habitat from the protections of the Act. For example, the Service has permanently allowed the application of herbicides, maintenance of irrigation ditches, ongoing agricultural activities, ongoing grazing, and use of mousetraps around houses in mouse habitat. The Service has also allowed private landowners to develop their own conservation measures via Habitat Conservation Plans and then exempted those areas from critical habitat designation.

That sure sounds like the Service has gone out of its way to make Preble's mouse conservation less burdensome on private landowners, and that the agency has thoroughly examined the delisting petitioners' claims that the mouse is not a valid subspecies. And how do our public servants respond? By claiming that the Act has been abused and the mouse does not exist.

Next we anticipate a drawn out battle about the mouse's abundance and distribution. If the delisting faction would instead help focus money and energy on conserving Front Range streams, delisting could be accomplished via the recovery of the mouse, which would also reduce threats to other wildlife, to open space and to our drinking water. Greenback cutthroat trout, Ute ladies'-tresses orchid, and Colorado butterfly plant are also Front Range riparian species protected under the Endangered Species Act; getting rid of a Preble's mouse listing does not make the problem of Front Range riparian habitat loss go away.

The good news is that the scientists involved know what to do to achieve recovery. The draft recovery plan is available, and the Service should be allowed to finalize the plan, and then all stakeholders should help fund and implement it. Preble's mouse recovery is relatively straightforward – we do not need to do much restoration work, which is much more difficult; we mostly need to safeguard the most important stream reaches as habitat for the long haul.

We have an obligation to be good stewards, to see that we use our resources wisely so that future generations inherit a rich, healthy landscape and so that shortsightedness and greed do not result in the permanent loss of unique parts of God's creation. That is this Committee's responsibility, as well as every American's. Please help us work toward these goals in a constructive fashion that respects the input of the scientific community.