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“Updating the 24-year-old Endangered Species Act will help ensure that the law works better to recover endangered species. Congress can no longer kick the can down the road while millions of dollars are wasted on frivolous lawsuits, resources are diverted away from true species recovery, and jobs are lost due to regulatory red tape that does little, if anything, to protect species.”

[HASTINGS: Time to improve the Endangered Species Act](#)

By House Natural Resources Committee Chairman Doc Hastings

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When the Endangered Species Act (ESA) was signed into law in 1973 by President Nixon, he spoke about the importance of preserving “the rich array of animal life with which our country has been blessed.” I believe that goal is as important today as it was back then. However, after nearly 40 years, it’s time to take a fresh, honest look at the law and consider whether there are ways it could be improved to do a better job of protecting and recovering species.

The House Natural Resources Committee, which I chair, has begun a series of hearings to review the ESA. The purpose of these efforts is to look for ways to update, improve and strengthen the law - not to turn back the clock to 1973, before the law was passed. Congress last renewed the ESA in 1988, which means it has been 24 years since any substantial updates have been made. Clearly, Congress has failed to do its job. Even the most ardent supporters of the ESA should be able to agree that after two decades, there are ways to make the law more efficient and effective. By listening to citizens both affected by and interested in the ESA, the committee will conduct a fair and open assessment of both the law’s strengths and its weaknesses.

There are five objectives that I think a review and update of the ESA should achieve.

One, focus on species recovery. There are 1,391 domestic animal and plant species listed under the act. Of these, the U.S. Fish and Wildlife Service (FWS) has declared just 20 species recovered. That represents only a 1 percent recovery rate. The law is failing to achieve its primary purpose of recovering endangered species. We must do better.

Two, reduce ESA-related litigation. One of the greatest obstacles to the success of the ESA is the way in which it has become a tool for excessive litigation. Instead of focusing on recovering endangered species, there are groups that use the ESA as a way to bring

hundreds of lawsuits against the government. In response, agencies have to spend time and resources addressing those lawsuits instead of focusing on species recovery.

FWS Director Dan Ashe has testified that the agency spent more than 75 percent of its fiscal 2011 resource-management allocation on court orders or settlement agreements resulting from litigation. He stated, "We fully agree with the concern that our resources are better spent on implementing the ESA than on litigation."

Three, ensure taxpayer dollars are spent wisely and efficiently. Hundreds of millions of taxpayer dollars are spent each year on endangered-species protection. In the face of trillion-dollar budget deficits, Congress has an obligation to ensure that money is spent appropriately to achieve the law's intent - the recovery of species. Every dollar that is spent on court settlements and legal fees is a dollar that is not going to directly help endangered species.

Four, base decisions on independently peer-reviewed science. Any decisions made on whether to list or delist a species should be based on sound science, not politics and not just because of lawsuits. Unfortunately, this is not often the case. For example, FWS has decided not to conduct a stock assessment for the Atlantic sturgeon before moving forward with a listing. How can it determine whether a species is endangered if federal bureaucrats don't bother to count the size of the current population? Without this information, how will they ever be able to determine if the species is recovered?

Five, make the law work for both species and people. The implementation of the ESA too often goes beyond the original intent of species recovery and is instead used to block and delay job-creating economic projects and activities. For example, a renewable-energy wind project in Washington state was abandoned because of the ESA's overly burdensome regulatory process. The Radar Ridge project would have created up to 300 short-term jobs and provided a new source of renewable energy. But the project never went forward because of lengthy, costly and questionable restrictions under the ESA. We must be able to protect species without creating a bureaucracy that is so burdensome that it destroys economic activity and jobs.

Updating the 24-year-old Endangered Species Act will help ensure that the law works better to recover endangered species. Congress can no longer kick the can down the road while millions of dollars are wasted on frivolous lawsuits, resources are diverted away from true species recovery, and jobs are lost due to regulatory red tape that does little, if anything, to protect species.

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