

32-Year-Old ESA Needs Modernization

**GUEST OPINION BY
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America is as vast as it is beautiful, rich with environmental diversity and home to natural resources and agricultural land that have contributed to the economic wellbeing of many communities for generations. Additionally, such diverse land plays host to a wide variety of species and habitats.

In 1973, Congress passed the Endangered Species Act (ESA), legislation designed to recover threatened and endangered species. Since its enactment more than 30 years ago, more than 1,800 species have been listed. Instinct might cause you to say, "That's great! It's working." But what you don't often hear is that, of those listed, less than one percent have actually been recovered.

Simply stated, this well-intentioned law is not working as it should. We have a responsibility to thoroughly examine the 32-year-old law and figure out ways to make it an effective tool for species recovery without unduly burdening communities and private landowners.

Not only should the health of species throughout the nation be demonstrably improved by the ESA, but the health of communities and local economies should be carefully addressed as well. Not many things can survive a lifespan of more than three decades needing no update, strengthening, revision or alteration.

The ESA is no different. We need a 21st century law to help preserve and protect species, the environment and communities for generations to come.

We need to update and strengthen the Endangered Species Act on a variety of fronts, enhancing its ability to effectively, efficiently and fairly meet recovery objectives.

It's time to make federal agencies charged with administering the law open up the process to the public. It's time to set standards to make sure the best possible scientific data available are used. It's time to ensure that states have a direct role in the process. It's time to reach out to private property owners, protecting their rights while encouraging participation in recovery efforts. And it's time to make sure that no region of the country ever suffers as the Klamath Basin did.

When it comes to the fate of a species or the fate of a region, we want to make sure that government scientists are relying on sound data. As the National Academy of Sciences found in their independent peer review, the government decisions that lead to the water

shut-off to Klamath Basin farmers and ranchers in 2001 ran into a firestorm when subjected to rigorous peer review.

But ensuring that government scientists rely on sound data is not enough. If you are serious about wanting to save species from extinction, merely placing them on a list won't do the trick. There must also be a level of prioritization for species recovery, developing timelines and strategies based on those priorities so that resources and efforts are directed where most necessary.

Additionally, the process must be open to the public, with information used in decision-making easily accessible, including on the internet, and recovery efforts must be reported to both Congress and the public on a regular basis.

Threatened and endangered species do not recognize the distinction between public and private land, so a strong partnership between the government and private landowners is imperative to the recovery of such species. Not only do we need to provide incentives that will help landowners implement conservation efforts, we must also provide fair compensation when those same landowners are ordered by the government to stop using their property. That is the same principle employed when the government takes land for other public uses, such as highways.

The protection of species is a matter of public interest and is guided by laws of the federal government; we should not expect private landowners to bear the full cost of recovery efforts.

Every year, the Congress takes action to update old laws, bringing them in line with 21st century technologies and capabilities in order to make them more effective. The Endangered Species Act and those it impacts deserve this same attention.

The concepts outlined here are included in legislation unveiled this week by the Chairman of the House Resources Committee, myself and several of our colleagues on both sides of the aisle. It results from several years of hearings and give-and-take negotiations. It's a modernization measure that will help ensure greater public-private partnerships and real progress for the recovery of species, as the original law intended.

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