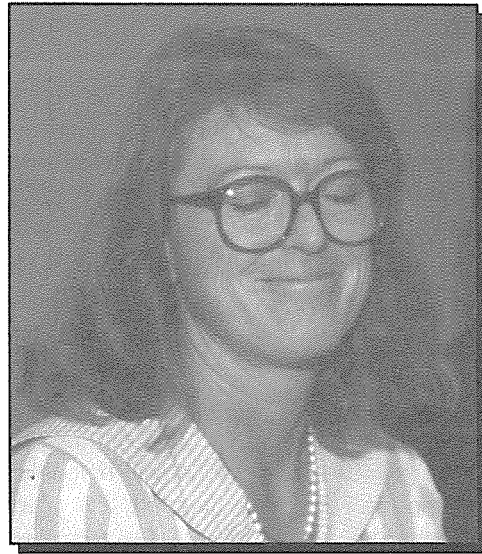


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THE ENDANGERED SPECIES ACT

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Thank you for the opportunity to attend this meeting and talk with you about the Endangered Species Act and its function. I would like to be able to tell you that we do not need an Endangered Species Act, but the current status of many of our plant and animal communities tells us that this law is an essential tool in the management of our natural resources. In establishing the programs under the Act, Congress envisioned a network of international, national, state, federal, and private organizations working together toward common goals. Implementation of the Endangered Species Act is a shared responsibility of not only federal and state agencies, but also of all of us who utilize public resources. The issues that I would like to discuss today are not the sole responsibility of the Fish and Wildlife Service. Rather, it is our responsibility as

citizens and public servants to conserve the Nation's heritage of wildlife and plant communities.

If we are to protect this heritage, we have to address the evolving knowledge of natural resource management. The emerging concept of natural resources is shaping a new approach to policy. New proposals are based on an integrated approach to natural resource values. This represents an appreciation for and understanding of the fundamental links between the economy and the environment, between human welfare and environmental health, between ecosystem protection and resource development.

Many of the elements of this emerging legal framework are already in place. Laws under which all federal agencies work allow interested members of the public to participate in the decisions about uses of natural resources. Other legal provisions re-

quire decision makers to take full account of the environmental impacts of their actions. The Endangered Species Act is only one of these laws. Together with the National Environmental Policy Act, the Clean Air Act, and the Clean Water Act, it is one of the pillars of federal environmental law. As a body, these statutes are also reflected in state law.

From its inception, the Endangered Species Act had a seemingly simple and well defined purpose: to conserve endangered and threatened species and the ecosystems upon which they depend. The Act recognizes a fundamental truth that the faster humans extinguish other forms of life the more we imperil ourselves. But it was never meant to stand alone or take the place of other mandates to the federal government to implement resource management policy. Yet, over the past few years, the Endangered Species Act has been more controversial than almost all other environmental regulations put together. Disputes have erupted over the protection of species. As the controversy intensified, environmental groups and user groups squared off. Lines were drawn, positions hardened, as both sides seem intent to fight to a deadlock. And in all the rhetoric and all the threats, few people looked for the common ground.

Our understanding of the functioning of ecosystems, that interaction between an area's organisms and its environment, contains significant gaps. It is unfortunate when policy or law making lags behind recognition of the need to protect our resources. But in spite of the complexity of the task, we do not have the luxury of waiting until uncertainties have been eliminated. Much work remains to be done, both in articulating guidance for natural resources decisions and in implementing those decisions.

Much of the change to date in resource policy, particularly related to environmental protection, has originated at the national level and continues to be directed from this level. The problems, however, occur at the regional and local levels. Ultimately, this is where solutions must be implemented through federal and local cooperation. It is essential that such solutions are based on a commitment that all interests, including federal, tribal, state, and local governments, can and do participate in making resource decisions. Conservation strategies and plans for species and ecosystems that have any

chance of adoption in the short-term and any chance of success in the long-term must include consideration of human needs. To ignore the human condition in these strategies is to fail. Implementation of such conservation plans have significant ramifications for other natural resources also, including water quality, fisheries, soils, stream flows, wildlife, and biodiversity. The issues are more complex than endangered species and jobs—they always have been.

Traditionally, resources were either committed to developmental uses, or they were set aside in a park, a refuge, or a designated wilderness. Even mandates such as "multiple use," at most result in the allocation of different areas to different purposes. Management of conflicting resource uses has historically been to slice the environmental pie into ever smaller pieces. With no concern for the whole, we compromise each of its pieces.

There has been very little accommodation of economic uses to ecosystem values. For the most part, land was either turned over to commodity use, or it was segregated and kept purely as a natural area. Little effort has been expended to understand how scarce resources could be put to economic use without destroying the viability of the natural systems of which they are a part.

The future will demand adaptations so that legitimate uses can share limited resources. We have to go beyond "owls vs. jobs" or "fish vs. people" arguments. These assume that the environmental disputes are a war in which there is a winner and a loser. We can seek out those opportunities to make decisions so that there are no losers, even if it means that we find and commit to compromises. These compromises were seldom thought about over 20 years ago. But the time has come to look again.

The prevalence of conflicts between endangered species and proposed development are evidence of a serious resource problem that goes beyond the endangered species dimension. For example, we in the semiarid West have a water problem. Now, we can protect species and have a water problem; we decide not to protect species and still have a water problem. OR we can work together to try to devise a water management, ecosystem approach that will be better for everyone's long-term

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interests. And that includes fish and wildlife communities.

Resource areas that have conflicts over endangered species are in need of fair and creative planning. Such planning should consider resources in a manner that balances the variety of human uses and protects biological systems, and that has to include endangered species habitat.

We are going to have to search for new means to accommodate ecosystem requirements with demands for resource products. This will require learning more about the natural systems, and their needs. It also means a commitment that those needs can be met, and viable natural systems maintained. But it cannot ignore that there are valid uses of those resources to meet the human demands.

Recognizing this poses a challenge to all of us. We need to devise methods for our prudent use of resources that also promote long-term sustainability of our natural environment.

If we are to agree that we will accommodate use and not just shut it off, a greater commitment is going to be required. Accommodating both use and natural functions means movement toward more encompassing management. In many instances, such as the Rio Grande, the resource areas are no longer purely natural that can or should be left alone. They are highly manipulated places which, if any natural processes or natural features are to be maintained or restored, call for the bridge between ecological and development management. Ecology can tell us what to do, economics can tell us how to do it, and ethics can tell us why we are doing it. Sometimes there exists a gap between scientific theory and the demands for consistent, on-the-ground standards of operation. But in that gap also exists an opportunity to develop needed information and alternatives for adaptive management.

The Endangered Species Act is a powerful piece of legislation, protecting species when they have reached the point where the danger of extinction is clear. However, up until the point where a species is listed, it has no real protection under the law. In the past, when the needs of the species conflicted with values of development, it has historically been hard to bite the bullet and forego or change that development for a not-quite endangered species. And the longer we wait to protect species, the more difficult and costly it becomes. In many

ways, the Act has been used in a reactive mode, becoming only the bottom line. In this mode, it has been successful in raising public awareness and providing aid to species critically in need of protection. But the Act has not been extensively used to encourage or foster proactive and imaginative strategies to resolve problems before we reach a crisis. It has not resulted in total recovery of the increasing numbers of listed species; the list of candidate species awaiting review continues to grow. This is not a symptom of the eagerness of the Service to list, but of the growing pressures on our natural resources.

The Endangered Species Act remains a component of a much-needed, broader public program aimed at protecting biodiversity. We need it to ensure that the largely unknown uses and benefits of hundreds of organisms are not lost before they are discovered. But that larger public program is also needed to raise the priority of ecosystem health. We cannot expect the Endangered Species Act to shoulder the burden and wait until species and habitats decline to the point of endangerment. Rather, we must realize that what is needed is an integration of all areas of resource management and use. There is a new recognition of the value of the conservation of ecosystems rather than individual species.

Endangered species can be viewed as the canaries in the coal mine, the early warning that systems upon which other life forms (including humans) depend are unraveling. When pressure on the environment becomes severe, the first indicators are losses of fish and wildlife. Extinction of species is only the most extreme and visible evidence of declining biological diversity. For each species that vanishes as a result of habitat destruction and pollution, countless populations and unique gene pools also are extinguished. Before pollution kills humans, it shows up in the wildlife food chain. Before timber runs out, woodland species disappear. Before aquifers dry up, fish dwindle. Threats to fish and wildlife are threats to humans.....blaming the Endangered Species Act is like blaming the smoke alarm because the house is on fire. There is a frequently ignored link between the protection of endangered species and the maintenance of human health and economic well-being.

Too often, all interested parties have failed to pursue creative conservation solutions, making the

listing of a species a first and last resort. Making the flexibility in the Act work will require input from all citizens, and state and local governments. And that means talking to each other and searching for the common ground; to try to avoid crisis management by looking at ecosystems and working for the health of those systems; and by building coalitions between public and private, state, local, federal, and tribal entities, and working to make those coalitions succeed. If you have some ideas about the management of endangered species or of species to keep them from becoming endangered, then put them on the table. If you want some input into the processes of analysis of the status of species, talk to us. But arguments that a species is worthless because of its size or obscurity, or that a project is justified in wiping out a species because it will bring so many dollars into the public and private coffers are not the arguments that build coalitions. These arguments ignore the common ground.

Many people argue that the Act places protection of plants and wildlife over human needs. Conservation of these species is good business; protecting plants and wildlife helps to meet our need for a stable food supply through protecting genetic diversity, and offers the potential for cures of cancer and other diseases.

Another common argument is that the Endangered Species Act is used to stop projects. This is simply not supported by the facts. Over a twelve-year period stretching from 1979 to 1991, there were over 118,000 informal and formal consultations completed nationwide. Of that total, only 11 percent resulted in formal biological opinions. And of those 118,098 projects, there were only 33 for which a reasonable and prudent alternative could not be found. That is three one-hundredths of a percent. In the New Mexico Ecological Services State Office, we reviewed 640 projects in the past year. None of those projects was stopped.

There are several areas in which the implementation of the Act by the Fish and Wildlife Service and all other federal agencies are undergoing changes through policy directives to improve the Act's effectiveness while making it easier for Americans to understand the law and its requirements. These changes in the way the federal government administers the Act are directing all of us to improve effectiveness in recovering listed species and

in addressing the needs of ecosystems rather than single species.

The first of these is an affirmation and expansion of existing policy, and that is the use of the best scientific and commercial information available in making decisions under the Endangered Species Act. The Service receives and uses information on the biology, ecology, distribution, abundance, status, and trends of species from a wide variety of sources. Service biologists are required to critically evaluate all scientific and other information that will be used in decision making to ensure that the information used by the Service to implement the Endangered Species Act is reliable, credible, and represents the best available.

The second policy mandates independent peer review in the listing and recovery processes. This independent review will be solicited on listing recommendations and draft recovery plans to ensure the best information is used, as well as to ensure that reviews by recognized experts are incorporated in the process.

The third directive, issued on recovery planning, will require that any social or economic impacts resulting from implementation of recovery plans be minimized. It will require that recovery plans for species be completed within 30 months of the date of the listing of the species. It also directs the Fish and Wildlife Service to involve representatives of affected groups and to provide stakeholders with more opportunities to participate in recovery plan development and implementation.

The next directive requires the Service to identify, to the extent known at final listing, specific activities that are exempt from or that will not be affected by the take prohibitions for listed species.

There is a policy directive that emphasizes cooperative approaches to conservation of groups of listed and candidate species that are dependent upon common ecosystems. This departs from the single species approach that has prevailed for years and emphasizes the importance of integrating federal, tribal, state and private efforts in cooperative multi-species efforts under the Endangered Species Act.

The last directive recognizes the need to increase participation of state agencies in Endangered Species Act activities. State fish and wildlife agencies are essential to achieving the goals of the Act because of their authorities, expertise, and close

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working relationships with local governments and landowners. This directive requires that state expertise and information be used in pre-listing, listing, consultation, recovery, and conservation planning.

In closing, I would like to leave you with a few conclusions I have reached as a resource manager working with the Endangered Species Act.

- First, conservation just doesn't work when you only apply it on a piecemeal basis. We need to address ecosystem health.
- Second, the goal of the Endangered Species Act is not to stop projects; it is to stop extinctions.
- Third, working together means giving up posturing and honestly evaluating our options.
- And lastly, there is a responsibility that all of us share to manage and use our resources in a manner that doesn't cost us our natural heritage.