



The Endangered Species Act

JUST THE FACTS

THE TRUTH ABOUT AMERICA'S LANDMARK CONSERVATION LAW



PEREGRINE FALCON © JOHN C. AVISE

More than 40 years ago, Congress made an unprecedented commitment to preserve all species by passing the Endangered Species Act (ESA). This visionary and far-reaching conservation law, saves imperiled plants and animals from extinction and protects vital habitat that provides us with clean water, food, medicines and other valuable products and services. That Congress so clearly recognized the importance of having such a law speaks volumes about the social values of this country and represents a stark rejection of the “consume until extinct” philosophy of the 19th and early 20th century. The 1973 House Committee Report on the bill that became the ESA said it most eloquently:

“...Man’s presence on the Earth is relatively recent, and his effective domination over the world’s life support systems has taken place within a few short generations. Our ability to destroy, or almost destroy, all intelligent life on the planet became apparent only in this generation. A certain humility, and a sense of urgency, seem indicated....From the most narrow possible point of view, it is in the best interests of mankind to minimize the losses of genetic variations. The reason is simple: they are potential resources. They are keys to puzzles which we cannot solve, and may provide answers to questions which we have not yet learned to ask.”ⁱ

Through the ESA, this nation has chosen to protect our natural heritage and preserve the wild lands and wildlife that make our country great. Unfortunately, opponents of this landmark legislation have repeatedly spread misinformation about the effectiveness and impact of the law. To set the record straight, here are the real facts about the ESA.



KARNER BLUE BUTTERFLY COURTESY JOHN & KAREN HOLLINGSWORTH / USFWS

The ESA has been more than 99 percent effective

The principal goal of the ESA is to conserve species that are at risk of becoming extinct. Since the ESA became law in 1973, less than 1 percent of the species protected under the act have ever been delisted due to extinction.

The recovery of an endangered species requires the thoughtful combination of the best available science and a commitment to restoration, a process that has been successfully repeated numerous times and has allowed a wide range of imperiled plants and animals to make significant progress on the road to recovery. As a result of federal protection under the ESA, bald eagles, peregrine falcons, gray wolves, grizzly bears, Florida manatees, American alligators, black-footed ferrets and many other species have been rescued from the brink of extinction. Thanks to conservation and recovery efforts triggered by the ESA, these iconic animals are thriving once again.

Endangered species programs are underfunded but highly efficient

The ESA has been extremely successful, despite chronic underfunding. ⁱⁱ All federal spending on land, freshwater, ocean and wildlife conservation programs totals little more than 1 percent of the federal budget, and programs that protect endangered species make up only a tiny fraction of this amount. Yet the ESA remains incredibly efficient at preventing extinction and putting species on the path to recovery.

As a country, we can still do better. Endangered species are, by definition, on the brink of extinction. Once a species is listed, it still faces serious challenges, including habitat loss, pollution and a rapidly changing climate. While the road to recovery for imperiled species is often challenging, it should not be abandoned. Adequate funding to support species recovery is essential to overcome these sorts of challenges.

ESA protection for wildlife boosts our economy

Our native plants and animals are valuable national assets. Wildlife-related recreation alone generates nearly \$145 billion a year in economic activity. ⁱⁱⁱ One study showed that wolf-watching in

Yellowstone National Park accounts for \$35 million in direct revenue in the region. ^{iv} Similarly, nature-based tourism in the Lower Rio Grande Valley in Texas was found to generate \$463 million per year in economic benefits for the four neighboring counties. ^v Protecting vital wildlife habitat also supports healthy natural systems that provide clean water, food, medicines and other products. The value of benefits provided by natural habitats in the contiguous United States is estimated at about \$1.6 trillion per year. ^{vi} A strong ESA is a key component for maintaining these extraordinary economic benefits and keeping our natural systems healthy.

In some cases, wildlife protection can even breathe new life into struggling industries that depend on particular species. For example, protection under the ESA for Pacific salmon has helped restore many formerly abundant runs. In 2008 and 2009, California's salmon fishery had nearly collapsed and was off-limits to commercial fisherman, ultimately costing 23,000 jobs and \$1.4 billion in economic activity. ^{vii} Further economic analysis from the American Sportfishing Association indicates that full recovery of Central Valley salmon runs could produce an additional 94,000 jobs and \$5.7 billion in revenue. ^{viii} This demonstrates that strong protection for a species also supports jobs that depend on that species.

The ESA offers flexibility for private landowners

The U.S. Fish and Wildlife Service has several programs in place to make it easier and more cost efficient for private landowners to comply with the ESA while allowing the use of their land for other purposes. For example, under Habitat Conservation Plans (HCPs), private land owners can be authorized to incidentally take listed species as a result of the development or use of their property in exchange for a commitment to minimize and mitigate adverse effects upon the species. A well-developed HCP can produce a win-win solution that offsets adverse effects on listed species while allowing private land to be developed or used for other purposes. One HCP in Indiana facilitated the recovery of least tern populations along the Wabash River and Gibson Lake by shifting development to less sensitive areas. ^{ix} Similarly, a statewide HCP in Wisconsin has contributed to the protection of habitat for the Karner blue butterfly through the simple modification of mowing practices, controlled burning, herbicidal application and forestry on certain lands. ^x

Safe Harbor Agreements are another mechanism that allows private landowners to promote the conservation of listed species without being penalized for their conservation efforts. In exchange for taking action to aid the recovery of a protected species, private landowners are allowed to later restore their property to an agreed upon "baseline" condition, even if it means removing some of the individuals of that species. These agreements ensure that a participating landowner will not encounter additional restrictions as a result of their proactive efforts to help conserve a listed species. For the Houston toad, a range-wide Safe Harbor Agreement has encouraged enrolled landowners to implement voluntary conservation measures such as creating, restoring and protecting wetlands and ponds. ^{xi}

Finally, Candidate Conservation Agreements with Assurances (CCAA) encourage private landowners to help conserve imperiled species on their property before they are formally listed. If they agree

to do so, they will not be subject to further restrictions if the species becomes listed under the ESA. Some CCAAs, like the one for the greater and lesser Adams Cave beetles, have even conserved the species to the point where they no longer required listing.

The ESA stimulates state conservation efforts

States are essential partners in any durable plan to recover endangered species. Section 6 of the ESA provides a mechanism by which the states can partner with federal agencies to conserve endangered and threatened species. Section 6 also creates a grant program that provides federal funding to the states for implementation of high-priority recovery and management actions for endangered and threatened species.

Many listed species like the whooping crane and red-cockaded woodpecker have ranges that cross state lines and are beyond the jurisdiction of any one state. These cross-boundary species are dependent upon a strong overarching federal program that provides states with a unified framework for their conservation and recovery. Thus, the ESA is vital for working across political boundaries to prevent the extinction of imperiled species.

The citizen lawsuit provision ensures ESA compliance

The citizen's suit provision of the ESA allows individuals to take legal action to ensure agency compliance with the conservation requirements of the ESA. Without the ability to enforce compliance with the ESA's legal requirements, its mandates would be meaningless. Recent reports from the Government Accountability Office and Congressional Research Service found that many conservation successes for endangered species were achieved as a direct result of legal action taken under the ESA. For example, litigation by Defenders of Wildlife and other groups led to a landmark settlement for Florida manatees, creating 17 new protected areas and enforceable speed zones to prevent boat collisions with manatees. Litigation to protect the highly endangered North Atlantic right whale had similar results, prompting implementation of a large-vessel speed limit in the waters surrounding busy ports along the East Coast. These are but a few examples of why maintaining the viability of the citizen's suit provision under the ESA has been essential to the efficacy of the law as a whole.

The ESA benefits both people and wildlife

Aside from the beauty and environmental benefits of protecting the habitat of listed species, at-risk species often play key roles in maintaining ecosystem balance. The loss of a species can disrupt important ecosystem functions, producing adverse effects that may not become apparent for decades. By protecting the places where endangered species live, we are also protecting ecosystems that provide us with clean water and abundant natural resources. Each plant or animal is an integral thread in the web of life that helps pollinate our food crops, prevent erosion, purify water, store carbon, protect us from storm surges and provide countless other "ecosystem services" that greatly benefit people.

Direct benefits from imperiled species include additions to modern medicine, agriculture, industry, recreation, and serving as

early warning environmental indicators. No matter how seemingly insignificant a species might be, each has a role to play. The endangered Houston toad, for example, secretes serotonin and alkaloids used to treat heart and neurological diseases. It is also recognized that the medicinal benefits of many species are yet to be discovered. Scientists have only assessed about 2 percent of known plant species for medicinal value.^{xiii}

The ESA also facilitates benefits to agriculture and industry. The endangered Lake Placid mint produces a chemical that repels insects, and the endangered buffalo clover is being evaluated as a "possible forage crop because of its high protein content and perennial nature."^{xiii} For the cosmetics industry, the jojoba plant produces oil that can be used in various lotions, moisturizers and shampoo.^{xiv} The jojoba plant's use in this capacity is important because a need for oils in these products almost drove the sperm whale to extinction. Commercial production of the jojoba plant began when hunting sperm whales for oil became outlawed nationally under the ESA, and internationally under the Whaling Convention.

Outdoor recreation and the enormous revenue that it generates benefit greatly from the conservation of endangered species and biodiversity. Wildlife-related recreation and tourism is a booming industry that provides millions of jobs and billions of dollars in economic revenue each year. For example, approximately 33.1 million Americans consider themselves fishermen.^{xv} The precipitous decline and subsequent listings of both Atlantic and Pacific salmon have had a tremendous economic impact upon the recreational fishing



MANATEE © BRIAN J. SKERRY / NATIONAL GEOGRAPHIC STOCK

industry, economic losses that could have been avoided if the species had been sustainably managed and their habitat better protected.

Endangered species are often a litmus test for the condition and quality of our environment. Many imperiled aquatic species are endangered because of particular environmental sensitivities. For example, many endangered freshwater fish and mussels need clean, clear, cold water to survive, and are sensitive to changes in their aquatic environment. As streams and rivers are dewatered or become dumping grounds for poorly treated industrial and municipal waste, the waters become warm and polluted. The loss of species sensitive to these changes is a warning for us all. If we continue down this path of environmental degradation, we will test the resilience of more species and increase risks to human health as well.

Our commitment to the ESA and biodiversity must remain strong

The ESA is our nation's most straightforward and effective federal environmental law. Its mandates are clear and unequivocal and it has delivered on what it was expected to do: stop the slide of species toward extinction and buy imperiled species time for recovery. Yet it also provides for significant flexibility in its application so that the economic impact of its conservation mandate is minimized. Thus, the ESA is adaptive and has room to evolve to meet the conservation needs of imperiled species in an era where concern for the economy dominates the political landscape.

In 1973, our government made a decision to conserve our nation's most vulnerable creatures by passing the ESA. As we mark the act's 40th anniversary, we should be celebrating that visionary thinking by identifying new opportunities under the act to improve and strengthen our commitment to be better stewards of the Earth. Faced with the devastating impacts of climate change and the alarming loss of biodiversity worldwide, we need the provisions of the ESA more today than ever before. This landmark law must be preserved and supported to ensure that future generations have the rich bounty of natural resources that we enjoy today.



BUTTERFLY MUSSEL COURTESY TIM MEIARO / U.S. FISH AND WILDLIFE SERVICE



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ⁱ H. R. Rep. No. 93-412, 93d Cong., 1st Sess., pp. 143-44 (1973).

ⁱⁱ USFWS, Report to Congress on the Recovery of Threatened and Endangered Species; Fiscal Year 2009-2010. http://www.fws.gov/endangered/esa-library/pdf/Recovery_Report_2010.pdf

ⁱⁱⁱ <http://www.census.gov/prod/2012pubs/fhw11-nat.pdf>

^{iv} Duffield, John W., Chris F Neher and David Patterson, "Wolf Recovery in Yellowstone: Park Visitor Attitudes, Expenditures, and Economic Impacts," *The George Wright Forum* v. 25, No. 1 (2008). www.georgewright.org/251duffield.pdf

^v Texas A&M University, Economic Impact of Nature Tourism on the Rio Grande Valley: Considering Peak and Off-Peak Visitation for 2011, April 2012.

^{vi} The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States, Southwick Associates, 9/29/11

^{vii} "Calculation of the Projected Economics and Jobs Impact of Salmon Recovery in California," Southwick Associates, 6/24/2009, http://www.asafishing.org/newsroom/documents/salmon_recovery_economics.pdf.

^{viii} Ibid.

^{ix} <http://www.fws.gov/endangered/esa-library/pdf/10-11.pdf>

^x <http://www.fws.gov/endangered/esa-library/pdf/12-13.pdf>

^{xi} <http://www.fws.gov/endangered/esa-library/pdf/ImperiledWildlifeFinalDec2005.pdf>, pg. 6-7.

^{xii} http://www.fs.fed.us/outernet/r9/wildlife/tes/docs/esa_references/Why_Saving_Matters.pdf

^{xiii} Ibid.

^{xiv} <http://www.britannica.com/EBchecked/topic/305703/jojoba>

^{xv} <http://www.census.gov/prod/2012pubs/fhw11-nat.pdf>



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