

MODERNIZING THE ENDANGERED SPECIES ACT

THE ISSUE

Enacted in 1973, the Endangered Species Act (ESA) was developed to identify species most at risk of extinction, provide tools to recover those species, and replicate that success across a variety of scenarios. The law was intended to create a framework for success so that the model could be applied to any number of animals and plants that needed assistance. Identification, evaluation, listing, recovery, and delisting are all key components of the ESA process. Unfortunately, while the popularity of the ESA has continued to grow since 1973, its efficacy has been quite low. **Only 2 percent** of the species protected under the ESA as “threatened” or “endangered” have met the recovery and delisting thresholds. **Improvements are urgently needed.**

ESA NEEDS UPDATES

INCENTIVIZE VOLUNTARY CONSERVATION

Ranchers are key to species’ recovery – not only are ranchers the primary steward of millions of acres across the West, they are keenly aware of changes that affect every part of those ecosystems. Encouraging, supporting, and recognizing the good work they already do and allowing agencies to consider that work in listing decisions would encourage more of this good work to happen. Moving away from strict limitations of land or water use and punitive restrictions will make recovery efforts more successful and more widespread.

FIX ESA LOOPHOLES THAT ENABLE FRIVOLOUS LITIGATION

Litigious radical groups have perfected the art of targeting the ESA for their own gain. Lawsuits target the agency’s failure to meet timelines in the ESA as a way to bog the ESA up in legal and administrative process in a way that takes critical time and financial resources away from species recovery. The ESA should work as intended: examine the most imperiled species first, develop a plan to recover them, and invest resources in recovery. The government should spend their time working to recover species, rather than jumping through procedural hoops to meet the demands of a lawsuit.

SUPPORT ESA’S ABILITY TO DEMONSTRATE SUCCESS

When enacted, the ESA contained clear direction that a key part of measuring success was demonstrating recovery and removing the animal from the “to recover” list. Through litigation and unclear markers of success, delisting species has become quite rare. This means species stay on the list far longer than needed, taking valuable resources that could be going to other, more imperiled species. The process should be clearer, and recovery should be recognized by the courts and by the people.



PLC RECOMMENDATIONS

- Support for legislative efforts to bring clarity and certainty to ESA
- Support for clearer and more efficient measures of success, like delisting
- Enhanced transparency in listing petitions, litigation, and settlement processes
- Improved evaluation of socioeconomic factors that affect ESA success
- Improved and expanded partnerships to leverage voluntary conservation successes

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