The Endangered Species Act: Protecting Kentucky’s Natural Heritage

By Ryan Richards and Kyle Cornish   January 9, 2018

The ESA effectively counters America’s extinction crisis

Today, 1 in 5 animal and plant species in the United States is threatened with extinction.¹ Worldwide, the rate of species extinction is 100 to 1,000 times higher than at any other time in history.² Experts have warned that unless we immediately act to change this troubling trajectory, we would face a sixth mass extinction.³

The Endangered Species Act (ESA) has been one of the most effective tools used to protect America’s perilously declining wildlife. The bedrock conservation law has prevented the extinction of 99 percent of the species under its protection. Scientists estimate that without the ESA, at least 227 threatened species—including the iconic bald eagle, Florida manatee, and California condor—would be extinct.⁴

Lawmakers had the foresight to craft the ESA as a flexible tool that encourages federal agencies to work with states, businesses, and private landowners to find local solutions. Proactive solutions—such as the 2015 sage-grouse conservation effort—have saved species from being listed as endangered, and scientific advancements have aided species recovery and habitat conservation.⁵ The ESA provides a framework for smart, science-based development, so that we can be effective stewards of America’s natural heritage.

Critics’ rhetoric does not match reality

While critics claim the ESA is a drag on development, a review of the data does not support that assertion.⁶ Section 7 consultations—the requests made to the U.S. Fish and Wildlife Service or the National Marine Fisheries Service that ensure development projects do not adversely affect threatened or endangered species—are typically completed within a matter of weeks.⁷
Between 2008 and 2015, nearly 110,000 requests for consultation were made on projects with the federal wildlife agencies. The median time for their approval was 14 business days. The 10 percent of requests requiring more formal consultation due to the projects’ likely impacts on ESA-listed species took 61 business days—far from the gridlock some critics accuse the ESA of causing. During the same period, not one project was halted or significantly altered due to U.S. Fish and Wildlife Service reviews.

ESA protection led to the recovery of an American icon

America’s national bird is also its best-known delisted species. Originally listed upon the ESA’s creation, bald eagle populations rebounded across the nation after DDT—a harmful pesticide—was banned and the ESA protected the iconic bird from being hunted.

**TABLE 1**

Consultations required under the Endangered Species Act are typically approved within weeks

Section 7 consultations with federal wildlife agencies in Kentucky, by project type

<table>
<thead>
<tr>
<th>Project type</th>
<th>Total number of consultations</th>
<th>Median days to approval, all consultations</th>
<th>Number of formal consultations</th>
<th>Median days to approval, formal consultations</th>
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<tbody>
<tr>
<td>Agriculture</td>
<td>13</td>
<td>10</td>
<td>0</td>
<td>N/A</td>
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<tr>
<td>Forestry</td>
<td>37</td>
<td>28</td>
<td>0</td>
<td>N/A</td>
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<td>Mining</td>
<td>125</td>
<td>30</td>
<td>0</td>
<td>N/A</td>
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<td>Oil or gas</td>
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<td>13</td>
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<td>68</td>
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<td>Transportation</td>
<td>218</td>
<td>13</td>
<td>0</td>
<td>N/A</td>
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<tr>
<td><strong>All types</strong></td>
<td><strong>2,184</strong></td>
<td><strong>14</strong></td>
<td><strong>36</strong></td>
<td><strong>94.5</strong></td>
</tr>
</tbody>
</table>


ESA consultation processes are highly efficient

Despite the rapid growth in demand for cellular data, ESA consultations to build cell towers have become efficient and quick—most consultations are completed in less than two weeks. The U.S. Fish and Wildlife Service and the Federal Communications Commission worked together to create a predictable, clear process that would work for everyone.
Congress should fight for America’s wildlife

Members of Congress who attack the ESA are out of step with core American values. Many Americans expect the government to act on their behalf as a responsible steward of wildlife and ecosystems. Numerous polls and focus groups have found that most Americans—regardless of their political leanings—value the ESA’s role in protecting our wildlife and natural heritage and place the future of America’s wildlife high on their list of environmental concerns.11

Rather than rewriting the ESA on behalf of special interests, Congress should support the law and improve its implementation by fully funding recovery efforts for species at the brink of extinction.

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Endnotes


8 Ibid.

9 Ibid.
