



The Endangered Species Act: Protecting North Dakota'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.⁸ 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.⁹

The ESA is a proven conservation innovation

In 2015, the U.S. Fish and Wildlife Service issued a warranted but precluded decision to forgo listing the greater sage-grouse, which ranges across millions of acres of sagebrush in the West. This decision was the result of collaborative efforts by states, landowners, and industry groups in partnership with federal agencies to proactively conserve the species' habitat.¹⁰

TABLE 1
Consultations required under the Endangered Species Act are typically approved within weeks

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

Project type	Total number of consultations	Median days to approval, all consultations	Number of formal consultations	Median days to approval, formal consultations
Agriculture	15	7	0	N/A
Forestry	0	N/A	0	N/A
Mining	8	13.5	0	N/A
Oil or gas	147	42	1	242
Oil or gas pipeline	98	20.5	0	N/A
Transportation	427	18	0	N/A
All types	2,051	17	10	41.5

Source: Center for Conservation Innovation at the Defenders of Wildlife, "Endangered Species Act consultation explorer," available at https://cci-dev.org/shiny/open/section7_explorer/ (last accessed October 2017).

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

- 1 The International Union for Conservation of Nature, "The IUCN Red List of Threatened Species," available at <https://www.iucn.org/theme/species/our-work/iucn-red-list-threatened-species> (last accessed October 2017).
- 2 Stuart Pimm and others, "The biodiversity of species and their rates of extinction, distribution, and protection," *Science* 344 (6187) (2014): 1246752, available at <http://science.sciencemag.org/content/344/6187/1246752>.
- 3 Gerardo Ceballos, Paul Ehrlich, and Rodolfo Dirzo, "Biological annihilation via the ongoing sixth mass extinction signaled by vertebrate population losses and declines," *Proceedings of the National Academy of Sciences* 114 (30) (2017): E6089-E6096, available at <http://www.pnas.org/content/114/30/E6089.full>.
- 4 Center for Biological Diversity, "The Endangered Species Act: A Wild Success," available at http://www.biologicaldiversity.org/campaigns/esa_wild_success/ (last accessed October 2017); Kieran Suckling, Noah Greenwald, and Tierra Curry, "On Time, On Target: How the Endangered Species Act is Saving America's Wildlife" (Tucson, AZ: Center for Biological Diversity, 2012), available at http://www.esasuccess.org/pdfs/110_REPORT.pdf.
- 5 U.S. Department of the Interior, "Historic Conservation Campaign Protects Greater Sage-Grouse," Press release, September 22, 2015, available at <https://www.doi.gov/pressreleases/historic-conservation-campaign-protects-greater-sage-grouse>.
- 6 Darryl Fears, "The Endangered Species Act may be heading for the threatened list. This hearing confirmed it," *The Washington Post*, February 15, 2017, available at https://www.washingtonpost.com/news/energy-environment/wp/2017/02/15/the-endangered-species-act-may-be-heading-for-the-threatened-list-this-hearing-confirmed-it/?utm_term=.d7d3579d33e3.
- 7 The Center for Conservation Innovation, "Endangered Species Act consultation explorer," available at https://cci-dev.org/shiny/open/section7_explorer/ (last accessed October 2017).
- 8 Ibid.
- 9 Ibid.
- 10 U.S. Fish and Wildlife Service, "Greater Sage-Grouse," available at <https://www.fws.gov/greatersagegrouse/#> (last accessed October 2017).
- 11 Western Watersheds Project, "New Polling Data Underscores Public Support for Endangered Species Protection," *The Wildlife News*, January 18, 2017, available at <http://www.thewildlifeneeds.com/2017/01/18/new-polling-data-underscores-public-support-for-endangered-species-protections/>.