



Costs of ESA provoke ranchers' wrath

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GREEN RIVER -- Livestock producers in Wyoming say the Endangered Species Act has appropriately helped a couple of species survive, but for the most part, they feel, the act is a land use tool that hurts ranchers.

Asked to look back on the 30-year history of the Endangered Species Act, Wyoming Stock Growers Association executive vice-president Jim Magagna said the ESA is not working the way it was intended. The act is having huge, negative impacts on the state's livestock producers, he said.

"Here in Wyoming there may a species or two that we could point to and say they truly benefited from the act -- the peregrine falcon and the black-footed ferret -- but overall it's become a tool simply to drive the use of public and private property," he said.

"It's had huge impacts on Wyoming producers and tremendous impacts to the Game and Fish, and it's really taken a huge bite out of their resources," he said, noting the ongoing struggle of western Wyoming cattle and sheep ranchers in recent years who have experienced sometimes heavy livestock losses to two listed species, the grizzly bear and the gray wolf.

"It's hurting our industry with increased costs in a way that isn't necessary in order to truly protect endangered species."

Magagna sympathized with the many ranchers in Wyoming's agricultural community who believe the act should be done away with, but disagreed with that assessment.

"I think that number one, that idea isn't politically viable, and number two, that's not the real answer," he said.

"We should keep (incentives and agreements) as a viable option and also at the same time maybe tweak the legislation so that it clearly identifies those options and set parameters for them so they can't be challenged," he said.

"The other thing I think is essential is that we address the process for both listing and delisting," said Magagna. "The process for listing has become a joke and the process for delisting has proved to be almost unworkable."

Safe harbors and other creative proposals

One downside of the ESA has been that by the time most species are listed as threatened or endangered under the act's provisions, the listed species has already suffered a dramatic decline in populations and habitat range.

Federal and state officials agree that new, creative approaches to conservation -- such as safe harbors and interstate conservation agreements -- need to be developed to help at-risk species before they ever get on the endangered list.

They also believe efforts need to be made to provide greater incentives to landowners to allow them to take positive action to promote endangered species conservation on their land.

Robert Irvin, the director of the U.S. Ecoregional Conservation for the World Wildlife Fund (WWF), said that the failure to get ahead of the curve and start conservation efforts before species have suffered dramatic declines is one area of the act that needs to be strengthened.

Irvin, an attorney and co-author of "ESA: Law, Policy and Perspectives," said the three decades of experience gleaned from the ESA has shown the act's prohibitions will not, by themselves, achieve the goal of recovering species.

"For the past 30 years, we've protected more than 1,200 species from becoming extinct under the ESA ... but it's been done largely through telling people what they can't do," he said in a recent phone interview.

"What we have found is that if we really want to get the job done, we have to encourage people to do positive things for endangered species," Irvin said. "And that's really important ... getting ahead of the curve by doing things for species that are in bad shape."

He said incentives for landowners -- whether they be cash, safe harbor or candidate conservation agreements -- are vital to the continuing success of the ESA.

Safe harbor programs, he said, provide incentives to landowners to benefit and increase the number of endangered species on their lands in exchange for guarantees that their obligations will not increase as a result of their actions on behalf of the ESA.

"The key to moving forward with species conservation is to do it in a way that benefits both people and wildlife ... and we have the ability to do that under the existing law by expanding those incentive programs," he said.

"I think there is that trend now to promote incentives for landowners to conserve species on their property in return for assurances about how they can use their property under the ESA," Irvin said.

"What we're seeing in Wyoming and across the country is a growing number of landowners willing to do good things to benefit endangered species," he said. "Most

landowners really do want to do good things for wildlife, but they also just want to be assured that it's not going to cause them undue restrictions on their land in the future."

But critics of the ESA aren't so sure safe harbors and landowner agreements will help accomplish the objectives of recovering endangered and threatened species.

"The concepts have a lot of potential, but it's running into some serious problems because of some of the demands that the USFWS has attempted to place on the landowners in order to get these agreements have simply been unrealistic," Magagna said.

Sage grouse, prairie dog

Wyoming is one of many western states that has entered into candidate conservation agreements with an eye toward keeping both the sage grouse and the black-tailed prairie dog from being listed.

The Wyoming Game and Fish Department has been working with other western states for several years on management strategies aimed at bringing back dwindling populations of both species.

The Game and Fish Commission adopted a final sage grouse management plan for Wyoming in June.

The plan -- drafted by an 18-member citizens committee working group over a three-year period -- aims to stabilize and hopefully increase sage grouse populations to keep the bird from being listed under the ESA.

The state also briefly flirted with a proposal in 2001 to provide cash incentives to landowners willing to support colonies of black-tailed prairie dogs on their lands. The proposal was part of a draft black-tailed prairie dog management plan for Wyoming.

But the proposal was never fully embraced by the Game and Fish Commission, and the state's black-tailed management plan, though adopted, has never been implemented by the department. The agency continues to work, however, with other western states to increase prairie dog habitat and populations.

Bob Oakleaf, coordinator of the Game and Fish Department's non-game programs, noted the success the agency has in working with landowners to help the peregrine falcon recover.

The peregrine falcon was removed from the ESA list in August of 1999 after successful breeding and reintroduction efforts by the USFWS and the department.

"The return of the peregrine ... is a prime example of how things were supposed to work and what the intent of the ESA was," Oakleaf said in a phone interview.

"But the thing is, most of us that worked on (peregrine falcon recovery efforts) tried to fit those in with ongoing land uses and avoid conflicts (with private landowners)," he said.

"If we had conflicts, we mitigated them by, say, releasing more peregrines somewhere else ... and there is a kind of a respect that came out of it between all the parties," he said.

"The big thing is the petitions (to list) are often based on population declines rather than the fact that the species is about to blink out ... they reference some place in history and show the species has declined," he said.

"The sage grouse, for example, has undergone some significant populations declines; its habitat and ecosystems have just been hammered from every angle," Oakleaf said. "It's a good early warning signal ... that we need to focus more on those cooperative agreements."