

Time for an Extreme Makeover

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The Endangered Species Act recently turned 30 years old and it's high time we closely examine the results and consequences of the Act. After three decades, and billions of dollars of spending by private parties, as well as local, state, and federal governments to comply with the Act, only 15 species out of the 1,853 species listed as endangered or threatened have been recovered. Clearly, the Act is due for a makeover.

The Endangered Species Act of 1973 (ESA) was not this nation's first attempt to protect species. But many thought that earlier attempts were ineffectual and lacked real regulatory teeth. As a result, the ESA was given such regulatory bite that it has been called the "pit bull of environmental laws." The Act gives the Fish and Wildlife Service and the National Marine Fisheries Service the power to trump private property rights and other federal agencies' missions.

The ESA's main regulatory tool is to place species on its list of endangered or threatened species. Once listed, the Act forbids the harming of the species or its habitat. Thirty years of experience, though, raises serious doubt whether this approach actually works to promote species conservation.

Consider the Preble's Jumping Mouse. The December edition of the journal *Conservation Biology* reports, "listing the Preble's under the ESA does not appear to have enhanced its survival prospects on private land." The study's survey of landowners found that after the mouse was listed as endangered, landowners were just as likely to degrade mouse habitat as they were to improve it. Worse, more than half of the landowners surveyed refused to let anyone on their land to conduct a biological survey for fear that regulations would follow the survey.

Other study results go further -- concluding that the ESA may actually harm the species it is supposed to protect. Dean Lueck of Montana State University and Jeffrey A. Michael of Towson University (Md.) gathered data from over 1,000 individual forest plots to study the effects of the ESA on the conservation of red-

cockaded woodpeckers, which have been listed as an endangered species for 30 years.

Red-cockaded woodpeckers are very particular birds -- they will only nest or roost in cavities in living pine trees that are at least 60 years old, and thus depend on mature stands of southern pine. Lueck and Michael found evidence of what they call "preemptive habitat destruction," that trees close to colonies of red-cockaded woodpeckers are logged prematurely. In other words, private landowners respond to the incentives provided by the Act by not allowing their trees to get old enough to provide nesting cavities for the birds. The survey also revealed that as distance from a known colony of woodpeckers increases, the chance of harvest decreases and the age at which the forest is harvested increases. The authors conclude, "This evidence from two separate micro-level data sets indicates habitat has been reduced on private land *because* of the ESA." In fact, enough habitat was reduced because of the ESA between 1984 and 1990 to have supported a woodpecker population sufficient to meet the Fish and Wildlife Services' recovery goals for the species, according to one set of Lueck and Michael's estimates.

Why is the ESA so bad at protecting endangered species? The Act provides the wrong incentives to landowners. If an endangered or threatened species takes up residence on someone's land, the landowner will frequently view it as a liability, since the regulations that protect the species limit the landowner's land use options. These regulations do not encourage landowners to conserve the endangered species, but rather they punish landowners for creating the very habitat that endangered species need to survive.

At 30, the ESA needs an extreme makeover. Instead of punishing landowners for creating endangered species-friendly habitat, the ESA should reward and encourage landowners for their conservation efforts. Since 80 percent of threatened and endangered species live on privately-owned land, our only hope to improve and recover many species will depend on conservation efforts by private citizens. If we as a nation truly care about endangered species, we need to encourage species conservation, not discourage it by punishing the landowners that steward these imperiled species.

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