

## Endangered Species Act Improvements March 2006

*The Endangered Species Act became law in 1973 and has changed little since that time. According to the latest ESA Bulletin, there are currently 1,264 species in the U.S. listed as threatened or endangered. Protecting and conserving the diversity of plant and animal species is essential to maintaining a balanced and healthy ecosystem. A comprehensive approach that emphasizes total resource management will ensure habitat protection for all species and minimize the need to list additional species with a focus on recovery. Improvements to the ESA can enhance wildlife habitat, while providing greater incentives for landowner involvement.*

### **The Endangered Species Act should be changed to:**

1. Provide full compensation to individuals for current and long-term “takings”. Take into consideration cost-benefit analysis and mitigate for adverse economic, social, and cultural needs of the human element (change Section 4(b)(2) of ESA)

2. Consider and evaluate cumulative effects in accordance with the National Environmental Policy Act (NEPA). Single species management does not consider ecosystem needs and may be detrimental to the well being of other organisms. (add to Section 4)

3. Focus on species recovery by improving ecosystem health, instead of single species listing. Listing should be incentive based rather than regulatory (add to subsection (c) of Section 4 and a new statement to Section 4)

4. Seek scientific consensus and require mandatory non-governmental, non-bias peer review prior to the listing of any species.

5. Petitioners requesting endangered or threatened species designation should be responsible for costs incurred if a listing is determined to be unwarranted.

6. Require appropriate bonding by any petitioner for a proposed listing of a species. Bond to be forfeited if a species is determined not warranted to be listed. (add to Section 4(b))

7. Codify applicant status to make clear that permit applicants (consists of any individual seeking a federal permit or license) are provided the opportunity of direct involvement in the Section 7 process. (amend Section 6 and 7(a) and (d)) Eliminate the proposed listing of any sub-species. (Amend Section 3(16))

8. Not allow taxpayer funds to be utilized by non-government entities to sue the Government or others (add to Section 1 (c)(4) as new policy and amend Section 11 (9)(g))

9. Enhance the incidental take rules to reduce the need for civil violations penalties.

10. Expedite the delisting process. (add new subsection under Section 4)

11. Revise the “taking” definition to protect private and states property rights in conformance with the United States Constitution. (Section 3(19)) a tiered programmatic consultation at the national, state and local level.

12. Provide for “safe-harbor” provisions to make the act more flexible and to encourage landowners to manage lands in a more “endangered species friendly” manner.



**Tony Hoch, District Manager, Laramie Rivers CD, and Dave Mangelson, Chairman, Buford Foundation, release thousands of Wyoming Toad tadpoles.**



**Toad is being legally handled by USFWS biologist on a June 2004 outing to Mortenson Lake NWR.**



**Mary Paxson, of Senator Thomas' office looks on as US F&W and Manager of the Buford Foundation property tell the story of the Wyoming Toad's reintroduction.**



**The Lake DeSmet Conservation District and NRCS Buffalo field office are recognized by Game & Fish for Sage Grouse habitat efforts.**



**Range renovation in Lake DeSmet CD with the Lawson aerator and seeding of forbs for enhanced sage grouse habitat. The total projects involves fourteen landowners that encompass approximately 260,000 acres**



**Sage grouse pellet training with landowners provided by Tom Maechtle, Chairman of Northeast Wyoming Sage Grouse working group.**

13. Not allow taxpayer funds to be utilized by non-government entities to sue the Government or others (add to Section 1 (c)(4) as new policy and amend Section 11 (9)(g))

14. Enhance the incidental take rules to reduce the need for civil violations penalties.

15. Expedite the delisting process. (add new subsection under Section 4)

16. Revise the “taking” definition to protect private and states property rights in conformance with the United States Constitution. (Section 3(19))

17. Provide for “safe-harbor” provisions to make the act more flexible and to encourage landowners to manage lands in a more “endangered species friendly” manner.

### **Requested Action**

WACD supports passage of an Endangered Species Act improvement bill during this Congress.