

E. Ralph Hostetter

Endangered Species Act Cleared Way for Calif. Fires

Wednesday, October 31, 2007 1:15 PM

By: E. Ralph Hostetter

The Endangered Species Act of 1973 (ESA) has had unintended consequences that have proved a nightmare for many Americans who have had their properties seized, faced exorbitant fines, and in some cases given jail time, all in the name of protecting rodents and reptiles, principally.

We need only look to the wildfires raging in California at the present time as an example.

No doubt some of the homes still going up in flames are lost as a result of protection for an endangered species.

ESA regulations prevented homeowners from clearing highly flammable brush from around their homes in San Bernadino and San Diego counties. The very brush that brought the flames that destroyed their homes was the protected habitat of an endangered species, the kangaroo rat.

A well-intended action at the time, ostensibly to preserve and protect America's symbol of liberty, the bald eagle, it passed both Houses of Congress with overwhelming votes.

The Endangered Species Act of 1973 expired Oct. 1, 1992. However, Congress has continued to appropriate funds in each succeeding fiscal year to keep the program running.

It is beyond imagination that spineless Congressmen would perpetuate and fund an act that has brought so much grief and property loss to Americans.

Looking back to 1993, more than 27 homes were lost in a fire that burned through Winchester, in Riverside County. The loss of these homes was the result of the government placing the properties in habitat reserves set aside for the Stephens' kangaroo rat.

In spite of two attempts (2001 and 2002) to have legislation passed to permit homeowners to clear brush from around their homes, the rat habitat remained intact.

Ten years after the 1993 fire, a more disastrous fire occurred, taking 17 lives and destroying more than 2,700 homes.

Following the 2003 fire, a Memorandum of Understanding (MOU) has been reached between five agencies sharing jurisdiction over "the abatement of flammable vegetation" (clearing of brush) from around homes in San Diego County, Calif.

The MOU mandatory fire protection measures . . . require fire breaks made by removing and clearing away flammable vegetation from 30 feet on each side of the structure to the property line, whichever is nearer. The director of Forestry and Fire Prevention (DFFP) may extend the fire break to distances of 100 feet under more severe conditions.

It would seem these "protective" measures for the home owner will offer little protection with Santa Ana winds of 70 mph and flames shooting over 50 feet in the air.

The protected domain of the kangaroo rat is still intact.

Don Fife, a southern California environmental geologist, details one of the most ridiculous examples of endangered species extremism in his description of the case of the San Bernardino County "Delhi Flower-Loving Sand Fly."

The county hired a scientist, according to Fife, to locate and study the endangered fly. The scientist reported that "during 43 hours of observation, I sighted eight flies, but I can't be sure if it was eight different flies, or the same fly seen eight times."

The flies were sighted on the footprint of the foundation of San Bernardino County's new medical center. The new medical center was forced to pay \$10 million in environmental mitigation in order to complete construction.

Yet another confrontation involving the health, safety, and welfare of human beings with endangered species is taking place today in the area of Atlanta, Ga.

The Atlanta region has been suffering one of the worst droughts in its history.

The 3 million people in the Atlanta area depend on the 38,000-acre Lake Lanier for their water. Lake Lanier is estimated to have less than a 90-day supply of water at present.

The U.S. Corps of Engineers controls the normal water flow of some 5,000 cubic feet per second (CFS). Atlanta has been pleading with the Corps of Engineers to reduce the flow somewhat to protect its water supply. After passing numerous communities and two power plants, all of which require

necessary amounts of water, the flow reaches the "three biggest road blocks to dropping the rate of flow."

Apparently taking precedence over all else, the biggest roadblocks — not the humans in Atlanta — are the "Fat three-ridge mussel, purple bank climber mussel, and the Gulf sturgeon, a fish." All three are "endangered species and carry a federal mandate that the water release rate be maintained, otherwise the mussels will die."

There is something inherently wrong with the mentality of individuals who would place the rights of rodents, aquatic life, and insects above the Constitutionally guaranteed right to life and property of citizens of the United States.

This is especially so when the lives and properties of Americans are deliberately placed in harm's way as in the well-documented cases of wildfires where kangaroo rat habitats were mandated to extend in areas of brush to the very doorstep of houses in the area. Worse yet, occupants were forbidden to clear the brush, even to protect their lives and property.

It accomplished nothing for the rat.

He died in the flames of the very habitat that was extended to save him from extinction.

E. Ralph Hostetter, a prominent businessman and agricultural publisher, also is a national and local award-winning columnist. He welcomes comments by e-mail sent to eralphostetter@yahoo.com.

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