

Published: Sunday, August 12, 2007

Species Act Is Working But Broken, Experts Say



JASON HUNT | COEUR D'ALENE PRESS

three species in the past year - the American bald eagle, the Yellowstone grizzly bear and the Great Lakes gray wolf - have been removed from Endangered Species Act protections.

By **BRIAN SKOLOFF**
The Associated Press

Three species have been removed from protections under the Endangered Species Act in the past year - the American bald eagle, the Yellowstone grizzly bear and the Great Lakes gray wolf - more than in any other single year since the act was created in 1973.

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While the removals show the act can work, scientists, environmentalists and Bush administration officials all agree it should be doing more.

They disagree, however, on who is to blame.

Environmentalists accuse the Bush administration of not putting enough resources into the act and not adding enough new species to the list. The administration says environmentalists and developers have swamped the government with lawsuits, forcing it to put most resources into complying with court orders.

Since President Bush took office 6 1/2 years ago, 84 new species have been protected under the Endangered Species Act, according to the U.S. Fish and Wildlife Service. That's compared to more than 500 during President Clinton's eight years in office, more than 230 during the first President Bush's four years and more than 270 during President Reagan's eight years.

"By the end of the Clinton administration, the Fish and Wildlife Service was so inundated with court orders that it basically couldn't do anything else," said Interior spokesman Hugh Vickery. "No new listings could even be considered."

However, Vickery also agrees the act could work better. "The number of species that have been recovered is very small," he said. "It's a sign of a failure."

Just 14 species have been removed from the endangered species list in more than three decades. There are currently about 1,300 species protected under the ESA.

As of 2004, the most recent statistics, only 6 percent of the species listed as threatened or endangered were improving, according to the Fish and Wildlife Service. About 250 species are on backlog for listing consideration.

Every White House is caught between two opposing sides - environmentalists who sue seeking to get more species listed and landowners who

want the federal government to delist species and remove barriers to development.

"The act simply goes too far. It doesn't allow balancing," said Reed Hopper, an attorney for the Pacific Legal Foundation, which takes up property rights cases against government regulators and "environmental extremists." The California-based group represented a Minnesota developer who complained in a federal lawsuit that government delays in de-listing the bald eagle were keeping him from building.

A federal judge earlier this year ordered the Interior Department to make a decision on the bird's status. The bald eagle was then removed from the ESA in June.

"A lot of what's occurring now is being driven by court orders due to lawsuits on both sides of the issue," Hopper said. "But we feel it's important that somebody hold the government's feet to the fire."

In July, a federal judge in Tampa dismissed claims by the Fish and Wildlife Service that a lack of resources made it impossible to comply with a mandate that the status of endangered and threatened species be reviewed every five years. The judge ordered the service to catch up on a review backlog of 89 plant and animal species by 2010.

Last modified: August 12, 2007 12:00AM



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