



DEPARTMENT of the INTERIOR

news release

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**Administration Proposes Endangered Species Act Exemptions
for Small Landowners;
"Guideposts for Reform" Would Give More Authority to States**

Secretary of the Interior Bruce Babbitt and Dr. D. James Baker, Undersecretary of Commerce for Oceans and Atmosphere, today released a set of ten principles, designed to balance endangered species protection with economic development, that would bring significant change to the way the Endangered Species Act is implemented.

For the first time ever, significant exemptions would be granted to small property owners. The Administration will propose new regulations that would grant general exemptions from Endangered Species Act enforcement to most activities on single home residential tracts and for other activities that affect less than five acres.

The Administration package identifies ways to establish a new cooperative relationship with the states, and would require greater scrutiny of the scientific analysis supporting endangered species decisions.

The list of principles reflects the Administration's commitment to minimize impacts on landowners, grant greater authority to states and local governments, make implementation of the law simpler and more efficient and improve the recovery rate of species.

"Under this plan, states would have greater ability to guide species protection and recovery within their borders," said Baker. "Science would be assured a stronger place in decision-making. Small landowners would encounter more flexibility and less regulation. And all landowners would be encouraged to provide good habitat for listed species and not be penalized for doing so."

"Guideposts for Reauthorization"

"These principles are guideposts for reauthorization, should this Congress decide to move forward on endangered species issues,"

said Babbitt. He said the principles reflect the Administration's efforts to respond to the concerns of private landowners and the states.

The principles also show the Administration will resist radical attempts to eviscerate species protection.

"Make no mistake about it, the Endangered Species Act is as American as apple pie," said Babbitt. "It has preserved our rich and diverse natural heritage. It has ensured that the next generation of Americans can inherit a land as beautiful as the land we so love."

"As reauthorization of the Endangered Species Act gets under way, any proposal for change must pass an important series of tests," said Babbitt. "Will it kill bald eagles? Will it lead to the deaths of whooping cranes or grizzly bears? Will it harm the greenback cutthroat trout? Each proposed change comes with a responsibility to prove that our great natural heritage will not be squandered."

"As changes to the law come under consideration, a key need is to balance species protection with the rights of private property owners," said Babbitt. "These principles outlined build on our initiatives to reduce the conservation burden on small landowners and show the Administration is serious in its efforts to balance the rights of individual landowners with the community's right to a healthy environment."

"If Congress chooses to reauthorize the Act, they should attack the Act's problems like a laser beam, while still leaving intact the law's effectiveness," said Babbitt. "A heavy-handed approach to change, as some on the Hill are suggesting, will only diminish our ability to protect species that are an essential part of the American landscape. Americans don't want that to happen."

Presumptions for Small Landowners

Critics of the Act claim that individual landowners are forced to bear an unfair burden for the recovery of particular species. They point to small landowners who may be prevented from developing lands they assumed would pay for their retirement. Babbitt and other Administration officials have acknowledged their plight.

"The fact is, the Endangered Species Act has caused difficulty for some small landowners who have protected species on their property," said Babbitt. "We're saying small landowners should be exempted from conservation burdens on the basis of fairness and biology. Most species won't survive on small tracts of land and it's not fair to tie up small landowners."

To begin putting this principle into effect, the Administration will propose regulations that exempt land use activities by private owners that individually or cumulatively have no lasting effect on the survival and recovery of a threatened species. Activities on tracts of land occupied by a single household and being used solely for residential purposes and activities that affect five acres of land would be presumed to have only negligible adverse effects. Thus, in most circumstances, these small tracts of private property would be exempted from Endangered Species Act restrictions for threatened species. Congress could extend similar relief to restrictions on endangered species.

Increased Role for States

In 1994, the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) issued a policy directive requiring that State expertise and information be used in pre-listing, consultation, recovery and conservation planning. The directive referred specifically to the expertise in state fish and wildlife agencies.

To bolster that effort, Congress would need to provide individual states with greater opportunities to retain full authority for management of species if the state takes action to conserve species at various stages during the listing or recovery processes.

In addition, Congress would need to give states the opportunity to assume the lead responsibility for recovery and for issuing habitat conservation planning permits to non-federal landowners.

The Administration's fiscal year 1996 budget proposes more than \$27 million for cooperative habitat conservation partnerships with states.

"Sound and Objective Science"

To encourage what it terms "sound and objective science," the Administration began requiring FWS and NMFS to seek independent scientific peer review of all proposals to list species and draft plans to recover species. They have also established more rigorous standards for the kinds of scientific information used in making ESA decisions.

In addition, the Administration has drafted guidelines that set tougher listing petition standards. The action places more burden on the petitioner to show that there is substantial information to propose a species for listing.

Codifying these improvements would make them permanent.

"A Continuing Commitment"

"The reforms outlined today would improve the Endangered Species Act by relying more on State authority and expertise," said Oregon Governor John Kitzhaber. "And they will help make sure that landowners are treated fairly and not penalized for doing things that benefit endangered species."

"This reform package recognizes the only way we can protect threatened species is by maintaining a partnership between the states and the federal government and by encouraging conservation on private lands in a way that doesn't put an unfair burden on private landowners," said Washington Governor Mike Lowry. "I strongly commend President Clinton and Interior Secretary Babbitt for their efforts to reform the Endangered Species Act and look forward to working with the Administration and Congress as they work toward reauthorization."

"Every state in the West is confronting the challenge of how to manage growth and protect precious natural resources and our quality of life," said Colorado Governor Roy Romer. "Overall, we in Colorado have enjoyed a productive relationship with the Department of the Interior in working to recover imperilled species while minimizing disruption in people's working and private lives. I view this ten-point package of reforms as an indication of Interior's continuing commitment to making the Endangered Species Act more user-friendly. The reforms lay a solid foundation for the public debate and discussion over ESA reauthorization that will unfold over the coming months."

"We heartily endorse the Secretary's emphasis on the role of the State fish and wildlife agencies as co-equal administrators of the Act, the reliance on science in decision making under the Act, as well as specific recognition of the distinctions between 'threatened' and 'endangered' classification," said Max Peterson, Executive Vice-president of the International Association of Fish and Wildlife Agencies. "The Secretary's continued efforts to recognize and use the flexibility provided for under the Act is important and long overdue."

"The Nature Conservancy, since its creation almost 50 years ago, has continually focused on the science of conservation and working with landowners in a cooperative way to get the job done," said John Sawhill, President and CEO of The Nature Conservancy. "It is on this basis that we applaud the changes announced today to reform the Endangered Species Act with respect to its fairness, flexibility and emphasis on good science. The Conservancy encourages the Interior Department to continue its reform effort and create incentives and other tools for working with private land owners."

Ten Principles

Administration officials released a lengthy set of documents detailing the following ten principles.

1. Base ESA decisions on sound and objective science.
2. Minimize social and economic impacts.
3. Provide quick, responsive answers and certainty to landowners.
4. Treat landowners fairly and with consideration.
5. Create incentives for landowners to conserve species.
6. Make effective use of limited public and private resources by focusing on groups of species dependent on the same habitat.
7. Prevent species from becoming endangered or threatened.
8. Promptly recover and de-list threatened and endangered species.
9. Promote efficiency and consistency.
10. Provide state, tribal and local governments with opportunities to play a greater role in carrying out the ESA.

Some Principles Invoked Administratively

In documents supporting the principles, Administration officials explained the specific problem each one was designed to resolve. In some cases, they noted previous Clinton Administration actions that address the problem and requested that Congress codify those changes. In others, they noted that congressional action would be required to meet the principle. In still other cases, both steps are requested.

For example, to meet the principle that would "minimize social and economic impacts," officials said both administrative and congressional action would be required. On the administrative front, the FWS and NMFS issued a 1994 policy directive on recovery planning that enables affected groups and stakeholders to participate in developing recovery plans for listed species. On the legislative front, Congress would need to provide greater flexibility in the management of threatened species.

The initiatives outlined today build on the Administration's continued efforts to involve private landowners in conservation programs. In the ten years prior to the Clinton Administration, 15 habitat conservation plans (HCPs) were in effect. That number has grown to 45 in just two years, and more than 150 additional HCPs are in planning stages.

"Based on our preliminary review of the Administration's proposal, it appears to be a constructive and positive step forward in making the Endangered Species Act a more workable and responsive program," said a statement issued by the Western Urban Water Coalition. "This proposal has a number of concepts which, once fully developed and in place, should reduce undue and unfair burdens on our water utility members as they carry out their important public responsibilities -- the delivery of water to large municipalities in the Western United States. Many of the reforms covered in the Administration proposals respond to suggestions which have been made by our Coalition for improving both the terms, and the administration, of the ESA. Overall, our member utilities seek more emphasis on solving endangered species problems before they arise, through agreements and good management. The main objective is greater certainty about existing and future water supplies than is possible under current law and policy.

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