

The Endangered Species Act

What is it?

The Endangered Species Act (ESA) was signed into law by President Nixon in 1973. This law was intended to provide protection to species of animals that were in danger of becoming extinct (endangered) or close to being in danger of extinction (threatened). These species are preserved largely by conserving the ecosystems on which they depend. Federal agencies, such as the U.S. Fish and Wildlife Service, are charged with the execution and enforcement of this law.

In order for a species to be listed as threatened or endangered, a number of factors are considered. Most of these factors include an examination of the ecosystem in which the species exist, with the purpose of determining the cause of the species decline. Once the cause of decline is identified, the intended purpose of the law is to give endangered wildlife a chance for rehabilitation by mitigating the adverse conditions causing harm to the species and the ecosystem on which it depends for survival. The ESA indicates that the “**best scientific and commercial information available**” should be used to determine the extent to which a species is facing extinction. However, the ESA does not place any criteria beyond this on the quality of research that is utilized in listing species as endangered.

When President Nixon signed the ESA into law in 1973, the bill coasted through the House and the Senate, facing very little resistance before reaching the President’s desk. (Seasholes, 2016) Conservation is not a partisan issue, and both parties came together to conserve our beautiful nation and the environment responsible for our rich American heritage. President Nixon said, “Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed. It is a many-faceted treasure, of value to scholars, scientists, and nature lovers alike, and it forms a vital part of the heritage we all share as Americans.”

Why it has become harmful

Safeguarding New Mexico’s environment, along with the wildlife and ecosystems therein, is something Protect Americans Now (PAN) strongly believes in. Unfortunately, the way the federal government has implemented the ESA has caused the law to be ineffective and has failed to fulfill its intended purpose. Its implementation has resulted in harm not only to our nation’s wildlife and endangered species, but to the American people as well. Moreover, this harm has [already been felt deeply by many New Mexicans](#), and the federal government’s misuse of the ESA continues to pose a threat to Americans’ rights, heritage, and way of life at both a state and national level.

The ESA chiefly depends on punitive measures to preserve the ecosystems on which alleged endangered species exist. These measures include fines up to \$100,000 and jail time. (Seasholes, 2016) Because a majority of endangered species in America exist on private

property, the punitive nature of the ESA puts a chokehold on land owner's ability to create revenue and utilize their land for agricultural purposes. If the federal government suspects that there is an endangered species on a certain property that is privately owned, they use the ESA to assume the right to regulate how that landowner utilizes their property. This creates many difficulties for those who depend on agriculture for their livelihood; many members of our hard-working agriculture community are currently fighting for their right to maintain the ability to cultivate and utilize their land in our state. The ESA gives the federal government the power to seize and regulate private land that does not belong to them, and a law that was originally intended to preserve our environment has resulted in federal overreach and detriment to the American people. New Mexico boasts a proud agricultural heritage. Agriculture provides livelihood for many New Mexicans and has continuously benefitted our economy. It is also what initially enabled New Mexico to flourish as a state and is stitched into the very fabric of our identity as New Mexicans. The federal government has been using the ESA as a weapon to leverage power over our state and assault our private land owners right to use their land. This poses a large threat to our communities, agricultural heritage, and economy.

The manner in which the government has chosen to implement the ESA not only harms our communities and economy, it is also unfavorable to the environment and the very species the ESA was created to protect. The punishments and regulations that are placed upon land owners when the U.S. Fish and Wildlife service suspects the presence of endangered species are devastating, often forcing land owners to downsize or halt the utilization of their land's resources. The result of this overwhelming regulation and overreach is that one of our environments biggest proponents, the agricultural community, loses its ability to cultivate a healthy environment that is conducive for surrounding plant and animal species. Recent research has shown that private land owners and those who use the land for agricultural purposes actually have a key positive impact on conservation of the land that they cultivate. For example, ranchers create and maintain water developments on private and public land through grazing allotments. These developments are key to wildlife survival because they improve soil and provide an ample water source for animals and plants alike. By creating more water, they enrich the environment to support a wide variety of species that inhabit the area. Some research has even found that rangeland can be more proficient in preserving local ecosystems than most nature preserves because of the rich soil and abundance of water. Rangeland is also less susceptible to invasive species that are often introduced by frequent recreational visitors. (Brunson & Huntsinger, 2008) Agriculture also maintains healthy forests and rangeland by grazing and logging. These practices inhibit overgrowth and the devastating fires that occur when land becomes overgrown. These fires can cause long lasting damage to wildlife water sources and critical habitat for many species. Allowing cattle grazing is one of the safest and most effective ways to keep our forests from becoming overgrown. In the early life of our state, innovations in agricultural technology (namely the ability to drill wells and pump water to the surface via the windmill) enabled New Mexico to develop its wildlife population. As a result, wildlife flourished in an otherwise arid and harsh environment. New Mexico was mostly inhabited in areas that were near the Rio Grande or near other above ground water sources. It wasn't until ranchers began using this new technology to develop water that New Mexico began seeing human developments in areas not traditionally inhabited, and with ranchers

developing additional water sources our wildlife population flourished as well. (Schickedanz, 2016) Along with the ability to develop places that did not have traditional water sources, the ranching community fostered environmental improvement. The agriculture community has, for most of our states history, been working to benefit our communities, economy, and environment. The federal government is using the ESA as a tool to overstep its constitutional boundaries and rob our land owners and our state of the power to manage land for ourselves. Subsequently they are harming our environment by attempting to restrain the efforts of those who cultivate our land by enriching soil, creating water sources, and preventing overgrowth and fires. The punitive measures taken to enforce the ESA has even driven some land owners in our nation to shrink from efforts to conserve endangered species on their property, and in some cases, certain owners have sought to rid their property of the endangered species and/or its habitat. (Seasholes, 2014) This is because the regulation resulting from discovering an endangered species on a piece of private land is so extensive that land owners often lose the ability to access and use the land they lawfully own the rights to. The abuse of the ESA shows the federal governments inability to manage state and private land in a way that promotes a healthy environment.

Additionally, the evidence used to support listings under the ESA is often insufficient (and sometimes nonexistent) in its ability to provide adequate information for the justification of its listings. In 2016, the Goss Family, fourth generation New Mexican cattle ranchers, were fenced out and denied access to water and land they possessed the rights to. The U.S. Forest Service put up electric fences preventing cattle from accessing their water source in order to protect, what they claimed, was the habitat of an endangered Meadow Jumping Mouse. However, there is no reputable evidence that testifies to the fact the Jumping Mouse is even in the area. Because of the federal government's rash and unsupported decision to seize control of land under the banner of the ESA, a family is struggling to maintain the way of life they have enjoyed for four generations. Unfortunately, the threat of such rash and damaging decisions is growing as the amount of species being considered for listing has expanded significantly in recent years. In a recent 2011 lawsuit, the U.S. Fish and Wildlife Service was sued by environmental groups that were seeking to expand and speed the listing process for hundreds of species. The USFWS agreed to consider 757 species for listing by 2018. (Feldman, 2012) In such a short period of time, it is unlikely that the USFWS will find sound evidence to make thorough decisions regarding the validity of the danger these species are facing. The result of listings that are not based on reliable evidence could mean more unnecessary implementation of regulations on private land, which would be detrimental to the species being protected and the greater environment.

True Conservation

Theodore Roosevelt once said, "Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us." (Roosevelt, 1910)

The federal government's abuse of the ESA and their application of constricting regulations on land owner's ability to develop their land is wasteful and irresponsible. Land owners provide land management that sustains our natural resources by developing and protecting land for future generations. True conservationists are those who work and live off the land, those who have always worked to develop our state's communities, economy, and environment. True conservation allows land to be utilized in such a way that the environment is positively effected and agricultural industries (and economies) are bolstered. The federal government does not understand how to manage land in such a way that integrates preservation and the general welfare of New Mexicans. Our land owners offer the most balanced approach to conservation and they are the environments biggest proponents. We have continuously been able to depend on them to manage lands in a way that caters to the best interest of both the environment and the general welfare. PAN stands with our agricultural community. In our nation and state, we are facing unprecedented federal overreach and regulation. These attempts to oppress land owner rights is a threat to the way of life we all enjoy as New Mexicans. The Goss family posted on their Facebook page in the midst of their battle with the federal government and cautioned the public, "Our story is important, not only for the livelihood of our family, but also for the ranching industry, and all Americans. If the federal government has a desire to take our rights you can bet they have a desire to take yours." PAN stands with land owners in their fight for their liberties.

What can you do?

When the federal government seeks to take rights from one American citizen they threaten the liberty of us all. The liberties of those in the agricultural community are being threatened today, and your rights could be threatened tomorrow. Join Protect Americans Now as we seek to push back our overreaching federal government and protect the rights and liberties of the proud people of New Mexico. We fund scientific research and policy research that will inform policies and encourage legislature that is grounded in reputable evidence. Moreover, we are working to encourage research and legislation that will mitigate the negative effects the misuse of the ESA has caused. PAN provides healthy avenues for preservation of endangered species while safeguarding our land owner's lawful right to manage and regulate their own land. We strongly believe that this will ensure our state's well-being for generations to come.

Join us by donating on our website, becoming a member, and by sharing our page as we continue to strive to educate more and more New Mexicans about our efforts to protect their rights.

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