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# Endangered Species Act Reform Coalition

Max S. Baucus

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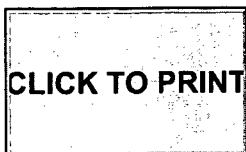
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## Remarks of Senator Max Baucus to the Endangered Species Act Reform Coalition

May 5, 1994

It is always a pleasure to see my old friends Bob Bergland and Jim McClure. You are fortunate to have such wise counsel leading the National Endangered Species Act Reform Coalition. We in the Senate will be fortunate to have your advice, and theirs, in this important environmental debate.

Last week, I attended the funeral for former President Richard Nixon. As I reflected on his long political career, I remembered that as President, he signed most of our major environmental protection laws -- the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, and, in 1973, the Endangered Species Act.

Somehow, the fact that President Nixon signed the Endangered Species Act is particularly appropriate. For President Nixon inspired strong feelings in the American people -- some loved him, others loathed him. And the same is true of the law he signed, the Endangered Species Act.

### Differing Perceptions of the Act

The Endangered Species Act confronts us with some of the toughest decisions we as a country have to make. The best science, and the most highly developed systems of risk assessment, find that almost no environmental problem is as dangerous as loss of species. Neither toxic waste dumps, nor smog-filled city skies, nor sewage washing up on the beaches is as dangerous to the human species as the loss of a species.

At the same time, it is fair to say that no environmental law is as controversial as the Endangered Species Act. This past year Montanans confronted the threat of job loss, sky-rocketing electric rates and the loss of water from our reservoirs that is essential to our recreation and tourism industries, as well as to our native fish and wildlife. During the last Presidential campaign, a Northwestern mill worker asked President Clinton last year whether the government considered him more or less important than an owl.

### Approaching a New Bill

There are no easy choices here. Well, that's not quite right. There is one easy choice. When I visited China last year, I found that four people in Sichuan Province have been executed in public for possession of panda skins. I think the death penalty is one option we can all agree we don't want here. So we can start by ruling out adopting the Chinese Endangered Species Act.

But, aside from that, reauthorizing this law is quite a challenge. At first glance, there seems to be little common ground. Many Americans regard the Endangered Species Act as the "crown jewel" of our nation's environmental laws, protecting us and our children against the irreplaceable loss of biological diversity. Others, including many in this room, see it as the "pit bull" of environmental law, with sharp teeth and little to love about it.

As with any major piece of legislation, we have two choices. One is to have a knock-down, drag-out fight -- may the best bill win. Some people seem to be gearing up for this kind of a fight over the Endangered Species Act.

There is also a second choice. The more responsible path, I believe, is to find the common ground and develop a law that meets our country's environmental needs; one that recognizes the scientific fact that we need a strong Endangered Species Act; but also addresses the legitimate, in fact crucial, economic issues involved.

While that may be the more responsible path, it is also the rockier, more difficult one. It requires all of us, on all sides of this issue, to put aside anger and suspicion about the other's motives, and sit down to reason together. It requires us to talk, to listen, and to work together.

### The Search for Common Ground

As you probably know, I am from the West. I know that the people who work western lands know those lands the best and love them the most. The livelihood of a farmer, or a rancher, or a timber worker, depends on taking care of the resource. That is the approach most of the people I know in Montana already take.

Here's an example. Last February I spent a day working on the Foote Ranch near Ovando. The ranch has a few sheep and draft horses. It also has a stream that is a

spawning area for the bull trout, which as you know may be listed as an endangered species as early as this June. The goal of Geoff Foote, the landowner, is to step in early and do what needs to be done to prevent a listing. The local Fish and Wildlife Service authorities help, as they should, by offering advice, then picking up a shovel and moving some dirt.

It was a sunny day, the water was just above freezing, and we got in a good day's work. We deepened and narrowed the channel. We planted some willow trees to stop siltation from the banks. We built some deep pools for fish to lie in on hot summer days, and moved one part of the channel to avoid contamination from mud and manure. This restores the stream to a more natural state, protects the habitat for the bull trout, and may help Montana ranchers avoid the draconian actions the Endangered Species Act at times requires.

If efforts like the one at the Foote Ranch succeed, we may prevent a listing of the bull trout. We'll have stepped in early and made sure the species does not become endangered. And we'll have avoided a whole lot of regulation, litigation and rancor.

That is how the Endangered Species Act should work. Our goal should be to avoid the need ever to use the Act. We should concentrate on preventive action based on sound science and economics. We should do so whenever possible with minimal expense and with minimal trouble for agriculture, business and natural resource industry.

### Goals of S. 921

The solution, then, is neither to gut the Act nor to pretend there are no problems. Saving species from extinction is crucial to our future and the future of our children. But we cannot ignore the people, families and communities who depend on agriculture and natural resource industry. We must find a way to protect endangered species and endangered communities. In short, we must look for ways to make the Endangered Species Act work for wildlife and for people.

The search for common ground is what led me, along with Senator Chafee, to introduce a bill to reauthorize the Endangered Species Act. Our bill, S. 921, has four major goals:

First, the bill encourages earlier and more effective conservation of species. If we have learned anything from the spotted owl and salmon controversies in the Pacific Northwest, it is that we need to tackle these problems before they become a crisis. We need to get ahead of the curve, while we still have some room to maneuver.

That's why we emphasize a multiple-species, ecosystem approach. The bill encourages working to conserve species before they have to be listed. This approach should result in reducing the number of listed species. And it should give us more flexibility in making our goal of wildlife conservation work hand in hand with our economic goals.

### Working with Landowners

Second, the bill promotes stewardship of the land. It concentrates on cooperation and voluntary action, rather than on sanctions and compulsion. It provides incentives to encourage conservation on private lands. The Secretary of the Interior is authorized to make grants to private landowners for conservation of endangered species and, when the landowner requests it, to provide them with technical assistance.

The bill will also provide assurance to private landowners that if, like Geoff Foote, they take steps to conserve species before they are listed, the rules governing their activities on their land will not change if the species has to be listed later. And the bill gives priority to conserving species on public lands whenever possible, reducing the burden on private landowners.

### The Montana Approach to Wildlife Conservation

Third, the bill builds a stronger partnership with the States. My own State of Montana has one of the best wildlife conservation programs in the country. We were managing endangered species long before there was a federal Endangered Species Act. We know as much about managing wolves, grizzly bears, bull trout, and sturgeon as anyone around. A lot of other states have a similar depth of experience, and I want to make sure we use it rather than ignoring it. We make states equal partners in implementing this Act.

Thus, to make sure States with good wildlife conservation programs are full partners under the Endangered Species Act, the bill ensures that State governments will be closely involved in listing, recovery, and delisting decisions. It also provides Federal grants and interest-free loans to States, counties, and cities to develop habitat conservation plans, which balance conservation and development needs. That is why the Western Governors' Association has already endorsed the bill.

### Using the Best Science and the Best Economics

Fourth, we ensure that endangered species decisions use the best available scientific analysis, and that recovery plans take the needs of communities into account. Thus, the bill will ensure better decisions with lower social and economic costs.

Our bill requires decisions to list species as endangered -- and equally important, decisions to delist them when the danger is gone -- to be based on the best scientific data. It requires independent scientific peer review of listing and delisting decisions where there is a substantial scientific question about the decision. It requires recovery plans to include measures to minimize social and economic costs.

### Conclusion

This bill is not the final word. I want to work with you, with the Western Governors' Association, and everyone else with an interest to make sure the final version meets the environmental and economic needs of our country -- and of the citizens whose lives are most directly affected by the law.

It is, then, an honest attempt to find common ground. Later this month, Senator Graham's Subcommittee on Clean Water, Fisheries and Wildlife will begin a series of Endangered Species Act reauthorization hearings. I am looking forward to listening to the many different views of the present Endangered Species Act, my bill, and the other bills which have been introduced.

I know there will be much disagreement and many months of hard work ahead. But when all is said and done, I am optimistic. By talking, listening, and looking for common ground, we can improve the Endangered Species Act, for wildlife and for people.