

Strengthened Endangered Species Act Passes

Bill to speed up listing of rare plants and animals, increase funding, and help protect African elephants is signed by President Reagan

CONGRESS HAS VOTED overwhelmingly to revitalize the 1973 Endangered Species Act by providing significantly more money and expanded powers for the program, which has come to be a model for conservation efforts worldwide.

By voice vote, both houses of Congress have approved a compromise bill that caps a 4-year struggle by environmentalists and their supporters in Congress to reauthorize a program that officially expired in 1985. Resistance in the Senate has since thwarted reauthorization efforts and the program has been funded at the 1985 level of \$25 million plus inflation. Compromise language worked out in a House-Senate conference authorizes up to \$56 million next year, with yearly increases up to \$66 million in 1992, the last year of the authorization. The budget this year is some \$39 million.

The program prepares an official list of threatened or endangered plants and animals, develops a program for the recovery of those species, and then monitors their recovery. But since 1985 the program has been creaking along with little funding to carry out its mandate. While funding has remained nearly constant for the past 7 years, the number of species protected under the program has doubled. Only about half the 425 U.S. species listed have recovery plans in place, and only 5 of those species (such as alligators) have

recovered to the point that they no longer require protection. At the same time, the backlog of species awaiting listing has grown to 1000, and one estimate is that it would take 20 years under the old funding and law to get them all listed.

Also, while the program has languished in legislative limbo, more than 80 species have been declared extinct while waiting to be listed, and another 170 may have become extinct. A notable case is Orange Band, the last dusky seaside sparrow, who died in June 1987 and who rapidly became an icon for the movement to rejuvenate the program.

In addition to new funding, the bill requires the interior department to step up its efforts to monitor species awaiting listing and to work with the states in monitoring recovered species. A new program encourages states to join in cooperative efforts to protect endangered or threatened species. States that do so can share in a new federal fund of \$15 million to \$18 million. The bill also extends new protection to endangered fauna by making it illegal to damage or dig up protected plants. The fine for violating any part of the act is increased from \$20,000 to \$50,000.

The dwindling population of African elephants also benefits from the bill. Congress authorized \$25 million over the next 5 years to review the elephant conservation programs of ivory-producing African nations and to bar ivory imports from nations whose programs are inadequate. The bill bars U.S. imports from nations without a native elephant population, and requires American importers to obtain a license from the interior department. Violations could bring \$5,000 in civil penalty or \$200,000 plus a year in prison for a criminal penalty.

The bill as passed is weaker than its supporters had wanted, but after a 3-year hiatus, they are pleased to have any bill. The major impediment to passage has been Senate resistance to regulations requiring shrimp fishermen to use devices to avoid

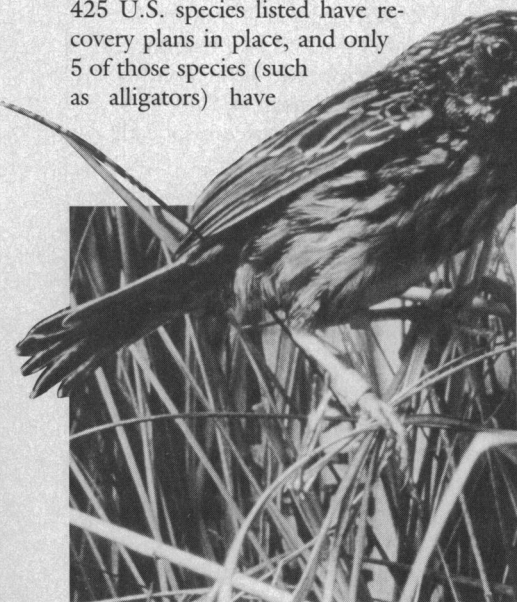
accidentally capturing and killing endangered and threatened sea turtles, especially Kemp's Ridley sea turtles. Each year shrimp fishermen from North Carolina to Texas capture an estimated 47,000 of these sea turtles, 12,000 of which drown in the nets. A number of turtle excluder devices (TEDs) have been developed that attach to nets and allow turtles to escape. The Department of Commerce issued regulations in June 1987 requiring most shrimp fishermen to use TEDs in both inshore and offshore waters, but court cases have delayed implementation of the regulations.

Senator Howell Heflin (D-AL) put a hold on the bill for months because shrimp fishermen in his state claim that TEDs are expensive and decrease the shrimp catch. He removed his hold only when bill sponsors agreed to delay the date for offshore use to 1 May 1989 and for inshore use to 1 May 1990. The National Academy of Sciences has been asked to study the viability of the sea turtle population and to issue its findings by 1 April 1989. Environmentalists fought hard against any delay in the offshore regulations, but finally agreed to the delay, since there is relatively little danger to sea turtles from shrimp trawling during winter.

As it happens, hurricane Gilbert may have made the whole point moot. The 15-mile stretch of beach on Mexico's Gulf Coast that is the only known breeding ground for Kemp's Ridley sea turtles was devastated by the hurricane. If the beach was irreparably destroyed, the species may become extinct.

The upsurge in environmental concern this summer may have helped decrease opposition to the bill. "The beaches were littered with syringes and there was a drought. A lot of people at that time wanted to be on the side of the environment, even if only in a symbolic way," said Dan Smith of the Defenders of Wildlife."

Environmentalists are as happy about what is *not* in the bill as what is. Senator Alan K. Simpson (R-WY) had a hold on the bill for months while he tried to persuade his colleagues to include language allowing state wildlife officials greater latitude in declaring hunting seasons on endangered predators like the grizzly bear when they become nuisances. Simpson eventually removed his hold in the interests of advancing the bill. During floor debate, Senator James A. McClure (R-ID) introduced an amendment requiring an exhaustive cost-benefit analysis for each species recovery plan. McClure wanted the economic effect of recovery plans on jobs, taxes, and public funding for other programs to be taken into account. Apparently persuaded by floor debate that his proposal was unworkable, he withdrew his amendment. ■ GREGORY BYRNE



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Orange Band. The last dusky seaside sparrow symbolized the need for a new law.