

# Letters

## Endangered Species Legislation

On behalf of 18 conservation, environmental, and animal welfare organizations, I want to comment on the article "Endangered Species Act survives Senate hunters" by R. Jeffrey Smith (News and Comment, 4 Aug., p. 426), which is highly inaccurate and misrepresents the environmental community.

We strongly opposed the Culver-Baker amendment to the act throughout its consideration in committee and on the Senate floor. It is pork-barrel legislation produced by the powerful Environment and Public Works Committee.

The statement that "the vote on the Senate floor was a victory for environmentalists, who had been lobbying feverishly in favor of the bill" is untrue.

The truth is that we were lobbying vigorously *against* the Culver-Baker amendment, and we regard the Senate amendments to be a *defeat* in our efforts to protect the integrity of the Endangered Species Act. The article states that environmentalists "gleefully" approved of the requirement that the votes of five of the seven members of a political review committee would be needed to exempt a federal project and consign any endangered species to extinction in the name of progress.

To the contrary, we believe such an extinction committee undermines the consultation process now in the act and introduces politics into the critical issue of survival of species. The act is working well and needs no amendment. More than 5000 conflicts between endangered species and federal projects have been successfully resolved since the act became law in 1973. Only the Tellico Dam case has been unresolved, and that because the Tennessee Valley Authority refused to recognize the act and work out a plan to save the snail darter.

The *Science* story states that most of the amendments tacked onto the Culver-Baker bill on the Senate floor "would barely affect the act's operation." In reality, the weakening amendments accepted by the public works committee without protest have the potential of destroying the effectiveness of the act.

For example, the definition of an endangered species would be narrowed so that protection could only be initiated

when a species is already dangerously depleted, not earlier when it might be restored to a healthy population.

Another crippling amendment would require critical habitat designation at the time a species is listed as endangered. Since habitat determination is extremely time-consuming, this amendment could delay for years the listing of many endangered species, a delay that could be fatal. The Fish and Wildlife Service is just now listing critical habitat for the whooping crane, a species that was listed as endangered many years ago. If the Culver-Baker amendment had been in effect back then, the magnificent whoopers would probably have already joined the dodo and the passenger pigeon as monuments to man's greed and stupidity.

Enforcement of the act would be virtually impossible under an amendment that would require proof that an accused person "knowingly" violated the law. For example, a hunter who shotgunned a whooping crane could get off by pleading that he thought it was a goose. The Lacey Act, which includes a ban on the import of species or their products from countries where their taking is prohibited, is virtually unenforceable because it contains such a "knowingly" clause.

Senators Culver (D-Iowa) and Baker (R-Tenn.) accepted still another amendment that could destroy the entire concept of the Endangered Species Act. It would redefine the area for which critical habitat can be declared from the present "occupied range" to "existing range." Most endangered species face extinction because of loss of habitat. This amendment would preclude restoring critical habitat. Wildlife, therefore, could not be restored to healthy populations.

When Gaylord Nelson (D-Wis.), the Senate's strongest supporter of the act, sought to introduce strengthening amendments to close some of the gaping loopholes in the Culver-Baker amendment, they were attacked by Senator Culver and by senators seeking federal projects (dams, highways, and waterways) for their states. This demonstrated that senators Culver and Baker were not committed to maintaining the strong protections for endangered species.

The House of Representatives is expected to vote on the reauthorization of the bill in late September or early Octo-

ber. We urge all concerned citizens to write to their congressmen, urging them to vote against any weakening amendments to the Endangered Species Act.

A recent study by the Worldwatch Institute estimated that man is now exterminating a species of fauna or flora *each day*. The rate of extinction is growing so rapidly, Worldwatch found, that by the year 2000—less than 22 years from now—extinctions caused by man will number in the hundreds of thousands.

A week before the Culver-Baker bill was considered by the Senate, the International Union for the Conservation of Nature and Natural Resources issued a statement including these comments.

Any weakening amendment which could be interpreted as condoning extinction or extirpation of species would be viewed as a serious retrogressive step by a nation now viewed as a world leader in the field of environmental conservation. This could seriously hamper development of environmental safeguards in other nations who seek to develop their resources in an ecologically responsible manner.

We emphasize the seriousness of extinction and, ethical, ecological and moral considerations aside, the awesome implications of irretrievably destroying the genetic and chemical resources represented by a species. There is no question that such resources will become more important as man's needs for new sources of food, fiber and medicines become more critical.

A current example of this increasing need is exemplified in a recent issue of *BioScience* dealing with "endangered antibiotics." The "wonderdrugs" are becoming impotent at an alarming rate and their successors likely will be found (if we are lucky) amongst the biochemical compounds of obscure plant and animal life. There also is little question that future generations of man will have to depend upon species not now recognized as "valuable"—or at least upon genetic material from them—to feed, clothe and heal himself.

*Science* has misrepresented the environmental community in this critical issue and, most irresponsibly, has done a disservice to endangered species.

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Van Note's comments should be placed in context. Three of the largest environmental groups, the National Audubon Society, the National Wildlife Federation, and the Nature Conservancy—representing 4 million members—backed the concept of a cabinet-level review committee. Three other groups, representing 250,000 members, backed a similar proposal in the House. Unlike *Monitor's* signatories, which represent far fewer members, all of the above groups, as well as several others, either tacitly or explicitly endorsed amendments to the act.—R. JEFFREY SMITH