



# ENDANGERED SPECIES



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## Endangered Species Act

The Endangered Species Act (ESA) was enacted in 1973 to protect animal and plant species at risk of extinction due to habitat changes or loss. While minor updates have been made, the law itself has largely remained unchanged in over four decades. Unfortunately, the ESA has evolved into a litigation tool used by some environmental organizations to advance an agenda that impedes American oil and natural gas production – destroying economic growth and job creation while diverting hundreds of millions of taxpayer dollars away from species recovery.

### A Broken Law That Does Not Help Species

Despite the significant amount of taxpayer dollars spent in the name of the ESA, the law has failed at its underlining mission of recovering and delisting species. Less than **two percent** of all listed species have been removed from ESA protection since 1973. Perhaps even more troubling, the data and science used to justify endangered species regulatory actions, such as critical habitat designations, is not publicly available for analysis.

Independent oil and natural gas producers are good stewards of our land and are committed to protecting the environment. Energy production and species conservation can go hand in hand, but not under the current regulatory framework outlined under the ESA.

### Getting Worse: Regulations and Litigation

A September 2011 court settlement between the U.S. Fish and Wildlife Service (FWS) and two prominent environmental groups, WildEarth Guardians and the Center for Biological Diversity determined that over 250 candidate species must be reviewed for final listing as either threatened or endangered by 2016. As a result of this mega-settlement agreement, the FWS created a “Work Plan” that covers action on listing, critical habitat petitions and other actions for over 1,000 species.

Over the past few years, independent producers have witnessed a number of efforts around the country to place hundreds of thousands of acres of land off-limits to development as a result of adding new species to the ever-growing endangered list. In addition, the FWS is moving forward with regulations that will further complicate the ESA. Some of these include:

- Vast new authority to designate areas as critical habitat that are not currently (and have never been) occupied by a listed species. FWS seeks this authority to deal with the changes in habitat that it anticipates will result from climate change.
- “Clarification” of how adverse modification is to be determined. Unfortunately, the proposed changes fail to clarify the matter and, in fact, could result in a significant expansion of the habitat features that must be protected from “adverse modification.”

All of these changes translate to more litigation, more rulemakings and more uncertainty for independent producers.

## The ESA Needs Both Oversight and Reform

IPAA supports more transparency in the listing decisions, limiting the amount of taxpayer money spent on litigation, expanding the role for States, and ensuring that ecosystems and the species that occupy them are protected for future generations.

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