

# IMPROVING HABITAT FOR ENDANGERED SPECIES

**This year marks the 50th Anniversary of the Endangered Species Act (ESA). We as a nation are grateful for the individuals who uncovered harmful environmental practices, such as Rachel Carson, who, in her 1962 book, *Silent Spring*, brought to light the harmful effects of DDT, for example. And that does not stand for ducks, deer, and turkey. DDT is a highly efficient pesticide. Our family used it and toxaphene extensively to control the dreaded boll weevil and other pests in cotton. Thankfully, DDT was banned in 1972 as it had tremendous negative environmental effects. While our nation has made great gains in producing chemicals with fewer side effects, we still have more work to do, such as reducing habitat destruction and increasing habitat restoration that benefits a diversity of species.**

When the Boone and Crockett Club was founded in 1887, preventing extinction was the major topic at the inaugural meeting. In fact, the Club has a huge amount of experience in preventing species from going extinct and increasing populations. In 1906, the Club established the National Collection of Heads and Horns as a repository for the vanishing big game of the world and to enlist public support for their protection. While we have had great success, the real trophy is conservation success for all species, as Theodore Roosevelt's great, great grandson said in his extremely thoughtful article in this issue of *Fair Chase* titled "The Challenge of North American Conservation Today."

The pronghorn is a great example of a species that was on the brink of extinction in the early 1900s and recovered with the help of the Club. In a letter from George Bird Grinnell, the chairman of the Club's Game Preservation Committee, to Interior Secretary Walter Fisher, Grinnell said, "The Club is much concerned about the fate of the pronghorn which appears to be everywhere rapidly diminishing." By the early 1920s, the population had been reduced to about 13,000 animals. Club member Charles Sheldon, in a letter to Grinnell, said, "Personally, I think that the antelope are doomed, yet every attempt should be made to save them." The Club began its efforts to save the pronghorn in 1910 by purchasing and restocking lands. In 1927, Grinnell spearheaded efforts with the help of Club member T. Gilbert Pearson of the National Audubon Society to create the Sheldon Antelope Refuge in Nevada. The two organizations purchased approximately 34,000 acres of the Last Chance Ranch. They transferred the land to the U.S. Biological Survey—now the U.S. Fish and Wildlife Service—in 1929 when President Herbert Hoover learned the

Club and Audubon were underwriting the private land purchase. In 1936, President Franklin Roosevelt added 540,000 acres, collectively marking the beginning of pronghorn recovery.

The efforts of the Club and its members to help species did not end there. Club member Lee Talbot, the grandson of Dr. C. Hart Merriam, also a Club member, the first chief of the U.S. Biological Survey, and the person the Merriam subspecies of wild turkey is named, played a major role in the ESA. In the late 1960s, Talbot served as science advisor to the Joint Senate-House Committee on Environment. In 1969, Congress passed the Endangered Species Conservation Act, but Talbot said it was "inadequate to address the needs at the time, so early in 1970, when President Nixon asked me to help start the President's Council on Environmental Quality (CEQ), I saw an opportunity to place endangered species high on the nation's agenda."

With the support of Club member Russell Train, the first chairman of the CEQ, Talbot worked with Congressman John Dingell, Jr., Chairman of the Merchant Marine



**James L. Cummins**  
PRESIDENT

Read Lee Talbot's Member Spotlight on page 29.

and Fisheries Committee of the U.S. House of Representatives, on the ESA, which President Richard Nixon signed into law on December 28, 1973.

Former Club president, Lowell Baier, has spent the past 10 years of his life conducting extensive research on the ESA. I commend my friend for his hard and brilliant work on the ESA. His goal was to write the definitive 50-year history of the ESA, and it will be released this year in two volumes: *The Codex of the Endangered Species Act, Volume I: The First Fifty Years* and *The Codex of the Endangered Species Act, Volume II: The Next Fifty Years*. Volume I reviews the Congressional intent, how the courts have interpreted it, and how the U.S. Fish and Wildlife Service applied it; Volume II is a guide for applying the ESA over the next 50 years.



Read B&C's "Three Steps to Pronghorn Restoration"

Read Simon Roosevelt's article on page 40.

Pronghorn race across Sheldon National Wildlife Refuge.

IMAGE COURTESY OF GAIL COLLINS, U.S. FISH AND WILDLIFE SERVICE.



The Congressional Waterfowl Task Force, founders and members, including James Cummins, front row, second from left.

Many people in our nation want the ESA to go away. Others say not to change one single word. That is like owning an International Scout with two plans: take it to the junkyard or use it but never change the oil. Neither option is helpful at the hunting club unless walking is your goal. We need to keep and use the Scout but fix it when it needs fixing. The ESA should be treated no differently. The ESA has been effective in preventing some species from becoming extinct; however, it can be significantly improved by creating new recovery efforts. The recovery and delisting of many species will not happen as long as the status quo of not increasing habitat, therefore not increasing populations, is maintained.

In 2006, Senator Mike Crapo of Idaho spoke on the floor of the U.S. Senate and said, “I rise today with my colleagues—Senator Blanche Lincoln from Arkansas, Senator Chuck Grassley from Iowa, and Senator Max Baucus of Montana—to introduce the Endangered Species Recovery Act or ESRA. This new bill does not amend the current ESA. It creates new policies that finance the recovery of endangered species by private landowners. ESRA makes it simpler for landowners to get involved in conservation and reduces the conflict often emanating from the ESA.”

Over 80 percent of endangered species live on private land. We all know that incentive-based conservation programs work. The Clean Water Act, the other major, regulatory-based environmental law, has strong, voluntary, incentive-based programs to support it, especially wetlands. We know them as the North American Wetlands Conservation Act (NAWCA), the Conservation Reserve Program (CRP), and the Wetlands Reserve Easement (WRE), all of which were supported by the Congressional Waterfowl Task Force. NAWCA has played a major role in ensuring we have healthy waterfowl habitat, and CRP and WRE were responsible for de-listing the Louisiana black bear from the ESA.

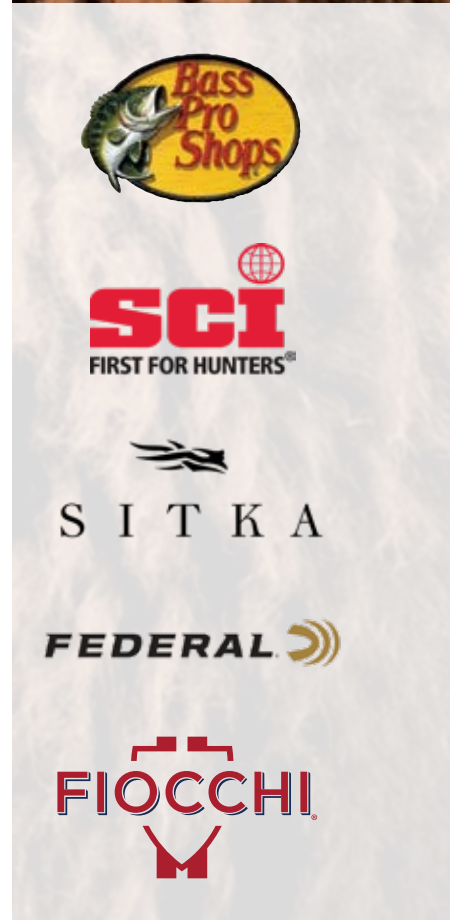
“Under the current law, however, there are too few incentives and too many obstacles for private

landowners to participate in conservation agreements to help recover species under the ESA,” continued Crapo. “ESRA, like the voluntary Farm Bill conservation programs that inspired its creation, will make it more attractive for private landowners to contribute to the recovery of species under the ESA.”

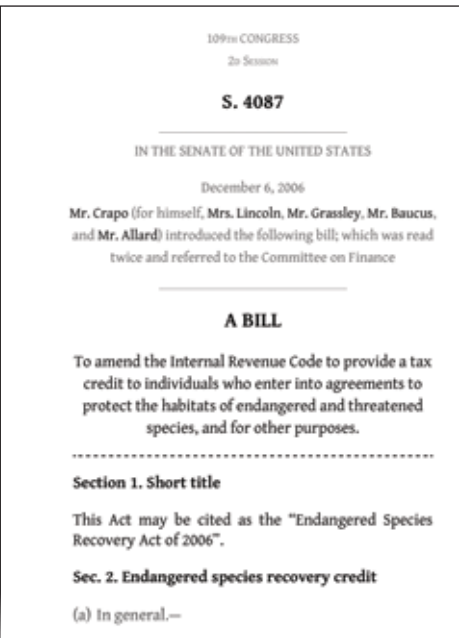
As Senator Crapo noted, the bill resulted from collaboration among key stakeholders, such as the American Farm Bureau, Defenders of Wildlife, Environmental Defense Fund, National Cattlemen’s Beef Association, National Wildlife Federation, and Society of American Foresters. These organizations understand that landowners must be allies to ensure success. While I had spent many hundreds of hours on this bill, I was shocked when Senator Crapo said my name on the Senate floor and referred to me as a passionate catalyst whose passion for the outdoors provided the inspiration to move these ideas forward.

ESRA provides new tax incentives for private

**Conservation should make both ecological and economic sense. A thriving economy isn’t sustainable if it undermines conservation—just as effective conservation is more likely to last when it works in synergy with economic forces.**



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Read Lowell Baier's article about the ESA on page 32.

landowners who voluntarily help the recovery of species. Tax credits will reimburse landowners for property rights affected by agreements, including conservation easements and costs incurred by species management plans. For landowners who limit their property rights through conservation easements, there will be 100 percent compensation of costs. That percentage declines to 75 percent for 30-year easements and 50 percent for cost-share agreements not encumbered by an easement.

Senator Crapo went on to say that the legislation provides a list of options that give landowners a choice, which is crucial for success. For some landowners, a conservation easement will be the most attractive option. An easement restricts certain activities but is compatible with working lands. For agreements without easements, there is flexibility to do what is necessary for the species without sacrificing property rights into perpetuity.

“The tax credits provide essential funding that is necessary to respect private property rights,” Senator Crapo said. “Wildlife should be an asset rather than a liability, which is how it has sometimes been viewed under the ESA. With wildlife becoming valuable to a landowner, those who may be reluctant to participate in recovery efforts in the past will be more likely to contribute with these incentives. When people want to participate in the process and do not fear it, the



LEFT TO RIGHT: Senators Max Baucus (D-Montana), Mike Crapo (R-Idaho), and Wayne Allard (R-Colorado) with a bald eagle at the introductory announcement of the ESRA.

likelihood of conflict and litigation is reduced.”

A key component of the bill is that provisions were made to accommodate landowners whose taxes may be less than the tax credit provides. Any party to an agreement can receive all or part of the tax credit. This bill also expands tax deductions for landowners who take part in recovery plans and allows landowners to exclude from taxable income federal payments from cost-share programs without bureaucratic obstacles.

Landowners will receive technical assistance to implement agreements. Liability protection may be provided to protect the landowners from penalties under the ESA, helping to remove legal disincentives to recover species. This removes the fear of trying to help species.

While ESRA sounds very promising, I am sad to say it passed the U.S. Senate, but when it got to the U.S. House of Representatives, the incentive of a strong tax credit was reduced to a weak tax deduction. This bill needs to be strongly reconsidered by

the current Congress as it provides collaborative, creative ways to balance resource conservation with the economic uses of natural resources.

North American conservation is nothing shy of a miracle. The Club has helped conceptualize and develop innovative tools and resources to help farmers and landowners with conservation while producing quality wood for homes and healthy food at affordable prices.

We live in a society where there is a democratic rule of law. There has to be a balance between what society will accept and what is needed. Sir Isaac Newton said that for every action, there is an equal and opposite reaction. While I am 100 percent sure he was not referring to regulations, I think this law of physics also applies to politics. Personally, I believe we went too far as a nation on government adopting egregious wetlands regulations. There was a reaction, and now we have fewer wetland protections in place than we have had in many, many years. Margaret Thatcher once said, “A good compromise is one that

nobody supports and nobody opposes.” Sadly, the current situation for both wetlands and species is one where one side is supportive, and the other side is opposed. That is not a good compromise.

Conservation should make both ecological and economic sense. A thriving economy isn’t sustainable if it undermines conservation—just as effective conservation is more likely to last when it works in synergy with economic forces. Conservation efforts cannot simply seek to preserve our environment but must consider the needs of the people and communities that live and work here. We MUST have conservation solutions that make economic sense to sustain our environment and way of life.

As the Club continues its role as a major architect of America’s conservation system, we must also ensure conservation action has scientific integrity and is politically viable. It is imperative that we develop innovative solutions to solve challenges by focusing on strategic conservation with measurable impacts. We MUST favor constructive solutions over combative tactics. This is all possible because the American people strongly believe that conservation is an essential component of a modern, productive society. ■

*Jan F. Cannon*

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