

## Endangered Species Act Modernization Stakeholder Roundtable



September 24, 2019

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Here in the West, the Endangered Species Act has often been used as a means to control land, not primarily to recover species. Our members are more than happy to go above and beyond to protect species that are truly threatened and endangered, but not when the ESA is weaponized as a way to stop responsible oil and natural gas development. These bills are an important step toward modernizing the act so that it gets back to its original intent of protecting and conserving wildlife while at the same time enabling the livelihoods and economic vibrancy of rural communities across the West.

One problem with the way ESA has come to be implemented is how difficult it is to get a species that's been recovered off the list. The Hookless Cactus is a good example. The cactus is found throughout the Uinta Basin of northeastern Utah, which also happens to be a very productive oil and natural gas area. Companies have been conducting surveys by third-party wildlife biologists, relocating operations, controlling invasive species, and taking several other measures to protect the hookless cactus, and those efforts have paid off. Whereas the original recovery plan required a population of 30,000, that was exceeded many years ago, with official population numbers at 50,000.

Despite that exceedance of the recovering standard, the Fish and Wildlife Service would not delist the species. Companies continued to conduct surveys, and data indicate the population is well over 100,000, more than three times the recovery requirement. Western Energy Alliance investigated how to take those third-party surveys, the best available data on the hookless cactus, and get them certified to help with the delisting process. We worked with the State of Utah, but the hoops required for the state to jump through were too onerous, and the expense was more than our members wished to bear, since there was no guarantee from FWS that the efforts and expense would pay off.

Companies did the right thing to protect the hookless cactus, and our conservation paid off in terms of the species, but not in terms of getting the species delisted and identified as fully recovered. Congress should work to ensure these types of disincentives are removed, so that private citizens and companies can be partners in species recovery.