



Blind focus on 'energy dominance' may cripple Endangered Species Act

BY ALEJANDRO E. CAMACHO AND MELISSA KELLY, OPINION CONTRIBUTORS — 10/04/18 05:30 PM EDT
THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

Just In...

To improve health outcomes federal and state governments must collaborate

OPINION — 20M 53S AGO

The Hill's Morning Report — Historic vote on Kavanaugh to come amid protests, anger

MORNING REPORT — 31M 12S AGO

Legal obstacles to pursuing tax charges against Trump family

FINANCE — 1H 20M AGO

Trump tax story prompts calls to revise estate rules

FINANCE — 1H 20M AGO

Trump immigration measures struggle in the courts

LATINO — 1H 20M AGO

Hundreds of female Alaska attorneys call on Murkowski, Sullivan to vote 'no' on Kavanaugh

SENATE — 8H 29M AGO

Heitkamp releases ad explaining Kavanaugh no vote

SENATE — 8H 41M AGO

Kavanaugh's former classmates, 'drinking buddies' call on Senate to vote 'no' on confirmation

41 SHARES

SHARE

TWEET

PL



© Getty Images

The bald eagle, sea otter, timber wolf — these iconic animals and more have been saved by the Endangered Species Act (ESA). But the Trump administration doesn't seem to care about our country's natural heritage. It's using questionable arguments about the [popular law](#) in an effort to gut protections and convert our public lands into private assets.

The administration's destructive intent is apparent in the proposed [revisions to the ESA](#) by the U.S. Fish and Wildlife Service and NOAA Fisheries. These changes appear to be aimed at providing more opportunities for business interests to influence conservation decisions. Indeed, the administration has proposed to turn the law on its head by allowing consideration of economic impacts in listing decisions, restricting designation of unoccupied critical habitat, and eliminating default protections for threatened species.

The motivations are even clearer when we look at the administration's aggressive exploitation of public lands in favor of the oil and gas industry. The president's myopic fixation on achieving "energy dominance" is poised to undermine what former Interior Secretary Sally Jewell once referred to as an "[unprecedented landscape-scale conservation effort](#)" that demonstrated the ESA "is an effective and flexible tool and a critical catalyst for conservation."

VIEW ALL

View Latest Opinions >>

Related News by |



Christine Blasey Ford has a credibility problem



Corroboration is not required



What's The Best Pickup Truck of 2018?

Sponsored | Edmunds



How the elite hijacked the #MeToo movement

Blind focus on 'energy dominance' may cripple Endangered Species Act | TheHill

The Obama-era Greater Sage-Grouse Conservation Plans were the result of a cooperative effort among federal agencies, states, industry, private landowners, and environmental groups. It was the nation's largest land conservation effort, spanning 10 states and covering 90 percent of the species' habitat. As a result, FWS ultimately determined the greater sage-grouse did not warrant listing under the ESA.

Now, the Bureau of Land Management's (BLM) push for energy development is crippling the effort. BLM has been offering millions of acres for oil-and-gas leasing inside greater sage-grouse habitat.

Most recently, the agency approved what will be one of the nation's largest natural gas fields "in the heart of prime greater sage-grouse habitat" in Wyoming. In Colorado, BLM's planned lease sale of more than 230,000 acres is understandably facing significant opposition. The sale includes over 100,000 acres of greater sage-grouse habitat and lands in Colorado's North Fork Valley — a hub for wineries, organic farming, and outdoor recreation.

These alarming actions are being taken by the very agency whose mission is "to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations." Yet, BLM is barreling ahead, operating under instructions to prioritize energy development on public lands and a new policy that limits public input in leasing decisions.

Environmental advocates recently secured a win against this misguided policy. Concluding that "BLM made an intentional decision to limit . . . public involvement," an Idaho federal court issued an injunction blocking implementation of the policy for lease sales in greater sage-grouse habitat until a decision on the merits of the lawsuit is reached.

The judge concluded public participation "cannot be set aside in the name of expediting oil and gas lease sales." The ruling, at least temporarily, staves off efforts to minimize public participation over lease sales in greater sage-grouse habitat.

Yet, these policies, coupled with a blatant disregard of sound science, threaten more than the existence of the greater sage-grouse. They jeopardize the effective functioning of an iconic law that once allowed for, and even fostered, exceptional multi-stakeholder collaboration.

The ESA was designed to encourage the type of cooperative, proactive conservation effort that resulted in the Greater Sage-Grouse Conservation Plans. The planned revisions to the ESA, coupled with BLM's shortsighted rush to throw open the doors to destructive energy development, will undercut any incentive for future collaboration on a landscape scale.

There are opportunities to improve the ESA's effectiveness, but the Trump administration's proposals will not accomplish that goal. Instead, they would turn much of the power over to the states, despite the fact that studies have found existing state laws are largely inadequate to achieve the ESA's goals.

Devolution of responsibility to implement the ESA would also require a massive and unlikely expansion of state funding. Thus, the proposed changes ultimately risk fueling the Trump administration's blind determination to achieve energy dominance at all costs as it places a few private interests ahead of those of the public.

Blind focus on 'energy dominance' may cripple Endangered Species Act | TheHill

Alejandro E. Camacho is a professor of Law at the University of California, Irvine School of Law and the faculty director of the Center for Land, Environment, and Natural Resources (CLEANR).

Melissa Kelly is the staff director and attorney at CLEANR.

**TAGS SALLY JEWELL ALEJANDRO E. CAMACHO MELISSA KELLY ENVIRONMENT
ENDANGERED SPECIES ACT CONSERVATION ENERGY DOMINANCE**

SHARE

TWEET

PLUS ONE



**THE HILL 1625 K STREET, NW SUITE 900 WASHINGTON DC 20006 | 202-628-8500 TEL | 202-628-8503 FAX
THE CONTENTS OF THIS SITE ARE ©2018 CAPITOL HILL PUBLISHING CORP., A SUBSIDIARY OF NEWS COMMUNICATIONS, INC.**