What the Endangered Species Act Does, and Why It Matters

Hazra Khatoon, SentientMedia.org

November 2023

As one of the most effective legal measures ever adopted to protect biodiversity, the Endangered Species Act is a landmark in wildlife conservation. But why does a country need legislation to save wildlife? In just 10 years, at least 160 species have gone extinct globally, including 60 plants, 75 animals and 25 fungi. Changes in climate, habitat loss and human activities are continuously pushing many species to extinction.

To bring about a change and put an end to the extinction of such species, the federal government of the United States introduced the Endangered Species Act in 1973. Today, it has a 99 percent rescue rate of endangered species. However, the actual recovery rate for the animals listed is only three percent — and just this year, 21 species were removed from the Act altogether due to extinction.

The Act is turning 50 this year; let's have a look at how it works, and how successful it's been in recovering wildlife.

What Is the Endangered Species Act?

The Endangered Species Act is a result of environmental awareness and a commitment to preserve the diverse web of life. Its main objective is to save endangered species from extinction and to encourage their recovery to the point where they are no longer in danger of going extinct in the wild.

The U.S. Fish and Wildlife Service (USFWS) creates and implements recovery plans for species that need protection under the Endangered Species Act. This includes protecting or building habitats, researching possible threats, managing populations and educating people across the U.S.

It also works with the Convention on International Trade in Endangered Speciesof Wild Fauna and Flora to save marine life globally.

Additionally, another piece of legislation called The Lacey Act protects species that are indigenous to America. It protects these species against illicit trafficking, possession or sale.

As of 2019, these laws protected more than 1,747 threatened species of plants, fish and wildlife in the United States. Another report suggests that 90 percent of the plants and animals under these pieces of legislation are recovering per the timelines in their recovery plans.

History

The origins of the Endangered Species Act began at the height of the American Environmental movement, from the 1950s to the 1970s. During this time, President Nixon established the Environmental Protection Agency. This period also saw progressive environmental policies such as the Clean Water Act, the Clean Air Act and the National Environmental Policy Act.

The issue of wildlife extinction first drew serious attention when species like passenger pigeons and bison first started to go extinct . Their absence was noticeable, and as a result, the Federal Government introduced the Endangered Species Preservation Act in 1966.

The problem with this first Act was that it only provided protection to a limited number of species, and did not have a comprehensive framework in place. In an effort to improve upon this legislation, the Endangered Species Act was signed into law in 1973.

Who Does the Endangered Species Act Protect?

The Endangered Species Act protects wildlife and plants listed as endangered or threatened. Endangered species are those that are on the brink of extinction; threatened species are those that are likely to become endangered in the near future.

Under these categories, the Endangered Species Act currently protects over 2,000 species of plants and animals across the U.S. and its territories. Some of the well-known species protected by the Act are the bald eagle, grizzly bear and humpback whale.

This legislation has done great work to protect biodiversity. However, human activities such as poaching, hunting and industrial pollution issues are still major challenges in conservation.

How Does the Species Listing Process Work?

The listing of a species serves as a warning that the species needs protection. The U.S. Fish and Wildlife Services thoroughly investigates a species' status and proposes its protection after a rigorous scientific process.

Anyone can submit a petition to USFWS or the National Marine Fisheries Service (NMFS) requesting to put a species on the threatened or endangered lists. They only need to submit detailed biological info about the species, its population and threats. Once they do, experts investigate to find out whether a species needs protection or not. If the investigation suggests that

the species need protection, USFWS or NMFS proposes a rule in the federal register. This includes all the information such as biology, population status, threats and habitats of the species.

Finally, after considering public comments, the USFWS or NMFS publishes a final rule in the federal register listing the species under the threatened or endangered category.

How Is the Critical Habitat of Species Protected?

Critical habitat is an area that is essential for the survival of a particular species; it could be water or land. A 2016 study by the National Academies of Sciences, Engineering and Medicine found that protecting critical habitats has played a vital role in the recovery of endangered and threatened species. Another study by USFWS found that it prevented the extinction of 99 percent of species listed under the act.

The Endangered Species Act protects the critical habitat of the species and makes sure that a species finds a healthy environment to thrive within these critical habitats. To ensure a safe critical habitat for endangered or threatened species, it prohibits federal agencies from destroying or modifying critical habitats.

This makes it necessary for federal agencies to seek permission from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to do any kind of activity in these habitats.

The USFWS and NMFS also work with landowners and other stakeholders to develop and implement management plans for critical habitats. These plans outline the precautions and steps to ensure a safe environment for a species.

What Are the Rehabilitation and Recovery Plan Measures?

Rehabilitation and recovery plans for endangered and threatened species can vary based on their needs. For example, some species are facing difficulties in adjusting to climate change while others are decreasing in numbers as a result of hunting.

However, there are a few common practices that are restoring or protecting habitats, planning breeding programs, controlling predators and reducing other threats. Recovery plans can take years or even decades. But the available data shows the effectiveness of these conservation efforts.

The U.S. Fish and Wildlife Service has delisted 54 species from the endangered list owing to recovery. This indicates that many species have recovered to the point where they no longer require protection to survive in the wild.

In addition to this, authorities have downlisted 56 species from endangered to threatened. While these species have made significant progress, they are still at risk of extinction and require protection. As mentioned earlier, the Act has also sometimes failed: just this year, 21 species were delisted due to extinction.

What Are the Successes in Endangered Species Recovery?

The Endangered Species Act has successfully achieved some meaningful milestones. Here is a list of species that were once on the brink of extinction and later recovered:

- **Bald Eagle**

In the 1960s, the total population of the American bald eagle, which is a symbol of nation's pride, rapidly declined to just 417 nesting pairs in 48 states.

The bald eagle was on the Endangered list in 1976. Through constant conservation efforts such as banning DDT, enacting habitat protection, and captive breeding and release programs, the species soon started to recover. Finally, in 2007, USFWS removed it from the endangered list. Today, the bald eagle is one of the most common raptors found in North America.

- **Grizzly Bear**

The population of grizzly bears also dwindled significantly because of hunting and habitat loss in 1975.

Through conservational efforts to protect habitat and prohibiting hunting and poaching, the grizzly bear population has increased by 50 percent since 1975. Today, a significant number of grizzly bears live across six states.

- **Humpback Whale**

The humpback whale was nearly extinct as a result of excessive hunting in the 1970s. Today, the humpback whale population has increased by 90 percent, and is now found all over the world.

There are a number of factors that have helped this recovery including a ban on commercial hunting, the protection of habitat and the reduction of pollution.

- **Black-Footed Ferret**

The black-footed ferret became one of the most endangered species of North America in 1980. In fact, it was once thought to be extinct. Fortunately, in 1981, researchers found a small population in a small town of Wyoming. After that, captive breeding and release programs and protection of habitat helped the species to increase to 500 animals, now found in eight states.

There are 3,000 black-footed ferrets needed to completely save the species from the endangered category, so there is still a long way to go.

- **California Condor**

The California condor is the largest land bird in North America. Due to excessive lead poisoning, habitat loss and hunting, the California Condor came dangerously close to extinction in 1982. There were only 23 California condorsleft worldwide.

With an extensive set of measures such as captive breeding and release programs, habitat building and the management of lead poisoning, California condors have reached a population of 500.

Do Zoos Help Conserve Endangered Species?

While some critics argue zoos are ethically questionable for animal welfare, they do play a role in the conservation of endangered and threatened species. Here is a breakdown of that conservation work.

Conservation Breeding

Some zoos provide conservation breeding programs as an effort to save species from extinction. For instance, since 1993, conservation efforts of different wildlife facilities provided by some zoos have saved up to 48 mammals and birds from extinction.

Reintroduction

Some zoos also participate in reintroduction efforts after a successful conservation program. Under reintroduction efforts, they release the captive-bred animal into a natural environment. However, zoos are not leaders in global conservation, nor does conservation constitute most of a zoo's activities.

Research

Modern zoos get a chance to observe the behavior of a particular species up close. However, many animals don't act the same way in zoos as they do in the wild, as conditions of captivity can play a role in how they interact with other animals and zoo employees.

Education

Advocates for zoos argue that education is an important contribution of zoos to wildlife conservation. They provide visitors with a chance to learn about animalsthat they might not see in the wild.

Why Was the Endangered Species Act of 1973 So Controversial?

The Endangered Species Act of 1973 has been controversial from the beginning. One of the main criticisms it faces is that it can restrict property rights. For instance, if a property contains critical habitat for an endangered species, the landowner can face limitations on how they use this property or other restrictions, depending on the situation.

Another major criticism is the economic pressure the Act puts on businesses. Businesses might not be able to develop a piece of land if an endangered species lives on the property and its habitat is protected under the Act. In *Sweet Home Construction Co. v. Lujan* (1992), the Supreme Court applied the Act to prevent the construction of a shopping mall on land that was home to an endangered species of frog.

The Act advocates for protecting wildlife at all costs. However, some critics believe the Act is overly restrictive and serves as a backdoor method of controlling land, giving preference to wildlife and nature over human interests.

The Bottom Line

The Endangered Species Act is a complex and contentious law that remains somewhat controversial as humans argue about the best ways to balance protection of endangered species with sometimes competing human interests. There are many ways to protect nature and endangered species, including taking on individual responsibility toward biodiversity. Despite its flaws, the Act is an important piece of legislation for conserving endangered species. It has saved numerous animals and plants from extinction and is critical to the maintenance of wildlife heritage.