



# Fact Sheet

## Endangered Species Act

*Revised Nov. 2, 2011*

The U.S. Fish and Wildlife Service (FWS), an agency within the U.S. Department of Interior (DOI), has proposed to add approximately 700 species to the list of endangered species included in the Endangered Species Act (ESA). Of the 700, at least 111 of those species are in Texas.

A species can be petitioned for a listing by anyone as long as they follow the ESA listing process. Under the ESA, the public can sue the FWS if the petitions are not responded to within a certain time frame. In the past few years, FWS has been bombarded with petitions and lawsuits from environmental groups. Under recent settlement agreements, FWS is now legally obligated to list more than 700 species.

According to the FWS, because of the large number of species petitioned, the agency will not be required to conduct additional research to fully determine the status of each species. Instead, FWS has said they will rely on the information in the petitions and information they have on file including public comments. If FWS has no information on a particular species on file, they will rely solely on information provided in the petition.

The ESA has far reaching implications concerning agricultural practices and private property rights in areas where endangered and threatened plant and animal species may exist. ESA regulatory burdens imposed by FWS can seriously threaten, limit and/or take away agricultural practices and private property rights.

Many species are listed without sound evidence supporting claims that the species are indeed endangered. Without the proper science to back up a listing, the ESA will become another vehicle for the government and radical environmental groups to take away private property rights.

TSCRA supports the ability of private landowners to voluntarily participate in non-regulatory incentive programs to comply with the ESA and to be eligible for any tax incentives associated with those programs. TSCRA opposes forced perpetual land-use takings, management plans and easements for the recovery of a threatened or endangered species.

TSCRA supports stronger legal protections for private landowners that would:

- Provide fair compensation if property rights and/or land is taken under the ESA
- Better protect confidential information regarding species presence, data collection and voluntary program participation
- Provide stronger burden of proof and evidence requirements to be placed on those petitioning that a species be listed as threatened or endangered

### What is TSCRA doing?

TSCRA has urged the U.S. Congress to amend the ESA and require the DOI and FWS to streamline ESA regulations and better balance comprehensive science, economic development, input from affected stakeholders and private property rights when determining whether to list, introduce, and/or relocate a threatened or endangered plant or animal species.

TSCRA submitted comments to FWS opposing the listing of the Dunes Sagebrush Lizard.

TSCRA continues to participate on advisory committees that assist the Interagency Task Force on Economic Growth and Endangered Species.