



Outdoor News Bulletin

Beyond the Stick: The Untapped Potential of the ESA

By Leo Miranda-Castro | November 2024 | Volume 78, Issue 11

When we talk about conserving at risk, threatened, and endangered species, we often think of regulatory measures, prohibitions, and protecting individual members of a species. Over the first 50 years of the Endangered Species Act (ESA), this approach has helped prevent species from going extinct, a success worth celebrating. However, Congress established that the findings, purpose, and policy under the ESA extend beyond simply avoiding extinction. It emphasizes the need to conserve the ecosystems where threatened and endangered species live. Conserving these ecosystems is crucial as we work toward recovering species to where they no longer need ESA protection. The ESA offers rewards and support to promote creative methods that speed up saving species from being endangered or threatened. What if we could not only save species from extinction but also revitalize the ecosystems they call home? As we stand on the threshold of the next 50 years under the ESA, this is the challenge we face.

I will discuss a seldom-used section of the ESA that could revolutionize our approach to conserving listed and at-risk species for the next 50 years and beyond. In the heart of the ESA, Section 2 does not just list mandates; it tells a story of collaboration between a dedicated group of people from different agencies, each with their unique toolkit for saving nature. Acknowledging that unchecked economic growth and development have led to the extinction of many species in the United States, the Act also notes that other species are on the brink of extinction. These species are valuable for their aesthetic, ecological, educational, historical, recreational, and scientific contributions. The purposes of the ESA are then defined: to conserve the ecosystems that endangered and threatened species rely on and to establish a conservation program for these species. Additionally, the Act aims to help fulfill the United States' international obligations regarding wildlife protection.

Section 2 also mandates that all federal agencies must contribute to the conservation of endangered and threatened species. They are required to use their authorities in ways that support the Act's purposes. This includes cooperating with state and local agencies



to address water resource issues in a manner that also protects endangered species. Later, Section 7 of the ESA highlights this mandate.

Finally, Section 2 authorizes the Secretary of the Interior or Commerce to develop cooperative agreements with states. This provision requires that the states have active and effective conservation programs for endangered and threatened species. This provision acknowledges that states have a critical role in conservation and the federal government should play a strong supporting role. In essence, Section 2 of the ESA establishes the groundwork for why the law was created, its objectives, the role of federal agencies in its execution, and how the federal government can partner with states to achieve the conservation of listed species.

The law is clear in its directive: federal agencies must actively take part in conservation efforts, leveraging their own resources and expertise. This mandate extends across various sectors in the federal government. For example, the Department of Defense has adjusted its land use policies for decades to maintain the nation's military readiness and to conserve and further the recovery of species like the recently [down-listed Red-cockaded Woodpecker](#). In 2014, the Army Corps of Engineers in consultation with the U.S. Fish and Wildlife Service developed a forward-looking conservation plan in the lower Mississippi that resulted in the full recovery and de-listing of the [Interior Least Tern](#) a few years later in 2019. The U.S. Department of Agriculture Natural Resources Conservation Service has developed the Working Lands for Wildlife program, targeting at-risk and listed species conservation on private lands across the nation. The U.S. Fish and Wildlife Service has recently [partnered with a private landowner](#) using the Partners for Fish and Wildlife Act authority to restore habitats and the future reintroduction of a listed species onto those lands. Each agency possesses unique tools and capabilities that can contribute to species conservation outcomes.

However, it is important to mention that the ESA does not prescribe a one-size-fits-all approach to how these agencies must achieve these goals. Instead, it provides a broad framework that allows for discretion in implementation using their own authorities. Nobody else knows their authorities better than the affected agencies. Federal agencies have the flexibility to tailor their conservation strategies to their specific authorities, missions, and capabilities. For instance, the Department of Transportation might focus on creating wildlife corridors or eliminate fish migration barriers to enhance species movement, while the Bureau of Land Management, National Park Service, and the U.S. Forest Service could enhance habitat within their managed lands.



This flexibility encourages innovation and allows agencies to integrate conservation into their operational ethos in ways that are most effective for them, ensuring they fulfill their own missions as they conserve the ecosystems. Acknowledging the wide range of conservation challenges, this discretionary approach understands that solutions must be equally diverse. Achieving success depends on this crucial factor. By empowering agencies with autonomy to find the best path forward in consultation with the Services, the 51-year-old law continues to foster a more adaptive and resilient conservation strategy nationwide. This aspect of the ESA is pivotal in shaping conservation efforts for the next half-century, leading to more collaborative, cross-agency initiatives that leverage the unique strengths of each entity.

As climate patterns shift, federal agencies do not just react: they expect, adapt, and transform challenges into opportunities for nature to thrive. Section 2 of the ESA provides the solid foundation for species conservation and recovery. Section 2 mandates federal agencies to take part actively in species conservation by integrating affirmative conservation into their core operations beyond merely avoiding and documenting detrimental impacts. This affirmative approach to conservation aligns with the ecosystem-based management emphasized in the purpose of the ESA, aiming not just to prevent extinction but to restore and maintain the health of ecosystems and the species that occur there. It encourages preventive actions, turning federal actions into opportunities for conservation, directly supporting the goal of conserving ecosystems and species. Through science, collaboration, and adaptive management we can ensure that conservation strategies are well informed and responsive to changing conditions. By embodying these principles, federal and state agencies will speed up the conservation of biodiversity, and promote a dynamic, innovative approach to species recovery.

The future of biodiversity is in our hands. Join the movement, whether you are a policymaker, a scientist, or simply someone who loves the wild. Together, we can redefine what conservation looks like. Imagine a mosaic of conservation efforts across the nation, woven from the threads of innovation, collaboration, and unwavering dedication. We are not just conserving species; we are weaving the future of our nation. Let us listen, learn, and lead together toward flourishing ecosystems and recovered species.

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