Saving the species - 1992 Earth Summit paranoia

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by Richard Miniter

TO HEAR THEM talk in Rio, you might suppose that the Treaty on Biodiversity--which President Bush refused to sign because of its threat to the U.S. biotechnology industry, but which he half endorsed in his speech--is essential to save some thousands of species from extinction at the hands of economic development. And this apocalyptic environmentalism is the only respectable view on the subject.

Every major institution has its resident doomster. Stanford biologist Paul Ehrlich--fresh from paying up to Julian Simon after losing his 1970 bet that various raw material shortages would send their prices skyrocketing (in fact there were no shortages; prices fell)-says as many as 3 per cent of living organisms could be extinct by the end of the decade and urged Americans to immediately "cease 'developing' any more relatively undisturbed land."

"The Earth is nearing a stage of extinction of species unequaled since that of the age of the dinosaurs," cries a 1989 General Accounting Office report.

Dark predictions about an impending loss of species go back to Norman Myers's 1979 book The Sinking Ark. The world could "lose one-quarter of all species by the year 2000," Myers warns, at which time, development would trigger "an extinction spasm accounting for one million species."

These predictions are all flawed at the outset by one fundamental fact--no one knows how many species actually exist. As recently as the 1960s, scientists thought there were about 4 million species. Then estimates exploded when biologists realized how numerous and diverse life was in tropical rain forests. Estimates of global species counts range as high as 100 million, but taxonomists have catalogned only a little fewer than 1.4 million. The rest is guesswork.

Almost every estimate of species loss is based on computer models. These models rely upon assumptions that overstate potential extinction rates. Modelers assume that habitats are like islands which shrink as development spreads. But the analogy is faulty. On islands, animals can't adapt to rising seas, but many animals can adapt to human development, especially when the development in question is light farming or low-density housing. Another flaw is that the computer models are based on thirty-year-old tropical-island research. Since tropical areas have more life per square foot than temperate areas, habitat loss is bound to take a larger toll in the tropics. By extrapolating from tropical data, some models overstate the human impact on wildlife.

If there were a major problem of disappearing species, would the UN Biodiversity Treaty solve it? Fortunately, we have a precedent to examine here. The Biodiversity Treaty's American ancestor is the Endangered Species Act, which is currently up for re-authorization. The 1973 Act was a Nixon-era nod to the greens. It requires that federal agencies preserve "the ecosystems upon which endangered species and threatened species depend." But the law is murky in several key provisions. An "endangered" species is one near extinction throughout all or most of its range. How this is determined is largely at the discretion of the U.S. Fish and Wildlife Service (FWS),

which is regularly petitioned by environmentalists and anti-development activists to add still more species to the more than 1,140 already on the endangered list.

Even the term "species" is vaguely defined by law. "Species" includes "any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement." In other words, any plant or animal living in a definable region can be legally called "endangered." If the FWS wanted to list the squirrels in the park across from the White House as an "endangered" subspecies, they could do it.

"Never mind that the Lafayette Park grey squirrel is indistinguishable from the grey squirrels in any other park in Washington," Eric Felton wrote recently in Insight magazine. "The Lafayette Park squirrels are geographically divided from their relatives, separated by blocks of urban jungle, and so can be considered as a distinct subspecies to be listed for protection." Felton asked John Fay, an FWS biologist, if the agency really had the discretion to list the squirrels in Lafayette Park as endangered. Fay says he thinks it unlikely the FWS would act that way, but he acknowledges, "In a very narrow legal sense, it's true."

Perhaps the best example of the misuse of the Endangered Species Act is what enthusiasts call "the salt marsh harvest mouse story."

Federal officials told a man owning both marshland and upland property in California that he could develop neither piece of land, because of the salt marsh harvest mouse, a small animal that lives in briny estuaries close to the sea. The owner challenged the officials, pointing out that the mouse liked wet, salty areas, not dry uplands. Ah, said the officials, you're right. But if global warming occurs, the polar ice caps will melt, and if the ice caps melt, the seas will rise, and if the seas rise, the mouse will be forced to seek new habitat. And the most likely habitat would be your uplands.

"I used to tell that story at conferences. I'd get a few laughs, but I was sure it was apocryphal," says Mark Pollot, author of the forthcoming book Grand Theft & Petit Larceny: Property Rights in America. "Then I told it once and a man said, 'That's my client.'"

Furthermore, the Act doesn't even do what it's supposed to do. Of the more than 1,140 species listed as endangered, only 17 have ever been taken off the list. Out of the 17, seven were "de-listed" because of extinction and four more because of what the FWS calls "original data error." And three more species recovered because of natural factors unrelated to the Act, according to the National Wilderness Institute in Virginia.

The FWS in its 1990 report to Congress admits the American alligator is its only "success story," and it's not much of a showpiece. The American alligator lost most of its habitat in the first place because the Army Corps drained the Kissimmee river basin. Then, when the time came to reverse government policies and protect the alligator, the FWS may have undercounted the surviving alligators. "It now appears that the animal never should have been placed on the endangered species list," said the National Wildlife Federation.

The FWS seems less interested in rescuing species from extinction than in placing them on the list. Of the 1,140 listed species, the FWS has completed recovery plans for only 275. It seems that "almost all of the emphasis of environmental groups and government agencies is on the listing

end of the process, and there is practically nothing happening on the recovery end," writes Utah State University professor Randy T. Simmons, who is researching a book on endangered species, bureaucracy, and property rights.

Listing and recovering all of the 4,197 species environmentalists want could cost taxpayers some $32.3 billion, according to the Interior Department. "And that figure excludes the cost of compensating property owners, lost jobs, and lost tax revenues," says Ike Sugg, an analyst at the Competitive Enterprise Institute. There has to be a better way.

Public Slaughter, private Conservation

HAWK MOUNTAIN claws its way into the sky above eastern Pennsylvania's Kittatinny Ridge. Geography and wind patterns combine to funnel some twenty thousand birds, mostly hawks, ospreys, falcons, and eagles, past the mountain on an average fall day. Until 1934 it was site of an annual slaughter of tens of thousands of birds. Bowing to political pressure, the Pennsylvania legislature placed a bounty on the goshawk, which was said to kill chickens.

It would have been cheaper for the state to simply reimburse farmers who lost chickens. At the peak of the bounty period, Pennsylvania paid out more than $90,000 for hawks that may have killed a total of $1,875 worth of chickens. And by subsidizing hawk slayings, the state encouraged an explosion of rodents which caused an estimated $4 million worth of crop damage in 1934 alone.

When Rosalie Edge, a conservationist and suffragette, learned of the hawk killings, she urged the Audubon Society to buy Hawk Mountain. When it refused, she took matters into her own hands, buying the 1,398-acre mountain property in 1935.

It's a situation some environmentalists might consider ironic. By exercising her property rights, Miss Edge prevented state-sponsored ecological destruction. Hawk Mountain is now a world renowned bird-watching site and hosts more than fifty thousand visitors every year. "Property rights hold everyone accountable and provide niches for off-beat groups [to try new approaches] in a setting where majority rules," says Richard Stroup, with the Political Economy Research Center in Bozeman, Montana.

Hawk Mountain points the way to a new approach to endangered species. Landowners can do extraordinary things to save species that are in jeopardy. Falconer organizations saved the peregrine falcon from extinction. North American bluebird populations rebounded thanks to the efforts of the North American Bluebird Society. The Nature Conservancy owns or manages more than 2 million acres of habitat. The National Audubon Society owns more than eighty bird sanctuaries. Ducks Unlimited, a non-profit organization rounded by hunters and conservationists in 1935, buys and protects duck habitat throughout North America. Trout Unlimited, the Elk Foundation, and other groups perform similarly.

In short, humans are central to preserving and protecting wildlife. That's why privately owned species like chickens, cows, and horses--all of which were foreign to North America--outnumber publicly owned native species like bison, alligators, and passenger pigeons. No privately owned or managed species has ever been driven to extinction.

To own a species, one doesn't have to cage or fence it; ownership means that the owner is the sole steward. Owners have a direct, personal, and long-term interest in their property which government bureaucrats lack. They will fund research to learn, for example, how to combat diseases that afflict the wildlife they own.

And protecting endangered species can be financially rewarding. Timber companies are fencing off their land, limiting access to paying hunters. This is called "fee hunting." Controlled access and changes in logging practices improve the land significantly. "Lands that were once an eyesore with no game are now a showcase with abundant herds," William Wall, a wildlife ecology manager with IP Timberlands, told Forbes. IP Timberlands, a limited partnership mostly owned by International Paper, protects bald eagles and cockaded woodpeckers while allowing recreational use of its 6.3 million acres for a small fee. The recreation program generated about $10 million in 1990.

Private ownership and management--whether not-for-profit like Hawk Mountain or decidedly profitable like IP Timberlands--succeeds because of property rights. An owner has a stake in his property and will work to improve it. Take the case of the Gulf of Mexico redfish. In the 1980s, the redfish population dwindled drastically. Accusing fishermen of greed, several governments banned all commercial fishing in certain waters. Meanwhile, the population of Mississippi catfish increased 500 per cent during the same period. Why are redfish headed for extinction and catfish thriving?

The main reason, surely, is that no one owns the redfish; therefore, there is no incentive for any one fisherman to reduce his catch or snitch on those who overfish. On the other hand, catfish are owned. Owners ensure that catfish ponds have optimum oxygen levels and are kept free of disease.

Experience suggests that government control encourages

environmentally unsound behavior, while ownership leads to environmental responsibility. But the Endangered Species Act and the Biodiversity Treaty operate on exactly opposite principles.