

Andrus on the ESA

As Idaho's governor for 13 years and U.S. secretary of the Interior for four, no Idahoan has had more experience dealing with the Endangered Species Act than Cecil Andrus.

In January, the former governor moved to the BSU campus, where he has established the Andrus Center for Public Policy, an independent, non-partisan organization that will conduct research, publish policy papers and sponsor public forums on a variety of issues. The center is located on the fifth floor of the Education Building.

BSU also is the new home for Andrus' official papers from his terms as governor and as interior secretary in the Carter administration. The papers join those of other prominent Idahoans, including former Sens. Len B. Jordan and Frank Church in the BSU Library.

Q: *Congress is scheduled to consider reauthorization of the Endangered Species Act this year. What do you foresee?*

Frankly, with the change in the Congress, I don't know where the thrust will be. But I do not believe they can muster the necessary votes to repeal it. I think there should be some minor amendments to it. You need an Endangered Species Act [ESA] and the theory behind it is very sound. The implementation of it becomes quite bureaucratic.

A simple amendment on the front end would, in my opinion, make all the difference in the world. Too many times groups have used the Endangered Species Act as a tool without really any consideration to whether the species was endangered or not. The snail darter and the Tellico Dam was the first big issue. The snail darter wasn't endangered. But they filed under the ESA to try to get rid of a dam that was not economically feasible.

The spotted owl brings it more close to home. The issue was old-growth timber. Environmentalists said there were fewer than 3,000 nesting pairs and that they nested only in old growth. They used that as a club to bring about the fiasco that took place in western Oregon and Washington.

The issue wasn't the spotted owl; the issue was old-growth timber. Now that the inventory has been completed they have identified more than 10,000 nesting pairs and that's not all of them. They found that they also nest in second-growth timber as well as old growth. But they used the ESA as an appliance to get what they wanted.

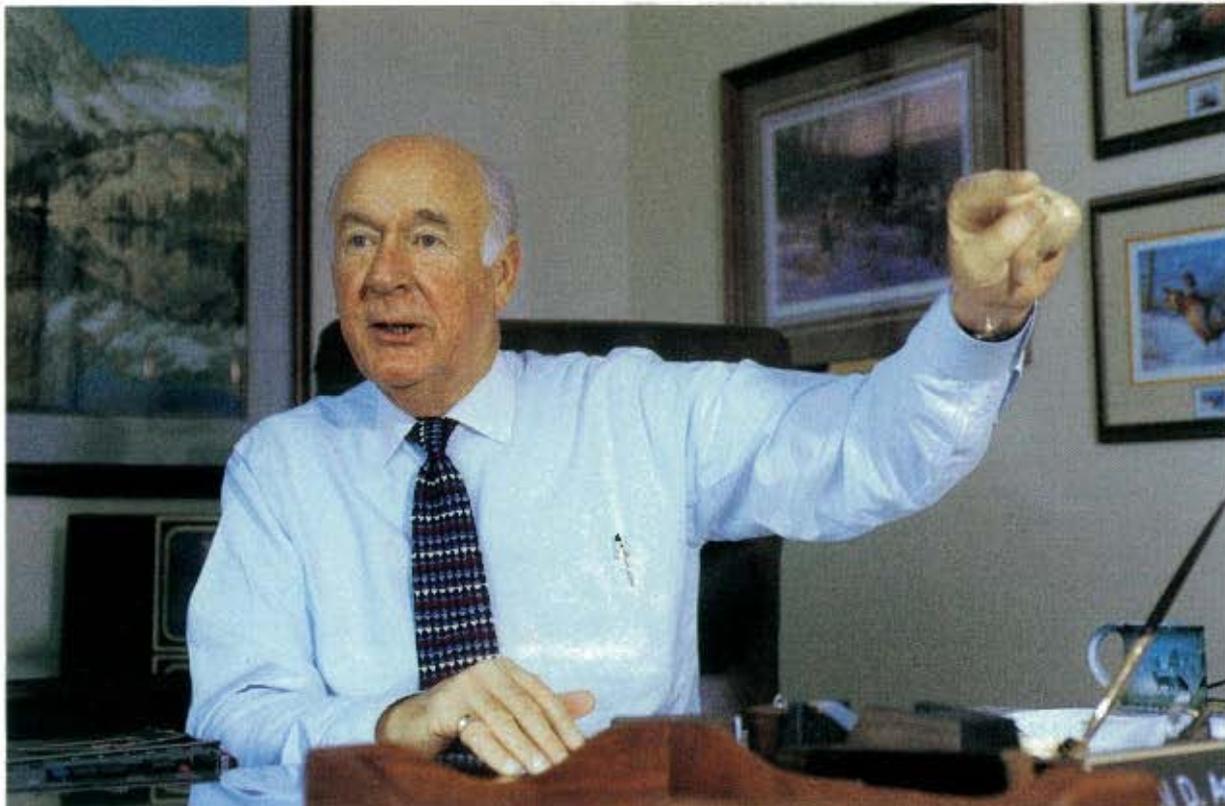
So how do we get around that? When you

file for listing, the law currently says that you should treat that species as if it were endangered from the filing time on. Like the spotted owl, it takes several years of fighting and court cases to bring it to the forefront. We should add a simple amendment that says, 'File for listing, but do not treat the species as endangered until you have finished surveys and compiled scientific data to see whether in fact it is justified as an endangered species.' That would remove 90 percent of the misuse of the ESA.

There are some people who are opposed to the ESA philosophically and the misuse of it just lends credence to what they have been saying. Some of my environmental friends — and some are just people who might be economically opposed to a project — have misused the act, which justifies a lot of the rhetoric that you hear. It's too bad, because it was passed with the very best of intentions, and then was misused. Do I think it will be repealed or not reauthorized? No. But what will it look like when it gets through? I don't know.

Q: *One possibility is that economic impacts will be part of the listing process. Do you support that?*

I do not object to economics being included as long as that is not overriding, because the threat of losing a species has intangible values that you can't put a price tag on. But there will be those who try to say that if it has a negative cost-benefit, do away with the species. I guess you can say not all the dinosaurs are in the tar pits because some of those people are still in the Congress of the United States.



CHRIS SCHERER PHOTO

Another problem: Is a species endangered in that area or is it endangered in the world? That's another philosophical question that has to be answered.

Q: *As governor how did you feel about the act as compared to your views as secretary of the Interior?*

I suppose that the impact of the issue has more direct personal meaning and feeling as a governor than as secretary of the Interior. Take the threat the other day where the judge in Hawaii was going to order us to close down the mining and logging operations in central Idaho. That's a graphic example of an insulated intellectual determination of the law without any consideration in fact. It's not habitat that is the problem for salmon inland. It's the damn dams.

The problem is, you can't get an adult [salmon] back upstream to take advantage of the gravel we have in our pristine streams. The reason you can't get an adult back upstream is because you couldn't get a juvenile downstream two to three years earlier. There is no mystery to it. It really comes down to economics. It's a revenue stream to Bonneville Power for those four lower Snake River dams to provide electrical energy for southern California to heat hot tubs and swimming pools with less expensive electricity than they are using with their coal-fired power plants.

Q: *Why do you think the act is important?*

It should not be thrown out—it just needs a little bit of finessing with the definitions. The ESA means different things to different people. Really, it's a barometer that tells us at what point we stop the destruction before it reaches everything but man himself.

We must have a vehicle to stop the destruction that brings about the extinction of species. Maybe that little flower is not important in the overall picture to a lot of people. But if you do away with that, where does it stop? I'll give you another example—the Bruneau snail. The Bruneau snail is not endangered because it's found at 130 different locations. The farmers are pumping too much groundwater, lowering the water table and drying up the hot springs. Eventually if you keep sucking that water out of mother Earth the snail will be gone, as well as the vegetation, fish and animals. You won't even have water for your cattle. So it is a barometer of life on the planet. That life doesn't all have to be human life.

Q: *Should the states play a bigger role in the administration of the act?*

I think the states need to have more involvement in the determination whether a species is in fact endangered or not. Then,

they should have a say-so in veto power. They should be at the table to determine what we do to correct this problem.

A quick example is the bull trout in Idaho. The bull trout historically has not been found in all streams and rivers in Idaho, but it has been in some. Yet the federal government wants to come in and consider all of the western part of Oregon, Washington and all of Idaho and part of Montana as an area where the bull trout is threatened or endangered. The federal government wants to paint the whole thing with one brush. They should get the state involved. The state can help select the water course where the species actually was and is no longer there and do what it can to enhance the habitat.

Q: *You were chair of the first "God Squad" that determined whether a species is saved or lost. That's an awesome responsibility.*

The first case was a choice between the snail darter and the Tellico Dam. It was a close vote and we chose to protect the fish. As it turned out later, the fish were not endangered because they were up all the other little tributaries. I don't know if that committee has ever convened again since that time. Nobody liked the job. It was an awesome responsibility to have the authority to play God by saying, "All right, wipe the fish out. It's of no importance." ☐