

Science and Endangered Species: Are Both Going the Way of the Dinosaur?

The Endangered Species Act requires the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS¹) to use the best science available in developing balanced solutions to prevent the loss of endangered and threatened plants and wildlife. But developers and big corporations are trying to delay or simply avoid implementing such solutions, so they can continue with business as usual. Unfortunately, the Bush administration and like-minded members of Congress are working hand in hand with industry. By distorting science to fit corporate wish-lists, both endangered species and the science that can be used to bring them back are moving closer to extinction.

One of the most dramatic examples of politics trumping science occurred in 2002 on the Klamath River in Oregon when a fish kill took over 34,000 endangered salmon. Had the Bush administration acknowledged NMFS scientists' findings regarding the amount of water needed to protect the salmon, this tragedy could have been avoided. The low water flows that killed the fish were a result of water diversions that benefited agribusiness. (See <http://www.earthjustice.org/urgent/display.html?ID=70>)

Unfortunately, this is not an isolated incident.

Earthjustice and the Integrity of Science Working Group have documented a series of abuses of science occurring under the Bush administration. Following are a few of the latest examples, including information about the impacts on species—and the benefits to industry—that have resulted from neglecting, suppressing, distorting, censoring and ignoring information needed to help protect our nation's wildlife for future generations.

Science Neglected

On July 29, 2004, the Bush administration announced a new rule that allows the Environmental Protection Agency to approve the use of new pesticides without consulting the Fish and Wildlife Service and National Oceanic and Atmospheric Administration to determine what impact the pesticides could have on endangered species. In an April 2004 draft letter, NOAA documented its criticism of EPA for not adequately addressing harm to salmon when permitting the continued use of pesticides. A successful lawsuit by Earthjustice confirmed that EPA has failed to address the danger pesticides pose to endangered salmon in the Northwest.

Instead of requiring EPA to comply with existing rules, the Bush administration decided to change the rules to fit EPA's status quo. Neglecting wildlife biologists and their expertise is what the administration calls streamlining the pesticide approval process. The administration is also streamlining the flow of dollars directly into the pockets of billion-dollar chemical companies. The world's biggest pesticide companies, including Monsanto, Syngenta, Dow Agro Science, and DuPont Ag Products, worked closely with the White House to develop the new rule.

Earthjustice Press Release July 29, 2004 <http://www.earthjustice.org/news/display.html?ID=886>

Science Suppressed

In a move that would help big timber companies log the ancient forests of the Northwest, the Bush administration suppressed a March 2004 study commissioned by the U.S. Fish and Wildlife Service that found the marbled murrelet, a threatened seabird, will likely disappear within the next century. Rather than continue to protect the murrelet as warranted by the findings, the administration announced that it will consider the Oregon, Washington, and California populations dispensable, contrary to the consultants' view that the Northwest population is distinct from its relatives in Canada and Alaska and deserves its own protections.

The U.S. Fish and Wildlife Service hired a consulting firm, EDAW Inc. to review more than 10 years worth of research on the marbled murrelet. EDAW Inc. consulted with sixteen international scientists for the \$348,916 survey that was released to the public only after *The Oregonian* pressed for it. The scientists found that logging and development have resulted in the loss of about 226,000 acres of the bird's natural habitat, and fragmented forests have exposed the birds to predators. The findings state that changes to the 1994 Northwest Forest Plan would "severely compromise" the murrelet's habitat. The Bush administration has made no secret of its desire to rewrite that plan to favor logging interests.

Milstein, Michael. "Scientists Predict Gloomy Future for Coastal Marbled Murrelets." *The Oregonian*. Wednesday May 5, 2004. http://www.oregonlive.com/news/oregonian/index.ssf?/base/front_page/1083758249214480.xml

¹ Also known as NOAA Fisheries

Science Distorted

The Bush administration knowingly used flawed science on the endangered Florida panther to justify decreased and inadequate protections for this magnificent cat. The move benefits mega-developers in southwest Florida by potentially opening hundreds of acres to new development. In May 2004, a 17-year FWS veteran biologist left the agency disgusted with the agency's willingness to promote invalid, faulty science. Andrew Eller, Jr. had worked on panther recovery for 10 years with FWS. According to Eller, the agency used assessments of panther populations that counted juvenile, aged, and ill animals among breeding adults. Additionally, requirements for panther habitat were based on daytime activity patterns even though the panther is known to be more active at night.

Jane Comiskey, a researcher at the University of Tennessee and one of eight outside experts called by FWS in 1999 to review the science on the panther, has backed up the allegations. She has stated, "Panther recovery is a well-funded program with a world-class capture team, dedicated field biologists, a wealth of accumulated data, and strong public support. There's no reason not to get the science right. There are legitimate interests that conflict with those of panthers, but policy channels are provided to resolve those conflicts, outside the context of science."

Union of Concerned Sciences website http://www.ucsusa.org/global_environment/rsi/page.cfm?pageID=1445

Science Censored

An April 2004 economic analysis of bull trout recovery showed \$215 million in benefits associated with a healthy bull trout fishery—until Bush administration officials deleted that information. The administration censored the report written by Bioeconomics Inc. of Missoula, Montana, by eliminating 55 pages on potential benefits provided by protecting bull trout, a threatened species under the Endangered Species Act. In addition to a recovered sport fishery, other benefits included reduced costs for drinking water and irrigation, increased stream flows, and benefits to other fish species.

The administration's justification for eliminating the benefits of bull trout recovery was that they were only required to determine the costs associated with protecting the species. Therefore, the costs of *not* protecting species appear to be absent from the Bush administration's calculations. By eliminating the analysis of economic benefits, the administration skewed the results to indicate a higher cost associated with protecting the species. By overstating the costs, the administration was able to avoid using the best available scientific information in designating critical habitat for the threatened fish.

Who stands to benefit from this censorship? The Bioeconomics analysis reported that protecting the bull trout would compromise road construction projects, hydropower projects, and logging operations.

Union of Concerned Sciences website http://www.ucsusa.org/global_environment/rsi/page.cfm?pageID=1445
Devlin, Sherry. "Economic Benefits of Recovery Omitted from Bull Trout Report." *The Missoulian*. April 15, 2004.
<http://www.missoulian.com/articles/2004/04/15/news/top/news01.txt>

Science Ignored

In June 2004, NMFS proposed a new policy allowing hatchery-raised salmon to be counted alongside wild salmon in determining whether the wild stocks of the species are protected under the Endangered Species Act. The policy was put forward even though it ignored science-based recommendations provided by an advisory panel tasked by the Bush Administration with studying fish recovery. A report by the Union of Concerned Scientists states:

According to the advisory panel's lead scientist, Robert Paine, a world-renowned ecologist at the University of Washington, the panel's science-based recommendations were suppressed [by NMFS]. As Paine explains, "The members of the panel were told to either strip out our recommendations or see our report end up in a drawer."

Paine was among several advisory panel scientists who later independently published their recommendations in the journal "Science." Among other findings, they claimed that relying on hatcheries for long-term recovery of endangered fish is not known to be effective. Nonetheless, the NMFS proposal is based on hatchery-raised fish—not the recovery of wild stocks. Instead of addressing the need to improve habitat or implement other viable recovery measures, the hatchery-based recovery method seeks to make sensitive areas of the Pacific Northwest available for exploitation by logging and other extractive interests and less able to support clean water and essential fish habitat.

Earthjustice news release April 29, 2004 <http://www.earthjustice.org/news/display.html?ID=830>
Union of Concerned Scientists website http://www.ucsusa.org/global_environment/rsi/page.cfm?pageID=1444