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ENDANGERED SPECIES ACT—RIVERSIDE, CA

OVERSIGHT HEARING

BEFORE THE

**TASK FORCE ON ENDANGERED
SPECIES ACT**

OF THE

**COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES**

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

**THE IMPACT OF THE ENDANGERED SPECIES ACT ON
THE AREA AROUND RIVERSIDE, CALIFORNIA**

APRIL 26, 1995—RIVERSIDE, CA

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3. Require an analysis to be accomplished on the economic impact to a community of any listing.

4. Farmers and ranchers who develop conservation habitat programs should be granted safe harbor protections against accidental take. Habitat modification should not be considered a take.

And finally, a lot of my Farm Bureau friends and neighbors are in this audience supporting this hearing. And I think I speak for all of them when I tell you that current enforcement of the Endangered Species Act has produced frustration, fear and anger. Landowners are fearful of harboring an endangered or threatened species. All too often, farmers and ranchers are the victims of the Endangered Species Act. As long as this feeling exists, efforts to save species will prove counter-productive. Congress must change the law to remove the sense of fear. Landowners need safe harbor protections and meaningful incentives to help them be part of the solution. It is time to put some common sense back in the Act.

Mr. POMBO. Thank you.

Ms. Leona Klippstein, you may proceed.

STATEMENT OF LEEONA KLIPPSTEIN, SAN BERNARDINO SAGE FRIENDS, SPIRIT OF THE SAGE COUNCIL AND THE NATIONAL ESA/HCP NETWORK, SAN BERNARDINO, CALIFORNIA

Ms. KLIPPSTEIN. Thank you. Good morning, Mr. Chairman and distinguished members of the panel. Thank you for your invitation and the opportunity to speak to the very important matter at hand—the United States Endangered Species Act. I am Leona Klippstein, born and raised in southern California. I currently live in San Bernardino County. I am a veteran of the United States Armed Forces and formally educated in medical sciences and health therapies. By profession, I am a patient care specialist and child care consultant, although I have become a full time conservationist and a community organizer.

I am affiliated with three conservation organizations, which I have co-founded—San Bernardino Sage Friends, Spirit of the Sage Council and the National ESA/HCP Network. All three organizations focus on preserving America's natural heritage through protecting native plants, native animals and the ecosystems upon which they depend to flourish.

The Chairman has notified me that the Committee would be most interested in my views regarding the effect of the Endangered Species Act on the people of southern California and how the Committee might address my concerns in future legislation.

I am in a unique position to address these concerns since Spirit of the Sage Council was named and co-founded by my friend, Vera Rocha, hereditary chief of the Gabrielino band of the Shoshone Nation. Vera Rocha and I met through mutual concerns of the threats to the southern California coastal sage scrub communities, both biological and cultural.

It is a fact that as native seed banks, native plants and native animals become threatened and endangered, so do native languages, native cultures and native people. Ecocide and genocide are reflections of the land and the consciousness of governments. The first nations people of southern California still referred to as Mission Indians by the United States government, the Uto-Azteca-Sho-

shone are very much alive but very threatened and endangered by the loss of their communities. The Gabrielino-Shoshone have been taken (killed), removed, displaced, harmed, harassed, bothered and invaded by non-natives. Their populations have significantly declined in their range and distribution. They have become restricted to a small isolated population.

As more and more of southern California wildlife become endangered, so do the people. Approximately 90 percent of the plants endemic to coastal sage scrub associated communities have medicinal and life-sustaining properties. Sage is a sacred ceremonial and medicinal plant integral to the health and culture of the native people of southern California. However, the native people of the land are little recognized or included in the important task at hand—preserving America's natural heritage, and protecting America's endangered wildlife and wildlands. The U.S. Fish and Wildlife Service does have a policy on Native Americans, but I have not yet experienced its implementation nor witnessed any of the policy benefits to Vera Rocha or the Gabrielino-Shoshone people.

The Endangered Species Act is very important to the health and well-being of all species including the human species.

[Applause.]

Ms. KLIPPSTEIN. It is my personal experience as a 91-Charlie patient care specialist in the U.S. Armed Forces and working later with a pediatrician, that convinced me of the importance of protecting endangered species, especially plants. Thanks to the rosy periwinkle, childhood leukemia and Hodgkin's disease are largely curable. Taxol, a medicinal product derived from the Pacific yew tree, has offered hope to thousands of women suffering from ovarian cancer. In my research, I was also made aware of the economic benefits that plants provide to pharmaceutical corporations, a \$40 billion industry that depends on natural compounds from various plant species.

Before we had medical centers, European barbers and an army of primarily male M.D.s in the United States, there were Shoshone medicine people, women healers and midwives that knew the sacred lands and the sites of the plants that could cure. One of these plant medicines have become so common in all of our households today that I could safely assume that every Committee member today has consumed it. Aspirin is derived from the willow. Just as we humans need the willow, so does the endangered southwestern willow flycatcher and the endangered least bells vireo. When the Gabrielino-Shoshone Nation, the first people of southern California, come forward to protect the sage and their culture, they are also a voice for the endangered plants and animals. The Shoshone Nation, the California gnatcatcher, San Bernardino kangaroo rat, Stephens kangaroo rat, bells sage sparrow and over 100 plants and animals that have been identified, depend upon the southern California coastal sage scrub communities for their survival and recovery.

According to the research of Dr. Linda McMahan, Executive Director of the Berry Botanic Garden, Portland, Oregon, "half—probably more than half—of the rare and endangered plants in this country are related to plants that have been used medicinally by

Native Americans or, in other uses, are used medicinally around the world.”

I ask today that the Chairman and the Committee consider amending the Endangered Species Act to include provisions for ethnobotany that would protect plants of medicinal and religious significance to the American Indian descendants. This is a very important aspect of America’s natural heritage and has been dismissed by the Endangered Species Act.

The important relationship between plants and people dates back thousands of years in human history. I strongly recommend and encourage that the Committee and Task Force on Endangered Species make revisions and amendments to the Endangered Species Act that would provide for greater protection of all plant species and their recovery—especially their recovery.

I should add that by protecting and preserving the sage scrub communities there is also an economic benefit to local businesses. Miller’s American Honey Company of Colton, California in San Bernardino County has been in business for 101 years. They have 30 full time employees, distribute approximately 10 million pounds of sage and buckwheat honey and makes approximately \$7.5 million annually. The two greatest economic threats to Miller’s business is development, loss of the sage scrub ecosystem and pesticides. As the saying goes, the first rule of tinkering is not to throw away any of the parts. How are we to know which of the parts are critical to making the whole system work?

If the United States does not provide greater protection to endangered insects, it will be nearly impossible to protect and recover endangered plants. It is important to protect California’s treasure chest of biological diversity. It truly does not have a price tag—biological diversity is invaluable.

A very important feature of the Endangered Species Act is the designation of critical habitat. It is my opinion that U.S. Fish and Wildlife does not implement this section of the Endangered Species Act enough, primarily because of political influences, and secondarily, due to a lack of funding through appropriations. Of the 880 listed endangered species, only 111 have been provided with a critical habitat designation. Designating critical habitat is relevant for endangered plants throughout their range when addressed in chemical terms. At different portions of their range, organisms tend to be different genetically and chemically. Compounds produced by a plant in New England may be absent from its relatives in Georgia. Critical habitat designations are also important steps toward recovery of endangered species in the wild and eventual de-listing of stabilized populations.

I believe that this was the main intent and goal of the Endangered Species Act enacted in 1973 by President Richard Nixon.

It is vital that America’s endangered wildlife is recovered in the wild. Wildlife cannot be maintained in the long-term in artificial settings. Recovery of endangered species through the Endangered Species Act continues to be minimal due to lack of enforcement, politics, and again, insufficient funding.

Mr. POMBO. I am going to have to ask you to wrap it up. The entire thing will be included in the record.

Ms. KLIPPSTEIN. OK. Well, in conclusion, I would like to add that in the 22 years since the enactment of the Endangered Species Act, there has never been a taking of private property in the U.S. Court of Claims.

[Verbal expressions from the audience.]

Ms. KLIPPSTEIN. America is only as great as her natural resources and the richness of her natural landscape. America's natural heritage is a treasure that the American public has entrusted to our government. America's wilderness and wildlife are the backbone of the United States. If a foreign country dumped acid rain on us from the skies, polluted our drinking water and air with toxic chemicals, took the land away from our wildlife and killed them, we would view this as a threat to our national security and an act of war. However, we are doing this to ourselves and we must stop. The Endangered Species Act protects the health and well-being of all species and is the greatest piece of legislation written in our century. I believe that we can continue to make the Endangered Species Act work and improve its effectiveness through additional strengthening measures.

Thank you very much.

Mr. POMBO. Thank you.

[The statement of Ms. Klippstein may be found at end of hearing.]

Mr. POMBO. Thank you very much. I thank the panel for your testimony and I would just like to tell you that all of your complete statements will be included in the record and also remind you that we are under the five minute rule in questions, so as we ask questions if possible, remember that we have to try to do this all within five minutes as well.

Ms. CENICEROS, you talked a little bit in your statement about the HCP process here. Do you feel that the HCPs are part of the solution to recovery?

Ms. CENICEROS. One small part. And I think that if they were handled much, much better than they have been, with a quicker response to submittal of proposals, for example, it would be much fairer. One of the downsides of the HCP, and this was said by both Ms. Fowler and Ms. Domenigoni, who are landowners, is that they are held up—it creates a cloud for a period of time while that study is completed and then while lands are acquired that are deemed to be adequate to take the species out of the listing or to avoid the listing, when we are operating under 10(a). For the fringe toed lizard, that was a matter of a couple of years. It has been seven, as I said, for the Stephens kangaroo rat. The process needs to be much reformed.

Mr. POMBO. You also made a statement about including all property owners in the process.

Ms. CENICEROS. In the planning process. They all were before anything formal was done, but it seems to me that being early at the table with a variety of representation is important. Our process did get driven a lot by both biologists representing environmental faction in and out of the Service and by the development industry, which was the immediate victim, because they had plans ready to go. And so it tended to focus on the impact on them. But there are