

Report on Cooperative Conservation Listening Session
Enid, OK, August 30, 2006
John Kennington, Oklahoma Audubon Council
johnkennington@cox.net

I attended the Cooperative Conservation listening session today (8/30/06) in Enid, OK, representing the Oklahoma Audubon Council. Pat Jaynes, from Payne County Audubon Society was also there. She came with two representatives from the League of Women Voters.

It was a very interesting day, and well worth attending. The officials there to “listen” were:

Dave Tenny, Deputy Under Secretary, Natural Resources & Environment, Dept. of Agriculture
A Bush appointee, he is an attorney with a history of ignoring local desires. i.e.

The White River National Forest Plan was completed in June 2002 after four years of research and citizen input. After considering appeals for two years, the head of the Forest Service upheld all significant portions of the plan. But later in 2004, Deputy Undersecretary David Tenny issued a “discretionary review” to alter the plan’s direction on protection of lynx habitat. The decision was controversial because it ran counter to the Bush administration’s philosophy of honoring local desires. Conservationists claimed it displayed the administration’s anti-environmental leanings. In addition to the state legislators’ letter, Pitkin, Eagle, Gunnison and Boulder counties have passed resolutions objecting to Tenny’s action. U.S. Sen. Ken Salazar has also demanded an explanation from the Department of Agriculture. Tenny is scheduled to visit Salazar in Denver today. (<http://sinapu.wordpress.com/2005/04/>)

Richard E. Greene, EPA Region 6 Administrator

His region covers Arkansas, Louisiana, New Mexico, Oklahoma and Texas. He is another Bush appointee, and his “qualifications” are that he served five terms as mayor of Arlington, Texas from 1987 to 1997, followed by a stint as executive director of the Arlington Technology Incubator. He prefers to still be referred to as “Mayor Greene.” He’s a good ol’ boy from Texas.

Dr. Benjamin Tuggle, Fish and Wildlife Service, Region 2

His region includes Arizona, Texas, New Mexico, and Oklahoma. Dr. Tuggle is a 25 year career FWS employee, who has just moved to his current assignment. He had previously been Chief of the Division of Habitat and Resource Conservation, and actually has the credentials for the position he holds! I briefly chatted with him and credit him for staying with the FWS despite the BS I’m sure he has to put up with.

There were 165 people in attendance, but only about 50 people spoke. As has been pointed out, numbers are issued on a first come first served manner. I arrived about 45 minutes prior to the meeting, and got #12. Pat Jaynes beat me and got #4, and we ended up swapping numbers. So there were no “preassigned” numbers. I would recommend getting there as early as possible, but I would not recommend trying to be one of the first speakers. Somewhere around #20 would be ideal, since by that point some anti-ESA folks will have spoken, and you could add a line or two to appropriately respond to those comments.

You will have two minutes to speak. The moderator waved a piece of paper at two minutes and cut the speaker off at 2 ½ minutes. But that only happened once, to someone from a home builders association. The moderator was very fair and showed no favoritism in the timing.

The three listeners had brief opening remarks, and then the audience participation began. Actually there were two or three representatives from various Indian Tribes who were allowed to go first, but they were also limited to two minutes.

The audience was a mix. There were just us two Audubon folks. The LWV rep also made a very strong statement supporting strong laws. Some other notable folks were Jay Pruitt, the Executive Director of the Oklahoma Nature Conservancy, Ron Klataske, Executive Director of Kansas Audubon (which is independent of NAS), Steve Sorenson of the Kansas Wildlife Federation and Robert Gregory of Land Legacy.

There were many folks representing the various county conservation districts, all lauding the benefits of cooperative conservation. There was about an equal number of folks affiliated with the Farm Bureau, and also quite a few folks representing various homebuilder associations, mostly complaining about water quality and having farm ponds designated as navigable waterways.

Also present were folks from the Oklahoma DEQ, and several other state agencies, including a few from the Oklahoma Wildlife Dept., a few of whom also made comments. There were several EPA, Forest Service, and FWS folks also present.

The session began at 1:00, and at 2:45 there was a break for the three listeners to be interviewed by the media. There was no press conference before the meeting. However, the only media there were two folks from the Farm Bureau News. I asked Dr. Tuggles assistant if any other media were present, and he said there were none, but that the local Enid paper had done an interview over the phone. Neither the Tulsa or Oklahoma City newspapers were present, and no television or radio (other than the Farm Bureau guys, who were recording audio of their interviews.) I gave the farm bureau guys copies of my press release, but I'm sure they quickly "filed" it.

After the break, the session resumed, but Tenny and Greene had to leave at 3:30 to catch an airplane. But they had some local folks there to sit in for them, and they promised to get reports on what they missed, and later review the transcript. However only about a dozen more people spoke, so they did not miss much.

I tried taking notes, but it was hard to keep up, and I often failed to get peoples full names. They had a court reporting there, and said the transcript would be made available on the web. But here are a few comments I noted:

Several speakers noted that the ESA has a 99% failure rate, and only 1% of listed species have been recovered.

Several speakers (several from various homebuilders associations, who must have had similar talking points) also said about the same thing, that the ESA is a failure because it does focus on recovery, and the law should be changed to increase recovery of species. (And they said this with a straight face - they complain about the burden of recovering the 1%, but claim they want to recover even more species!)

Several Farm Bureau types talked about all they have done for the Arkansas River Shiner. I'm not really familiar with that whole issue, and at times I was not sure if they were bragging about all they did or complaining.

One person, an older man who owned property on the river, who was speaking for himself, also brought this up. He noted that in his youth the River was up to a mile wide, but was now almost dry. He pointed out these low flows not only impacted the Shiner but also had other negative impacts on

his property. But he did compliment the Soil Conservation Service for the work they have done in the past.

Someone from the Cherokee County Conservation District gave as an example of cooperation a new process they have patented to convert chicken litter into usable fertilizer products.

Ron Klataske talked about the importance of grasslands, and discussed good examples of cost sharing. But he gave as a bad example of cost sharing - broadcast spraying programs, which are subsidized "under the guise of brush control."

The Executive Director of the Oklahoma Conservation Commission started with a Will Roger quote: "A hypocrite is the kind of politician who would cut down a redwood tree, then mount the stump and make a speech for conservation." However, I just googled this and it was really a quote from Adlai Stevenson. But it is still a good quote! He went on to praise the NRCS as great examples to be followed. But he then really laid into the panel about the dismissal of Darrell Dominic, the Oklahoma NRCS State Conservationist. He complained he was a great person who was a perfect example of working cooperatively with the many state agencies and others. He then aptly noted that after dismissing Darrell and then coming here to talk about cooperative conservation was just like preaching from that redwood stump!

Numerous other speakers also complained about Darrell's dismissal, each time generating a round of applause from the audience (who had been asked not to applaud, in the interest of keeping the meeting moving along.)

During the media interviews, the Farm Bureau reporter asked Secretary Tenny about the dismissal of Darrell. After some BS, he replied that it was a private personnel matter and he could not comment on it.

Does anyone know more details about this situation? I searched Goggle and the Tulsa World, but could find no reference to Darrell, though I do recall seeing something about this. But apparently Darrell was universally loved in the NRSC/Conservation District community.

Steve Sorenson, president of the Kansas Wildlife Federation, talked about industrial wind facilities. He highlighted two good examples, placed in predominantly crop land, and one bad example, the Wind River (?) project in Beaumont, Kansas, which is in the middle of prairie, and has disrupted prairie chickens. The physical footprint is 8,000 acres, but the actual impact to the chickens is more like 20,000 acres. He also called for full funding of the Conservation Reserve program, the Wetland Reserve Program and the Grasslands Reserve Program. (Many other speakers also called for full funding of those programs.)

Several speakers said to the infrastructure for cooperative conservation was already in place with the conservation districts, and we should not reinvent the wheel. A speaker from the OSU extension service also made the same point, that the extension service should be used.

Craig Thurmon, the Vice-Mayor of Broken Arrow (a suburb of Tulsa) called for realistic conservation regulations. He said the clean water act is an unfunded mandate, and the ESA and Corp permitting processes have impacted the city's development of housing and businesses.

The president of a land development company said the ESA and Clean Water Act are outdated and offered six suggestions: 1 – streamline permitting, 2 – eliminate duplicate regulations, 3 – define regulatory terms in clear language 4 – use real science 5 – eliminate conflicts between different regulations from various agencies 6 – create an atmosphere of cooperation, not antagonism.

Ron Suttles of the ODWC asked for increased funding for the State Wildlife Action Plans and State Wildlife Grants and landowner incentive programs.

A wildlife biologist from the OSU extension service repeated that the ESA is good at preventing extinction, but bad at recovering species.

Several speakers used red cedars as an example of how conservation minded they are. They do all this cooperative work to control red cedar, as if that was the answer to all our problems.

Someone from the Southern Plains Agricultural Resource Center (?) promoted no till farming in Oklahoma, as did a few other speakers.

Robert Gregory of Land Legacy, and land trust based in Tulsa talked about several cooperative projects they have participated in , including protecting 20,000 at Fort Sill, and protecting land in the Spavinaw watershed (which is where Tulsa gets its water) , which is protecting several caves and bats, and at the same time protecting Tulsa's water.

Jay Pruitt of the TNC asked to remove some barriers in existing regulations, such as prescribed burning on private lands, along with liability issues, how we can do science better (the answer is more funding) and streamlining rules on conservation easements.

Elton Parsons, of the National Homebuilders Assoc. called for more education rather than police action. He actually claimed that builders are the biggest supporters of conservation programs, saying it is good for them or they are out of business. I sure did not understand that logic.

That's the highlights. The meeting ended at about 4:00, and they said the transcript would be posted to the web site, <http://cooperativeconservation.gov/index.html>

They are also accepting written comments, and that they will carry the same weight as the oral statements. So we all need to put in our two cents on this. Written comments should be submitted by clicking on "Contact Us" on the above web site, and then in the subject line put "Listening Session Comments", or they can be snail mailed to the address on that page.

Following are the statement I presented at the meeting, followed by the press release I prepared that ended up only going to the Farm Bureau reporters.

I did mention the Teshekpuk Lake Special Area, but it really did seem somewhat out of place. That was really the only reference to a non-Oklahoma/Kansas issue.

Statement From John Kennington to Cooperative Conservation Listening Session

Enid, OK, 8/30/2006

My name is John Kennington, and I am with the Oklahoma Audubon Council, representing the 3,000 members of local Audubon Society chapters throughout the state of Oklahoma. Cooperative conservation is a wonderful idea we strongly support, but it will only be effective when it is backed up by strong legislation, such as the Endangered Species Act. We want to make clear that the Endangered Species Act must not be weakened. For over 30 years the ESA has served as a safety net for wildlife on the brink of extinction, including a number of species right here in Oklahoma.

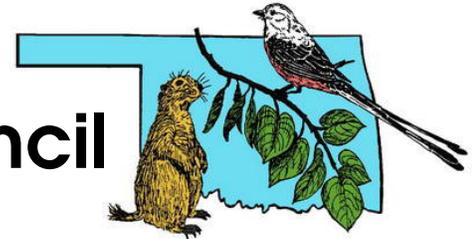
The Bald Eagle is now a common sight throughout Oklahoma, thanks to a strong ESA. The Interior Least Tern is another endangered species that has been protected here in Oklahoma. The terns found nesting on the Arkansas River in Tulsa have become a favorite sight of the runners, bikers, walkers and fishermen who use the Riverparks areas near downtown Tulsa. The terns would not be present without the protection afforded by the ESA.

The ESA should be strengthened, and not replaced with an idea like cooperative conservation. Cooperative efforts are important but are not a substitute for a good, effective law like the ESA, which acts as a safety net for species in trouble.

We urge the administration to honestly present the facts about the ESA. The ESA does not stop development, and in fact less than 1% of reviewed projects are halted, and all of those were implemented after the project was modified to address ESA concerns. The law already addresses concerns about property rights and economic development and attempts to modify it to address those concerns are in fact efforts to weaken the law.

Finally, we want to ask Secretary Kempthorne to cancel the planned September lease sale in the Teshekpuk Lake Special Area in Alaska. This action is not in the spirit of cooperative conservation. For years Congress, the Interior Department and other interested parties have recognized the ecological importance of this area. Drilling here will NOT solve the United States' energy problems, and will damage one of the most important wetlands in the Arctic. This is a resource valuable to all citizens of the world, including us in Oklahoma.

Oklahoma Audubon Council



For immediate release

Contact: John Kennington
918-809-6325

August 30, 2006

Oklahoma Audubon Council Asks Bush Officials to Safeguard Environment at Public Meeting

The Oklahoma Audubon Council is asking the Bush Administration not to undo longstanding protections for endangered and threatened species throughout the U.S. and for sensitive habitat in Alaska that may be opened for oil drilling. Senior Administration officials will be in Enid today as part of a multi-state “listening tour” on cooperative conservation.

John Kennington, speaking for the Council, which represents the 3,000 members of local Audubon Society chapters throughout Oklahoma, stated “We want to make clear that the Endangered Species Act must not be weakened. For over 30 years the ESA has served as a safety net for wildlife on the brink of extinction, including a number of species right here in Oklahoma.”

The Bald Eagle is now a common sight throughout Oklahoma, thanks to a strong ESA. The Interior Least Tern is another endangered species that has been protected here in Oklahoma. The terns found nesting on the Arkansas River in Tulsa have become a favorite sight of the runners, bikers, walkers and fishermen who use the Riverparks areas near downtown Tulsa.

The administration is promoting voluntary “cooperative conservation”, at the expense of existing laws. “Cooperative conservation is a great idea, but it will only be effective when it is backed up by strong legislation, such as the ESA. Cooperative efforts are important but are not a substitute for a good, effective law like the ESA.” We urge the administration to honestly present the facts about the ESA. It does not stop development, and in fact less than 1% of reviewed projects are halted, and all of those were implemented after the project was modified to address concerns.” said Kennington.

In January 2006, the Bush Administration removed the long-standing protections for the Teshekpuk Lake wetlands, a federally designated “special area” on the North Slope of Alaska. The vast network of wetlands surrounding Teshekpuk Lake has been recognized since 1977 by Congress and three prior Interior Secretaries for its importance to wildlife and the Inupiat natives. A lease sale is tentatively scheduled for the end of September.

The Council asks Interior Secretary Kempthorne to cancel the planned September lease sale in the Teshekpuk Lake Special Area in Alaska. Drilling here will not solve the United States’ energy problems, and will damage one of the most important wetlands in the Arctic. Teshekpuk Lake is home to an incredibly diverse variety of migratory birds and wildlife, which travel to many countries and continents, including Oklahoma. The Council urges the Secretary to protect this area from oil and gas development. This is a resource valuable to all citizens of the world, including those in Oklahoma.

Here's an interesting comment on this whole process I found:

<http://birdchaser.blogspot.com/2006/08/cooperative-conservation.html>

Cooperative Conservation?

I love rare birds, and was dismayed a couple months ago when the [USFWS decided not to list](#) the [Gunnison Sage Grouse](#) as an endangered species. If a bird with a tiny range and a population of only 5,000 individuals (in a good year) doesn't count as endangered, I don't know what does.

While the Endangered Species Act has some problems--most notably the government doesn't enforce it enough, there is a movement afoot to get rid of the Endangered Species Act as we know it. Called "cooperative conservation", this would make endangered species protection voluntary, rather than mandatory. While I'm all in favor of voluntary action, and decided against a career in environmental law because I'd rather encourage people to do the right thing, rather than suing them to do it, sometimes you need the stick to go along with the carrot, and taking the teeth out of the Endangered Species Act will not help any endangered or threatened bird. **A "voluntary" Endangered Species Act would be about as effective as a voluntary sales tax.**

So, why post this on PA Birds? Those within the federal government who would like to stir up support for gutting the Endangered Species Act are staging road shows all across the country to try and sell their ideas and make a show of support, and that show may be coming to a community near you sometime in the next couple of months. If you care about rare and threatened birds, find a session near you, mark your calendar and do what you have to in order to get to this meeting and make a public comment in support of a strong Endangered Species Act.

I know we'd all rather be out birding, but if we don't stand up for the birds when we get a chance, someday there just won't be as many of the cool birds we'd all really like to see. If birders won't stand up for rare birds, who will?