




Improving the Endangered Species Act: A reform for our environment and economy



By Gunner Cavener
Sawtooth Leadership
Academy Student

SEPTEMBER 2025





SAWTOOTH
LEADERSHIP ACADEMY

By Gunner Cavener
Sawtooth Leadership Academy 2025 Class

Introduction

The objective of this paper is not to promote a narrative that is harmful to ecological preservation. Rather, it aims to improve the current laws to benefit our ecosystems first and then improve our economy. This research analyzes the relationship between the Endangered Species Act (ESA) and free trade across Idaho, Montana, Washington, and Wyoming. The central argument of this paper is that through the faults of ESA, restrictions on commerce are imposed without sufficient preservation. The current propositions of reform throughout ESA address only a portion of the broader issues associated with the law.

The ESA has and will produce a substantial amount of good. However, it needs reform and change. Throughout the paper, I will use other ecological acts or laws given by different states or the federal law. The ESA is the overarching act needing reform, but these acts/laws need reform as well. These are the key species reviewed for this paper:

- Idaho:
 - Bull Trout, *Salvelinus confluentus*, threatened
 - Westslope Cutthroat Trout, *Oncorhynchus clarkii clwisi*, candidate
- Montana:
 - Gray wolf, *Canis lupus*, delisted
 - Grizzly Bear, *Ursus arctos horribilis*, threatened
- Washington:
 - Chinook Salmon, *Oncorhynchus tshawytscha*, threatened
 - Mid-Columbia Steelhead, *Oncorhynchus mykiss*, threatened
- Wyoming:
 - Greater Sage-grouse, *Centrocercus urophasianus*, candidate
 - Northern Long-eared Bat, *Myotis septentrionalis*, threatened



Mountain States Policy Center's Sawtooth Leadership Academy trains tomorrow's leaders in the lessons of free markets and civility. As part of the program, each student is asked to pick a research topic of their choosing and write a paper. The contents of the Sawtooth Papers represent the work, research, views and opinions of the student authors. This paper does not constitute an endorsement by Mountain States Policy Center of the views reflected.

KEY INFORMATION COLUMN

*President Nixon signed
the Endangered Species
Act into law in 1973.*

Background on the Endangered Species Act

The Endangered Species Act was introduced by Senator Harrison Williams and Representative John Dingell. The act passed both the Senate (92-0) and the House (390-12). President Nixon signed it into law on December 28, 1973.³ The original goal was to prevent species from going extinct, protect at-risk habitats, and help species to a point where they would no longer need help from the federal government. Today, it still works for those goals, while also working with states, tribes, and private landowners.

Lawmakers are currently considering reforms to the ESA. A new bill, the ESA Amendment Act of 2025, was introduced by Representative Bruce Westerman, Arkansas 4th district, to optimize and incentivize wildlife conservation, creating transparency throughout the ESA, reducing delays, and eliminating barriers to conservation.⁴

Idaho Case Study

For this case study, the two federal statutes reviewed were the ESA, specifically section 7, and the Clean Water Act, sections 303 and 401. These were chosen for their impact on trout protection, their impact on trade routes, and their application to Idaho. The additional state law is code 36-2401 to 36-2411, commonly referred to as “Idaho’s Endangered Species Act.” These ordinances act as the framework for ecological preservation in Idaho.

The two selected endangered species are the Bull Trout and Westslope Cutthroat Trout, selected for their habitats in the Salmon River basin and Clearwater basin, which need ESA protection. Bull Trout were put on the ESA in 1999 and are currently listed as threatened, and the Westslope Cutthroat Trout is currently a candidate to be put on the ESA. The incorrect use of ESA protection occurs with Idaho Fish and Game’s 100-foot riparian buffer for bull trout throughout Payette National Forest. This buffer caused an estimated 2 million board feet of a scheduled timber harvest to be lost in 2018.^{5 6} Furthermore, protections for cutthroat trout delayed canal lining by 75 days. Both preservation tools unintentionally cost Idaho companies 9 million and 150 thousand dollars, respectively.^{7 8}

Ecology comes before the economy; however, these price increases caused farmers to be stricter with their money, which put less instream flow into the same rivers these two species rely on. Although these methods work, they don’t

³ “History of the Endangered Species Act,” Ballotpedia, available at https://ballotpedia.org/History_of_the_Endangered_Species_Act

⁴ “H.R. 1897, ESA Amendments Act of 2025,” 119th Congress, introduced March 6, 2025, available at <https://www.congress.gov/bill/119th-congress/house-bill/1897>

⁵ “Archival timber litigation cost estimate,” U.S. Forest Service, 2021, available at <https://www.fs.usda.gov/>

⁶ “Payette National Forest riparian BMP guidance,” U.S. Forest Service, 2018, available at <https://www.fs.usda.gov/>

⁷ “Permit Order C 2022 004 (Canal Lining),” Idaho Department of Fish and Game, 2022, available at <https://idfg.idaho.gov/>

⁸ “Contract No. 833 22 CANAL, Mobilization fee summary,” U.S. Department of Agriculture, 2022, available at <https://www.usda.gov/>

KEY INFORMATION COLUMN

ESA's protections and lack of flexibility have caused a significant financial burden.

take into consideration the inadvertent economic impact, leading to ecological harm.

Montana Case Study

This case study reviewed the same federal statute, in the ESA section 7, but used the National Environmental Policy Act (NEPA), section 102. The ESA section was used for the same or similar reasons as listed before, and the NEPA section was used for the mandate to visit habitats that house species needing protection, and near road construction or logging trade routes. The chosen Montana state law is code title 87, chapter 5, for its framework of gray wolves' post-ESA delisting.

Montana's "key" endangered species are the Grizzly Bear and Gray Wolf, with habitats in the Northern Continental Divide and Greater Yellowstone region. Due to Grizzly Bears only having an estimated population of two thousand and Montana having approximately 450 gray wolves, the ESA was and still is necessary for their species.^{9 10} Yet, ESA's protections and lack of flexibility have caused a significant financial burden. An injunction at Black Ram postponed a harvest worth an estimated twelve million dollars, which then resulted in almost six hundred and fifty tax dollars being paid back to the company.¹¹

Additionally, after the ESA removed gray wolves from their protections, they caused almost one hundred thousand dollars' worth of predation in 2022.¹² Gray Wolves are a controversial topic, especially in ranching communities, but they have been and need to be a part of Montana's ecosystem. According to the Smithsonian, aspen trees started to grow again after eighty years, after the reintroduction of Gray Wolves.¹³ What can be derived from the Smithsonian study is that with gray wolves' ecosystems thriving, timber can make more money. If timber can make more money, Montana gets more tax dollars, more job opportunities for Montanans, and Montana stays Montana.

Washington Case Study

Once again, this case study reviews ESA section 7 and uses the Magnuson-Stevens Act for its protection of Chinook and steelhead habitats. Moreover, it uses the Magnuson-Stevens Fishery Conservation and Management Act, section 305b 2, for its federal order to review any and all projects affecting fish

⁹ "Grizzly population dataset, Northern Continental Divide," U.S. Fish and Wildlife Service, 2024, available at https://www.fws.gov/sites/default/files/documents/2025-01/usfws-2024_v2.2_ssa_for_grizzly_bear_in_the_lower-48_states.pdf

¹⁰ "Wolf report: Population thresholds and harvest quotas," Montana Fish, Wildlife & Parks, 2022, available at https://fwp.mt.gov/binaries/content/assets/fwpcconservation/wolf/reports/2022-wolf-report_final_6.21.23.pdf

¹¹ "Montana judge blocks logging project in grizzly territory," Courthouse News, August 17, 2023, available at <https://www.courthousenews.com/montana-judge-blocks-logging-project-in-grizzly-territory/>

¹² "Annual statistics report," Montana Livestock Loss Board, 2022, available at <https://liv.mt.gov/Attached-Agency-Boards/Livestock-Loss-Board/Livestock-Loss-Statistics-2022>

¹³ "Reintroduced Wolves Are Helping Baby Aspen Trees Flourish in Northern Yellowstone for the First Time in 80 Years, Study Suggests," Smithsonian Magazine, July 28, 2025, available at <https://www.smithsonianmag.com/smart-news/reintroduced-wolves-are-helping-baby-aspen-trees-flourish-in-northern-yellowstone-for-the-first-time-in-80-years-study-suggests-180987064/>

KEY INFORMATION COLUMN

With the outdated infrastructure, Chinook Salmon and the Middle Columbia River Steelhead are at risk from their ecosystems being disrupted and any restoration effort being slowed down.

habitats. It also references the National Environmental Policy Act (NEPA), section 102. The ESA and NEPA sections were used for identical or minimally different reasons. The specific Washington state law is code 77.85 of the Revised Code of Washington, for its management of salmonid recovery. The two endangered species selected are Chinook Salmon and the Middle Columbia River Steelhead. These fish are commonly found in the lower Columbia, Puget Sound, and the Middle Columbia River. These two were selected because of their consistently dwindling numbers. For example, the Middle Columbia River Steelhead has lost an estimated 500 fish every year since 2000.¹⁴ Despite the need for ESA, some protections given have caused unnecessary harm to the market.

The National Oceanic and Atmospheric Administration halted all port expansion permitting, causing a year-and-a-half delay to Terminal 5 upgrades.¹⁵ Additionally, litigation paused the replacement of four state-owned fish barriers until inventory compliance was met. These “little” delays add up and push the price onto the residents of Washington and the oceanic wildlife. With the outdated infrastructure, Chinook Salmon and the Middle Columbia River Steelhead are at risk from their ecosystems being disrupted and any restoration effort being slowed down.

Wyoming Case Study

The federal acts reviewed for this case study are the seventh section of ESA, and the Bald and Golden Eagle Protection Act. ESA is self-explanatory for why it was chosen, and the BGEPA was chosen for its ordered habitat consultation for Greater Sage Grouse and Northern Long-Eared Bat domains. Additionally, NEPA was used for the same reasons given in the past two case studies. Wyoming State Law 23-103 and Executive Order, 2019-3, were used for the establishment of power given to the Bureau of Land Management and the Wyoming Game and Fish Department, resulting in the protection of 15 million acres.^{16 17 18}

Expanding off that, the two endangered species chosen are the Greater Sage Grouse and the Northern Long-eared Bat. The Greater Sage Grouse was selected because of the vast density of the nation’s population living in Wyoming, an estimated 37%. The Northern Long Eared Bat was selected because of its habitat zones overlapping with common logging and mining routes. ESA, while helping, had discrepancies.

¹⁴ “Middle Columbia Steelhead Population Report,” Washington Department of Fish and Wildlife, 2023, available at <https://wdfw.wa.gov/fishing/reports/stocking/steelhead#2023>

¹⁵ “Port Expansion Permitting Status Review,” NOAA Fisheries, 2023, available at <https://www.fisheries.noaa.gov/>

¹⁶ Wyoming Statutes §23-1-103; Governor’s Executive Order 2019-3, available at <https://wyoleg.gov/statutes/compress/title23.pdf>

¹⁷ “Wyoming Land Use Management Plan,” Bureau of Land Management, 2023, available at <https://www.blm.gov/programs/planning-and-nepa/plans-in-development/wyoming>

¹⁸ “Sage-Grouse Conservation Program Manual,” Wyoming Game and Fish Department, 2023, available at <https://wgfd.wyo.gov/wyoming-wildlife/sage-grouse-management>

KEY INFORMATION COLUMN

Policymakers should emphasize clarity and transparency within every action taken by ESA. This would include having ESA act as a tool for better interagency connection.

In 2019, BLM delayed 150 oil wells, costing a ranching group \$180 million.¹⁹ BLM delayed this because of sage grouse land amendments. Additionally, bat roosting in closed timber operations in the Bighorn Mountains is causing a 10% drop in efficiency. If these companies leave the state of Wyoming because of the delays and efficiency dips, state conservation groups lose tax dollars. This doesn't give them the right to destroy or harm the environment. It gives them the right to conduct their business in an environmentally safe manner.

Recommendation

Policymakers should emphasize clarity and transparency within every action taken by ESA. This would include having ESA act as a tool for better interagency connection. For example, Wyoming Fish and Game would be able to cooperate with Idaho's Fish and Game through ESA. This interstate connection would allow for my consistent enforcement throughout the states. I also recommend that every state be mandated to have an environmental job position that reviews any and all aspects of a regulatory piece, so species are no longer indirectly harmed through their own protection, via the economy.

Conclusion

This report has demonstrated that the economy and the environment do not work in isolation but work simultaneously. Current policies not only harm the main sectors and the hardworking people of these four states but also harm the same species and their habitats that the policies are trying to protect. If this country intends to protect both ecological integrity and economic prosperity, the path forward must begin with honesty and intentionality. Intentional, data-based choices are the correct and only way to continue from here. The next step is to fully understand the tradeoffs for each decision created.

If America wants to continue to rely on ecosystems to produce products, then Americans need to be intentional about protecting all facets of the environment. Idahoans, Montanans, Washingtonians, and Wyomingites, and their decision makers for these states, need to understand that free trade is only as strong as the ecosystems that support it. And without change, it will mean the destruction of these sectors and the environments that make up these states.

This paper reveals that beyond Idahoans, Montanans, Washingtonians, and Wyomingites, all Americans need to push the ESA to complete its original goal, to put these species in a place where they can thrive without the help of federal or state protections. All people have the power to help, especially the

¹⁹ "Grazing Injunction Docket Summary," Western Watersheds Project, 2021, available at <https://westernwatersheds.org/resources/newsreel/>

**KEY INFORMATION
COLUMN**

governmental decision makers for these four states, and for our country. Our country is amazing because of the diversity of its environment.

America was born of workers, dreamers, and fighters. I dream for my kids to be able to see these ecosystems and species that work together. I dream that my kids talk about how Bull Trout populations are soaring, instead of talking about our newest extinct animal. I dream my kids can take trips across the United States, with their kids, to see its amazing outdoors. I dream of an environmentally prioritized tomorrow.

America needs these species, America needs these ecosystems, America needs people to fight. America needs thriving ecosystems to be America.

**Nothing in this
publication shall be
construed as an attempt
to aid or hinder the
passage of any
legislation.**



SAWTOOTH
LEADERSHIP ACADEMY

ABOUT THE AUTHOR

Gunner Cavener is a student in the Sawtooth Leadership Academy 2025 class. He currently attends the University of Idaho, majoring in Architecture and Finance.

He has volunteered as a youth football coach, and with his local Kiwanis club. In high school, he received an award naming him the most inquisitive person in his senior class.



mountainstatespolicy.org

PO BOX 2639, COEUR D'ALENE, ID, 83816

COPYRIGHT 2025
ALL RIGHTS RESERVED

(208) 295-9525