

When we think about preserving nature in the United States, we tend to think of the country's great wilderness areas in places like Alaska and the Rockies. We don't think about Alabama or Puerto Rico, for instance. But in terms of biodiversity protection, this is almost the opposite of the truth. By and large, the places with endangered species aren't in those big wilderness areas. They're in less romantic places - notably including the two I've just mentioned. Sticking with states (which excludes Puerto Rico), [one site](#) lists California, Hawaii, Texas, and Alabama as the states with the most biodiversity.

If you take a look at the [distribution](#) of listed species, here are the main places that stick out:

**Endangered Plants.** Hawaii, California, Florida are the leaders here, in that order. They're followed by Texas, Utah, Tennessee and North Carolina.

**Endangered Animals.** California and Alabama are the clear leaders here, presumably because a lot of Hawaii's unique fauna have already gone extinct. Texas, Tennessee, Georgia, and Virginia are next (in no particular order). Then, also in no particular order, are Oregon, Arizona, New Mexico, Mississippi, Kentucky, and Georgia.

I mentioned Puerto Rico earlier. Puerto Rico [has](#) 59 endangered animals and 86 endangered plants. That puts it well behind Hawaii and California but well ahead of Alabama and Florida, the next in line.

The number of endangered species in an area is a function of several factors: the extent of biodiversity, the extent of the threat, the degree of study by biologists, and the listing priorities of Fish & Wildlife and environmental groups. Still, the numbers seem at least somewhat indicative of the actual degree of threat to biodiversity.

The bottom line is that, while both may reflect love of nature, support for wilderness and protection of endangered species are two different things. So why is it so easy to confuse the two? One reason, I suspect, is that when we think of endangered species we tend to picture what biologists call charismatic megafauna, like certain bears and wolves, or else birds like the spotted owl. These animals require large, undisturbed habitats. But many endangered species are fish, plants, mollusks and insects. They lack drama, and their habitats are often equally undramatic.

Because of the distribution of endangered species, a strong federal presence is clearly necessary. According to a [2010 survey](#), nearly all states have their own endangered species laws, but only a few prohibit destruction of habitat as opposed to hunting, trapping or

fishing. Hawaii and California are said to have relatively strong laws (with California the strongest), which is fortunate since they are biodiversity hotspots. But Alabama, another state with many endangered species, provides no legal protection whatsoever. It's not beyond imagination that states might play a bigger role. According to the author of the survey:

“State-level statutory changes are needed to shore up species coverage, enforcement provisions, and recovery requirements. Also needed, of course, is infrastructure in the form of funding and staffing to support those improved programs. With such changes, the next phase of wildlife protection in this country could see a greatly enhanced state role, not just in managing endangered species, but in conserving wildlife and habitat as an integral part of each state's natural infrastructure, as part of the national conservation fabric and as part of the worldwide effort to address the impacts of global climate change.”

I'd love to see that happen, but I'm not holding my breath. In the meantime, given the wide distribution of endangered species and the political complexions of many of the states involved, a strong federal presence seems indispensable.

It's hard to quarrel with the conclusion of a UC Irvine team led by Alex Camacho, which conducted another thorough survey of state laws:

“Though a large number of states have adopted endangered species laws to complement the federal ESA, these laws fundamentally rely on the federal ESA's more comprehensive statutory regime as a foundation for their comparatively modest protections. As a result, without significant state law reforms in most states, devolution of federal authority . . . to states is likely to undermine conservation and recovery efforts, lead to a greater number of species becoming imperiled, and result in fewer species recovered.”\*

The more fundamental reason to support a dominant federal role is that concern about endangered species crosses state lines. Leaving the people of a state to decide whether to protect endangered species only makes sense if you think they're the only ones with a real stake in the decision. But if everyone has a stake in preserving biodiversity for future generations, then the decision can't properly be left to local residents alone.

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\*Alejandro E. Camacho, Michael Robinson-Dorn, Asena Cansu Yildiz, Tara & Teegarden, Assessing State Laws and Resources for Endangered Species Protection, 47 *Envtl. L. Rep. News & Analysis* 10837, 10843 (2017)