

Opening Statement by Congressman Tom McClintock
House Natural Resources Committee, Sub-Committee on Water, Oceans
and Wildlife
September 24, 2019

The sub-committee meets today to consider ten bills, almost all of which seem to expand policies that just aren't working. For many years, my Republican colleagues have noted the stunning lack of progress in recovering endangered species despite crushing costs imposed on American producers and consumers and billions of dollars of direct expropriations from American taxpayers.

We have spent the last fifty years gobbling up more and more land and

imposing more and more Draconian regulations with Draconian penalties – all in the name of improving the natural environment and preserving species. Yet we are confronted today with morbidly overgrown forests and scant progress on species preservation.

I beg the majority to consider the testimony they are about to hear from Brian Seasholes of the Southwest Communities Coalition, who offers us the most sensible advice we could have on re-thinking our entire approach to environmental protection. The central issue he explores is how incentives matter, and that our approach of heavy and ham-handed regulation actually spawns perverse incentives that work

against what should be our shared environmental objectives.

This point came to my attention years ago, growing up in a city called “Thousand Oaks.” Some city council member decided that we should protect the town’s namesake by making it illegal to cut down any oak tree in Thousand Oaks. The ordinance was passed with an abundance of self-proclaimed virtue. Unfortunately, nobody bothered to ask, “Who in his right mind is going to plant an oak tree on his property if thereafter he can never cut it down? Who is NOT going to quietly kill a seedling on his property in fear that it might enter the official registry of oak trees and become an eternal lien on that land?”

These very laws have spawned the maxim, “shoot, shovel and shut-up” of any potentially protected species found on private property. And by taking more and more land into public ownership, we run afoul of what economists call the “Tragedy of the Commons.” If nobody owns a habitat, nobody has an incentive to properly manage it and everybody has an incentive to exploit it.

This is what the wildlife conservation experts representing the African nations were trying unsuccessfully to get us to understand on a recent bill that seeks to collapse trophy hunting on the African continent. As the conservationists explained, it is precisely the carefully

regulated trophy hunting industry and the value it generates that produces the incentives – and the resources – for habitat management and species preservation. The very presence of this industry provides disincentives to poaching and incentives to protect these habitats against poaching.

The slaughter rate of cows in this country is – I hesitate to say udderly appalling – but it certainly is shocking. We slaughter 39 million cows and calves in this country every year. They should be on the endangered species list, because at this rate, cows should be extinct in this country within just a few years. Yet we never seem to run out of them. That's because they have value,

and that very value is what provides the incentive to breed them and care for them. Until, of course, the Green New Deal outlaws them. Then they will become an endangered species, because an underground market will have every incentive to exploit them, while nobody will have an incentive to protect them.

We should listen to Mr. Seasholes. Incentives matter and our laws will be spectacularly unsuccessful whenever they fail to act in harmony with human nature. Every species has value – it may be for food, for products, for hunting, for hobbies, for entertainment, for research – but only when there is an ownership stake are there going to be practical incentives to preserve and protect them.

We have bred these positive incentives out of our laws and replaced them with perverse incentives produced by laws incompatible with our own nature and then we wonder why they're not working while we double and triple down on them, like many of the bills before us today.

We need to change our approach. We need to replace “shoot, shovel and shut-up,” with “proliferate, protect and profit.” That’s the difference between condors and cattle. That’s the reason why privately-owned forests are well-groomed and well-maintained while our public forests are morbidly overcrowded, diseased, dying and burning.

Ironically, perhaps deliberately, this hearing was called at the same time that the bi-partisan Western Caucus is holding its ESA Roundtable here at the Capitol, bringing together conservationists, property owners and other stakeholders to explore these very issues. Since we can't be in both places, I am very glad to have Mr. Seasholes here to educate us.