

COURT SAYS: LET NO FENCE IMPEDE THE RATTLERS' RIGHTFUL MOVEMENTS

07/13/99

“As you travel through life make this your goal: Keep your eye upon the doughnut and not upon the hole.”

That's an old adage I have never forgotten, but one I unfortunately did not heed. It's a failing most of us have and others have learned to exploit. No one does it more adroitly than the media and politicians.

They dodge the real issues by focusing on problems that do not approach the magnitude of real crises. Those, their stupidity helped establish and they lack the courage and discipline to address. An analogy might be the old Roman “bread and circus,” where the people were treated to same to keep them from focusing on the real state of the nation.

Politicians have employed this ploy for years, but none with more success that that achieved by the Endangered Species Act of 1973.

Ostensibly enacted to protect endangered species of vertebrate populations, it has since included escalating numbers of obscure plants, snails, mollusks, crustaceans and insects. Since its inception it has become obvious much of its use has been to hamstring businesses and industries some find offensive. It's a liberal success story of how to circumvent rights guaranteed under Articles IV and V of the Bill of Rights.

No single issue has been more controversial or caused a greater impact than that of the Spotted Owl. Thousands of jobs and millions of dollars were sacrificed to save a species many experts feel was never in jeopardy. Evidence has been presented that disputes the theory the owl needs old growth timber stands to survive. Research that shows they do just as well in managed stands has, to date, been ignored.

Individual states have compounded the problem by imposing further sanctions on species that are scarce or endangered only in that particular state.

The Spruce Grouse of our Adirondacks is a prime example. Although they are few in number in New York, Quebec, tallies them in the millions. Two million acres of their New York habitat is state-owned. In spite of that, should any be discovered on private land it would portend bad news for the landowner.

The bottom line is this has been a boon to government employees and environmentalists. They struggle to come up with more critters to add to the list. This has produced some bizarre results that are hard for reasonable persons to swallow. They make talk of the reintroduction of the wolf pale by comparison.

One is the culmination of a nine-year court battle to gain State approval for a quarry on private property in the Hudson Highlands. The State and its partners in this foul deed have called on what once would have been an unlikely ally to thwart business and the general welfare of the community.

As a last resort, they have come to the defense of the Timber Rattlesnake. It is the State's contention, with the blessing of the Tweedy-Birders, that the property should rightly be reserved for the exclusive use of the snakes for feeding and mating.

The court, in its infinite wisdom, has ordered a study on the snakes' movements. The State has admitted that it is spending thousands on the installation of radio transmitters on the snakes to monitor their movements. In an earlier action, the court ordered the landowners to remove a fence they had erected around the perimeter of the property to keep the snakes out.

To make a long story short, the question that has entered my mind as to how the First Lady would resolve conflict. Would she be on the side of humans or of snakes?

If I were fortunate enough to be in a position to address her on the subject, rest assured I would. Any bets on whose side she would be on? After all, it takes a whole state to raise a litter of rattlers.