



Threat to the Endangered Species Act

ANALYSIS OF REPRESENTATIVE RICHARD POMBO'S ENDANGERED SPECIES BILL H.R. 3824

The Pombo bill, adopted by the U.S. House of Representatives, would decimate the conservation of endangered species under the Endangered Species Act. Contrary to assertions by Rep. Pombo, the bill would undermine, not enhance, species recovery. H.R. 3824 would cripple the Endangered Species Act in the following ways:

Eliminates Protection of Endangered Species Habitat

The Pombo bill eliminates current protection for habitat without providing adequate alternative protection for habitat necessary for species recovery.

Not only does the Pombo bill strip habitat protections from the ESA, but a last minute amendment to the bill by Rep. Pombo eliminated an improved standard for determining when an action “jeopardizes” a species.

Eliminates Safeguards to Protect Endangered Species from Harmful Pesticides

The Pombo bill takes away the ability of the Endangered Species Act to stop pesticide use even when necessary to prevent extinction. The bill eliminates the requirement that the EPA consult with federal wildlife agencies on approval of pesticides, and exempts all pesticide users from responsibility if the use of a pesticide harms a threatened or endangered species.

Pesticides like DDT played a major role in the decline of the bald eagle and peregrine falcon. It is estimated that, even with federal laws regulating their use, pesticides kill more than 67 million birds in the U.S. every year. The effect on wildlife of this provision of the Pombo bill would be devastating, not to mention to risk to human health.



Undermines Duty of Federal Agencies to Conserve Endangered Species

Some of the Endangered Species Act’s strongest and most effective provisions require all federal agencies to consult with the U.S. Fish and Wildlife Service to ensure that their actions do not jeopardize threatened and endangered wildlife. The Pombo bill removes those requirements, making it highly unlikely that federal agencies will be required to do anything to protect listed wildlife.

The Pombo bill also eliminates consultation requirements when incidental take permits are issued pursuant to a habitat conservation plan. In other words, protections would not apply—as they do to every other federal action that may affect listed species—to permit authorizing the killing or harming of threatened and endangered species.

Requires Taxpayers to Pay Developers Not to Kill or Injure Endangered Species

The Pombo bill requires the federal government to use taxpayer dollars to pay developers not to kill or injure endangered species, sets no limits on these payments, and undermines the existing system of permitting and habitat conservation planning under the Endangered Species Act.

Gives Developers a Free Pass

The Pombo bill allows developers to violate the law and move forward with actions that could kill endangered wildlife if the government, for whatever reason, cannot meet imposed consultation deadlines. The Pombo bill fails to provide any additional budgetary resources to ensure that the U.S. Fish and Wildlife can meet the deadline for potentially hundreds of thousands of developer demands. Currently, the ESA prohibits killing or injuring endangered wildlife but provides for flexibility by authorizing permits for “take” if the developer mitigates the impact of their project on a threatened or endangered plant or animal.

Undermines Scientific Basis for Decisions

The Pombo bill creates a new set of excessive hurdles for endangered species conservation decisions and prohibits the use of established biological tools such as population modeling and projections. The Pombo bill creates yet another unnecessary hurdle by prohibiting the consideration of information submitted during any public comment period that was not otherwise made available to the public, even where such information is the “best available” science.

Undermines Protections for Marine Species

Dozens of manatees are killed each year after being struck by high-speed boats. Fortunately, protections are in place for manatees from the harmful impacts of the increasing number of docks, marinas, and resulting boat traffic in manatee habitat. Unfortunately, the Pombo bill eliminates these protections by exempting dock building permits from requirements of the Marine Mammal Protection Act.

The Pombo bill also eliminates the Department of Commerce’s endangered species program managed by the National Marine Fisheries Service and consolidates responsibility for marine species with the Department of the Interior. Combining programs will likely result in loss of expertise in marine species conservation and a reduction of resources for species recovery, as the bill specifies no additional funding for Interior’s Fish & Wildlife Service to handle these additional responsibilities.



TAKE ACTION

The good news is that there is still time to fight against this attempt to take a wrecking ball to the Endangered Species Act – but we need your help.

We need your voice to help make sure the Senate understands that people find gutting one of our nations most important and successful conservation laws unacceptable. Please visit www.saveesa.org to learn more about the Endangered Species Act and for ways to get involved including communicating with your elected officials and raising awareness in your local community through letters to the editor.