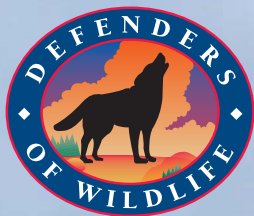


ASSAULT ON WILDLIFE

The Endangered Species Act
Under Attack

SEPTEMBER 2011





DEFENDERS OF WILDLIFE

Defenders of Wildlife is a national, nonprofit membership organization dedicated to the protection of all native wild animals and plants in their natural communities.

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Cover photo: A bald eagle soaring in the skies over our country is dramatic evidence of the success of the Endangered Species Act. © Pam Mullins

Right: The West Indian manatee is one of hundreds of imperiled creatures that depends on the safeguards provided by the Endangered Species Act.

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FOREWORD

When I began my career almost 30 years ago, peregrine falcons were in dire straits. For decades, these swift and powerful birds of prey had been slowly poisoned by the widespread use of the harmful pesticide DDT, wiping out the species across much of the United States. I spent a summer in college working with the Cornell University Lab of Ornithology in Ithaca, New York, releasing captive-bred peregrine falcon chicks back into the wild, helping the species take its first steps on the road to recovery. I never would have dreamed that nearly 20 years later, I would be announcing the full recovery of peregrine falcons as director of the U.S. Fish and Wildlife Service.

That incredible success was a direct result of the Endangered Species Act—our nation’s most forward-thinking and effective wildlife conservation law. Not only has it recovered creatures such as the peregrine falcon, bald eagle, gray whale and brown pelican, but it has brought back from the brink many more, including the black-footed ferret, the California condor and the Florida manatee. Unfortunately, some in Congress are willing to go backwards on our nation’s commitment to good stewardship and are ready to give up on preserving the amazing diversity of plants and animals for our children and grandchildren.

So far, the current Congress has introduced more than a dozen bills or legislative proposals to undermine the Endangered Species Act. Some of them chip away at the foundation of the act itself, while others single out species deemed unworthy of our protection. All of them run afoul of core American values that have guided successful wildlife conservation efforts for nearly four decades.

On July 25, three of my fellow former directors of the Fish and Wildlife Service, ones that served under both Republican and Democratic administrations, joined me in signing a letter (*see Appendix II*) decrying a provision in the Interior Department Appropriations bill known as the “extinction rider.” The extinction rider would have blocked life-saving protections for hundreds of imperiled



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plants and animals—perhaps the single greatest excess of this Congress thus far.

Fortunately, with the active encouragement of Defenders’ staff and tens of thousands of activists, members of Congress on both sides of the aisle were able to get the provision removed from the appropriations bill. But we’re under no illusion that Congress is willing to make a habit of standing up for wildlife. In fact, just a few hours after the extinction rider was defeated, the House cast a separate vote against the Endangered Species Act to prevent any legal challenges to future delistings of gray wolves in Wyoming and the western Great Lakes.

When Congress resumes its business this fall, legislators will be working behind closed doors to finalize a comprehensive federal spending bill, which means many anti-ESA proposals could become law before the end of the year. Without a groundswell of public support, the law protecting America’s endangered species—and therefore the species themselves—is in serious danger of suffering a death by a thousand cuts.

Every day, I am reminded of the importance of our collective conservation mission when I pursue my greatest passion: being a mom to my 12-year-old son. I am sobered by the notion that our generation will pass on a poorer environment to our children than the one we inherited. We need to hold ourselves accountable and remember that those coming behind us deserve the same riches that we have enjoyed. We owe at least that much to all our kids—mine and yours.”

Sincerely,

A handwritten signature in black ink that reads "Jamie Rappaport Clark". The signature is fluid and cursive.

Jamie Rappaport Clark

President-designate, Defenders of Wildlife

Former Director of the U.S. Fish and Wildlife Service (1997-2001)

The Legislative Assault on the Endangered Species Act

Sponsor	Legislation	Intent	Status
Rep. Candice Miller (R-Mich.)	HR 1819: State Wildlife Management Act	Eliminate ESA protections for wolves.	Pending in House Natural Resources Committee.
Rep. John Kline (R-Minn.)	HR 838: Western Great Lakes Wolf Management Act	Prohibit ESA protection for wolves in Minnesota, Wisconsin and Michigan.	Pending in House Natural Resources Committee.
Rep. Steve Pearce (R-N.M.)	Amendments to FY11 House continuing resolution and FY12 House Interior Appropriations bill	End Mexican gray wolf recovery efforts in New Mexico and Arizona.	Proposed for inclusion in FY12 House Interior Appropriations bill.
Rep. Cynthia Lummis (R-Wyo.)	Rider to FY12 Interior Appropriations bill	Prevent citizens from challenging future delisting of gray wolves in 10 states (Wyoming and the nine states in western Great Lakes area).	Included in FY12 House Interior Appropriations bill.
Rep. Devin Nunes (R-Calif.)	HR 1837: San Joaquin Valley Water Reliability Act	Roll back protections for the endangered Delta smelt, Chinook salmon, steelhead and green sturgeon in California's Bay-Delta region.	Pending in House in Natural Resources Committee.
Rep. Jim Costa (D-Calif.)	HR 1251: More Water For Our Valley Act	Replace science-based measures taken under ESA to protect wildlife in California's Bay-Delta region with weaker standards and preempt stricter state laws governing water projects.	Pending in House Natural Resources Committee.
Rep. Rob Bishop (R-Utah) Sen. David Vitter (R-La.)	HR 1287/S706: Domestic Jobs, Domestic Energy, and Deficit Reduction Act of 2011	Prevent federal and state agencies from ensuring that fish and wildlife in California's Bay-Delta receive life-sustaining supplies of water, prohibit consideration of impacts of greenhouse gases when implementing ESA, and lift ESA compliance during state-declared emergencies.	Pending in House Natural Resources, Judiciary, Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure committees. Placed on Senate legislative calendar.
Rep. Frank Guinta (R-N.H.)	HR 1806: Bluefin Tuna Fishermen Employment Preservation Act	Amend ESA so bluefin tuna can not be treated as endangered or threatened species.	Pending in House Natural Resources Committee.
Sen. James Inhofe (R-Okla.) Reps. Steve Pearce (R-N.M.) and Randy Neugebauer (R-Texas)	Amendment #429 to S782: Economic Revitalization Act of 2011 Amendment to FY12 Interior Appropriations Bill	Prevent U.S. Fish and Wildlife Service from extending ESA protections to lesser prairie chickens.	Filed in Senate but not offered. Proposed for inclusion in FY12 House Interior Appropriations bill.
Sen. John Cornyn (R-Texas) Rep. Steve Pearce (R-N.M.)	Amendment #397 to S782 Economic Revitalization Act of 2011 Amendment to FY12 Interior Appropriations Bill	Prevent U.S. Fish and Wildlife Service from extending ESA protections to sand dune lizards.	Filed in Senate but not offered. Proposed for inclusion in FY12 House Interior Appropriations bill.
Rep. Joe Baca (D-Calif.)	HR 1042: Discredit Eternal Listing Inequality of Species Takings Act	Amend ESA so that rare species listed as endangered for 15 or more years must be considered extinct if populations have not improved.	Pending in House Natural Resources Committee.
Rep. Rob Bishop (R-Utah)	HR 1505: The National Security and Federal Lands Protection Act	Exempt Homeland Security from ESA and other environmental laws within 100 miles of U.S. borders.	Pending in House Natural Resources Committee.
Rep. Ken Calvert (R-Calif.)	Rider to FY12 Interior Appropriations bill	Prohibit EPA from using funds to modify, cancel or suspend registration of pesticides in response to ESA biological opinions.	Included in FY12 House Interior Appropriations bill.

EXECUTIVE SUMMARY

America's native plants and animals are in serious trouble. They're already under threat from toxic pesticides, air and water pollution, loss of habitat and global warming. Now we can add to that list the most immediate and serious threat of them all: Congressional attack in the form of 13 different provisions that would undermine the Endangered Species Act and its ability to protect our nation's imperiled wildlife.

From barring protections for particular species to sweeping changes to how the law can be applied, this legislative assault—summarized in the opposite chart—strikes at the foundation of the law and thus our country's great commitment to preserving the entire web of life for the benefit of future generations of Americans.

The Endangered Species Act was passed nearly 40 years ago with strong bipartisan support, and was signed into law by President Nixon. In the decades since, we've witnessed some of history's most incredible comebacks. Animals that were once on the verge of disappearing forever are thriving again. Because of the act, bald eagles, California condors and peregrine falcons are still taking to the skies. Florida panthers, gray wolves and grizzly bears are keeping prey species in check. American alligators, Florida manatees and gray whales continue to grace our swamps, rivers and oceans. More fundamentally, only a handful of the species receiving protection under the act have gone extinct.

Yet Congress is poised this fall to undo much of the progress that has been made to restore endangered species. In many instances, the true motivation for

this assault appears to be to support the interests of particular big businesses. The sponsors of the anti-ESA bills have collectively taken in more than \$5.9 million in campaign contributions from Big Oil and agribusinesses alone. To make matters worse, many of the provisions are likely to get rolled into larger spending bills as policy riders, becoming the subject of back-room negotiations that never face public scrutiny until it's too late. It happened with the wolf delisting rider this spring, and it could happen again.

Congress should not abandon core American values in favor of big businesses that see opportunity in the anti-government sentiments currently espoused by a small but vocal minority. A recent poll shows that most Americans agree on the importance of preserving our nation's rich and unique natural heritage: 92 percent agree that decisions about wildlife management and which animals need protection should be made by scientists, not politicians; 90 percent agree that the ESA has helped hundreds of species recover from the brink of extinction; and 87 percent agree that the ESA is a successful safety net for protecting wildlife, plants and fish from extinction.

Concerned citizens, wildlife champions in Congress and the Obama administration must stand up to these assaults and continue the fight for our nation's imperiled wildlife and the law that protects them. We must see that Congress upholds the Endangered Species Act—one of the most successful, forward-thinking environmental laws ever enacted—and preserves America's great conservation legacy for our children and grandchildren.

THE ENDANGERED SPECIES ACT UNDER ATTACK

One of our nation's most significant, successful and popular conservation laws—the Endangered Species Act (ESA)—is under siege. Despite nearly four decades of accomplishments under the ESA and overwhelming public support for it, some members of Congress are making an orchestrated and unprecedented attempt to undermine the foundations of the law. As of the August 2011 congressional recess, 13 bills or legislative proposals are pending that would undercut or dramatically weaken the ESA. In addition, the House Natural Resources Committee has announced plans to begin reauthorizing the ESA.

These legislative attacks—which range from blocking protections for particular species to discarding the expert opinions of top scientists—put our imperiled plants and animals, public lands and other natural resources in serious jeopardy. In the current Congress, proponents of these piecemeal attacks on endangered species have vigorously pursued them and, in many cases, already attempted to add their damaging proposals to various unrelated bills. This fall's closed-door process of developing a comprehensive federal spending bill maximizes the risk that these publicly unpopular anti-wildlife proposals will become law. If they do, they will eviscerate one of our nation's strongest conservation laws, leaving our children and grandchildren with an impoverished natural world.

Many of these attacks are being promoted under the guise of revitalizing the economy or “streamlining” regulations or reducing the size of government—even though the ESA is already one of the most flexible and transparent federal laws and provides numerous direct and indirect economic benefits. In many instances, the true motivation for this assault appears to be to support the interests of particular big businesses. Those businesses have given significant campaign contributions to the sponsors of anti-ESA bills benefiting those same backers. The sponsors of the anti-ESA bills have collectively taken in more than \$5.9 million in campaign contributions from Big Oil and agribusinesses alone (*see Appendix 1: Bankrolling Anti-ESA Legislation*). These payments suggest that big businesses see an unusual opportunity in the anti-government sentiments currently espoused by a small but vocal minority, and are lining up their congressional allies to do their bidding.

Congressional attacks on environmental legislation in general—and the ESA in particular—are not new. But we have never seen so many different anti-ESA bills or amendments introduced in such a short period of time. And never has national conservation leadership and courage been in such short supply, on both ends of Pennsylvania Avenue. As a result, the risks to the act have never been greater. All that is neces-



sary for anti-conservation forces to succeed is, to paraphrase Edmund Burke, for good men and women to do nothing.

HISTORY AND SUCCESS OF THE ESA

In the early 1970s, the bald eagle—the nation's symbol—was on the verge of disappearing. The gray wolf, which once roamed from Mexico to the Arctic, had been eliminated from more than 99 percent of its former habitat in the lower 48 states. Only a few hundred grizzly bears could still be found in the contiguous states. Several species of whales were perilously close to extinction. Sea turtles, brown pelicans, manatees, California condors, black-footed ferrets and other creatures also seemed destined for eradication.

But a strong, bipartisan majority in both houses of Congress responded in that dark hour for our nation's wild heritage by passing the ESA in 1973. The act was signed into law by President Richard Nixon, who, although not considered an environmentalist, nonetheless recognized the importance of protecting our natural legacy and passing it on intact to future generations. “Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed,” he noted in his signing statement on December 28, 1973. “It is a many-faceted treasure, of value to scholars, scientists, and nature lovers alike, and it forms a



Grizzly bears in the Northern Rockies (previous page) and black-footed ferrets (above) have both benefited enormously from the safeguards provided by the ESA.

vital part of the heritage we all share as Americans.”

For nearly four decades since then, the ESA has been the cornerstone of imperiled wildlife and plant conservation in the United States. It has proved instrumental in saving hundreds of species from extinction—not only the iconic bald eagle, which was removed from the endangered species list in 2007 after its numbers in the continental United States rebounded to 10,000 breeding pairs, but also the grizzly bear, the gray wolf, the black-footed ferret and many other species. Only 10 out of nearly 2,000 imperiled plants and animals protected under the act have gone extinct during that time—a success rate of more than 99 percent¹.

WHY SAVE SPECIES?

At its core, the ESA represents America’s commitment to responsible stewardship—a recognition of our duty to preserve our native wildlife for future generations. This moral imperative has become increasingly urgent as evidence has mounted of the extinction crisis facing our planet. Because of human-caused changes—habitat destruction and fragmentation, climate

change, air and water pollution, the spread of invasive species, over-fishing and the like—the Earth is suffering the worst period of species loss since the disappearance of dinosaurs 65 million years ago. Scientists estimate we are currently losing species at as much as 10,000 times the natural rate of extinction². More than one-third of the more than 6,000 known species of amphibians are at risk of disappearing³.

More than 30 percent of the 800 species of birds in the country are of conservation concern⁴. Nearly 40 percent of North America’s fish species are imperiled⁵. Almost 50 percent of the world’s primate species are in danger⁶. Harvard biologist E. O. Wilson, one of the world’s pre-eminent scholars on biodiversity, has estimated that half of all species worldwide are likely to go extinct in the next century given current rates of habitat disruption by humans.

“Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed.”

—President Richard Nixon
Signing statement for the Endangered Species Act, December 28, 1973

The extinction crisis is more than just of academic interest; our survival as a species depends on the health of the planet’s ecosystems. Humans rely on plant and animal species not only to provide us food and sustenance directly, but for a variety of other services crucial to our survival: helping to clean our water, provide oxygen and absorb carbon dioxide, enrich our soil, prevent erosion, control floods, pollinate crops, and so on. The total value of these ‘ecosystem services’ is difficult to measure, but one economist has estimated it at \$33 trillion per year⁷. Endangered plants and animals may also hold the keys to breakthroughs in the treatments of deadly diseases.

1. U.S. Fish and Wildlife Service, Environmental Conservation Online System. Delisting report at http://ecos.fws.gov/tess_public/DelistingReport.do, accessed July 31, 2011.

2. E.O. Wilson. 2005. *The Future of Life*. Alfred A. Knopf. New York, New York, USA.

3. Wake, D. B. and V. T. Vredenburg. 2008. “Are we in the midst of the sixth mass extinction? A view from the world of amphibians.” *Proceedings of the National Academy of Sciences* 105: 11466–11473.

4. North American Bird Conservation Initiative, U.S. Committee, 2009. *The State of the Birds, United States of America, 2009*. U.S. Department of Interior: Washington, DC.

5. Jelks, H. J., et al., 2008. “Conservation status of imperiled North American freshwater and diadromous fishes.” *Fisheries* 33(8): 372–407.

6. Mittermeier, R. A., et al. (eds.). 2009. *Primates in Peril: The World’s 25 Most Endangered Primates 2008–2010*. IUCN/SSC Primate Specialist Group, International Primatological Society and Conservation International, Arlington, VA.

7. Costanza, R., et al. 1997. “The value of the world’s ecosystem services and natural capital.” *Nature*, 387:253–260.

MADAGASCAR PERIWINKLE © ISTOCKPHOTO/JOSEPH WHITE



Our survival depends on the continued existence of animal and plant species such as the Madagascar periwinkle, which contains substances that have proven effective in the treatment of Hodgkin's disease and childhood leukemia.

Examples of species that have already provided important contributions to medicine include the Pacific yew tree, the bark of which yielded the anti-cancer drug taxol; the Madagascar periwinkle, the sap of which contains substances that have proven effective in the treatment of Hodgkin's disease and childhood leukemia; and the mamala tree, from which the promising anti-AIDS drug Prostratin was isolated.

Healthy populations of plants and animals also help support our economy. Each year, Americans spend billions of dollars on hunting, fishing, birdwatching and other recreation that depend on wildlife and habitat conservation. For example, visitors who come to Yellowstone National Park to view gray wolves restored by the ESA spend an estimated \$35 million each year⁸. On the East Coast, nearly half a million birders travel to the Delaware Bay each spring to catch a glimpse of imperiled red knots and other shorebirds on their annual migration. These birders generate a total of \$12 million to \$20 million in economic impact for Delaware Bay communities⁹. Nationwide, the U.S. Fish and Wildlife Service estimates the total value of wildlife-dependent recreation at \$122 billion annually¹⁰.

CURRENT ATTACKS ON THE ESA

The current spate of attacks on the ESA is coming from politicians who either willfully or out of ignorance fail to acknowledge the success of the ESA and the many benefits of

protecting species. Instead, the authors of these bills focus on the supposed "costs" to society of saving rare and imperiled plants and wildlife, trying to falsely cast the act as an impediment to economic development or national security. Not surprisingly, many of these attackers are backed by large corporate interests that stand to profit from a diminished ESA. Oil and gas companies, for example, have donated nearly \$4.9 million to the campaigns of four of the bills' backers in Congress. Agribusinesses have given more than \$1 million to five sponsors of anti-ESA legislation in the House and Senate.

The 13 different live bills or proposals use a variety of different tactics and approaches, but they fall broadly into three main categories: First, legislation that would remove ESA protections and terminate recovery efforts for imperiled wolves; second, bills that would block ESA listings for new species; and third, sweeping amendments that would seriously damage the ability of the ESA to protect imperiled animals and plants.

COMMON DANGERS

While each of these attacks could spell disaster for the targeted species, the overall effect on the integrity of the ESA itself is much more alarming. All of these legislative proposals either ignore or directly negate the scientific findings that form the backbone of the ESA. In particular, a number of proposals would override science-based biological opinions developed by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service regarding the likely effect of proposed federal agency actions upon endangered or threatened species. A chief reason for the success of the act is its reliance on the best available science to make determinations about the likely impacts of proposed agency actions upon listed species and how those actions should be modified to mitigate or avoid harm to the affected species. These legislative attacks would displace science as the central consideration, giving priority only to those species that suit the whims of certain elected officials.

Another blow to the act's integrity that would be struck by these bills is that of taking decisions out of the hands of federal fish and wildlife agency experts. Decisions about how to protect and recover imperiled animals and plants should be made by agency scientists and wildlife management professionals, not by politicians whose principal concern is their own re-election. The ESA was intentionally constructed to elevate such decisions above the political fray and leave them

8. Duffield, J., Neher, C. and Patterson, D. "Wolves and People in Yellowstone: Impacts on the Regional Economy," University of Montana, Final Report for Yellowstone Park Foundation, Sept. 2006.

9. Eubanks, T., Stoll, J. and Kerlinger, P. "Wildlife-associated Recreation on the New Jersey Delaware Bay Shore." New Jersey Fish, Game, and Wildlife, 2000.

10. U.S. Department of the Interior, Fish and Wildlife Service; and U.S. Department of Commerce, U.S. Census Bureau. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation.

in the hands of federal wildlife agencies.

The bills would also undermine important local multi-stakeholder conservation planning efforts. These efforts are crucial tools for collaboration and consultation provided under the ESA. They allow for a wide range of groups, businesses and individuals who might be affected by ESA listings to come together and collectively work to develop plans to protect crucial habitat. Such collaborative efforts are being undertaken in several places around the country, including the Bay-Delta in California, for example. But legislation proposed by Rep. Devin Nunes (R-Calif.) would overrule this ongoing stakeholder involvement effort and set a dangerous precedent for imposing the will of one influential group (in this case, agribusinesses) over the needs of the affected listed species and the interests of other stakeholders.

IMMEDIACY OF THREATS

Legislative attacks on the ESA have come and gone over the years, but the act has never been in as much jeopardy as it is now. One reason is simply the number and scope of the bills aimed at undermining the act. So far in this Congress there have been 13 different bills introduced that would undercut

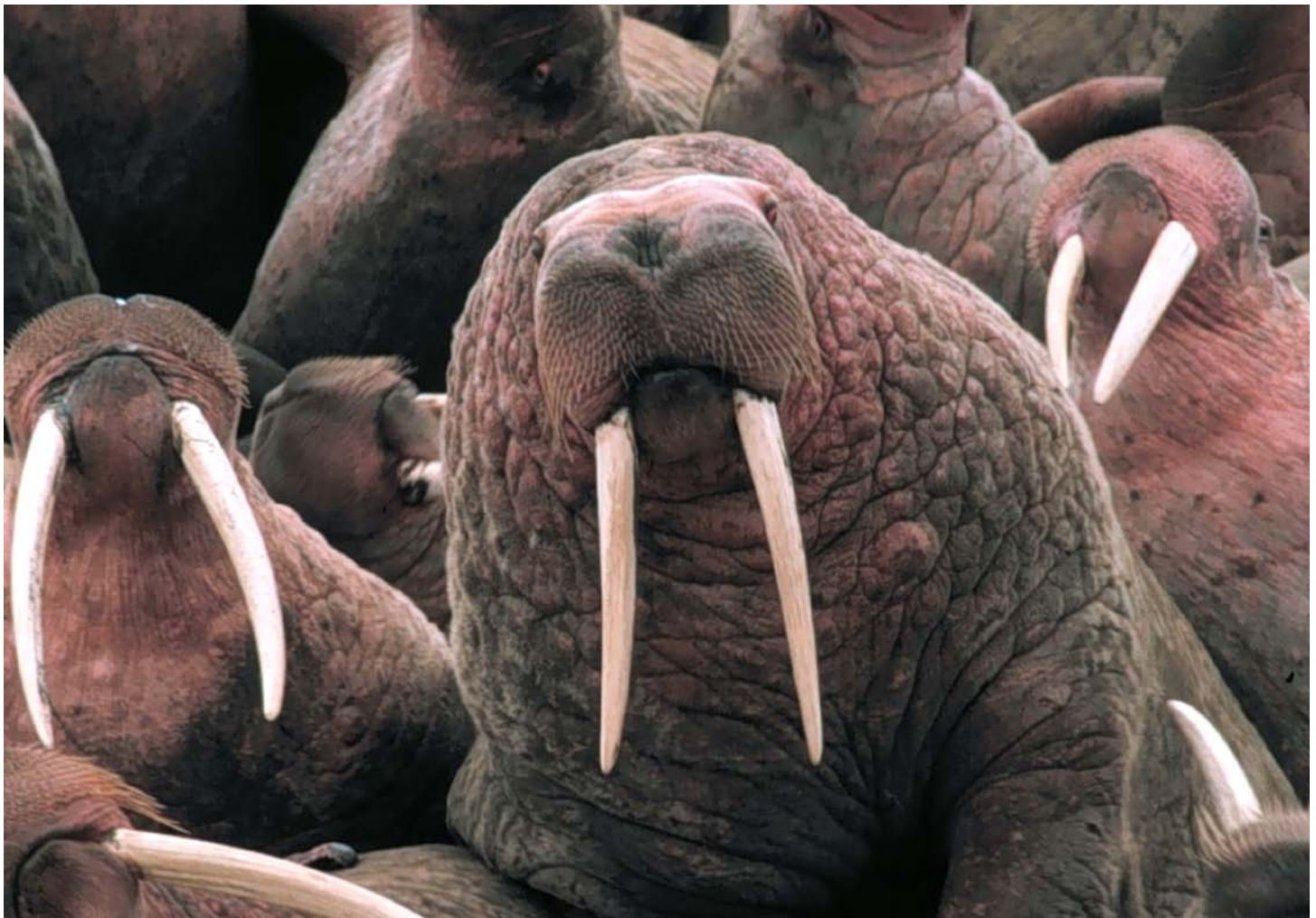
ESA Is Extremely Flexible

The ESA is frequently and inaccurately portrayed by opponents as a rigid, draconian tool used to stand in the way of development. The truth is that the ESA is one of our nation's most flexible laws, with a variety of tools and incentives for private landowners and the regulated community to reduce potential regulatory burdens by participating in the conservation process. History shows that the act has had a negligible economic impact. For example, between 1979 and 1992, an average of only two out of 11,000 projects reviewed annually—less than one-tenth of one percent—was prevented from moving forward due to protections for endangered species.¹¹

11. U.S. Fish and Wildlife Service, *The Endangered Species Act at 25*, 1999.

Anti-conservation forces in Congress are seeking to block ESA protection of creatures such as the Pacific walrus, which is imperiled by global warming.

WALRUS COURTESY USFWS



the ESA in one way or another—more bills by the August recess than any other Congress in recent memory. Indeed, there are almost as many anti-ESA bills as were introduced by the August recess in the previous four Congresses combined.

Passage in April of legislation that removed gray wolves in the Northern Rockies from the endangered species list is a particular reason for concern. This marked the first time in the 38-year history of the ESA that Congress stripped protections for a particular species (in this case, by forcing through a delisting rule that had already been struck down by a federal court). This end-run around the ESA was tacked on to a must-pass funding bill and was never publicly debated before it became law, setting a potentially catastrophic precedent that Congress could follow for other species that might be politically inconvenient to protect.

The current political situation is yet another cause for alarm. Traditionally, conservationists have been able to count on both Republican and Democratic allies in Congress who saw the benefits in saving plants and animals from extinction. Today's political calculus seems to have changed, however. Despite having a number of wildlife champions in the House, the results of the 2010 election

have given control of that legislative body to a leadership hostile to wildlife. Meanwhile, Senate Democratic wildlife champions remained largely silent on the wolf delisting measure to help an electorally-vulnerable colleague and thus hold on to their majority. In addition, unlike past Democratic administrations, which could largely be relied upon to veto anti-environmental bills and insist that anti-environmental riders be removed from must-pass bills, the Obama administration has had

“Unlike past Democratic administrations... the Obama administration has had an inconsistent record of standing up to anti-ESA riders.”

an inconsistent record of standing up to anti-ESA riders. In fact, Interior Secretary Ken Salazar repeatedly signaled to Congress his willingness to accept legislative tampering with the ESA prior to action by Congress to intervene politically and remove endangered species protections for wolves in the Northern Rockies and in other states. In April, the administration accepted the Northern Rockies wolf delisting proposal, while in July it opposed a rider to the Interior



Interior Secretary Ken Salazar, above, failed to protect the Northern Rockies wolf from delisting but did oppose the “extinction rider” that was defeated in Congress.

Department Appropriations bill that would have banned the listing of any new endangered or threatened species.

During the recent House floor debate over the Interior spending bill, ESA supporters—including long-time stalwarts of conservation and a number of Republican Congressmen who broke ranks with their Congressional leadership—were successful in removing the legislation’s “extinction rider,” one of the most sweeping attacks on the act in years. This provision would have increased the risk of extinction for hundreds of imperiled species by preventing new listings under the act. The successful defeat of the Extinction Rider showed that the ESA can be protected when it’s frontally attacked in full view of the public eye.

However, the danger of the dozen more pending attacks is that they may never see the light of day. This fall Congress is expected to once again use a closed door process to develop a comprehensive federal spending bill, which could include any number of anti-ESA provisions that will never get debated. Congress used this process last spring to produce a final spending bill that included various anti-environmental riders, including the one delisting wolves in the Northern Rockies.

Without a strong stand by the Obama administration and Senate leadership, the tactic of including anti-ESA policy riders on must-pass legislation will dramatically increase the chances that anti-ESA forces will be successful this fall. We cannot allow this to happen. In the months ahead, citizens must speak out loudly and tell policymakers to oppose any and all gratuitous attacks on America’s imperiled wildlife in a final spending bill.



Imperiled creatures such as sea turtles often are merely the symptoms of wide-ranging problems such as pollution, overharvesting, global warming and habitat destruction. Ignoring the symptoms doesn't make the disease go away—it only gets worse.

DRAWING A LINE IN THE SAND

If Congress gets in the business of routinely delisting protected species under the ESA, then the act will be rendered meaningless. What's more, it will only exacerbate the major environmental challenges we face. Imperiled species are often merely the symptoms of wide-ranging, systemic problems that can or will affect humans, too. If we ignore or refuse to treat the symptoms, it doesn't make the disease go away—it only gets worse. In the long-term, we'll only hurt ourselves if we allow imperiled species to be sacrificed in the name of short-term economic gain, or be traded away behind closed doors as part of some cynical political deal.

It's time for our political leaders to rediscover the principles that guided the passage of the ESA four decades ago. The original goal of the act was to codify America's commitment to good stewardship and preserve the web of life on this planet. The ESA was meant to ensure that our children and grandchildren would inherit a world with abundant biological diversity, protecting all organisms large and small. These principles of responsible stewardship have historically transcended politics in this country, and were embraced by both Republicans and Democrats across a wide political spectrum.

The fate of perhaps the strongest environmental law ever enacted rests in the hands of the Obama administration, members of Congress and the citizens of this country. By taking a strong and clear stand for sound science and good stewardship—and against legislative interference in the biologi-

cal decision-making of our federal wildlife agencies—we can all ensure a healthy natural legacy for future generations.

SUPPORT FOR THE ACT

The American public still overwhelmingly supports protection for imperiled species, with 84 percent of Americans polled saying they support the ESA. In addition, 92 percent agree that decisions about wildlife management and which animals need protection should be made by scientists, not politicians. Furthermore, 90 percent believe that the ESA has helped hundreds of species recover from the brink of extinction, and 87 percent say the ESA is a successful safety net for protecting wildlife and plants from extinction¹². This is a huge and influential constituency in favor of maintaining the ESA—one that politicians in Washington should heed as they consider any bills that would undermine the act.

Furthermore, experts have come out strongly in favor of the law. In April, nearly 1,300 scientists signed a letter urging the Senate not to legislate away protections for the wolf, showing their support for the ESA's science-based approach to species conservation. The letter read, in part: "Because of its strong scientific foundation, the Endangered Species Act is the most critical and successful law for ensuring the protection of threatened and endangered wildlife in our country." The scientists went on to state: "Biological diversity provides food, fiber, medicines, clean water, and myriad other ecosystem products and services on which we depend every day. To undermine the careful and thoughtful scientific process that determines whether a species is endangered or recovered would jeopardize not only the species in question and the continued success of the Endangered Species Act, but the very foundation of the ecosystems that sustain us all."

Both the scientific community and the American public realize something that many in Congress and the White House appear to have forgotten: We have a responsibility to keep species alive under our watch. Our generation is poised to hand off a diminished natural-resources legacy to our children and grandchildren. The ESA is one of the few laws that stands between us and that dubious distinction.

In the next few months, politicians in Washington, D.C., will face some crucial tests. They can vote to sacrifice species for political expediency or short-term economic gain, or they can vote for responsible stewardship and our children's future. Our fate—and our planet's fate—hangs in the balance.

12. Poll commissioned by the Endangered Species Coalition and conducted by Harris Interactive, based on 1,009 telephone surveys among adults in the United States between February 16-21, 2011. Survey summary available at: http://www.defenders.org/resources/publications/programs_and_policy/wildlife_conservation/imperiled_species/endangered_species_act_poll.pdf

Gray wolves were essentially wiped out of their former habitat in the lower 48 states by the early 20th century after an extensive and brutal extermination campaign. But in the last several decades, thanks to the ESA, these majestic animals have been reintroduced to the Northern Rockies and the Southwest, and have made a strong comeback in the western Great Lakes region. The wolf restoration effort in the Northern Rockies is one of America's greatest conservation success stories, and it has brought not only significant ecological benefits, but economic ones, too.

Unfortunately, objections to wolf restoration by a small but vocal minority in the West resulted in Congress passing in May a legislative rider to a funding bill that prematurely removed gray wolves in the Northern Rockies (except Wyoming) from the endangered species list—the first time Congress has lifted protections for an endangered species. Following up on that unprecedented and egregious action, several bills have been introduced that would allow states to drastically reduce or even eliminate wolf populations, jeopardizing the long-term recovery of the species. The most recent legislative proposal, seemingly anticipating a public outcry over efforts to strip ESA protections from wolves, would prevent citizens from asking a judge to review such actions. These bills would open the floodgates for other species to be denied ESA protections, discarding science-based standards in favor of political expediency.

H.R. 1819: STATE WILDLIFE MANAGEMENT ACT

Legislative Threat: Introduced by Rep. Candice Miller (R-Mich.) on May 10, 2011, H.R. 1819 would eliminate Endangered Species Act protection for gray wolves in all or parts of 19 states.

Overview: Efforts to restore and protect gray wolves have been successful in the Northern Rockies and the western Great Lakes, but these animals today still occupy less than 1 percent of their historic habitat in the lower 48 states. Despite this fact, H.R. 1819 would delist gray wolf populations in Nevada, Colorado and the northern Rocky Mountains, including wolves in Wyoming. (Wolves in this region would only regain ESA protection if the overall population falls below 450 wolves.) Further, gray wolves in the Western Great Lakes would lose ESA protection unless their numbers drop below 1,200 in Minnesota, 150 in Michigan and 150 in Wisconsin. ESA protection would also be automatically



eliminated for wolves in Arizona and New Mexico as soon as the combined total of wolves in both states reaches 100.

Threats to Species Conservation and the Endangered Species Act: H.R. 1819 would set the dangerous precedent of taking endangered species decisions out of the hands of wildlife experts and allowing Congress to decide which species deserve protection and which have recovered. Further, this bill sets arbitrary delisting numbers, barring federal protections so long as the species stays at or above those levels. In the Northern Rockies for example, the bill would allow Idaho, Montana and Wyoming to get rid of nearly all the wolves that exist today except for a small population of 450 wolves around Yellowstone National Park. Each state should be held accountable for managing healthy, sustainable wolf populations, not relegating the entire region's wolves to one area.

In addition, by focusing strictly on arbitrary population sizes, this legislation ignores the importance of having adequate state management plans in place to ensure that wolf populations are sustainable and secure. Under current regulations, states must address persistent threats to the survival of



Congress recently passed legislation removing ESA protections for wolves in most of the Northern Rockies. Several other bills and legislative proposals would further compromise safeguards for these imperiled animals.

the species before ESA protections can be removed. Moreover, by forcing a legislative delisting, H.R. 1819 would eliminate the public review process that accompanies a formal delisting. This crucial step allows citizens to voice their opinions and help inform the future management of the species.

Lastly, H.R. 1819 would preclude federal action in places where wolves need protection. For example, the bill would allow wolves that enter Nevada and Colorado to be killed as long as there are at least 450 wolves elsewhere in the Northern Rockies. Large parts of Oregon, Washington and Utah, where no wolf packs are currently known to exist, would be off-limits for federal protection, as would Wyoming, where the state's proposed wolf management plan would allow wolves to be shot on sight across nearly 90 percent of the state.

Current Status: H.R. 1819 is pending in the House Natural Resources Committee.

H.R. 838: WESTERN GREAT LAKES WOLF MANAGEMENT ACT

Legislative Threat: H.R. 838 was introduced by Rep. John Kline (R-Minn.) on February 28, 2011. This bill would prohibit gray wolves in Minnesota, Wisconsin and Michigan from being treated as a threatened or endangered species under the ESA. Instead, each state would have exclusive jurisdiction over the management of gray wolves within their state.

Overview: By the time they were added to the endangered species list in 1974, gray wolves had been eliminated from most of their habitat in the lower 48 states, except for a small population in northern Minnesota. Through the protections afforded by the ESA, wolf numbers in Minnesota grew, and by 1978, wolves in the state were reclassified as threatened. As wolf populations increased in Minnesota, the animals began to disperse into Wisconsin and Michigan's Upper Peninsula.

Today, wolves are listed as endangered in Michigan (population: 580) and Wisconsin (population: 662) and threatened in Minnesota (population: 2,922). After several attempts to remove protections in past years, the U.S. Fish and Wildlife Service issued a proposed rule to delist wolves in the western Great Lakes on May 5, 2011. With robust state wolf management plans in place, federal protections are likely to be lifted by the end of next year.

Threats to Species Conservation and the Endangered Species Act: H.R. 838 undermines the scientific principles of the Endangered Species Act by decreeing that a species will no longer be protected, instead of following the scientific process of a proper delisting. Congress should not be determining which individual species deserve protection and which ones do not. Those decisions should be made by wildlife experts based on the best available science with careful consideration given to the long-term survival of the species.

Though wolves are once again thriving in the Great Lakes, that does not mean they will never need protection again. Furthermore, because wolves are wide-ranging and frequently cross state lines, giving the states permanent jurisdiction will not ensure that the entire population remains viable. The ESA provides a critical safety net should conditions on the ground change, or should any state fail to adequately manage the species. Permanently eliminating protections would prevent the kind of coordinated recovery efforts that ultimately brought this species back from the brink of extinction in the lower 48 states.

We should be celebrating the success of wolf-recovery efforts brought about by the act, not diminishing the accomplishment by giving up as we near the finish line. It has taken decades to restore gray wolves in the western Great Lakes, but now that we're closing in on our goal, impatient politicians are putting that legacy at risk with ill-conceived legislation.

Current Status: H.R. 838 is pending in the House Natural Resources Committee.

AMENDMENT TO END MEXICAN GRAY WOLF RECOVERY EFFORTS

Legislative Threat: In February, Rep. Steve Pearce (R-N.M.) proposed an amendment to the FY11 continuing resolution in the House of Representatives that would have blocked funding for Mexican gray wolf recovery efforts in New Mexico and Arizona. He proposed this amendment again, as part of the FY12 Interior Appropriations bill.

Overview: The Mexican gray wolf is our rarest wolf, with only one wild population of 50 animals in New Mexico and Arizona. Since the wolf's reintroduction to the wild in 1998, the population has struggled to increase, suffering heavy losses from poaching and from a short-sighted and ineffective recovery plan that resulted in many wolves being killed unnecessarily. In the past year the population has shown signs of rebounding, and the U.S. Fish and Wildlife Service is now taking the necessary steps to put the Mexican wolf firmly back on the road to recovery. It has assembled a team of scientists and stakeholders to help draw up a new recovery plan; it is working to help ranchers avoid conflicts with wolves; and it has established a fund to compensate livestock owners for losses to wolves.

There is no justification for an attack on Mexican gray wolves. Contrary to the claims of some, they pose almost no threat to people, livestock or game in the Southwest. The National Agricultural Statistics Service reports that in 2010, only 0.2 percent of cattle deaths nationwide were caused by wolves. Far more livestock are killed by respiratory and digestive problems than by wolves and all other predators combined. In addition, according to the five-year review of the Mexican gray wolf reintroduction program, there have been no detectable changes in big game populations, or in the number of hunting licenses issued since wolf reintroduction.

Moreover, a strong majority of voters in the Southwest support Mexican gray wolf recovery. In a 2008 poll conducted by Research and Polling, Inc. of Albuquerque, N.M., 69 percent of New Mexicans and 77 percent of Arizonans supported the reintroduction of Mexican gray wolves in their states.



Threat to species conservation and the Endangered Species Act: Given their tiny population and precarious status, Mexican gray wolves are utterly dependent on federal recovery efforts. Cutting funding for this program would essentially doom these rare animals to extinction. It would also have harmful impacts in the small southwestern communities within the recovery zone, where the federal program pays for staff and projects to help avoid conflicts between ranchers and predators. Ranchers who do lose livestock to wolves can now apply for compensation through a variety of federal and state programs, but slashing federal funds will almost certainly impact their ability to gain such compensation.

In addition, this action would set a dangerous precedent of substituting Congress' judgment about which species deserve protection, and how recovery programs should be managed, for that of professional wildlife experts. Instead of using the best available science to determine what is best for the long-term survival of the species, Rep. Pearce's action would politicize the implementation of the Endangered Species Act, undermining the act's bedrock principles and imperiling rare species everywhere.



With only 50 animals in the wild, the Mexican gray wolf is one of the country's rarest species. Still, Congress is considering a proposal to block funding for the wolf's recovery efforts.

Current status: The Pearce amendment to end the Mexican wolf recovery program could be voted on by the House in September if the House resumes consideration of the FY12 Interior Appropriations bill.

RIDER IN HOUSE FY 2012 INTERIOR APPROPRIATIONS BILL TO EXEMPT WOLF DELISTING FROM JUDICIAL REVIEW

Legislative threat: At the request of Rep. Cynthia Lummis (R-Wyo.), the Interior Appropriations bill includes an anti-ESA rider that would prevent citizens from challenging future delisting of gray wolves in all or parts of 10 states.

Overview: The restoration of gray wolves to the greater Yellowstone ecosystem has been a great success, with both ecological and economic benefits to the region. Before ESA protections can be lifted here, however, the individual states must develop

management plans to ensure the security and sustainability of wolf populations within their borders. Historically, state officials in Wyoming have been hostile to wolves, and they have refused to create a conservation plan that would allow federal officials to delegate management authority to the state. As a result, the U.S. Fish and Wildlife Service has been unable to safely remove protections for Wyoming's wolf population.

However, on July 7, Wyoming Governor Matt Mead and Interior Sec. Salazar "agreed in principle" to a wolf management plan that would allow wolves to be shot on sight across most of the state for most of the year. The Interior Department released details of the plan on August 3 and is expected to issue a proposed delisting rule in September.

In anticipation of a public outcry over such an action, Rep. Lummis' rider would insulate the delisting of gray wolves in Wyoming from judicial review. It would also extend this judicial exemption to any state within the range of the Western Great Lakes (i.e., all of Michigan, Minnesota, and Wisconsin, and portions of North and South Dakota, Iowa, Illinois, Indiana and Ohio), once the Fish and Wildlife Service finalizes its delisting rule. Thus, if HR 1819 (described above) passes, it would make it virtually impossible for American citizens to challenge wolf management plans that allow hundreds of wolves to be needlessly killed.

Threat to species conservation and the Endangered Species Act: This legislative proposal undercuts one of the most important checks and balances built into the ESA—the public's ability to challenge in court federal action to list and delist species. If the government proposes to delist wolves in Wyoming and elsewhere without using the best available science, citizen groups need to be able to challenge such decisions in court. Indeed, throughout the years, citizen lawsuits have successfully revealed serious legal and scientific deficiencies with the government's management of wolves and other species. This proposal would eliminate this important tool for conserving wolves and deprive the public of its rights.

Beyond the dangerous precedent of giving a federal agency unfettered powers free from judicial review—which is contrary to our constitutional system of checks and balances—this proposal undermines the science-based process that has worked well for the ESA. Once again, Congress is trying to insert itself in the process and politicize the ESA, instead of leaving species management to wildlife managers.

Current status: The House may approve the FY12 Interior Appropriations bill in September, including the Lummis amendment.

Integral to the ESA is a science-based process of determining which species of plants and animals are threatened or endangered, protecting those species from harm and developing plans for their recovery. To ensure that they use the best available science in their decision-making process, federal wildlife officials consult experts both inside and outside the federal government, and review data from a wide variety of sources, including academic institutions and other state government agencies. As an additional check, they frequently ask independent scientific experts to peer-review findings and decisions. The ESA's science-based process is exemplified by biological opinions, which prescribe measures for protecting imperiled species from unnecessary harm (see box on this page).

Several bills have been introduced recently that would nullify biological opinions or otherwise block crucial safeguards for a number of species in various parts of the country. Three of these bills deal specifically with California's Bay-Delta region, and seek to place the needs of politically connected agribusinesses above those of vulnerable fish and birds. The others take aim at protections for tuna, lesser prairie chickens and sand dune lizards—again elevating profits for industry above the conservation needs of declining species and their habitats. Not only would these bills thwart conservation efforts and harm the affected wildlife, but they would subvert the ESA's carefully crafted and successful science-based process—instead placing the fate of rare creatures in the hands of politicians and their corporate backers.

Biological Opinions: Science-based Tools for Protecting Imperiled Species

One crucial provision of the ESA is a requirement that any federal agency proposing an action that could affect an endangered or threatened species first seek the expert opinion of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service about the impacts of the action on the listed species. The appropriate agency will then issue a biological opinion about the proposed action. The opinion is strictly a scientific judgment, and not a political or policy perspective. The primary goal of a biological opinion is to prevent unacceptable harm to an imperiled species or its habitat. It may include conservation recommendations, and it may also impose reasonable and prudent measures to minimize any harmful impacts, including monitoring and reporting to ensure compliance.



CHINOOK SALMON © MICHAEL QUINTON/MINDEN PICTURES

H.R. 1837: SAN JOAQUIN VALLEY WATER RELIABILITY ACT AND H.R. 1251: MORE WATER FOR OUR VALLEY ACT, 2011

Legislative Threat: H.R. 1837 was introduced on May 11, 2011, by Rep. Devin Nunes (R-Calif.). This bill would roll back protections for the endangered Delta smelt, Chinook salmon, steelhead and green sturgeon in California's Bay-Delta region. In doing so, it would undermine key elements of the Endangered Species Act, the Central Valley Project Improvement Act and the San Joaquin River Restoration Settlement Act. This bill would also overturn California laws governing water rights and curtail the ability of state agencies to protect fish and wildlife in the Bay-Delta.

H.R. 1251 was introduced by Rep. Jim Costa (D-Calif.) on March 30, 2011. This bill would replace science-based measures taken under the ESA to protect wildlife in California's Bay-Delta region with weaker standards, and it would preempt stricter state laws governing water projects.

Overview: The Bay-Delta region—where the Sacramento and San Joaquin rivers merge and flow into the San Francisco Bay—provides habitat to 750 species of plants and animals. The wetlands there furnish vital nesting, feeding and breeding spots for waterfowl and migratory birds, and the waters are home or nursery grounds to a wide array of aquatic species, including several types of imperiled fish. But as California's population has grown, the waters vital to this ecosystem have been diverted through a vast network of reservoirs, canals and pumping stations to cities, farms and businesses—primarily in

STEELHEAD COURTESY BLM / OREGON OFFICE



DELTA SMELT COURTESY PETER JOHNSEN / USFWS



Several bills pending in Congress this year would stymie efforts to protect imperiled species that depend on water flows from California's Bay-Delta ecosystem, including Chinook salmon (previous page), steelhead (left) and the Delta smelt (above).

the arid central and southern parts of the state. (These diversions are managed through a vast network of reservoirs, canals and pumping stations operated by the federal government in the Central Valley Project, and by the state government in the California State Water Project.) Years of overuse, re-engineering of natural water flows and increased pollution have driven the Bay-Delta ecosystem to the point of collapse. An indigenous fish species, the Delta smelt, was listed as threatened under the Endangered Species Act in 1993 after its population was slashed by human-induced changes to the natural system, including enormous pumps used to divert water to the south.

The Bay-Delta system has been at the center of years of litigation and is now governed by a number of laws, including the Central Valley Project Improvement Act of 1992 and the San Joaquin River Restoration Settlement Act. The Bay-Delta is also governed by a set of state bills passed in 2009, which establish co-equal goals of water supply reliability and ecosystem conservation. Local water agencies, state and federal agencies, environmental organizations and other interest groups have been working for the past three years to meet these co-equal goals by drafting the Bay Delta Conservation Plan. This plan is expected to comply with both the ESA and state environmental laws, and thus allow the ongoing operation of state and federal water projects in the Bay-Delta.

In 2008 and 2009, biological opinions were issued under the ESA requiring additional water be left in the Delta to protect the Delta smelt, Chinook salmon, steelhead and green sturgeon. The National Academy of Sciences reviewed these opinions, and in a March 2010 report concluded that the water-

diversion restrictions were justified, and made a few suggestions for strengthening the opinions. In May 2010 the Department of the Interior and the Department of Commerce announced that they will jointly produce a new biological opinion that will address the issues raised by the National Academy of Sciences and will more fully integrate new science.

Threat to Species Conservation and the Endangered Species Act: H.R. 1837 severely weakens the Endangered Species Act by mandating that all ESA requirements are considered fully met for all species impacted by the Central Valley Project and California State Water Project, as long as the projects are consistent with the 1994 Bay Delta Accord. Specifically, FWS and NMFS are required to issue biological opinions for both projects that are no more restrictive than the provisions of the agreement, and these opinions can be modified only with the consent of the signatories to the agreement. The bill also prohibits California from adopting state regulations for ESA listed species that are more restrictive than the provisions of the bill.

H.R. 1251 would set new, weaker standards for water flow limits, pumping operations and salinity levels of the Central Valley Project and the California State Water Project than those prescribed in the Bay-Delta biological opinions—directly undermining the ESA's standard of using the best available science. In addition, H.R. 1251 obstructs the protection of Bay-Delta species under the California Endangered Species Act, as the bill specifically preempts any state law governing Central Valley Project and State Water Project operations when that law is more restrictive.

These measures would seriously undermine the ESA's science-based standards and obstruct the protection of Bay-Delta species under the California Endangered Species Act. At its worst, these bills will ensure dramatic reductions in the populations of several imperiled species—including the delta smelt, Central Valley spring-run Chinook salmon, Central Valley steelhead, and the green sturgeon—and may prevent federal and state agencies from taking actions to avert extinctions. Moreover, these bills would nullify years of collaborative work by farmers, conservation groups, and local, state and federal agencies to build a Bay Delta Conservation Plan for the benefit of both the delta ecosystems and the state's economy—with serious potential harm to both.

Current Status: H.R. 1251 and H.R. 1837 are pending in the House Committee on Natural Resources. There have been two hearings held in June on H.R. 1837 in the House Natural Resources Subcommittee on Water and Power. In addition, on April 11, 2011, there was a field hearing held in Fresno, California, by the House Natural Resources Subcommittee on Water and Power.

H.R. 1287 AND S. 706: 3-D, DOMESTIC JOBS, DOMESTIC ENERGY, AND DEFICIT REDUCTION ACT OF 2011

Legislative Threat: H.R. 1287 was introduced on March 31, 2011, by Rep. Rob Bishop (R-Utah). (In addition, its companion bill, S.706: 3-D, Domestic Jobs, Domestic Energy, and Deficit Reduction Act of 2011, was introduced on March 31, 2011 by Senator David Vitter [R-La.]). H.R. 1287 prevents federal and state agencies from ensuring that fish and wildlife in California's Bay-Delta ecosystem receive life-sustaining supplies of water. In addition, H.R. 1287 prohibits federal wildlife officials from considering the impacts of greenhouse gases when implementing the ESA. Finally, this bill requires federal agencies to temporarily exempt from ESA compliance any measures deemed necessary to avoid or ease the impacts of state-declared emergencies.

Overview: The Bay-Delta watershed is an ecological system that has been driven to near-collapse by years of overuse, reengineering and increased pollution. The San Joaquin Valley, prior to the development of the engineered water system, was a dry expanse with only a few farming communities that were located primarily around natural water supplies. The New Deal-era Central Valley irrigation project allowed the unsustainable growth of large, water-dependent agribusinesses and metropolitan centers. This growth came at the expense of the Bay-Delta and other native ecosystems, leading to the collapse of populations of smelt, salmon and other fish.

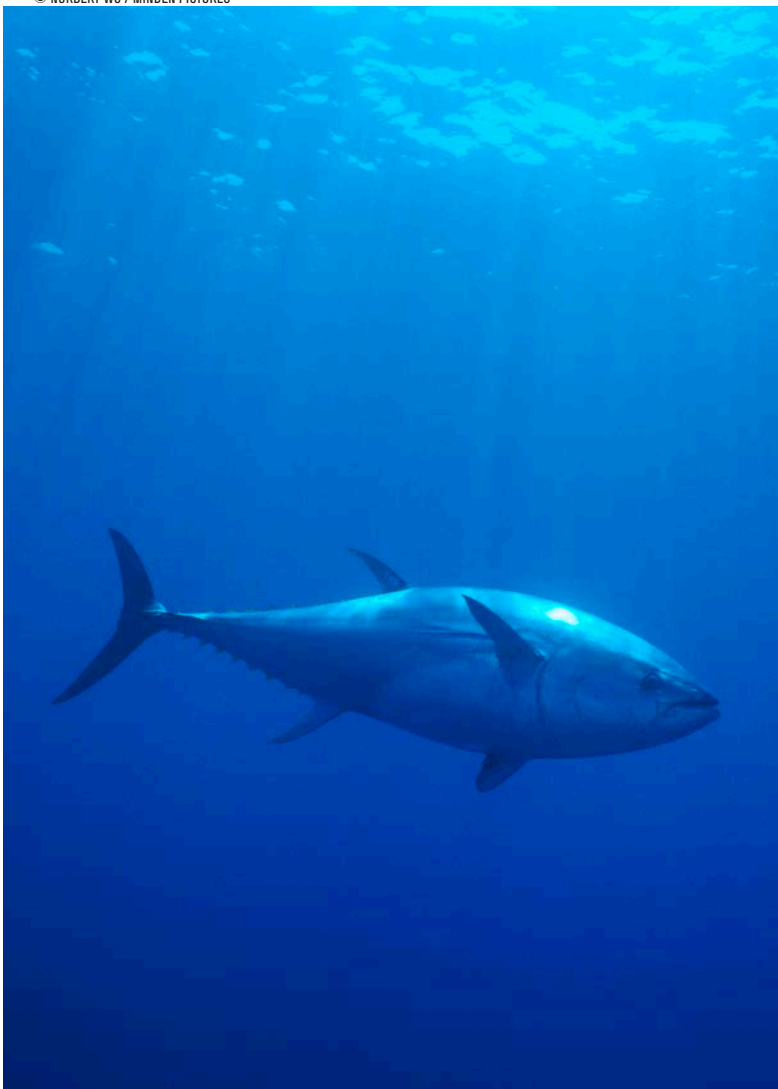
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Endangered species in California's Bay-Delta ecosystem have been suffering at the expense of water-dependent agribusiness in the San Joaquin Valley, a trend that would be exacerbated by pending legislation.

Threat to Species Conservation and the Endangered Species Act: H.R. 1287 contains a number of dangerous provisions, especially several that undermine critical protections for endangered species in the California Bay-Delta region and in many other parts of our nation. By preventing federal and state agencies from ensuring sufficient water flows for Bay-Delta wildlife and habitats, this bill could doom imperiled species that depend on that water. In addition, the bill does not exempt state water-pumping operations from the California Endangered Species Act. Thus, to avoid violating the state act, these operations must adopt greater restrictions to compensate for the reduced restrictions on federal water-pumping operations that will result from H.R. 1287. This places an unfair burden on the state operations. Delta smelt, Chinook salmon, steelhead and green sturgeon, in addition to many other species, would suffer and be pushed towards extinction.

Perhaps even more troubling, H.R. 1287 would prevent federal wildlife services from considering the impacts of greenhouse gases when implementing the ESA, and thus block the government from helping ESA-listed species adapt to climate change. For example, if a species shifts its range because of climate change, federal wildlife officials could not re-designate critical habitat for the species, since doing so would be to consider the impacts of greenhouse gas-induced climate change on the species. Further, federal officials might not be able to consider climate change impacts in ESA listing decisions. Since climate change is expected to impact many species nationwide, this prohibition could imperil creatures such as polar bears, trout, salmon, Florida panthers and grassland birds, among many others.



H.R. 1806: BLUEFIN TUNA FISHERMEN EMPLOYMENT PRESERVATION ACT

Legislative Threat: H.R. 1806 was introduced on May 10, 2011, by Rep. Frank Guinta (R-N.H.). H.R. 1806 amends the ESA so that bluefin tuna may not be treated as an endangered or threatened species.

Overview: The Atlantic bluefin tuna is a large, fast fish that migrates long distances and is in high demand by sport and commercial fishers, in particular by sushi chefs around the world. Demand for this fish grew in the 1970s, spurring new fishing efforts and catching methods such as purse seine nets and longlines. These intensive fishing efforts, plus the lack of effective international fishing regulations and the fish's slow rate of maturity have resulted in population crashes. The 2010 Deepwater Horizon oil spill in the Gulf of Mexico put additional stress on the Gulf-breeding population of the Atlantic bluefin. All three bluefin species are being caught at rates that outpace their ability to reproduce, further diminishing their numbers and ability to rebound. Because of the bluefin's extensive migration patterns and high demand worldwide, international cooperation is required to protect this species from extinction.

This bill was introduced in response to an ESA listing petition for the Atlantic bluefin tuna filed in May 2010, following the Deepwater Horizon spill. In May 2011 the federal government rejected the petition, finding that listing was "not warranted." Instead, a commitment was made to revisit the decision in 2013 when more information about the effects of the Deepwater Horizon oil spill is expected to be available.

Threat to Species Conservation and the Endangered Species Act: Rather than allowing science to determine which species should be listed, and when, this bill politicizes that decision—undermining one of the foundations on which the act was based. In addition, the bill's language refers simply to "bluefin tuna," and thus could conceivably be used to prevent the listing of any of the three species of bluefin: Atlantic, Pacific and Southern. More important, by amending the act to exclude a species from protection based on the interests of a particular group with a financial stake in the exploitation of that species, this legislation would set a terrible precedent. It would open the door to other legislative interference with scientific evaluation and conservation for political expediency or financial gain.

Current Status: H.R. 1806 is pending in the House Committee on Natural Resources on May 10, 2011.

Instead of allowing the ESA's science-based process to determine whether bluefin tuna should be protected, H.R. 1806 would bar listing of the fish.

Finally, this bill would make the ESA subservient to any state-declared emergency. Because H.R. 1287 does not define what constitutes an emergency, it could be interpreted broadly to undermine ESA protections in many situations where an exemption from the ESA is unwarranted—thus hamstringing this important law.

Current Status: H.R.1287 is pending in the Committee on Natural Resources and in the Committees on the Judiciary, Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure. It was referred to subcommittee on April 1, 2011, including the House Transportation and Infrastructure Subcommittee on Railroads, Pipelines and Hazardous Materials and the Subcommittee on Water Resources and Environment. S.706 was placed on the Senate Legislative Calendar.



AMENDMENTS TO BLOCK LISTING OF THE LESSER PRAIRIE CHICKEN

Legislative Threat: In the Senate, James Inhofe (R-Okla.) filed, but did not offer, Amendment #429 to S. 782, the Economic Revitalization Act of 2011, which would prevent the U.S. Fish and Wildlife Service from extending ESA protections to lesser prairie chickens and would threaten existing conservation agreements for the species. In the House, an amendment to block the listing of lesser prairie chickens has been proposed by Reps. Steve Pearce (R-N.M.) and Randy Neugebauer (R-Texas) for inclusion in the FY12 Interior Appropriations bill.

Overview: The lesser prairie chicken is a mid-size, brown-and-white striped member of the grouse family. These chicken-like birds forage for insects and nest on the ground in open grasslands dominated by shinnery oak or sand sagebrush. In the 1880s, the lesser prairie chicken occupied more than 176,000 square miles across parts of Colorado, Kansas, New Mexico, Oklahoma and Texas. Today, the species inhabits less than 15 percent of its historic range. In 1998, the U.S. Fish and Wildlife Service first determined that ESA listing of the species was warranted; 10 years later, the service made listing the species a high priority. Ongoing threats to the lesser prairie chicken include oil and gas development, loss of habitat from the conversion of native rangelands to cropland, severe over-grazing by livestock, fire suppression, the use of herbicides to destroy shinnery oak habitat and continued habitat fragmentation due to land development and roadbuilding.

Rep. Pearce, Sen. Inhofe and their backers in the oil and gas industry claim that saving species such as the lesser prairie chicken is bad for the economy and will result in major job losses.

Lesser prairie chickens face threats such as loss of habitat from oil and gas development, conversion of rangeland to cropland and overgrazing. Despite this, Congress is considering legislation that would block listing of the species under the ESA.

In truth, the ESA provides plenty of flexibility to allow for economic growth, such as through habitat conservation plans (HCPs), which allow developers to proceed with certain projects that harm listed species, provided that the harm is minimized and mitigated. HCPs also contain “no surprise” assurances, which promise landowners that if unforeseen circumstances require additional mitigation, the landowners will not be required to commit additional resources or face additional restrictions on the use of their land. Between 2001 and 2009, the government approved more than 424 plans, and by the end of 2007, almost 50 million acres of land were covered by HCPs.

Equally important, species protection efforts can play an important role in generating income in rural communities in their own right. For example, in Woodward, Oklahoma, a well-attended festival celebrating the lesser prairie chicken had registrants from 15 different states and two provinces in 2009. In Milnesand, New Mexico, a similar festival now in its 10th year provides thousands of dollars to help maintain the community center and support the local fire department¹².

Threat to Species Conservation and the Endangered Species Act: Without federal protection and fully funded conservation efforts, these imperiled animals and the sensitive habitat they depend on could be lost forever. In addition, this legislation undermines our nation’s commitment to protecting imperiled wildlife. As with many other anti-ESA bills, it would set a dangerous precedent for wildlife conservation, making it subject to the whims of politicians and their corporate benefactors.

12. Personal communication with festival organizer Willard Heck in Clovis, N.M.

Current Status: The amendment to block the ESA listing of the lesser prairie chicken proposed by Reps. Pearce and Neugebauer may be voted on by the House in September if the House resumes consideration of the FY12 Interior Appropriations bill.

AMENDMENTS TO BLOCK LISTING OF THE SAND DUNE LIZARD

Legislative Threat: In the Senate, John Cornyn (R-Texas) introduced, but did not offer, amendment #397 to S. 782, the Economic Revitalization Act of 2011. Sen. Cornyn's proposal would amend the ESA to preclude listing of the sand dune lizard and would threaten existing conservation agreements for the species. In the House, an amendment to block the listing of the sand dune lizard has been proposed by Rep. Steve Pearce (R-N.M.) for inclusion in the FY12 Interior Appropriations bill.

Overview: The sand dune lizard, also known as the dunes sagebrush lizard, is a small brown reptile that inhabits a tiny sliver of southeast New Mexico and west Texas. The species relies on shinnery oak for shade and buries itself in the sand to regulate its body temperature. It is primarily active between April and October and feeds on ants, crickets, spiders and other small insects.

The major threat to the lizard is the destruction of its shinnery oak habitat by oil and gas development, agriculture and off-road vehicle use. Today, the sand dune lizard has been eliminated from 86 percent of its historic range in Texas. In New Mexico, at least 40 percent of its shinnery oak habitat has been lost since 1982. The sand dune lizard was listed as an endangered species under New Mexico's Wildlife

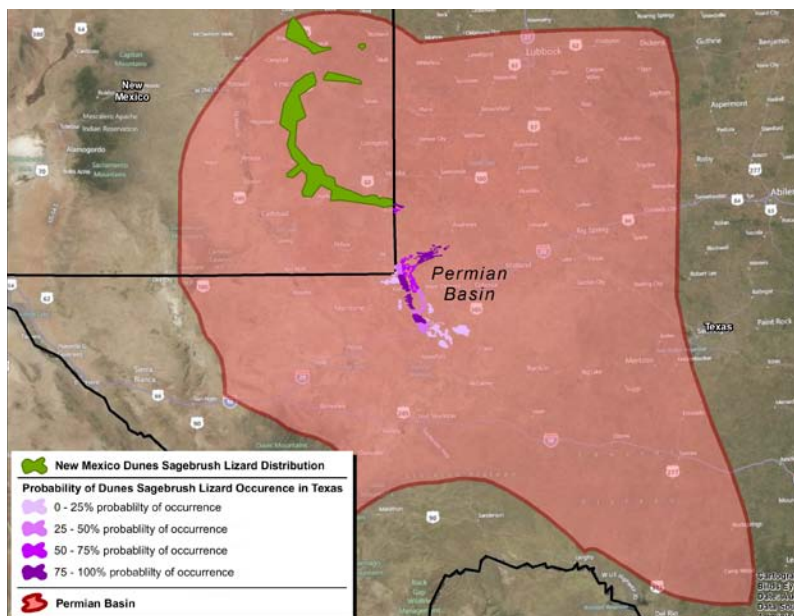
Conservation Act in January 1995, but this action has failed to shield the lizard from its greatest threat, habitat destruction. Under Texas law, the lizard is not protected as an endangered or threatened species.

In 2001, the sand dune lizard was added to the federal list of ESA candidate species. Since that time, the FWS has finalized two candidate conservation agreements for the sand dune lizard and the lesser prairie chicken in New Mexico that include regulatory assurances to address the concerns of farmers and oil and gas developers. Approximately 200,000 acres of habitat have been voluntarily protected under these candidate agreements, yet the sand dune lizard remains in serious trouble. FWS rightfully concluded these candidate agreements and state laws alone would not adequately protect this species, and in December 2010 it formally proposed to list the sand dune lizard as endangered.

Threat to Species Conservation and the Endangered Species Act: Without federal protection and fully funded conservation efforts, these imperiled animals and the sensitive habitat they depend on could be lost forever. Rep. Pearce and Senator Cornyn are not only putting the sand dune lizard in grave danger, they are undermining our nation's commitment to protecting imperiled wildlife. As with other anti-ESA bills, this legislation would set a dangerous precedent for wildlife conservation, making it subject to the whims of politicians and their corporate benefactors.

Current Status: The amendment to block the ESA listing of the dunes sagebrush lizard proposed by Rep. Pearce may be voted on by the House in September if the House resumes consideration of the FY12 Interior Appropriations bill.

Dunes Sagebrush Lizard Distribution in the Permian Basin



The sand dune lizard (below), also known as the dunes sagebrush lizard, occupies only a small fraction of its original habitat in Texas and New Mexico, and the U.S. Fish and Wildlife Service has proposed to protect the species under the ESA. But because the imperiled lizard lives in the oil- and natural-gas-rich Permian Basin, some members of Congress are seeking to block ESA listing of the species.

MAP COURTESY WILDEARTH GUARDIANS

SAND DUNE LIZARD COURTESY BLM/NEW MEXICO OFFICE



The ESA is one of our nation's most flexible laws, with many built-in exceptions and alternatives to allow economic growth, and various incentives for private landowners to participate in the conservation process and reduce any potential regulatory burdens. ESA tools such as candidate conservation agreements, safe harbor agreements and habitat conservation plans provide avenues to accommodate responsible development and land uses both before and after a species is listed. The act also requires the secretaries of the Department of the Interior and Commerce to consider the economic and national security impacts of a critical habitat designation, and allows them to exclude an area from being designated if the costs outweigh the benefits.

Despite this flexibility, and the fact that the law has rarely been used to halt development projects, anti-conservation forces attempt to portray the ESA as a roadblock to economic growth or a threat to our national security. Three bills or legislative proposals introduced in recent months use this false portrait of the ESA as an excuse to make broad and potentially devastating changes to the act. The first, under the guise of removing ESA protections for an endangered insect, would

Science and Politics Don't Mix

Science—not politics—should guide improvements to the ESA, and the best way to assure that is to let career wildlife professionals take the lead. Before engaging in a political process to revise the act, Congress should first give the U.S. Fish and Wildlife Service an opportunity to update ESA policies. During the Clinton administration, for example, the U.S. Fish and Wildlife Service developed a series of new policies designed to make the ESA more effective for private landowners. The Obama administration has stated recently that it plans to review the ESA's implementation and develop additional policies to make the act work better. Now the Obama administration has begun a comprehensive effort to make ESA regulations and policies more effective and efficient. For example, the agency is evaluating how habitat conservation plans can do an even better job at balancing wildlife protection and real estate development. The agency is also analyzing how to improve its private landowner conservation tools, such as safe harbor agreements and candidate conservation agreements. In short, the agency's brightest scientists, lawyers and policymakers are working hard to improve the act. Political intervention at this stage would only derail this effort and jeopardize America's natural heritage for future generations.



The Delhi Sands flower-loving fly (near right) is an indicator species for the imperiled Delhi Sands ecosystem of southern California, which provides habitat for the western meadowlark (above) and the endangered burrowing owl (far right), among many other creatures. Because developers want to build on what little remains of this rare inland dunes ecosystem, Rep. Joe Baca (D-Calif.) has introduced a bill that would not only remove ESA protections for the endangered fly, but could doom countless other species to extinction.

place a 15-year time limit on species recovery, potentially dooming many imperiled creatures to extinction. The second would give the Department of Homeland Security a blanket waiver of a broad range of environmental laws across large parts of the country, putting not only wildlife and habitat at risk, but air and water quality. The third would gut requirements under the ESA that safeguard both imperiled wildlife and people from the use and discharge of dangerous pesticides. As with many of the other anti-ESA bills recently introduced, powerful corporate interests—including pesticide manufacturers and real estate developers—are lined up in support of these proposals.

H.R. 1042: DISCREDIT ETERNAL LISTING INEQUALITY OF SPECIES TAKINGS ACT (DELIST ACT)

Legislative Threat: H.R. 1042, Discredit Eternal Listing Inequality of Species Takings Act (DELIST Act), was introduced on March 11, 2011, by Rep. Joe Baca (D-Calif.).



The bill amends the Endangered Species Act so that some rare and hard-to-study species must be considered extinct if they are listed as endangered for 15 or more years. A species may remain listed only if its population has increased substantially during that time, or the continued listing does not cause any economic hardship on communities within the species' range.

Overview: Rep. Baca is using the presence of one rare insect species in his congressional district, the Delhi Sands flower-loving fly, as an excuse for a sweeping rewrite of the Endangered Species Act.

While the Delhi Sands flower-loving fly is not as charismatic as many of the other animals and plants on the endangered species list, it still deserves protection. As its name suggests, this species is a member of a vital class of

animals: plant pollinators. By fertilizing plants, pollinators play a crucial role not only in our environment, but in our economy. Insects pollinate 40 U.S. commercial crops, a service valued at over \$30 billion per year. Native pollinators both in the United States and around the world are in precipitous decline, posing a significant threat to both our food supply and economy. We can't afford to sacrifice more of these creatures in the name of short-term economic gain.

In addition, this fly is an indicator species for a rare and imperiled ecosystem. The Delhi sands are also habitat for the western meadowlark, the endangered burrowing owl, the Mormon metalmark butterfly, and many other insects, reptiles and plants. Protection efforts for the flower-loving fly will also benefit the other plants and animals that depend on the Delhi Sands ecosystem for survival.



Threat to Species Conservation and the Endangered Species Act: Not only could this bill doom a rare pollinator and other unique insects found only in the Delhi Sands formation, it would have dangerous implications for many other types of imperiled animals and plants. In place of the ESA's science-based standards for determining when to delist a species, this legislation would impose an arbitrary and unrealistic time limit. One problem with this time limit is that federal wildlife experts don't have enough resources to determine if there have been substantial increases in the populations of many species. Even if they had those resources, 15 years is simply not enough time for many species to show a substantial improvement. In addition, because of the way the bill is written, it could doom species that shift their ranges after they are first listed. Such shifts are not uncommon, and may occur because of changes in habitat, availability of food and many other factors.

Our nation's commitment to protecting imperiled plants and animals shouldn't expire simply because some arbitrary period of time has run out. Setting a 15-year time limit would only discourage the kind of long-term planning needed to bring a species back from the brink of extinction. Some of the countless species that would lose protection if this bill were to become law, and ultimately face extinction, include: Gulf Coast jaguarundi, Alabama sturgeon and white sturgeon.

Current Status: H.R. 1042 is pending in the House Committee on Natural Resources.

H.R. 1505: THE NATIONAL SECURITY AND FEDERAL LANDS PROTECTION ACT

Legislative threat: H.R. 1505 was introduced by Rep. Rob Bishop (R-Utah) on April 13, 2011. It would exempt the Department of Homeland Security from complying with dozens of environmental laws—including the ESA—within 100 miles of our country's borders.

Overview: The stated purpose of this bill is to allow the Department of Homeland Security to achieve 'operational control' over the borders of the United States. It would do so by exempting homeland security officials from an incredibly broad array of environmental laws—not only the ESA, but the Wilderness Act, National Forest Management Act, Safe Drinking Water Act, Clean Air Act, Migratory Bird Treaty Act and National Environmental Policy Act.

Not only are the legal exemptions of the bill sweeping, but so is the geographic reach. Nearly two out of every three Americans live within 100 miles of a border, and 10 states are entirely contained within this region—including Florida, Hawaii, Connecticut and New Jersey. More than a dozen other states would have half or more of their land mass included in this blanket exemption, including California. Even though the southwestern borderlands account for 97 percent of all apprehensions of undocumented entrants by the Border Patrol, this bill would apply the same excessive exemption to all borders and coastlines of the United States.



DESERT TORTOISE (CAPTIVE) © KRISTA SCHLYER/WAYFARER PHOTOGRAPHY



Legislation introduced by Rep. Rob Bishop (R-Utah) would exempt the Department of Homeland Security from complying with the ESA and many other environmental laws not only near our border with Mexico (opposite page), but within 100 miles of all our borders. Not only would this bill imperil creatures such as the humpback whale (above), the West Indian manatee (top right) and the desert tortoise (bottom right), but it would put at risk clean air and water for millions of American citizens.

Along the crucial border with Mexico, despite some reported delays due to compliance with environmental laws, 22 out of 26 Border Patrol stations report that operational control of their area has not been affected by land management laws. Instead, factors like rugged terrain have the highest impact on operational control. Of the four border stations that reported impacts from environmental laws, two of the stations did not even request additional resources or assistance to deal with the problem—and the two that did request help were denied by their own agency because of budget constraints and other, higher-ranked priorities.

Threat to Species Conservation and the Endangered Species Act: H.R. 1505 would give the Department of Homeland Security sweeping and unparalleled authority to ignore environmental laws in large, heavily populated areas of our country—not only putting America's wildlife and habitats at

risk, but the air we breathe and the water we drink.

The bill waives the need for Homeland Security officials to comply with any provisions of the ESA within the 100-mile buffer area, including requirements to protect habitat critical to species survival. This blanket waiver omits even a basic requirement to consider the impacts of potential actions to imperiled species or to meet with the U.S. Fish and Wildlife Service to discuss ways to avoid or minimize those impacts. This could potentially impact dozens of imperiled species around the country. In the Southwest, creatures that could be harmed include Mexican spotted owls, desert tortoises, jaguars, ocelots, Sonoran pronghorn, lesser long-nosed bats, Yaqui catfish and Chiricahua leopard frogs, among others. Elsewhere in the country, the list of imperiled animals that might be affected includes Florida panthers, grizzly bears, Canada lynx, humpback whales, polar bears, leatherback sea turtles, piping plovers, West Indian manatees and many others.

H.R. 1505 would also put valuable public lands at risk. The bill would give the Department of Homeland Security immediate access to any public lands for “activities that assist in securing the border.” Based on past history, such activities would include road and fence construction, vehicle patrols, overflights, off-road vehicle use and lighting. These activities have a wide variety of negative impacts to imperiled wildlife, including stress, habitat fragmentation and destruction, lack of access to feeding sites and water sources, damage to nesting and breeding areas, and interruption of migration patterns, among others. Among the federal lands crucial to wildlife that could be harmed by this bill: Cabeza Prieta and Buenos Aires national wildlife refuges in Arizona; San Pedro Riparian National Conservation Area in Arizona; Lower Rio Grande Valley National Wildlife Refuge in Texas; Carlsbad Caverns National Park in New Mexico; Bombay Hook National Wildlife Refuge in Delaware; Necedah National Wildlife Refuge in Wisconsin; Everglades National Park in Florida; White Mountain National Forest in New Hampshire; Cape Hatteras National Seashore in North Carolina; Olympic National Forest in Washington; Klamath National Forest in California; Tongass National Forest and Arctic National Wildlife Refuge in Alaska; Glacier National Park in Montana and Silvio O. Conte Wildlife Refuge in Massachusetts.

Current Status: H.R. 1505 is pending in the House Committee on Natural Resources.

RIDER IN FY 2012 HOUSE INTERIOR APPROPRIATIONS BILL TO PROHIBIT ESA PESTICIDE CONSULTATIONS

Legislative Threat: The FY 2012 Interior Appropriations bill includes an anti-ESA rider added by Rep. Ken Calvert (R-Calif.) that would prohibit the Environmental Protection Agency (EPA) from using any funds to “modify, cancel, or suspend” the registration of pesticides in response to any ESA biological opinion. This would largely eliminate the ESA’s ability to protect imperiled species from dangerous pesticides.

Related bills have been introduced to both bodies of Congress that would prevent the EPA from regulating the discharge of certain pesticides into waterways. In the House, the bill is H.R. 872, sponsored by Rep. Bob Gibbs (R-Ohio), which was approved on March 31, 2011 and also has passed the Senate Agriculture Committee. Another similar bill in the Senate, S. 718, was sponsored by Senator Pat Roberts (R-Kan.). A rider related to these bills is also included in the FY12 House Interior Appropriations bill. A rider related to these bills is also included in the FY12 House Interior Appropriations bill.

Overview: In the 1950s, the widespread use of dangerous pesticides such as DDT played a major role in the rapid

CROP DUSTER © PAUL SUTHERLAND/NATIONAL GEOGRAPHIC STOCK



Even though the widespread use of pesticides (above) in the 1950s led to the decline of the brown pelican (right), the bald eagle and other species, several proposals are pending in Congress that would prohibit the EPA from protecting imperiled creatures from these harmful chemicals.

decline of iconic species including the bald eagle, peregrine falcon and California condor. Though DDT was banned in the U.S. in 1972, other commonly used pesticides continue to harm endangered salmon, frogs and sea turtles, and kill more than 67 million birds every year.

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is the primary law regulating pesticides, but it alone does not adequately protect endangered species. It only requires EPA to weigh the profits from using a pesticide against the dollar value of the environmental harm caused by that pesticide. Nothing in FIFRA prevents EPA from approving the use of pesticides that would harm imperiled species. The ESA, on the other hand, recognizes that no dollar amount can be placed on the extinction of our nation’s treasured wildlife. It requires the EPA to consult with federal wildlife agencies to ensure that pesticide use does not unacceptably harm imperiled wildlife. These consultations result in science-based biological opinions that help EPA reduce the impacts of pesticide use on endangered wildlife.

These ESA-imposed requirements on pesticide use have not only ecological benefits, but advantages for our economy and our health, too. For example, ESA consultations have resulted in findings by the National Marine Fisheries Service (NMFS) that several pesticides are likely to seriously harm 27 protected salmon species in the North-



west. Healthy salmon populations and clean rivers create local jobs. In 1988, before Northwest salmon populations had dropped sharply, salmon fishing provided income to more than 21,000 families and contributed more than \$1.2 billion to the Northwest economy. In addition to poisoning endangered fish, pesticides also pollute the water and land that humans depend on. Among the pesticides that harm salmon are three organophosphate compounds that are also linked to behavioral problems in humans.

Consultations under the Endangered Species Act are also critical to ensuring that pesticide use does not harm imperiled birds, bats and other wildlife that pollinate crops, control pests and limit the spread of disease. Birds and bats provide tremendous benefits to humans by controlling insects and the diseases they carry. A single bat may consume up to 3,000 insects nightly, especially mosquitoes. Birds provide similar services, and the potential consequences of their decline include the extinctions of plants that depend on birds for pollination and seed dispersal, increases in the numbers of insect pests, increases in crop damage and the spread of diseases. At the national level, \$14 billion worth of U.S. crops depend on pollinators. Globally, 87 of the 115

leading food crops depend on animal pollination, including important cash crops such as cocoa and coffee.

Threat to Species Conservation and the Endangered Species Act: Rep. Calvert's amendment would largely eliminate the ESA's ability to protect imperiled species from pesticides and would further pollute our nation's water, land and air. Taken together, these pieces of legislation will endanger not only amphibians, fish, birds, bats and other wild creatures, but our children, too. The only beneficiaries of these bills are those in the pesticide industry. The ESA is already flexible enough to protect wildlife and human health while accommodating economic growth. By continuing to rely on the science-based procedures established by the ESA and following the recommendations of expert biologists, EPA can prevent the unnecessary poisoning of endangered creatures and preserve the economic benefits that those animals provide.

Current Status: The House may approve the FY12 Interior Appropriations bill in September, including the Calvert amendment.

BANKROLLING ANTI-ENDANGERED SPECIES ACT LEGISLATION

Oil and gas companies and agribusiness firms have collectively given more than \$5.9 million in campaign contributions to members of Congress who are sponsoring anti-ESA legislation that would benefit their industries. The charts below (drawn from information compiled by the independent, nonpartisan Center for Responsive Politics and posted on their website OpenSecrets.org in

July 2011), show the lifetime contributions accepted by these members from these industries. The agribusiness chart details total political action committee contributions from this industry minus donations from the tobacco, forestry and dairy industries. The oil and gas chart details total political action committee and individual donations from this industry.

Agribusiness Campaign Contributions

Sponsor	Bill/Threat	Contributing Industry	Total (PACs Only)
Rep. Jim Costa (D-Calif.)	H.R. 1251: More Water for Our Valley Act	Agribusiness (Minus tobacco, forestry & dairy)	\$502,427
Rep. Devin Nunes (R-Calif.)	H.R. 1837: The San Joaquin Valley Water Reliability Act	Agribusiness (Minus tobacco, forestry & dairy)	\$246,549
Sen. David Vitter (R-La.)	S. 706: 3-D, Domestic Jobs, Domestic Energy, and Deficit Reduction Act	Agribusiness (Minus tobacco, forestry & dairy)	\$176,900
Rep. Ken Calvert (R-Calif.)	Endangered Species Pesticides Rider in H.R. 2584	Agribusiness (Minus tobacco, forestry & dairy)	\$124,848
Rep. Rob Bishop (R-Utah)	H.R. 1287: 3-D, Domestic Jobs, Domestic Energy, and Deficit Reduction Act	Agribusiness (Minus tobacco, forestry & dairy)	\$20,000

Oil and Gas Campaign Contributions

Sponsor	Bill/Threat	Contributing Industry	Total (PACs and Individuals)
Sen. John Cornyn (R-Texas)	Amendment no. 397 (sand dune lizard) to S. 782: the Economic Revitalization Act of 2011	Oil & Gas	\$1,809,300
Sen. James Inhofe (R-Okla.)	Amendment no. 429 (lesser prairie chicken) to S. 782: the Economic Revitalization Act of 2011	Oil & Gas	\$1,308,173
Rep. Steve Pearce (R-N.M.)	Amendment (sand dune lizard) to H.R. 2584, the FY12 Interior Appropriations Bill	Oil & Gas	\$1,280,901
Rep. Randy Neugebauer (R-Texas)	Amendment (lesser prairie chicken) to H.R. 2584, the FY12 Interior Appropriations Bill	Oil & Gas	\$468,822

APPENDIX II:

LETTER FROM FORMER DIRECTORS OF THE U.S. FISH AND WILDLIFE SERVICE

July 27, 2011

Dear Member of Congress:

As former directors of the U.S. Fish and Wildlife Service from both Democratic and Republican administrations, we are writing to express our respectful, but strong opposition to the proposed provision in the House Interior Appropriations bill prohibiting the Fish and Wildlife Service from spending any money on listing imperiled plants and animals under the Endangered Species Act, or protecting their critical habitat. This so-called "Extinction Rider" would likely increase the risk of extinction for hundreds of imperiled plants and animals, including more than 260 candidate species for which the Fish and Wildlife Service has already determined that listing under the Endangered Species Act is warranted. Some of the imperiled species that would be impacted include wolverine, Pacific walrus, Rio Grande cutthroat trout and red knot. Many of these species have been waiting for more than a decade to be protected under the Endangered Species Act and any further delay could consign them to extinction.

As professional wildlife biologists, we firmly believe that decisions regarding the conservation of imperiled plants and animals should be based on science and be made by qualified wildlife conservation professionals as provided by law. This principle has been at the foundation of the Endangered Species Act for almost four decades and has been widely embraced in a bipartisan manner for many years. The Extinction Rider is directly counter to this principle and establishes a dangerous precedent of substituting politically-based wildlife conservation decision-making for that based on science and law. Moreover, as history has demonstrated regarding previous riders preventing new species listings, this provision will be counterproductive in the long-run because it will make future efforts to conserve imperiled species more contentious, difficult, time-consuming and expensive.

Conserving America's rich wildlife heritage is one of our nation's proudest traditions and has been a model for the international community. The Endangered Species Act has consistently enjoyed broad public support. It has been exceedingly effective in preventing the extinction of hundreds of plants and animals and is our nation's most important law for ensuring the conservation of its rich biological heritage for future generations. The Extinction Rider will severely undermine the Endangered Species Act's effectiveness and place hundreds of imperiled plants and animals at further risk of extinction. We therefore respectfully urge you to support the amendment expected to be offered by Rep. Norm Dicks to strip this provision from the House Interior Appropriations bill.

Sincerely,

Lynn A. Greenwalt
Director, U.S. Fish and Wildlife Service (1973-1981)

John F. Turner
Director, U.S. Fish and Wildlife Service (1989-1993)

Jamie Rappaport Clark
Director, U.S. Fish and Wildlife Service (1997-2001)

Steve Williams
Director, U.S. Fish and Wildlife Service (2002-2005)



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