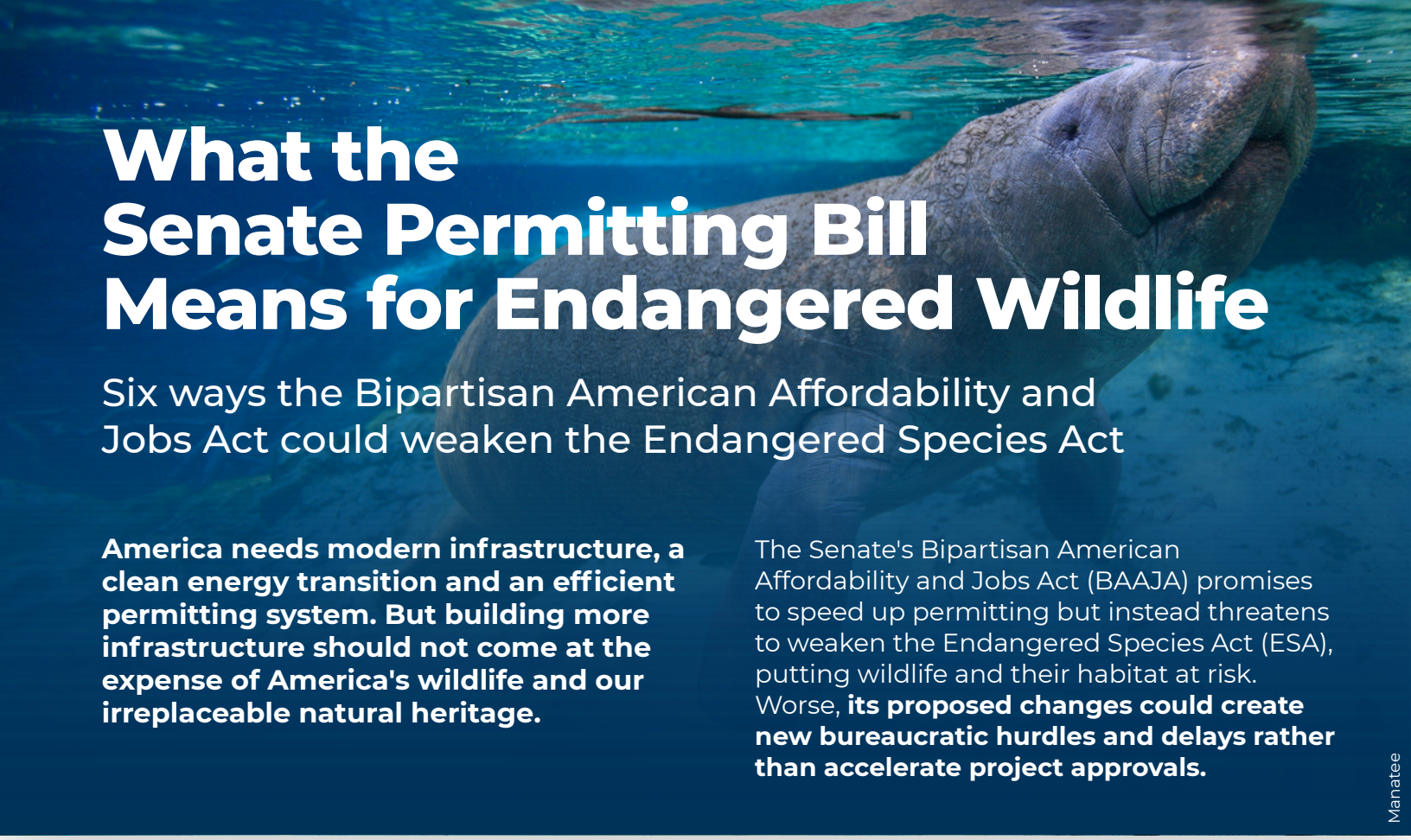


What the Senate Permitting Bill Means for Endangered Wildlife

Six ways the Bipartisan American Affordability and Jobs Act could weaken the Endangered Species Act

America needs modern infrastructure, a clean energy transition and an efficient permitting system. But building more infrastructure should not come at the expense of America's wildlife and our irreplaceable natural heritage.

The Senate's Bipartisan American Affordability and Jobs Act (BAAJA) promises to speed up permitting but instead threatens to weaken the Endangered Species Act (ESA), putting wildlife and their habitat at risk. Worse, **its proposed changes could create new bureaucratic hurdles and delays rather than accelerate project approvals.**

Manatee

Six changes. Far-reaching consequences.

1 A patchwork of protection instead of one national standard

Overloading state agencies with federal reviews and lawsuits | Section 1304

States could take over federal endangered species impact reviews for up to 10 years at a time and be on the hook for any related lawsuits — even without fully established staffing, funding or relevant scientific expertise. State agencies are not equipped to quickly or accurately assess the impacts of infrastructure projects on endangered species, particularly for species like sea turtles or migratory songbirds who cross state lines. State governments hostile to endangered species like Alaska could try to lock in oil and gas drilling despite ESA protections for polar bears.

2 Projects could escape critical wildlife safeguards

Exemptions for highways and water permits | Sections 1303 and 1204

Certain highway projects and nationwide water-permit renewals would be fully exempt from key ESA safeguards. Highway projects can fragment habitat and threaten endangered animals like Florida panthers, who are often killed by road strikes, and whose recovery depends on connected landscapes and safe movement between habitats.

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DEFENDERS OF WILDLIFE

3 Less time and harder to challenge decisions that harm wildlife

Restrictions on judicial review | Sections 1305 and 2201

Communities and conservation organizations would have just 150 days to bring certain ESA challenges, rather than the currently applicable six years. Shorter deadlines, forcing local cases from around the country to be filed in the D.C. Circuit Court and accelerated court schedules would make it harder for the public to challenge unlawful decisions before wildlife suffer irreversible harm.

4 New threats could emerge — but protections might not change

Restrictions on modifying permits | Section 1401

Federal agencies could face severe restrictions on updating permits even when projects harm more endangered animals than anticipated. For Florida manatees, this could mean fewer opportunities to require additional safeguards when new threats emerge.

5 More hurdles between science and wildlife protection

Poorly drafted scientific standards | Sections 1301 and 1306

New, vague statutory definitions and standards will invite lawsuits challenging scientific judgments. This will slow project approvals down and make it harder for wildlife experts to act on the best available evidence, particularly when information is incomplete.

6 Faster deadlines without the resources to meet them

Shortened consultation timelines | Section 1302

The bill would cut the standard formal period for consultation on a project's impacts on endangered species from 90 to 60 days without providing additional agency resources or staffing. This will result in less thorough and more legally vulnerable reviews of projects affecting endangered wildlife.



Florida Panther

The problem with the premise:
ESA consultation is already efficient

A peer-reviewed study of all **88,290 U.S. Fish and Wildlife Service consultations** over a 7-year period found that **not one project was stopped.**

Formal consultations took a median of only two months. More than 90% of consultations were informal and took a median of just two weeks.

The evidence shows that **ESA consultation helps projects move forward** while identifying and reducing harm to wildlife.

A national commitment worth keeping

For more than 50 years, the ESA has reflected America's bipartisan commitment to preventing extinction.

The ESA is one of America's most successful and broadly supported conservation laws. Eighty-four percent of Americans support it, and roughly 99% of species protected under the law have avoided extinction.

THE EVIDENCE IS CLEAR

0 projects
stopped or significantly delayed by the consultation process, out of 88,920

2 months
the median time for *formal* consultation

2 weeks
the median time for *informal* consultation

- More than 90% of the consultations were informal



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BAAJA could leave **endangered wildlife with fewer protections** at nearly every stage of the federal permitting process.

Tell the Senate to keep its hands off the Endangered Species Act. Demand that every ESA provision be removed from the permitting bill to protect America's wildlife and preserve our natural heritage for generations to come.

Source: Jacob W. Malcom and Ya-Wei Li, "Data Contradict Common Perceptions About a Controversial Provision of the US Endangered Species Act," Proceedings of the National Academy of Sciences, 112(52), 15844–15849 (2015). https://doi.org/10.1073/pnas.1516938112