

**DAMAGING RIDERS THAT UNDERMINE ENDANGERED SPECIES ACT (ESA)
PROTECTIONS IN FISCAL YEAR 2017 APPROPRIATIONS BILLS & THE
NATIONAL DEFENSE AUTHORIZATION ACT (NDAA)**

FY 2017 House Interior/EPA Appropriations Bill (H.R. 5538)

1. **Sage Grouse:** Section 114 would overturn a precedent-setting \$45 million public planning process to conserve the greater sage-grouse and prohibit the U.S. Fish and Wildlife Service (FWS) from even considering the species for protection under the ESA for at least a year. The language would take the extraordinary step of transferring oversight of as much as 60 million acres of Bureau of Land Management (BLM) and Forest Service lands that are home to sage-grouse to western states by requiring that all federal conservation strategies comply with lesser state guidance for managing the bird. It would also prevent the withdrawal of 10 million acres of sage-grouse habitat from mineral leases. *(Included in the base text of the bill and amended in committee (Amodei (R-NV).))*
2. **Fish Hatcheries:** Section 118 would unnecessarily divert funding away from real solutions for restoring the health of California's Bay-Delta estuary to fish hatcheries. *(Included in the base text of the bill.)*
3. **Wyoming/Midwest Wolf Delisting:** Section 119 would remove override two federal court decisions and remove existing ESA protections for gray wolves in Wyoming, Michigan, Minnesota, and Wisconsin. This rider would also preclude judicial review of this decision, thus stripping citizens' ability to further challenge these delistings. *(Included in the base text of the bill.)*
4. **Lesser Prairie-Chicken:** Section 445 would prohibit the use of funds to implement or enforce a threatened or endangered listing of the lesser prairie-chicken. It would thwart recovery efforts for the imperiled lesser prairie-chicken by cutting off all funding to the species if it regains protections under the ESA. *(Added in committee, Yoder [R-KS].)*
5. **Riders that undermine ESA protections in California's Bay-Delta ecosystem:** Sections 447, 448, 449, and 452 would violate existing ESA biological opinions protecting salmon and other endangered fish in California's Bay-Delta estuary. Section 450 would prohibit spending any funds to implement the legal settlement between the United States, fishing and conservation groups, and water users regarding the restoration of the San Joaquin River. *(Added in committee, Valadao [R-CA].)*
6. **5-year reviews:** Section 475 would devastate conservation and recovery efforts for listed species by removing federal funding for a protected species any time the U.S. Fish and Wildlife Service (FWS) fails to meet its obligation to complete a 5-year review of the species' status as required by the Endangered Species Act (ESA). Lack of a formal five-year review should not impact ongoing conservation efforts, which are aimed at recovering species to the point where federal protection is no longer required. This amendment would inevitably leave many species in a state of limbo, because they would retain their ESA status, but all federal funding for recovery efforts, law enforcement efforts, and consultations would be blocked. The amendment would also put many landowners and industries at risk to the extent that they could no longer obtain federal permits, but could still be subject to liability under the Act. *(Added on the floor, Lamborn [R-CO].)*
7. **Preble's Meadow Jumping Mouse:** Section 476 would block federal funding for the threatened Preble's Meadow Jumping Mouse under the Endangered Species Act (ESA), thwarting recovery efforts for this western species, which continues to experience habitat loss and face other threats throughout its range. It would eliminate crucial recovery programs for the mouse that require federal funding, such as development and approval of Habitat Conservation Plans, and leave stakeholders uncertain about whether projects can go forward without violating the ESA. *(Added on the floor, Lamborn [R-CO].)*
8. **New Mexico Meadow Jumping Mouse:** Section 478 would block federal funding for the endangered New Mexico Meadow Jumping Mouse under the Endangered Species Act (ESA), thwarting recovery efforts for the rare southwestern subspecies, which has suffered a significant reduction in occupied localities due to habitat

loss and fragmentation throughout its range. It would eliminate crucial recovery programs for the mouse that require federal funding, such as development and approval of Habitat Conservation Plans, and leave stakeholders uncertain about whether projects can go forward without violating the ESA. *(Added on the floor, Pearce [R-NM].)*

9. **Mexican Gray Wolf:** Section 494 would block federal funding for the endangered Mexican gray wolf under the Endangered Species Act (ESA) even though there are fewer than 100 of these rare wolves left in the United States and fewer than 25 in Mexico. It would also limit recovery to “historic range,” even though the extent of that range is far from clear, and scientists say the wolves must be restored to new habitats to recover. Blocking federal funding to help recover these wolves and keeping them out of suitable habitats they need to recover is a recipe for extinction. *(Added on the floor, Pearce [R-NM].)*
10. **Discouraging Citizen Enforcement of the ESA & other Bedrock Environmental Laws:** Section 496 seeks to discourage citizens from enforcing essential protections of the Endangered Species Act, the Clean Air Act, and the Clean Water Act and targets settlements involving congressionally mandated federal agency actions, including requirements to protect public health and the environment. Congress long ago recognized that the government needs citizens to be partners in enforcing all manner of America’s laws, including environmental protection laws. This principle is enshrined in the numerous federal laws that provide reasonable fee recovery for successful citizen plaintiffs. This amendment would change this by barring payment of citizens’ legal fees whenever parties avoid costly litigation by agreeing to a settlement, thereby favoring continued litigation over settlement. *(Added on the floor, Westmoreland [R-GA].)*
11. **Lower-48 Wolf Delisting:** Section 477 would block all Endangered Species Act (ESA) protections for gray wolves in the continental United States by 2017. This species is currently listed as endangered in most of the lower-48 states. While the return of gray wolves in the northern Rocky Mountains and the Great Lakes has been an incredible success story, this iconic American species still only occupies a small portion of its former range and wolves have only just started to re-enter areas like northern California, where there are large swaths of suitable habitat. A national delisting for wolves would reverse the incredible progress that the ESA has achieved for this species over the past few decades and once again put the gray wolf at risk of extinction. *(Added on the floor, Newhouse [R-WA].)*

FY 2017 Senate Interior/EPA Appropriations Bill (S. 3068)

1. **Lesser Prairie-Chicken:** Section 111 would prohibit the FWS from using any appropriated funds to conduct any activities leading to a threatened or endangered listing of the lesser prairie-chicken under the ESA, including developing a rule, proposing a rule, finalizing a rule, implementing a rule, or enforcing a rule. *(Included in the base text of the bill.)*
2. **Sage Grouse:** Section 115 would prevent the FWS from spending any funds to write or issue a proposed rule for the greater sage-grouse or Columbia Basin sage-grouse under the ESA for at least a year. *(Included in the base text of the bill.)*
3. **Wyoming/Midwest Wolf Delisting:** Section 119 would remove override two federal court decisions and remove existing ESA protections for gray wolves in Wyoming, Michigan, Minnesota, and Wisconsin. This rider would also preclude judicial review of this decision, thus stripping citizens’ ability to further challenge these delistings. *(Included in the base text of the bill.)*

FY 2017 House Energy and Water Appropriation Bill (H.R. 5055)

1. **Riders that undermine ESA protections in California’s Bay-Delta ecosystem:** Sections 204, 205, 206, and 209 would violate existing ESA biological opinions protecting salmon and other endangered fish in California’s Bay-Delta estuary. Section 207 prohibits spending any funds to implement the legal settlement between the United States, fishing and conservation groups, and water users regarding the restoration of the San Joaquin River. *(Included in the base text of the bill.)*

FY 2017 House Commerce, Justice, and Science Appropriations Bill (H.R. 5393)

1. **California water-related riders (hatcheries and non-native predation):** Section 541 unnecessarily diverts funding away from real solutions for restoring the health of California's Bay-Delta estuary to fish hatcheries. Section 542 of the bill is an unfunded mandate that would expand fish hatchery programs for the stated purpose of minimizing the adverse effects of the state water projects. *(Included in the base text of the bill.)*

FY 2017 House National Defense Authorization Act (H.R. 4909)

1. **Sage-grouse:** Section 2864 would overturn a precedent-setting \$45 million public planning process to conserve the greater sage-grouse and prohibit the U.S. Fish and Wildlife Service (FWS) from even considering the species for protection under the ESA for at least a decade. The language would take the extraordinary step of transferring oversight of as much as 60 million acres of Bureau of Land Management (BLM) and Forest Service lands that are home to sage-grouse to western states by requiring that all federal conservation strategies comply with lesser state guidance for managing the bird. It would also prevent the withdrawal of 10 million acres of sage-grouse habitat from mineral leases. No branch of the military has ever requested this rider, which will do nothing to enhance military readiness. In April 2016, senior military officials with the Army, Navy, Air Force, and the Office of the Assistant Secretary of Defense for Readiness wrote letters to Congress confirming that conservation efforts to protect the sage-grouse and its habitat on public lands will not adversely impact military readiness. Moreover, the ESA already includes exemptions for national security and for the Department of Defense. *(Included in the base text of the bill.)*
2. **Lesser prairie-chicken:** Section 2865 of the House NDAA would jeopardize lesser prairie-chicken recovery by blocking ESA protections for the imperiled bird for at least six years. After that time, it would impose arbitrary restrictions on whether the Secretary of the Interior can relist the lesser prairie-chicken, in complete disregard for the species' biological status. The species currently occupies less than 15 percent of its former range and its population dropped by half between 2012 and 2013, eliminating any doubt that the species requires protections under the ESA. There is essentially no overlap between military installations and the lesser prairie-chicken's current or historic range. Conservation activities to protect the bird, including a listing under the ESA, will not interfere with military readiness. Even if there was a nexus between the bird's habitat and military readiness activities, the ESA already includes exemptions for national security and for DOD. *(Added in committee, Bridenstine [R-OK].)*
3. **American burying beetle:** Section 2866 of the House NDAA would immediately and permanently remove ESA protections for the endangered American burying beetle and prevent it from receiving any level of protection in the future. This provision would be a virtual death sentence for this indicator species, which restores valuable nutrients to the soil, and which has not stopped nor required significant modification of any project under the ESA's consultation process since at least 2008. The Department of Defense did not request this provision, which will do nothing to enhance military readiness. The ESA already includes exemptions for national security and for DOD. *(Added in committee, Bridenstine [R-OK].)*

ADDITIONAL DAMAGING ANTI-WILDLIFE RIDERS (NON-ESA)

FY 2017 House Interior/EPA Appropriations Bill

1. **Blocking Wildlife Conservation Rules:** Section 488 would block the U.S. Fish and Wildlife Service (FWS) from finalizing a rule to conserve wolves, grizzly bears and other native carnivores on national wildlife refuges in Alaska and withdraw the National Park Service's (NPS) authority to implement similar protections on Alaska national preserves. It would bar the agencies from prohibiting the state's aggressive, scientifically indefensible "predator control" program on our federal public lands. This controversial program would allow extreme non-subsistence hunting on our refuges and preserves to reduce native carnivore populations through practices including trapping, baiting, aerial gunning, killing at den sites and killing mothers and young. *(Added on the floor, Young [R-AK].)*

FY 2017 Senate Interior/EPA Appropriations Bill

- 1. Blocking Wildlife Conservation Rules:** Section 117 would block the U.S. Fish and Wildlife Service (FWS) from finalizing a rule to conserve wolves, grizzly bears and other native carnivores on national wildlife refuges in Alaska. This rider would bar FWS from prohibiting the state's aggressive, scientifically indefensible "predator control" program on our federal wildlife refuges. This controversial program would allow extreme non-subsistence hunting on our refuges to reduce native carnivore populations through practices including trapping, baiting, aerial gunning, killing at den sites and killing mothers and young. It would prevent FWS from ensuring over 76 million acres of federal public lands in Alaska are managed in accordance with bedrock conservation laws. *(Included in the base text of the bill.)*