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## **Representative Richard Pombo's Anti-Endangered Species Bill H.R. 3824**

The Endangered Species Act is a safety net for wildlife, plants and fish that are on the brink of extinction. Representative Pombo's bill would cut large holes in this safety net and significantly weaken protections for our nation's fish, plants, wildlife, and the places they call home.

The deceptively titled *Threatened and Endangered Species Recovery Act of 2005* (H.R. 3824) is an attack on the Endangered Species Act and a tremendous give-away to greedy developers and other special interests. The Pombo bill would:

### **Eliminate Critical Habitat Protections**

The Pombo bill would repeal one of the most important parts of the Endangered Species Act's safety net—the protection of critical habitat. Rep. Pombo claims that habitat will be protected by “recovery plans” but these plans are non-regulatory and provide no mandatory protections for habitat. Scientists tell us one of the most effective ways to protect and recover species is to protect the places where they live.

### **Abandon the Commitment to Recovery of Endangered Species**

The Pombo bill weakens recovery plans by stacking the “recovery teams” that draft them with industry representatives. It requires that the teams include representatives from each “constituency” with a direct interest in the species and its “economic and social impacts”. It also removes the Act's requirement that recovery plans be prepared for the “conservation and survival of endangered species and threatened species.”

### **Repeal Protections Against Hazardous Pesticides**

The Pombo bill would repeal all Endangered Species Act provisions that protect threatened and endangered species from the harmful impact of pesticides. Pesticides played a major role in contributing to the decline of our nation's symbol, the American bald eagle, in the mid-20<sup>th</sup> century and are currently implicated in the decline of an array of species including Pacific salmon and sea turtles. Under the Pombo bill, Endangered Species Act requirements are completely waived for all pesticide approvals over the first 5 years after the bill's enactment. Thereafter the Environmental Protection Agency and chemical companies may need only perform a meaningless consultation without the important check and balance of federal wildlife agencies.

### **Politicize Scientific Decision-Making**

The Pombo bill would allow political appointees to manipulate science to fit their political agenda by allowing the Secretary of Interior to develop a definition the “best available science.” The proposed requirements also give greater weight to empirical data – ignoring the importance and integrity of scientific modeling. The Endangered Species Act already requires the U.S. Fish and Wildlife Service to use the most rigorous science available when developing common sense solutions to prevent the extinction of endangered fish, plants and wildlife. The Pombo bill creates a new set of hurdles that scientists must surmount if they are to list and protect endangered wildlife and their habitat.

### **Eliminate the Vital Check and Balance of Consultation**

The Pombo bill would allow the Bush Administration to exempt any agency action or “categories of actions” from the requirement to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service before they take any actions that could undermine the survival or recovery of protected species. This provision would remove scientific experts from key decisions on whether projects like timber sales or pesticide regulations would harm endangered species and make it highly unlikely that federal agencies will be required to do anything to protect listed wildlife.

### **Require Taxpayers to Pay Developers, Oil & Gas Companies, and other Industries for Complying with the Law**

The Pombo bill requires the federal government to use taxpayer dollars to pay developers for complying with the Endangered Species Act’s prohibition on killing or injuring imperiled wildlife and sets no limits on these payments. The federal government would have to pay for profits developers hoped to gain by developing that portion of the land, including any profits lost due to mitigations asked of the landowner to protect endangered species, such as retaining riparian corridors or setting aside mitigation habitat. By requiring agencies to compensate landowners for the costs of complying with federal endangered species protections, this provision would quickly drain funding used to help restore wildlife and the places they live. This also sets a dangerous precedent of paying companies for following other environmental and public health laws.

### **Require Fish and Wildlife Service to Allow Unfettered Habitat Destruction**

The Pombo bill places endangered species at risk whenever the federal government fails to meet a 180-day deadline for telling developers whether their actions would kill or harm an endangered species. If the government misses the deadline, no matter what the reason, developers are permanently exempted from the law.

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