



## Senator Crapo (R-ID) Introduces Bill to Undermine Endangered Species Act

December 16, 2005 — By Center for Biological Diversity

WASHINGTON — Senator Mike Crapo (R-ID) introduced a bill today aimed at undermining protections for endangered species. The Senate bill, S. 2110, cynically titled the “Collaboration and Recovery of Endangered Species Act,” would completely derail the endangered species listing program, remove protections for the endangered species habitat and cut federal oversight of projects that threaten endangered species. (Overview of the Crapo bill follows below. The text of the bill is available at [www.biologicaldiversity.org](http://www.biologicaldiversity.org)).

The Crapo bill pays lip service to encouraging landowners to conserve endangered species on private land, an idea long supported by conservation organizations. However, the Crapo bill focuses on giving large tax breaks to large-scale land developers and eliminating habitat protections rather than encouraging or enabling conservation on private land.

Perhaps the most blatant attack on the Endangered Species Act (ESA) is the provision of the Crapo bill that would eliminate mandatory timelines to place species on the endangered list or designate critical habitat, instead giving the Secretary of the Interior complete discretion to indefinitely postpone listings and habitat designations.

“Senator Crapo’s proposal alone would be a disaster for endangered species conservation,” said Melissa Waage, legislative advocate for the Center for Biological Diversity. “But the bill introduced today is part of an even bigger plan to gut the Endangered Species Act by teaming up with Rep. Pombo to adopt the worst provisions of Pombo’s House bill behind closed doors.”

On September 29, the House passed H.R. 3824 by Rep. Pombo (R-CA) — a bill that would repeal entire sections of the Endangered Species Act. (A detailed analysis and the text of the Pombo bill are available at [www.biologicaldiversity.org](http://www.biologicaldiversity.org)). ESA bills

that pass the Senate this year would be referred to a conference committee to be merged with the Pombo bill from the House. The two leaders of such a conference committee would be Rep. Pombo and Senator Inhofe (R-OK), who has an environmental voting score of 0 according to the League of Conservation Voters.

Crapo told E&E TV on October 6: “I think the House **Poll ID Pombo does not exist**. bill is a very good bill and although we may not be able to get the necessary 60 votes for every part of the House bill, and I don’t know that yet, that doesn’t, that wouldn’t change my support for the whole bill as is. I mean it’s a good bill [the Pombo bill], but my objective here is to make sure that we get a bill that has as much of those reforms that the House [Pombo bill] has and maybe even some more, that we can get consensus on, through the Senate.” Crapo also has an environmental voting score of 0 according to the League of Conservation Voters.

“Crapo has sponsored a poorly written bill with the worst intentions and terrible implications for wildlife,” said Kieran Suckling, policy director of the Center for Biological Diversity. “The Endangered Species Act is the safety net for America’s imperiled plants and animals. This bill rips down endangered species protections and creates road blocks to endangered species recovery.”

The Fisheries, Wildlife and Water Subcommittee, under the leadership of Sen. Lincoln Chafee (R-RI), is considering ESA reauthorization of its own, but has committed to developing such legislation only after gathering adequate information and hearing from agencies, experts and stakeholders. The introduction of the Crapo bill today appears to be a rush to purposely sidestep that deliberative process.

The Endangered Species Act protects 1,300 of America’s most endangered plants and animals. Originally created in 1973, it has saved over 99 percent of these species from extinction

including the Bald Eagle, Gray Wolf, Sea Otter and Grizzly Bear.

### Overview of Crapo Bill

Overview of S.2110, the “Collaboration and Recovery of Endangered Species Act” Introduced by Senator Crapo (R-ID) Thursday, December 15, 2005.

### Makes Habitat Protection Completely Discretionary (pages 18-19)

The Crapo bill would eliminate mandatory timelines to designate critical habitat for endangered species, instead giving the Secretary of the Interior complete discretion to prioritize designations based in part on “minimizing conflicts” with “construction, development...or other economic activities.” Even then the Secretary would not be required to implement the schedule, and citizen groups would be banned from seeking court orders to implement any critical habitat schedules or deadlines. All existing court orders to designate critical habitat would be overruled by the bill.

**Makes Species Listing Completely Discretionary (pages 18-19)** As with habitat protections, the Crapo bill would eliminate mandatory timelines to place species on the endangered list, instead giving the Secretary of the Interior complete discretion to prioritize listings. Even then the Secretary is not required to implement her schedule and citizen groups are banned from seeking court orders to implement any listing schedules or deadlines. All existing court orders to list species would be overruled by the bill.

### Killing One Species in Exchange for Another (pages 36-41)

The Crapo bill would create a system allowing developers to buy and sell credits for destroying endangered species habitat. This senseless system would allow developers to destroy the habitat for one species (e.g. Coho salmon) because they have purchased credits to protect another (e.g. Mount Hermon June beetle). It would result in the destruction of tens of thousands of acres of essential habitat areas.

**Undermines Recovery Plans (pages 21-28)**

The Crapo bill would create a new convoluted recovery planning process that allows industry to rewrite and overrule the decisions of wildlife experts. A newly created “executive committee” made up of industry interests would make final edits and revisions to the recovery plan developed by scientists and agency biologists. Furthermore, the Crapo bill explicitly makes recovery plans “non-binding and advisory.”

**Creates Roadblocks to Listing Endangered Species (pages 16-18)**

The Crapo bill would create an ambiguous priority system for listing endangered species that includes industry interests. Current law requires endangered species listings to be based solely on the biological needs of the species.

**Eliminates Federal Oversight of Endangered Species (page 15)**

The Crapo bill would require Fish and Wildlife Service to provide a “provisional permit” for any project on private property (except for “ground clearing”) if there is no recovery plan in place. The permit would remain in effect until a habitat conservation plan (HCP) is approved. This would allow activities like mining and logging in endangered species habitat to proceed indefinitely with no federal oversight.

**Restricts Wildlife Agencies from Improving Conservation Agreements (pages 50-53)**

The Crapo bill would take “No Surprises” — a highly controversial administrative regulation — and make it law. The Fish and Wildlife Service would be unable to update or revoke a permit (HCP) that authorizes harm to an endangered species, even if new information indicates that the original plan was inadequate and even if it is causing the extinction of the species.

**Pays Off Developers to Not Violate the Law (page 56)**

The Crapo bill would create tax breaks to compensate private landowners for conservation work done on private property. However, the Crapo bill fails to limit these tax breaks to landowners who engage in active conservation—the creation or enhancement of endangered species habitat. Therefore, land developers who are required to set aside some portion of their land from development would also be eligible for these tax breaks. That is, instead of paying private landowners to create new habitat, the Crapo bill would primarily be paying

developers to comply with the law, creating no new habitat.

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