

## House Strikes Proposed Ban on Endangered Species Listings

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by Daniel Strain on 28 July 2011

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The House of Representatives voted down yesterday legislation which, critics say, would have effectively hamstrung endangered species protection in the United States. The measure, part of a larger appropriations bill for the Department of the Interior, would ban the federal government from naming new endangered species under the Endangered Species Act in 2012. The bill would have also blocked the feds from designating new “critical habitats,” tracks of specially managed lands that are important to the recovery of struggling species, under the act.

Proponents of the measure contended that the ban would stymie environmental groups from suing the feds in order to see new species make the endangered list. “This bill will allow the biologists to get back to work recovering species, rather than responding to court cases,” said supporter Representative Doc Hastings (R-WA) in floor debate.

Opponents, however, said that the measure would cut off a number of imperiled species from basic protections. “Without these important preliminary steps of listing and critical habitat designation, it would be impossible to develop a scientifically valid and legally defensible recovery plan for declining species,” said Representative Norm Dicks (D-WA) earlier this week.

The measure had been included in the spending bill when it passed out of committee, but Dicks had sought successfully to remove it through a vote 224-204 on the House floor Wednesday.

Representative Mike Simpson (R-ID), chair of the House interior and environment appropriations subcommittee, a main proponent of the defeated measure, said he intended to send the feds a message that the Endangered Species Act had gone off course and needed to be righted. Like other supporters, he said the

act was an example of the government exceeding its congressionally mandated powers. “The Endangered Species Act has become not so much about saving species as it has been about controlling land and water,” Simpson said in floor debate.

He pointed to the case of the slickspot peppergrass. In 2009, the U.S. Fish and Wildlife Service listed the grass, native to Idaho, as threatened under the act after its populations showed signs of moderate decline. Debate had since erupted over whether conservationists could limit cattle grazing on certain Bureau of Land Management lands due to the presence of slickspot peppergrass and other sensitive species, the Associated Press reported yesterday. A federal judge ruled last week that cattle could graze on such lands with certain restrictions.

Simpson said on Tuesday that the grass’ inclusion as a

threatened species under the act “is used to prevent cattle grazing on public lands. ... That’s the only reason that the slickspot peppergrass is really listed.” He also pointed to what he views as the act’s slim success rate: While the feds have added about 1400 species to the endangered and threatened list, only 21 of them have done well enough to come back off.

The successful effort to strip out Simpson’s measure sends a strong message in support of protecting the country’s struggling plants and animals, said Noah Greenwald, with the Center for Biological Diversity in Portland, Oregon. But it’s still not clear how many new species will make it to the endangered list in 2012, he added. Congress usually sets a cap on how much the Fish and Wildlife Service, which presides over most endangered species decisions, can spend on new listings. It didn’t this year since Simpson and his colleagues aimed to slash those listings entirely. But the wider Department of the Interior and related agencies appropriations bill, H.R. 2584, would cut the budgets of

many environmental offices across the board in 2012. Under the legislation, the House Appropriations Committee says, Fish and Wildlife stands to lose \$315 million from its current spending levels.

The ban on new endangered species listings is not the first measure under the appropriations bill to draw fire. (The bill has yet to clear the full House.) One especially controversial provision added to the bill in committee would limit the regulation of greenhouse gas emissions. A second measure, which could speed efforts to remove gray wolves from the endangered species list, survived a vote to strike it from the bill Wednesday. Both measures will likely face opposition in the Democratically controlled Senate.