

## Stop H.R. 3824 Rep. Pombo's Anti-Endangered Species Bill

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On September 29, 2005, the U.S. House of Representatives passed HR 3824, the so-called *Threatened and Endangered Species Recovery Act of 2005* by Representative Richard Pombo (R-CA). A give-away to real estate developers and the oil and mining industries, this bill would cut the heart out of the Endangered Species Act, America's safety net for plants and wildlife on the brink of extinction.

Below are some of the worst provisions of the Pombo bill.

### **Eliminates Critical Habitat Protections**

The Pombo bill completely eliminates the critical habitat protections of the Endangered Species Act. Critical habitat is the only portion of the Act that specifically protects habitat and explicitly establishes recovery as a management goal for all threatened and endangered species. It works: species with critical habitat are twice as likely to be recovering as species without it.

### **Politicizes Scientific Decisions**

The Pombo bill allows political appointees to overrule scientists in determining what constitutes the best science to be used in endangered species decisions. The Endangered Species Act currently requires that all decisions be made on the basis of "the best available scientific information" as determined by the scientific community, but the Pombo bill would overrule the scientific decision-making process and allow for greater political manipulation of scientific decisions.

### **Weakens Recovery Efforts and Planning**

The Pombo bill explicitly assures that recovery plans have no regulatory weight to ensure their implementation. Also, the Pombo bill specifically requires the recovery plans include the desires of industry and commercial interests, rather than being developed by the scientific experts on each species.

### **Eliminates Federal Review of Projects that Harm Endangered Species**

The Pombo bill allows the Secretary of Interior to exempt any federal agency action or "categories of actions" that may harm endangered species or habitat from independent oversight by Fish and Wildlife Service. The bill also authorizes habitat destruction through a newly-created state conservation agreement process that requires no minimization or mitigation of destroyed habitat.

### **Permits Pesticides that Kill Endangered Species**

The Pombo bill would exempt permits for agricultural and commercial poisons (including pesticides and predator poisons such as strychnine and compound 1080) from the requirements of the Endangered Species Act. Any poisons or specific uses that become permitted during the next five years would no longer be prohibited from directly or indirectly killing endangered species. Pesticides that kill endangered butterflies, chemicals that run off into waterways and kill endangered fish, as well as poisons that kill protected wolves, grizzly bears, blackfooted ferrets, San Joaquin kit foxes, bald eagles, and California condors, could again be permitted.

### **Bankrupts Wildlife Conservation Programs to Give Payoffs to Developers**

The Pombo bill requires the federal government to give payoffs to developers for not violating the law. The federal wildlife agencies would have to pay real estate developers for any profits they claim to lose due to endangered species protections, including any profits lost due to mitigations such as retaining riparian corridors or setting aside important habitat. This would bankrupt the endangered species programs and could severely impact the federal budget. Furthermore, it would encourage developers to plan the most damaging projects possible for the most ecologically important habitat in order to extort payment from the government.

*The text of the Pombo bill and a complete analysis are available at:*

<http://www.biologicaldiversity.org/swcbd/Programs/policy/esa/atax.HTML>