
U P D A T E

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Inhofe cites ESA reauthorization as a top priority for Senate EPA Committee. Senate Environment and Public Works Committee Chairman James Inhofe (R-OK) pledged Tuesday to adopt a new approach to the committee's work that will stress cost-benefit analysis and "good science." Inhofe outlined his plans for the committee in a speech at the U.S. Chamber of Commerce where he specifically cited ESA reauthorization as one of his top priorities. According to Inhofe, the Fisheries, Wildlife and Water Subcommittee, which has ESA jurisdiction, will pursue reauthorization of the Endangered Species Act and "get into water infrastructure," under the guidance of Subcommittee Chairman Michael Crapo (R-ID).

Sen. Thomas introduces ESA reform legislation. Senator Craig Thomas (R-WY) introduced Wednesday S. 369, the "Endangered Species Listing and Delisting Process Reform Act of 2003." The bill establishes minimum requirements for a listing petition, including an analysis of the status of the species, its range, population trends, and threats. The proposed legislation also requires that the Secretary of the Interior determine if sufficient biological information exists to support a recovery program and would give a more substantial role to the states and general public in determining which species are endangered. The bill, which is similar to legislation Sen. Thomas introduced last Congress, is the first piece of ESA reform legislation to be introduced in the 108th Congress.

CRS releases report on ESA decision making. The Congressional Research Service released an informative report last week detailing the status of the ESA. The report gives background on the current law, highlights ESA issues that came to light during the 107th Congress, and touches on potential legislative initiatives for the future. The report is a clear and concise summation of our ongoing concerns with the Act. If you have not seen the CRS report and are interested in receiving a copy, please e-mail your request to NESARC staff member Jordan Smith at jas@vnf.com.

Resources Chairman Pombo Selects Members to Chair Subcommittees. House Resources Committee Chairman Richard Pombo (R-CA) announced last week the leadership of the Committee's five Subcommittees for the 108th Congress. Rep. George Radanovich (R-CA) will chair the Subcommittee on National Parks, Recreation and Public Lands; Rep. Wayne Gilchrest (R-MD) will chair the Subcommittee on Fisheries Conservation, Wildlife and Oceans; Rep. Ken Calvert (R-CA) will chair the Subcommittee on Water and Power; Rep. Scott McInnis (R-CO) will chair the Subcommittee on Forests and Forest Health; and Rep. Barbara Cubin, (R-WY) will chair the Subcommittee on Energy and Minerals Resources. As in past Congresses, ESA related legislation will be managed by the full Committee. Democrats still have four Committee slots that remain unfilled.

EPA publishes notice on pesticide registration procedures. The Environmental Protection Agency (EPA) released an advance notice of proposed rulemaking late last month requesting comments on possible approaches to changing the current regulations, policies, and practices of EPA with the FWS and NMFS to better integrate the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and ESA processes. EPA is seeking to improve the efficiency and effectiveness of ESA consultations on pesticide actions. Comments on the rulemaking are being accepted through March 10, 2003. The full text of the notice, as published in the *Federal Register*, may be found at <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-1661.pdf>

Senators join forces on encroachment issue. In a speech outlining the Senate Environment and Public Works Committee's agenda for this Congress, Committee Chairman James Inhofe (R-OK) listed military readiness as a second priority for the Committee after transportation program reauthorization, arguing that environmental restrictions on military lands pose both readiness problems and cost issues that must be addressed this year. Though Inhofe has made no mention of specific hearing dates or legislation on military readiness, he said that he plans to hold joint hearings on the matter with the Senate Armed Services Committee later this year. Inhofe highlighted the enormous amount of money the military spends to comply with environmental regulations, noting that compliance in areas of suspected critical habitat costs the military more than it spends on ammunition. Last year, DoD asked Congress to modify certain environmental laws, saying that some environmental and wildlife protection measures combined with shrinking open lands around the bases create unnecessary, and in some cases dangerous, restrictions on military training. Ultimately, only a watered-down change to the Migratory Bird Treaty Act was included in the Defense authorization bill.

California spotted owl denied endangered species protection. The government announced Monday that the *California spotted owl*, does not need immediate protection under the ESA. The decision by FWS relies in part on owl protection plans contained in a Clinton administration document. The medium-sized owl still exists in all or most of its historic range, from the Sierra Nevada and the central coastal range to the mountain ranges of Southern California. About 2,200 nesting sites or territories have been identified in recent surveys, according to FWS. The closely related *northern spotted owl*, which became a symbol in the fight over old-growth forests in the Pacific Northwest a decade ago, already is listed as "threatened" under the Act, as is the *Mexican spotted owl*.

Feds consider easing protection for wolves in the West. The once nearly extinct *gray wolf* has made such a resurgence across the Northern Rockies that the government is about to declare victory in its \$17 million effort to bring the predators back. Possibly as early as this month, the FWS plans to downgrade the wolf's classification under the ESA from "endangered," the highest level of protection, to "threatened." While the animals would still be protected, the reclassification would, among other things, allow ranchers to kill wolves caught attacking their livestock. As early as next year, all federal protections for wolves could be removed and their management turned over to individual states.

Water transfers from Klamath Basin to Rogue River harm fish, enviros say. Two conservation groups have filed a 60-day notice of intent to sue the Bureau of Reclamation (BuRec) over a decades-old project that takes water out of the Klamath River basin and moves it west to Oregon's Rogue River basin. The groups maintain that, when BuRec pumps water from one body of water to the other, it may be affecting the endangered *shortnose* and *Lost River sucker fish*, and the threatened *coho salmon*. BuRec is required by law to consult with FWS and NMFS to recover the endangered fish. BuRec officials have said that the agency has had several meetings with both services, which she categorized as informal consultations, and BuRec is committed to the consultation process. Farmers in the area blame the environmental groups for creating divisions rather than building consensus for the uses for the water in the region.