
U P D A T E

March 24, 2005

This periodic publication is intended solely for the use of NESARC members.

WGA sends letters to Congressional leaders urging ESA improvements. House and Senate leaders have received letters supporting their recent announcement of a bipartisan, bicameral effort to improve and update the ESA. House Resources Committee Chairman Richard Pombo (R-CA) and Ranking Member Nick Rahall (D-WV), and Senate Environment and Public Works Committee Chairman James Inhofe (R-OK) and Ranking Member James Jeffords (I-VT), recently received letters from the Western Governors' Association expressing the organization's strong support for legislation to update and improve the ESA. The letter, cosigned by Governors Bill Owens (R-CO) and Dave Freudenthal (D-WY), notes that there are a number of issues that should be addressed legislatively. It specifically highlights the need to establish recovery goals, the benefits of an enhanced role for State governments in recovery efforts, the need for peer reviewed science in ESA decisions, and the value of providing incentives for conservation efforts. These themes echo discussions that were held at the WGA's Endangered Species Act Summit in December 2004.

Environmental groups respond to call for ESA improvements. The Defenders of Wildlife, Environmental Defense, and the World Wildlife Fund have collectively sent a response letter to Governors Bill Owens (R-CO) and Dave Freudenthal (D-WY) supporting many of the areas of ESA improvement outlined in the recent WGA letter. Specifically, the groups reiterated the importance of clearly stated recovery goals for listed species, the role of State governments in recovering species, and ensuring that decisions under the ESA are based on quality science. The groups also "agree very strongly" with the need for greater economic incentives for landowners to become partners in conservation efforts.

NESARC Membership Update

NESARC would like to welcome its newest member, the **National Mining Association**, to the Coalition.

The **American Forest and Paper Association** has been elected to the NESARC Board of Directors.

Cardoza reintroduces critical habitat enhancement legislation. Representative Dennis Cardoza (D-CA) last week introduced H.R. 1299, the "Critical Habitat Enhancement Act," which would improve the methods used to designate a species' critical habitat. The bill is identical to legislation that passed the House Resources Committee during the last Congress with strong bipartisan support. H.R. 1299 would extend the timeline for designating critical habitat for a listed species, giving more time to FWS or NOAA to properly study the needs of the species and appropriately designate critical habitat. The bill also would require the Services to consult with local entities when designating lands for protection and require the consideration of the economic effects of critical habitat in their analyses. The bill is the first piece of ESA improvement legislation to be introduced this Congress and currently has 18 cosponsors from both sides of the aisle.

NESARC ramps up Congressional office visits. NESARC's Policy Committee has started visiting with offices of Congressional Members to discuss the need for updating and improving the ESA. These meetings will continue throughout the Congressional session as ESA improvement efforts progress. If there are specific Congressional offices with which you have relationships and that you believe would benefit from a meeting with NESARC representatives, please contact Jordan Smith at (202) 298-1914 or jas@vnf.com.

FWS Director Williams resigns; Matthew Hogan named acting director. FWS Director Steve Williams announced his resignation earlier this month to take a position leading the Wildlife Management Institute. The Department of the Interior has named Matthew Hogan as acting Director of FWS until a permanent replacement is nominated by President Bush and confirmed by the Senate. Hogan has been deputy director for the past three years. Before joining the FWS in 2002, he spent four years as conservation policy director of the Congressional Sportsmen's Foundation.

Chairman Pombo introduces legislation to reauthorize the National Fish and Wildlife Foundation. House Resources Committee Chairman Richard Pombo (R-CA) has introduced bipartisan legislation reauthorizing the National Fish and Wildlife Foundation (NFWF). The legislation, H.R. 1428, would reauthorize funding at existing levels for five years. The foundation was established under the Reagan Administration for the purpose of conducting conservation projects and for accepting private gifts of property to be used for the benefit of fish, wildlife and plant resources around the country. By using a partnership and "challenge grant" approach, the foundation has funded conservation projects worth more than \$918.8 million, with a vast majority of those funds donated from private sources. The bill has been referred to the House Resources Committee for consideration.

FWS seeks proposals from States to work with private landowners to conserve wildlife habitat. FWS recently announced that it is seeking proposals from States and territories for funding under the Administration's Landowner Incentive Program (LIP). The program is making \$19 million in Federal grant money available to State and territorial fish and wildlife agencies for private landowners under the President's FY 2005 budget. LIP supports collaborative efforts with private landowners interested in conserving natural habitat while they continue to engage in traditional land-use practices. It establishes or supplements existing landowner incentive programs that provide technical or financial assistance to private landowners for the protection, restoration, and management of habitat to benefit species at-risk, including Federally-listed endangered or threatened species as well as proposed or candidate species on private land. Additional information on the LIP funding may be found at <http://federalaid.fws.gov/lip/lipguidelines.html>.

House panels takes issue with FWS, NOAA budget requests. Two House panels recently held hearings on the Administration's budget request for endangered species programs placing increased scrutiny on whether the ESA is falling short in its purpose of recovering species. The House Appropriations' Interior, Environment and Related Agencies Subcommittee took up the FWS budget, while the House Resources Fisheries, Wildlife and Oceans Subcommittee addressed both the FWS and NOAA Fisheries proposals. During these hearings, Committee members debated whether the ESA is capable of recovering species in its present form as well as whether priority should be placed on funding to address the backlog of listing and critical habitat designation petitions or whether priorities should be shifted to recovery efforts in order to remove species from the list. The Act has listed 1,304 species, but less than one percent have been recovered in more than thirty years.

NOTABLE QUOTES:

Tom Sansonetti, the outgoing assistant attorney general for environment at the Department of Justice, urged Congress last week to fix the Act so that judges and courts are not the primary implementers of the ESA. "It's pretty much inoperable, particularly on listing," he said. "It's out of control, and Congress needs to revisit and amend it."