ATTACKS ON WILDLIFE AND THE ENDANGERED SPECIES ACT IN THE HOUSE ENERGY PACKAGE


H.R. 2406 ("Sportsmen’s Heritage and Recreational Enhancement Act")

This bill is strongly opposed by the Obama Administration and conservation organizations alike. The Statement of Administration Policy on H.R. 2406 highlights “harmful provisions that impair Federal management of federally-owned lands and undermine important existing public land and environmental laws, rules, and processes.” Among the damaging provisions in this bill are attacks on protections for gray wolves, African elephants, and native carnivore species in Alaska.

- **GRAY WOLF DELISTING: Sections 2001 and 2002** (energy package sections 2201 and 2202) would undermine science-based decision making under the Endangered Species Act by removing federal protections for gray wolves in Wyoming, Michigan, Minnesota, and Wisconsin. These provisions override two federal court rulings that found the agency rules delisting wolves in Wyoming and the Great Lakes region violated the Endangered Species Act. These provisions also preclude judicial review of this decision, thus stripping citizens of the ability to further challenge these wolf delistings.

- **VOIDING VITAL PROTECTIONS FOR ELEPHANTS: Section 1006** (energy package section 2104) would void the U.S. Fish and Wildlife Service’s recently finalized rule which cracks down on the illegal trade in African elephant ivory. The final rule was published on June 6, 2016, instituting a near-total ban on the domestic commercial trade of ivory and substantially restricting the import, export and sale of ivory across state lines. The rule contains limited exemptions for antiques and items containing de minimis quantities of ivory. This rulemaking under the Endangered Species Act – which the provisions in H.R. 2406 directly block – represents a crucial step forward in the fight to combat wildlife trafficking and the African elephant poaching crisis. The rulemaking delivers on the U.S. commitment made in partnership with China to curb the demand for ivory and halt the illegal ivory trade in both countries, which together represent the world’s largest ivory markets.

- **BLOCKING WILDLIFE CONSERVATION RULES: Sections 2101 and 2102** (energy package sections 2211 and 2212) would prohibit the U.S. Fish and Wildlife Service (FWS) from finalizing a rule to conserve wolves, grizzly bears and other native carnivores on national wildlife refuges in Alaska and would withdraw the National Park Service's (NPS) authority to implement similar protections on Alaska national preserves. These provisions would bar the agencies from prohibiting the state’s aggressive, scientifically indefensible “predator control” program on our federal public lands, effectively allowing extreme non-subsistence hunting practices that target iconic carnivores, including trapping, baiting, aerial gunning, killing at den sites and killing mothers and young. The provisions would prevent FWS and NPS from ensuring over 100 million acres of federal lands in Alaska are managed in accordance with bedrock conservation laws.
• **UPENDING MANAGEMENT OF OUR NATIONAL WILDLIFE REFUGE SYSTEM:**

   **Section 603** (energy package section 2063) recklessly waives environmental review under the National Environmental Policy Act for all management activities on all 150 million acres of the National Wildlife Refuge System, jeopardizing wildlife conservation goals and threatening protection of crucial habitat. The provision further weakens refuge management by requiring the U.S. Fish and Wildlife Service to accommodate incompatible wildlife-dependent recreation on refuges, violating a core principle of the National Wildlife Refuge Improvement Act to the detriment of fish, wildlife and resource conservation.

**H.R. 2898 (“Western Water and American Food Security Act of 2015”)**

This bill is opposed by not only the Obama Administration, which has issued a veto threat on the bill, but also by Senators Feinstein and Boxer; the State of California¹; House members from California and Oregon; West Coast fishing groups; waterfowl associations; and conservation organizations alike. This controversial legislation would undermine critical protections for our environment and other water users rather than provide actual “drought relief”. Further, this legislation would be a permanent change in law—it is not a temporary drought response—and includes provisions that earmark funding and limit environmental review of new dams in states across the West. Among the damaging provisions in this bill are attacks on protections for native fish species and migratory birds.

• **OVERRIDE ESA PROTECTIONS:** This bill would severely weaken and override protections for salmon and other native fisheries listed under the Endangered Species Act in California’s Bay-Delta estuary. The bill weakens the legal standard under the Endangered Species Act, reduces legal protections for wild salmon runs in favor of hatchery fish, and micromanages the state and federal water projects by replacing scientifically justified limits on water operations with political judgments. These changes could devastate fish and wildlife and the thousands of fishing jobs in California and Oregon that depend on them.

• **THREATENING MIGRATORY BIRDS:** H.R. 2898 could reduce water deliveries to national wildlife refuges and state wildlife management areas, devastating migratory birds and other species that depend upon refuge habitats. The bill would make it more difficult for the refuges to receive water during dry years and could threaten critical funding for the refuge water supply program. The refuges cannot provide essential wildlife habitat without adequate water, and the bill’s attacks on the refuges’ water supply could be disastrous for the Pacific Flyway.

• **REPEALING A LANDMARK SETTLEMENT TO RESTORE THE SAN JOAQUIN:**

   This bill would repeal the San Joaquin River Restoration Settlement Act and preempt state law requiring restoration of California’s second longest river. It would undo an agreement that settled decades of litigation, and would result in the San Joaquin River running completely dry in most years as farmers divert every drop. The bill would destroy the salmon runs that have already been reintroduced, and would harm local farmers by eliminating water supply and flood control projects that benefit agriculture in the region.

¹ The State of California would “welcome any [legislative] effort . . . so long as it does not weaken state and federal environmental protections, does not pre-empt state law and does not favor one region or economic sector of the state over another” (emphasis added). Yet H.R. 2898 would do all of these things if enacted.