



Western Forestry Leadership Coalition Issue Brief Update: 109th Congress Efforts to Reauthorize the Endangered Species Act

Summary:

On September 29, 2005 the House of Representatives passed H.R. 3824: Threatened and Endangered Species Recovery Act (TESRA), sponsored by Rep. Richard Pombo (R-CA). This bill substantially modifies approaches established in the 1973 Endangered Species Act. The bill now moves to the senate, where action is expected to be slower.

Background:

The Endangered Species Act has been the source of much controversy since its initial passage in 1973. Recently, particular concern about the impacts of the Act on landowners has sparked efforts to modify its implementation.

Issues:

Provisions of TESRA include:

- Elimination of Critical Habitat. TESRA replaces the critical habitat designation process with a recovery planning process. Areas will be identified that have value in the conservation of species, and those areas will be given priority in recovery efforts.
- Voluntary Species Conservation Agreements. TESRA authorizes the Secretary to enter into a variety of agreements with states and landowners to undertake activities to enhance conservation of candidate species. Many of these agreements authorize payments, cost share, or other compensation for actions taken.
- Landowner Compensation. TESRA requires the Secretary to award compensation to property owners who forego use of their land as a result of ESA restrictions. Private development is also authorized to proceed if the Interior Department fails to respond within 90 days on how proposed actions might affect a species.
- Best Available Scientific Data. TESRA eliminates the Endangered Species Committee Process (a.k.a. the “God Squad”), and requires public notice and comment for all new and revised recovery plans. The Secretary is required to establish and maintain a publicly accessible website that will serve as a clearinghouse for all endangered and threatened species lists and plans.

Next Steps:

Senators Crapo (R-ID) and Lincoln (D-AR) will be the likely sponsors of the Senate version of the bill, which will probably begin in the Environment and Public Works Committee, chaired by Sen. Inhofe (R-OK). Efforts now are focused on gathering more scientific input and building bi-partisan consensus in the Senate. In November, the first meeting of the ESA Working Group will convene at the Keystone Center for Science and Public Policy in Colorado. Timing for the introduction of the Senate bill remains unclear, but both Senators have stated their desire to introduce the bill before the end of this Congressional session.

For More Information:

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