

# MATSUI SUPPORTS RESPONSIBLE REFORM OF ENDANGERED SPECIES ACT

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Washington, DC &ndash;Congresswoman Doris O. Matsui (CA-5) urged common sense reform of the Species Act as she joined with a bipartisan coalition of members to introduce substitute legislation to recover threatened and endangered species without shifting the burden to landowners and taxpayers. A fact sheet on the substitute legislation is attached. As the House of Representatives debates the legislation, Matsui issued the following statement:

&ldquo;Since its enactment in 1973, the Endangered Species Act has protected hundreds of species from extinction. This includes the Bald Eagle &ndash; a bird whose history is interwoven with our nation&rsquo;s history &ndash; and the California Condor. Because of this legislation, both of these species have been saved from extinction. &ldquo;And over three decades later the spirit behind the Endangered Species Act remains sound: we must be responsible stewards of our environment &ndash; ensuring it will continue to protect our natural resources and native species today and in the future. The reforms we approve today will forever affect our ability to do this. &ldquo;It is important that what we do now strikes a balance between our responsibility as stewards and our economic needs. Those on the economic side &ndash; farmers, ranchers and private property advocates &ndash; make valid arguments that we would be remiss to ignore. Yes, the Endangered Species Act and its intent are critical, but Congress should reform the ESA so people can maximize the use of their land while working with the federal government and conservationists to protect endangered species.

&ldquo;However, as written, the legislation before us H.R. 3824, is not the answer. For this reason, I am supporting the bi-partisan substitute amendment. This bi-partisan amendment makes the necessary reforms to the ESA while maintaining strong protections for endangered species. &ldquo;While both would repeal the Critical Habitat requirement included in the ESA, only the substitute replaces it with enforceable recovery plans &ndash; a vital component to species recovery &ndash; that focuses on using public lands to protect species. Only when public lands are not an option to protect a species, then and only then would we use private land. In essence, an alternative of last resort.

&ldquo;Actually, H.R. 3824 will increase the burden placed on private property owners by weakening the Federal government&rsquo;s responsibility not to put species in jeopardy. As a result, more species will become threatened and endangered, creating bigger headaches for private landowners down the road. &ldquo;By contrast, the bi-partisan substitute preserves strong protections while at the same time works with landowners through a Private Property Conservation Program. In creating this, landowners will have an incentive to establish conservation programs on their property becoming a partner in recovering endangered species and preventing others from joining that list.

&ldquo;H.R. 3824 poses a false choice between land use and our responsibilities to protect threatened and endangered species. The bi-partisan substitute amendment finds that balance between these important environmental and economic concerns.&rdquo;

\_\_\_\_\_ Fact Sheet: The Boehlert-Miller Substitute to H.R. 3824 The Boehlert-Miller substitute legislation is responsible reform of the Endangered Species Act (ESA) that balances our need to protect natural resources and native species without passing the burden on to landowners. This legislation would:

Ø Protect private property owners by only using private land as a last resort to protect and preserve endangered species. The goal is to use federal land — like national parks, forests, and wildlife refuges — to protect these species and leave private landowners alone.

Ø Protect the rights and uses of private property by repealing the current "critical habitat" designation for endangered wildlife and replace it with binding recovery plans that will remove these species from the list as quickly as possible. This will put an end to the overwhelming number of lawsuits that landowners and developers face when trying to use and develop their own land.

Ø Solidify the federal government's responsibility to protect species and prevent more species from becoming threatened and endangered.

Ø Stop the use of capricious science and facts by creating a Science Advisory Board to peer-review controversial decisions and offer other assistance when necessary so that decisions are equitable and based on facts.

Ø Dedicate resources to create a technical assistance office to help landowners — particularly small landowners — work with the federal government to maximize the use of their land.

Ø Offer an incentive for landowners to establish conservation programs on their property becoming a partner in recovering endangered species and preventing others from joining that list.

Ø Build better federal-state cooperation on decisions to list species as threatened or endangered or make changes to such lists, as well as achieving better cooperation on creating and implementing recovery plans.

Conversely, the Pombo bill is too extreme because:

Ø It removes legally binding "critical habitat" protections and replaces it with "recovery plans," which may have similar designs but are not binding leaving no real plan to recover the species. If it's not legally binding there is no reason to follow the plan and protect these species.

Ø It attempts to gut the ESA by adding administrative hurdles and unreasonable timelines — impossible to conform with — allowing any and all development regardless of its impact on the environment and endangered species.

Ø An unscrupulous property owner could continually go to the government with proposed projects knowing they will be denied because they will harm endangered species and be paid at taxpayer expense for the "loss" once when they are denied. This amounts to paying people to conform to the law. This is simply an attempt to stop the government from protecting species due to the potential enormous cost.

Ø The bill would remove the provision protecting endangered species from pesticides. Pesticides played a major role in contributing to the decline of our nation's symbol, the American bald eagle, in the mid-20th century and are currently implicated in the decline of an array of species including Pacific salmon and sea turtles. Under the Pombo bill, Fish & Wildlife would have no authority to limit the use of pesticides in protected areas for the first five years of the bill. After this five-year period, the bill only requires "consultation" between the EPA and Fish & Wildlife.

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