

Alaska Wilderness League \* American Bird Conservancy \* Animal Welfare Institute \*  
Center for Biological Diversity \* Center for Science and Democracy at the Union of  
Concerned Scientists \* Clean Water Action \* Defenders of Wildlife \* Earthjustice \*  
Endangered Species Coalition \* Environmental Defense Fund \* Environmental Protection  
Information Center \* International Marine Mammal Project of Earth Island Institute \*  
Klamath Forest Alliance \* League of Conservation Voters \* Los Padres Forest Watch \*  
Natural Resources Defense Council \* Northcoast Environmental Center \* Ocean  
Conservation Research \* Sierra Club \* The Wolf Conservation Center \* WildEarth  
Guardians

## Oppose Amendments to S. 2012 Attacking the Endangered Species Act

February 1, 2016

Dear Senator:

On behalf of our millions of members and supporters, we write to ask you to vote NO on amendments undermining the Endangered Species Act (ESA) that have been proposed for S. 2012, the “Energy Policy and Modernization Act.”

The ESA is a critical safety net that has prevented 99% of protected plant and animal species from going extinct. Not only is the ESA one of the country’s most effective environmental laws – it is also an extremely popular law. A [2015 poll](#) found that 90% of American voters surveyed support upholding the ESA, while 68% of respondents said they would be more likely to vote for a member of Congress who supports environmental safeguards such as the ESA. In disregard of the law’s success and popularity, members of the 114<sup>th</sup> Congress have already introduced over 90 legislative proposals that would undermine the ESA and put imperiled species at risk of extinction. The ESA is a bipartisan law that has been effective for 40 years.

We urge you to oppose all amendments that attack safeguards for imperiled species including:

- **Cornyn #3027:** This amendment seeks to prevent citizens from enforcing the essential protections of the ESA by subjecting consent decrees and settlements that require agencies to comply with the ESA to an onerous and ill- defined process of intervention and mediation. The amendment would also bar recovery of legal fees otherwise available under the Act, and allow a state or county in which a species resides to veto a federal court’s decision to enforce the law with regard to that species. This amendment would needlessly delay citizen enforcement of the ESA, waste judicial resources, and empower individuals, local governments, and corporations to perpetrate violations of the ESA.
- **Johnson #3033:** This amendment would undermine science-based decision-making under the ESA by removing federal protections for gray wolves in Michigan, Minnesota, Wisconsin, and Wyoming. The amendment overrides two federal court decisions that found the state management plans at issue were insufficient to justify the removal of federal protections for wolves under the ESA. Further, this amendment includes “no judicial

review” clauses covering both court decision overrides – thus stripping the ability of citizens to further challenge these wolf delistings. The appeals processes on these court decisions impacting wolves in the four states are still underway. It would be damaging for Congress to meddle in the ESA listing status of a particular species at any stage, but now is an especially bad time as these cases are still playing out in the courts.

- **Johnson #3034:** This amendment would prevent the U.S. Fish and Wildlife Service from protecting the highly imperiled northern long-eared bat as an endangered species under the ESA. This amendment inappropriately interferes with the agency’s responsibility to make listing decisions under the Act based upon biology and the best available science. Complex listing determinations should be made by agency officials based on science and not by Congress based on politics. The northern long-eared bat has suffered declines of 99% in its core range. While the primary threat to the bat is white-nose syndrome, it faces additional threats from human activities like logging, energy development, and pollution. Moreover, the agency recently listed the bat as threatened, making this amendment untimely and unnecessary.

Again, we urge you to uphold the integrity of the ESA by opposing these and any other amendments that would undermine this effective and popular wildlife conservation law. Thank you for your consideration.

Sincerely,

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