

Reforming The Endangered Species Act

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National Cattlemen's
Beef Association



Administrative Rulemaking

Listing Decisions and Critical Habitat Designation

- Consideration of economic and other impacts of a listing
- Clarifies definition of “foreseeable future”
- Sets forth non-exhaustive list of circumstances where it is not prudent to designate critical habitat
- Requires the Secretaries to prioritize occupied areas for critical habitat designations

Removal of the ‘Blanket 4(d) Rule’

- Species listed as threatened are not automatically afforded endangered protections (non-retroactive)

Interagency Consultation

- Streamlines the interagency consultation processes for efficiency and consistency
- Revises the definition of “destruction or adverse modification” so that the net outcome is the determining factor
- Sets parameters for formal and informal consultations to clarify what is and isn’t necessary and streamline duplicative processes





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Legislative Effort

Endangered Species Act Amendments of 2018

- Proposed by Sen. John Barrasso (R-WY) based on recommendations by the Western Governor's Association
- Currently in discussion draft form; awaiting formal introduction
- Creates recovery teams for each new listed species
- Requires Secretaries to get State sign-off on proposed 10(j) boundaries
- Mandates the Secretaries to inform the States before legal settlements are made
- Requires annual performance reviews of FWS employees
- Creates statutory basis for conservation agreements to be considered "regulatory mechanisms" under Section 4 of the ESA
- Repeals Obama-era "net conservation gain" requirement on mitigation
- Codifies in statute the Services' current prioritization system for petitions]
- 5-year prohibition on judicial review following a delisting or downlisting





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The Urgency

(ESA) does not need congressional meddling to work better. What it needs is congressional support.

If we take the House back, none of these (ESA bills) will ever get a vote in the 116th Congress

The best chance for
statutory modernization of
the Endangered Species Act
is in the 115th Congress



Rep. Raul Grijalva (D-AZ)
Ranking Member
House Natural Resources Committee



Rep. Don Beyer (D-VA)
Senior Member
House Natural Resources Committee



Forecasting the race for the House



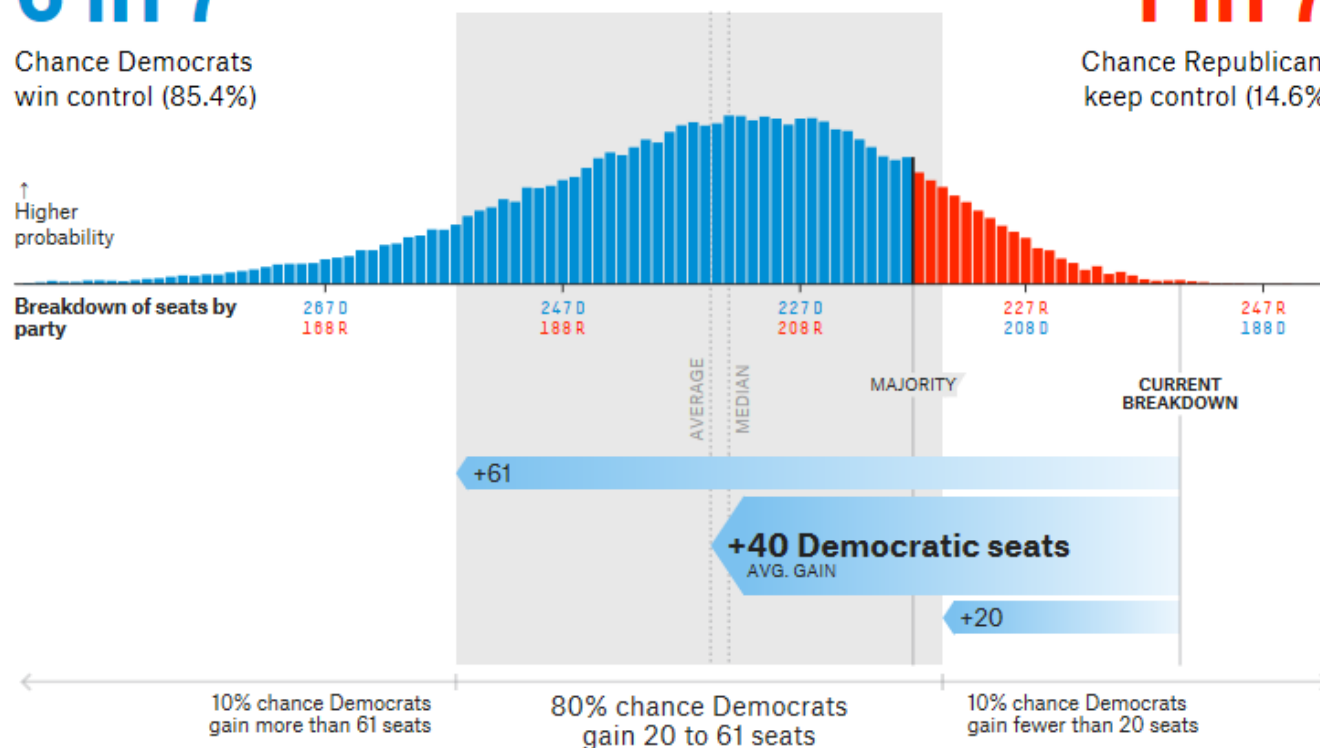
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6 in 7

Chance Democrats win control (85.4%)

1 in 7

Chance Republicans keep control (14.6%)



Source: FiveThirtyEight