September 4, 2018

The Honorable Richard Shelby

Chairman

Committee on Appropriations

U.S. Senate

Washington, DC 20510

The Honorable Rodney Frelinghuysen

Chairman

Committee on Appropriations

U.S. House of Representatives

Washington, DC 20515

The Honorable Patrick Leahy

Ranking Member

Committee on Appropriations

U.S. Senate

Washington, DC 20510

The Honorable Nita Lowey

Ranking Member

Committee on Appropriations

U.S. House of Representatives

Washington, DC 20515

**Re: Reject Damaging Endangered Species Act Riders in FY 2019 Spending Legislation**

Dear Chairman Shelby, Ranking Member Leahy, Chairman Frelinghuysen and Ranking Member Lowey:

On behalf of our millions of members and supporters nationwide, we write to urge you to reject all policy riders in appropriations bills that would undermine the Endangered Species Act and other safeguards for wildlife. Unfortunately, damaging provisions that would weaken the Endangered Species Act are included in several FY 2019 appropriations bills. If enacted, any of these riders would be highly detrimental to imperiled species conservation. While this letter focuses on riders that would undermine vital wildlife protections, we also strongly oppose all other anti-environmental riders that would undermine protections for our lands, water, and air.

The Endangered Species Act remains the most effective and important law to protect animal and plant species at risk of extinction. In the decades since it was enacted, 99% of listed species have been saved from extinction, including the bald eagle, the brown pelican, and the humpback whale. It is also one of our most popular conservation laws. According to a [June 2015 poll](https://defenders.org/press-release/new-national-poll-finds-90-percent-american-voters-support-endangered-species-act), 90 percent of American voters support the Endangered Species Act and a recent study by [researchers at the Ohio State University](https://news.osu.edu/most-americans-support-endangered-species-act-despite-increasing-efforts-to-curtail-it/) found that roughly four out of five Americans support the Act as well.

**FY 2019 House Interior/EPA Appropriations Bill – H.R. 6147**

The House FY 2019 Interior/EPA appropriations bill has once again become a minefield of reckless riders aimed at weakening this bedrock conservation law. This year’s bill contains provisions that would block or strip federal protections for iconic American wildlife including the gray wolf, the Preble’s meadow jumping mouse, the lesser prairie chicken, and the sage-grouse – including the very vulnerable bi-state sage-grouse population. Additional provisions would reduce protections for the marbled murrelet in Washington State and prevent restoration of grizzly bears to the North Cascades ecosystem. Such decisions should be based on the best available science, not political considerations that fall outside the framework of the Act. Still another provision would block federal funding for listed species if the U.S. Fish and Wildlife Service or National Marine Fisheries Service (the Services) fail to complete five-year reviews on time. Unfortunately, the Services are so underfunded that they simply cannot complete timely reviews. If passed, this legislative language would halt all federal conservation actions for the approximately 700 endangered and threatened animals and plants with past-due five-year reviews. This translates to more than 40 percent of protected U.S. species. Endangered and threatened species should not be made to suffer and decline toward extinction because the Services lack adequate funding to fulfill their responsibilities. Finally, the bill includes several provisions that preclude judicial review for massive water projects in California, endangering salmon runs and other native fish in the San Francisco Bay-Delta.

**FY 2019 Senate Interior/EPA Appropriations Bill – S. 3073**

We very much appreciate that the FY 2019 Senate Interior/EPA bill was kept free of any new riders that undermine the ESA. Nevertheless, like the House bill, it includes for a fourth year running a rider that prevents the U.S. Fish and Wildlife Service (FWS) from taking any steps to list the sage-grouse under the Endangered Species Act. In September 2015, FWS determined that the greater sage-grouse was not warranted for listing under the Endangered Species Act, citing an unprecedented landscape-scale planning process as sufficient for reducing threats to sage-grouse. However, that plan is currently being weakened under a process initiated by Interior Secretary Zinke, and this amendment would prevent a listing for sage-grouse, even if the unique bird slips closer to extinction.

**FY 2019 House Energy & Water Appropriations Bill – H.R. 5895**

The FY 2019 House Energy and Water bill includes a rider that would jeopardize the continued existence of thirteen imperiled wild salmon and steelhead populations in the Columbia River Basin and drive southern resident orcas that rely on chinook salmon runs for food closer to extinction. Hundreds of communities, businesses, tribes and other wildlife species ranging from California to Alaska depend on Columbia Basin salmon. This rider would roll back protections for the fish (specifically, it prevents increased water over the dams, which helps move juvenile salmon downstream to the ocean more efficiently) and freeze in place an outdated and woefully inadequate plan of operation for the Basin’s dams that violates the Endangered Species Act because it risks the extinction of thirteen salmon and steelhead populations.

In addition to the riders listed above, the House Interior and Energy and Water Appropriations Bills as well as the House Commerce, Justice and Science Appropriations Bill (H.R. 5952) include damaging report language that weakens protections for listed species.

The conservation challenges America faces today are even greater and more complex than they were when the Endangered Species Act was first enacted. We face the reality of climate change and other enormous threats to our planet’s biodiversity—which in turn threaten our own survival as a species. Now is not the time to weaken our nation’s best tool to combat what scientists have determined is the sixth major extinction phase experienced on this planet.

Our organizations are extremely grateful that the final FY 2018 omnibus appropriations package enacted earlier this year did not contain any new riders undermining endangered species conservation. Such harmful riders have no place in the appropriations context and only serve to chip away at one of America’s most popular and effective environmental laws. We urge you to again stand up for wildlife by flatly rejecting all harmful anti-wildlife measures on final spending legislation for FY 2019.

Respectfully,

CC: The Honorable Mitch McConnell, Majority Leader

 The Honorable Chuck Schumer, Minority Leader

 The Honorable Paul Ryan, Speaker of the House

 The Honorable Nancy Pelosi, Minority Leader