

Office of Senator _____
United States Senate
Washington, D.C. 20510

February 1, 2006

Dear Senator _____,

As concerned citizens and members of the Berkeley Chapter of the Society for Conservation Biology (SCB), we are writing to express our strong opposition to ongoing efforts in Congress to undermine the US Endangered Species Act. We are specifically responding to bill HR3824, the "Threatened and Endangered Species Recovery Act", introduced by Richard Pombo (R-CA) and recently passed by the House of Representatives, but our concerns extend to related bills being introduced to the Senate (such as bill S2110, the "Collaboration and Recovery of Endangered Species Act," introduced by Senator Mike Crapo, R-ID). As you consider these legislative proposals, we strongly urge you to extend your previous support for our nation's natural heritage by ensuring that these efforts do not succeed in weakening our protection of endangered species.

The Berkeley SCB is an active chapter of the international SCB¹, with a membership of over 100 students, scientists and citizens who share an appreciation of the great ecological, economic and inherent value of biological diversity. We firmly believe in the necessity of effective policy and legislation to protect and restore our natural environment, including the many components of biodiversity of which it is comprised. While we recognize that the Endangered Species Act (ESA) is not perfect and should be strengthened in several areas, we interpret HR3824 as a concerted attack on the integrity and very purpose of the Act. As we understand it, major problems with the bill include the following:

- Its premise is based on a blatant misrepresentation of science. Whereas Pombo and his supporters suggest that the ESA is failing because few species have been recovered and removed from the list, analyses by conservation scientists indicate that the Act has been successful at preventing species extinctions and that the lack of recovery is due to inadequate funding and poor implementation of recovery plans. Furthermore, considering the life history of endangered species, their effective recovery can take several decades. (See the 10 November 2005 issue of *Nature* and 30 September 2005 issue of *Science*.)
- It disregards the complexity of ecological science and the precautionary principle of conservation biology by giving less time for the US Fish & Wildlife Service (USFWS) to review development applications and granting automatic permission to applicants if the unrealistic and arbitrary 180-day timeline is not met. This clearly prioritizes rapid development over the prevention of species extinction.
- It requires USFWS to financially compensate denied applicants for lost economic opportunity, with compensation costs extending into future USFWS budgets. This presents an obvious disincentive for USFWS to do their job and is clearly meant to reduce species protection and/or bankrupt the service. While we acknowledge that private landowners need financial incentives for conservation, we advocate economic policy alternatives that recognize the value of biodiversity and ecosystem services, rather than diverting money from already under-funded conservation agencies.

- It restricts the creation of effective Habitat Conservation Plans and eliminates the requirement to protect critical habitat of endangered species. Endangered plants and animals can't be separated from the environments on which they depend, therefore habitat protection (and restoration) is an essential component of species protection and recovery over the long term.
- It inappropriately characterizes and politicizes “best available science” by restricting the use of ecological models and studies that have not been formally peer-reviewed, as well as leaving to politicians, rather than scientists, the determination of what is meant by “best” science. Models and unpublished reports (e.g., graduate theses, government and consultant reports) can provide important insight and information for endangered species management and should not be blindly excluded from consideration.

This list is not meant to be exhaustive, but merely representative of our many significant concerns with Pombo's proposal. As mentioned above, we recognize that there are serious difficulties with current implementation of the ESA, and in general with balancing the requirements of societal development and the need to effectively protect biological diversity and healthy ecosystems. Nevertheless, the conservation of wild animals, plants, and their habitats enjoys broad public support, and the ESA is by far our most important wildlife protection law and among the strongest in the world. At a time of increasing global risks to biodiversity, the US should not set an example of moving in the wrong direction by weakening existing protection, but rather should show leadership by promoting scientifically defensible and sustainable alternatives. This issue is attracting international attention in the scientific community and the popular press, and we strongly urge you to capitalize on this attention by reinforcing your commitment to the effective protection of endangered species.

We trust that you will carefully consider our opinion and we look forward to hearing your response and monitoring your involvement with this issue in the Senate.

Sincerely,

Cole Burton (Co-President)

Michael Wasserman (Co-President)

Morgan Tingley (Secretary)

Pauline Kamath (Treasurer)

on behalf of the membership of the Berkeley Chapter of the Society for Conservation Biology.

¹The opinions expressed by the Berkeley Chapter of the Society for Conservation Biology do not necessarily reflect the opinions of the Society for Conservation Biology as a whole.