

March 5, 2024

The Honorable Bruce Westerman
Chairman
Natural Resources Committee
U.S. House of Representatives
Washington, DC, 20515

The Honorable Raul Grijalva
Ranking Member
Natural Resources Committee
U.S. House of Representatives
Washington, DC, 20515

Re: Opposition to H.R. 7408, the “America’s Wildlife Habitat Conservation Act”

Dear Chairman Westerman and Ranking Member Grijalva,

On behalf of our 70+ organizations and our millions of members and supporters, we write to express our strong opposition to H.R. 7408, the America’s Wildlife Habitat and Conservation Act. This bill is a transparent attempt to weaken the Endangered Species Act and hamstring the conservation of our most imperiled species and their habitats. It also undermines a years-long bipartisan effort to pass the Recovering America’s Wildlife Act (“RAWA”), which would provide \$1.4 billion to address extinction and biodiversity loss in the United States and is widely supported by many Members of Congress from both parties, States, Indigenous communities, and conservation and sporting groups. Unlike RAWA, however, H.R. 7408 is a partisan bill that was introduced with little to no input from impacted stakeholders, including state wildlife agencies. This bill would also cut over a billion dollars in Inflation Reduction Act funding for NOAA, the Council on Environmental Quality, and the Bureau of Reclamation, further harming habitat and wildlife by taking away vital habitat restoration resources. Thus, we urge you to oppose H.R. 7408.

H.R. 7408 would authorize \$300 million per year for the next five years for state wildlife conservation. This comes far short of the funds needed to stop the decline of at-risk species across the country. Based on the U.S. Fish and Wildlife Service’s own estimates, it would cost approximately \$1.6-\$2.3 billion to save federally listed species alone. An exponential increase in funding — on par with RAWA — is needed to save the thousands of additional unlisted species that continue to decline across the country. Further, H.R. 7408 does not guarantee funding, but rather makes it dependent on sufficient Congressional appropriations. Given Congress’ polarization and difficulty passing annual appropriations bills, it is highly unlikely that Congress would ever allocate the full \$300 million. Moreover, the bill would only make it significantly harder to address the wholly inadequate level of annual appropriations for the Endangered Species Act, a problem which our organizations strongly support remedying. The bill also drastically cuts funding for tribal wildlife conservation from \$97 million in RAWA to only \$20 million.

H.R. 7408 would also gut critical protections for hundreds of threatened and endangered species across the country, and undermine basic scientific processes. For instance, Title V includes the Forest Information Reform (FIR) Act, which eliminates reinitiation of consultation requirements under the Endangered Species Act designed to ensure that federal land management decisions are not driving species toward extinction. Specifically, this section expands the 2018 “Cottonwood” rider — which exempts land management agencies from updating their plans when a species is newly listed under the Act or when critical habitat is designated — to now exempt those agencies from updating their plans based on “new information” about the harm occurring to endangered species that live on public lands.

Such new information often includes the increasingly severe impacts of climate change, including drought and uncharacteristic forest and grassland or sagebrush fires, which are rapidly degrading and destroying endangered species habitat. Reinitiation of consultations at the plan level is extremely rare but incredibly important. The Forest Service's own data show that compliance with existing law is not a burden. In fact, there were only four instances in 2022 where a national forest was required to reinitiate consultation on a forest plan — and none were based on any of the three reasons above.

Additionally, H.R. 7408 includes an extreme provision which would strip protections for threatened species by allowing states to develop their own recovery strategy for the species, which can then be used as the basis for an individual 4(d) rule under Section 4 of the Act — even if such strategy is not based on the best available science. The bill would further weaken 4(d) rules by forcing the Services to build in provisions to those rules that weaken protective regulations as the species meets recovery goals, forcing the agencies to sabotage their own recovery goals as they achieve success. The bill also weakens protections for more than 70% of listed species that depend on private lands by severely limiting when the U.S. Fish and Wildlife Service can designate critical habitat on such lands, and codifies into law a wholly inadequate process for protecting “candidate” species, which are plants and animals that warrant protections under the Act but are precluded by higher priority listing activities.

Title III of H.R. 7408 would extend Good Neighbor and Stewardship Contracting Authorities (GNA) and Stewardship End Results Contracting (SA) to lands managed by the U.S. Fish and Wildlife Service, non-Federal land, and land owned by an Indian Tribe ostensibly for “restoration” and recreation activities. However, the bill fundamentally changes these authorities in a manner that subverts the authority of the Secretary of Interior, creates perverse incentives that can lead to damaging activities, and waives relevant laws. Specifically, for GNA contracts, the bill allows for commercial logging in exchange for conducting restoration activities. Logging may occur on federal lands and appears to not be limited to Service lands. The bill also requires the Secretary of Interior to approve logging prescriptions on *all* timber sale projects, relinquishing her authority to approve or modify logging prescriptions. Even more concerning, revenue from commercial logging activities can be retained by the governor, county or tribe. Retaining revenues to generate funds for restoration creates a perverse incentive to increase commercial logging, which most often harms ecosystems.

Title III also allows for Stewardship Contracts including logging “without regard to any other provision of law.” This could result in logging of mature and old growth forests, logging of other sensitive habitat as well as building new and temporary roads which most often fragment and degrade habitat and water quality as well as contribute to elevated fire risks. GNA are also available for recreation activities which may be harmful to or not compatible with lands managed by the Service, including shooting ranges, permanent paved roads, and other infrastructure.

For these reasons, we urge you to oppose H.R. 7408.

Sincerely,
Center for Biological Diversity
Alameda Creek Alliance
Alaska Wilderness League
American Bird Conservancy
Animal Legal Defense Fund

Animal Welfare Institute
Born Free USA
Cetacean Society International
Christian Council of Delmarva
Creation Justice Ministries
Defenders of Wildlife
Earthjustice
Endangered Habitats League
Endangered Species Coalition
Environmental Law & Policy Center
Environmental Protection Information Center- EPIC
FOUR PAWS USA
Friends of the Earth
Friends of Wisconsin Wolf and Wildlife
Humane Action Pennsylvania
Humane Action Pittsburgh
Inland Ocean Coalition
Interfaith Power & Light
International Marine Mammal Project of Earth Island Institute
Kentucky Heartwood
Klamath Forest Alliance
Klamath Siskiyou Wildlands Center
League of Conservation Voters
Los Angeles Audubon Society
Los Padres ForestWatch
Maine Audubon
Marine Mammal Alliance Nantucket
Mass Audubon
National Ocean Protection Coalition
National Wolfwatcher Coalition
Natural Resources Council of Maine
Natural Resources Defense Council
New Hampshire Audubon
North Central Washington Audubon Society
Northern California Council, Fly Fishers International
NY4WHALES
Oceanic Preservation Society
Oregon Wild
Predator Defense
Project Coyote
Project Eleven Hundred
Resource Renewal Institute
Save Animals Facing Extinction
Save the Manatee Club
Sierra Club
Silvix Resources

Southern Environmental Law Center
Southern Utah Wilderness Alliance
The #RelistWolves Campaign
The Conservation Angler
The Urban Wildlands Group
Trap Free Montana
Turtle Island Restoration Network
Voice for Animals of Maine and New Hampshire
Washington Wildlife First
Waterkeeper Alliance
Western Nebraska Resources Council
Western Watersheds Project
WildEarth Guardians
Wilderness Watch
Wilderness Workshop
Wolf Conservation Center
World Animal Protection
Wyoming Untrapped
Wyoming Wildlife Advocates
Xerces Society for Invertebrate Conservation