

October 18, 2024

The Honorable Charles Schumer
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Hakeem Jeffries
Democratic Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Patty Murray
Chair
Committee on Appropriations
U.S. Senate
The Capitol S-128
Washington, D.C. 20515

The Honorable Rosa DeLauro
Ranking Member
Committee on Appropriations
U.S. House of Representatives
1036 Longworth House Office Building
Washington, D.C. 20515

Re: Oppose Harmful Endangered Species Act and Anti-Wildlife Riders in Any Final FY2025 Interior, Environment and Related Agencies Appropriations Legislation

Dear Majority Leader Schumer, Democratic Leader Jeffries, Chair Murray, Ranking Member DeLauro,

On behalf of our organizations and our millions of members and supporters, we urge you to ensure that any final FY 2025 Interior appropriations bill is free of riders that undermine the Endangered Species Act (ESA) and protections for wildlife. The House bill contains the largest number of anti-wildlife policy riders that has ever been included in an Interior bill in the 50-year history of the Endangered Species Act. In addition, the Senate Interior bill still includes the long-standing rider denying ESA protections to the imperiled sage-grouse. These riders would cause irreparable harm by undoing decades of progress to stabilize and recover some of our most iconic species. They are also completely out of step with the American public, which overwhelmingly supports the Act and protections for wildlife. Thus, we urge you to please ensure the following provisions are not included in any final appropriations bill:

FY 2025 House Interior Appropriations Bill – H.R. 8998

Sec. 116 - Blocks Protections for Sage-Grouse. This rider would block the U.S. Fish and Wildlife Service from considering whether to protect the greater sage-grouse, or any distinct population of greater sage-grouse, as endangered or threatened under the Endangered Species Act. The sage grouse population has declined 40% rangewide over the last two decades and continues on a downward trend. Endangered Species Act protections are desperately needed to save this bird from extinction.

Sec. 117 – Blocks Multistate Sagebrush Habitat Protection Plan. This rider would block the Bureau of Land Management from finalizing its revised management plan for nearly 70 million acres of sagebrush habitat across 10 states. Protecting this ecosystem not only benefits the greater sage grouse, but also hundreds of other species that depend on the Sagebrush Sea ecosystem including pygmy rabbits, pronghorns, elk, mule deer, golden eagles, native trout, and migratory and resident birds.

Sec. 125 – Prevents Agencies from Regulating Lead Ammunition and Tackle. This rider would block federal agencies from regulating the use of poisonous lead ammunition or fishing gear, which can harm endangered species like whooping cranes that ingest lead when feeding in fields and waterways. A 2022 study found that half of bald and golden eagles are suffering from chronic, toxic levels of lead due to lead ammunition.

Sec. 127 – Blocks Protections for the Lesser Prairie-Chicken. The lesser prairie-chicken is a highly imperiled ground-nesting bird that has declined to roughly 27,000 individuals — including at least a decline of 20% since 2021 — and its current population may now be well below even that number. It is found in less than 10% of its former habitats. After nearly three decades of waiting for protection, the Fish and Wildlife Service issued a final rule in November 2022 protecting the lesser prairie-chicken under the Endangered Species Act. This rider would block funding to implement or enforce the rule.

Sec. 128 – Blocks Increased Protections for Northern Long-Eared Bats. Northern long-eared bats have declined 99% across most of their range in a span of just two decades. White-nose syndrome, caused by an exotic fungus originating in Europe, has devastated this species. However, human activities are now exacerbating the bats’ catastrophic decline. The Fish and Wildlife Service listed the bat as endangered in November 2022 after finding that its previous “threatened” status was not sufficiently protective to keep the bat from slipping further toward extinction. Nonetheless this rider would block funding to implement the listing rule.

Sec. 129 – Blocks Protections for the Dunes Sagebrush Lizard. After 40 years of delay, the Fish and Wildlife Service issued a final rule in June 2024 protecting the dunes sagebrush lizard under the Endangered Species Act. These 2.5-inch-long lizards have the second smallest range of any lizard in North America, and more than 95% of its shinnery oak dunes ecosystem has been destroyed by oil and gas and other development, as well as herbicide spraying to support livestock grazing. This rider would block funding to implement or enforce the rule.

Sec. 130 – Delists the Gray Wolf Nationwide. This legislation would remove federal protections for all gray wolves in the lower-48 states, except for a small population of Mexican gray wolves in Arizona and New Mexico. Gray wolf populations in the United States were decimated by decades of predator control programs, as well as loss of habitat and prey. Since receiving protection under the Endangered Species Act, the gray wolf has begun a comeback but remains far from recovered.

Sec. 131 – Blocks Protections for Wolverines. After waiting nearly 30 years for protection, the Fish and Wildlife Service issued a final rule in November 2023 protecting wolverines as threatened under the Endangered Species Act. This rare wilderness species is threatened with massive habitat loss due to climate change. No more than 300 wolverines remain in the lower 48 states. This rider would block funding to implement or enforce the final rule.

Sec. 132 – North Cascades Grizzly Bear Ecosystem Reintroduction Plan. This rider would block funding for the National Park Service and the Fish and Wildlife Service to implement the North Cascades Grizzly Bear Ecosystem Restoration Plan, which aims to restore grizzly bears to the North Cascades. The plan involves transporting grizzly bears into the region from other areas with more robust grizzly populations, an essential step to recovering grizzly bears in the North Cascades.

Sec. 133 – Bitterroot Ecosystem Grizzly Bear Reintroduction. This rider would block funding for the Fish and Wildlife Service to restore grizzly bears to the Bitterroot Ecosystem of Montana and Idaho. Although historical records reveal that grizzlies once occurred throughout this area, it has at most only a few bears now. The Bitterroot Ecosystem encompasses one of the largest contiguous blocks of Federal land remaining in the lower 48 states and is ideal for grizzly bear recovery.

Sec. 134 – Exemption for Captive Fish Under the Endangered Species Act. This vague rider, which appears to benefit less than five commercial caviar sellers in Florida, would exempt all captive fish from

the requirements of the Endangered Species Act, regardless of the impacts on conservation efforts for salmon, steelhead and domestic sturgeon species, all of which are held in captive breeding programs or hatcheries to further their recovery. Furthermore, exempting the small handful of commercial caviar producers from the decades-old requirements of the Act would undermine conservation efforts around the world, and likely result in more illegal caviar trade benefitting hostile nations including Russia.

Sec. 135 – Prevents Restoration of Bison onto Charles M. Russell (CMR) National Wildlife Refuge. This rider would effectively preclude the reintroduction of bison to Charles M. Russell National Wildlife Refuge. The restoration of bison to CMR is a priority for various Tribal Nations and would be a major step toward restoring the biological integrity and natural ecosystem function of Montana's northern plains as well as uplift the National Wildlife Refuge System's importance to wildlife.

Sec. 136 – Blocks Revisions to Harmful Endangered Species Act Regulations. This rider undermines the Endangered Species Act and the federal agency rulemaking process by blocking the Fish and Wildlife Service from implementing or enforcing its 2024 final regulations that reversed or revised the previous administration's rules gutting Section 4 (listing and critical habitat) and Section 7 (interagency consultations) of the Endangered Species Act.

Sec. 138 – Blocks the BLM's Conservation and Landscape Health Rule. This rider prohibits any funding to implement, administer, or enforce the Conservation and Landscape Health rule finalized by the Bureau of Land Management in May 2024. The rule clarifies that conservation is an integral part of the agency's management and offers forward-looking tools for enhancing conservation and sustainability of public lands, which provide habitat to over 300 threatened and endangered plants and animals and over 2,400 additional at-risk species.

Sec. 140 – Consultation Exemptions for Land Management Plans. This rider would codify climate denialism into law by exempting the U.S. Forest Service and Bureau of Land Management from updating their land management plans when a species becomes listed, new critical habitat is designated, or new information—which often includes new data on the severe impacts of climate change on species—demonstrates that endangered species are being harmed or killed on our nation's public lands.

Sec. 141 – Blocks the National Wildlife Refuge System's Biodiversity Rule. This rider would block the Fish and Wildlife Service from finalizing a rule protecting the Biological Integrity, Diversity, and Environmental Health (BIDEH) of nearly 600 National Wildlife Refuges in the United States. Over 500 threatened or endangered species—or almost one-third of all species listed under the Endangered Species Act—live or depend on refuges. The proposed BIDEH rule is urgently needed to address the unprecedented challenges threatening the long-term ecological viability of the Refuge System, including climate change, agricultural production, habitat loss, and the proliferation of invasive species.

Sec. 149 – Blocks Protections for Critically Endangered Whales. This rider would block federal agencies from even attempting to minimize the harmful impacts of offshore oil and gas activities on North Pacific right whales, North Atlantic right whales, and Gulf of Mexico Rice's whales. These whales are three of the most critically endangered whales in the world. Nonetheless, this rider would block any protections designed to reduce or eliminate disturbance from oil and gas leasing, exploration, development or production.

Sec. 153 – Blocks Cancellation of Oil and Gas Lease Sales in the Arctic. This rider would prohibit funding to cancel or suspend oil and gas leases in the Arctic National Wildlife Refuge or the Western

Arctic (NPR-A). The Refuge is the single largest unit of public land in the nation and provides vital habitat for a diverse array of unique and imperiled species, including polar bears and ice seals.

Sec. 154 – Blocks New Special Areas Rule for Western Arctic. This rider would prohibit funding to implement, administer, or enforce the Management and Protection of the National Petroleum Reserve in Alaska rule finalized by the Bureau of Land Management in May 2024, or any substantially similar rule. The rule is needed to strengthen protections for more than 13 million acres of “Special Areas” in the Western Arctic that will ensure maximum protection for imperiled species and countless wildlife that live there.

Sec. 157 – Delists the Greater Yellowstone Ecosystem Population of Grizzly Bears. This rider would remove Endangered Species Act protections for grizzly bears in the Greater Yellowstone Ecosystem. The Yellowstone grizzly bear population remains isolated and under threat from climate change-induced habitat and ecological changes. Increasingly aggressive hunting and trapping policies for large carnivores in Montana, Idaho and Wyoming indicate that grizzly bear recovery would come to grinding halt if Endangered Species Act protections were lifted.

Sec. 455 and Sec. 489 – Expands Authorities for Harmful Logging and Grazing on National Wildlife Refuges. This rider would enact Title III of H.R. 7408, America’s Wildlife Habitat Conservation Act. Title III of H.R. 7408 would extend Good Neighbor and Stewardship Contracting Authorities (GNA) to lands managed by the Fish and Wildlife Service and some non-Federal lands ostensibly for “restoration” and recreation activities. This expanded authority would create a perverse incentive for logging on national wildlife refuges by allowing counties to retain timber revenues even though they must be reinvested into the same good neighbor agreement. It would furthermore expose the Refuge System to increased grazing, allow for the development of shooting ranges, and supersede critical Refuge Act provisions.

Sec. 508 – Blocks Protections for Seven Imperiled Freshwater Mussels in Texas and their Critical Habitat. These seven mussels—including the Texas pimpleback, Guadalupe orb, Texas fatmucket, Guadalupe fatmucket, false spike, Balcones spike, and Texas fawnsfoot—have waited for between 16 and 17 years to receive protection under the Endangered Species Act. These mussels are disappearing because of pollution, sediment, diversions, dams and development, as well as droughts, heat waves, and violent floods caused by global warming.

Sec. 509 – Blocks Expansion of the Muleshoe National Wildlife Refuge in Texas. The refuge expansion is a crucial step for the recovery of the lesser prairie-chicken. The expansion would help protect and restore vanishing grassland landscapes that provide essential habitat to the prairie chicken, as well as other species including pronghorn and sandhill cranes.

Sec. 517 – Blocks Protections for the Texas Kangaroo Rat and Its Critical Habitat. The kangaroo rat has rapidly disappeared from its dwindling native grassland habitat, which is at grave risk from climate change. After more than 40 years of delay, the Fish and Wildlife Service proposed to list the rodent as endangered in August 2023.

FY 2025 Senate Interior Appropriations Bill – S. 4802

Sec. 119 – Blocks Protections for Sage-Grouse. Similar to Sec.116 of the House bill, this rider continues the perennial rider which has been included in Interior appropriations bills since 2014 prohibiting the Fish and Wildlife Service from considering greater sage-grouse and the Columbia Basin

distinct population segment of the species for protection under the Endangered Species Act. However, the Senate rider differs from the House version in that it does not expand the language to include any distinct population of greater sage-grouse.

As we face an accelerating and unprecedented wildlife extinction crisis, now more than ever we need Congress to uphold our environmental laws and protect our nation's most vulnerable animals and plants. For these reasons, we urge you to ensure that these anti-wildlife riders are not included in any final appropriations package. Thank you for your attention.

Sincerely,

Alameda Creek Alliance
Alaska Wilderness League Action
American Bird Conservancy
Animal Legal Defense Fund
Animal Welfare Institute
Animal Wellness Action
Animal Wellness Foundation
Animal Wonders KC
Bat Conservation International
Born Free USA
CalWild
Californians for Western Wilderness
Center for Biological Diversity
Christian Council of Delmarva
Clean Water Action
Conservation Law Foundation
Defenders of Wildlife
Earthjustice
Earth Path Sanctuary
Endangered Habitats League
Endangered Species Coalition
Environment America
Environmental Law & Policy Center
Environmental Protection Information Center- EPIC
Environment Texas
FOURPAWS USA
Friends of Blackwater, Inc.
Friends of Merrymeeting Bay
Friends of the Earth Action
Friends of Wisconsin Wolves and Wildlife
Grand Canyon Wolf Recovery Project
Great Lakes Wildlife Alliance
Great Old Broads for Wilderness
GreenLatinos
Heartwood
Howling For Wolves

Humane Action Pennsylvania
Humane Action Pittsburgh
International Fund for Animal Welfare (IFAW)
International Marine Mammal Project of Earth Island Institute
International Wildlife Coexistence Network
Kalmiopsis Audubon Society
Kentucky Heartwood
Kettle Range Conservation Group
Kids for Saving Earth
Klamath Forest Alliance
League of Conservation Voters
Los Angeles Audubon Society
Los Padres ForestWatch
Maine Audubon
National Wolfwatcher Coalition
Native Fish Coalition
Natural Resources Defense Council
New Hampshire Audubon
North Central Washington Audubon Society
Northwood Alliance, Inc
NYC Plover Project
Ocean Alliance
Ocean Defense Initiative
Oceana
Ohio Environmental Council
Oregon Natural Desert Association
Peace 4 Animals
Predator Defense
Project Coyote
Public Citizen
Resource Renewal Institute
Rocky Mountain Wild
Save Animals Facing Extinction
Save Our Sky Blue Waters
Save the Manatee Club
Sierra Club
Silvix Resources
Southern Utah Wilderness Alliance
Species Unite
The #RelistWolves Campaign
The Center for a Humane Economy
The Conservation Angler
The Cougar Fund
The Urban Wildlands Group
Voices of the Land
Western Nebraska Resources Council
Western Watersheds Project
WildEarth Guardians
Wild Fish Conservancy

Wilderness Workshop
Wolf Conservation Center
Wyoming Wildlife Advocates
Yaak Valley Forest Council