

107TH CONGRESS
2D SESSION

H. R. 3706

To amend the Endangered Species Act of 1973 to provide a public right-to-know for landowners in implementing the Endangered Species Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2002

Mr. POMBO introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Endangered Species Act of 1973 to provide a public right-to-know for landowners in implementing the Endangered Species Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LANDOWNER AND PUBLIC RIGHT-TO-KNOW.**

4 (a) IN GENERAL.—Section 13 of the Endangered
5 Species Act of 1973 is amended to read as follows:

6 **“SEC. 13. PROVISION OF INFORMATION TO AFFECTED PER-**
7 **SONS.**

8 “(a) IN GENERAL.—Any person who is the owner of
9 record of privately owned land, or the Governor of any
10 State, may submit to the Secretary a request for informa-

1 tion described in subsection (b) with respect to the pri-
2 vately owned land or land owned by the State, respectively,
3 that is described in the request and affected by the appli-
4 cation of this Act.

5 “(b) INFORMATION AVAILABLE.—The information
6 referred to in subsection (a) is, with respect to the land
7 described in the request, all of the following information
8 that is in the possession of any agency under the adminis-
9 trative jurisdiction of the Secretary:

10 “(1) A description of the location where the
11 species is known to occur on the land, and of how
12 the occurrence of the species on that land originally
13 became known to the Secretary.

14 “(2) The presence or absence on the land of
15 species listed or proposed for listing under section
16 4(c).

17 “(3) Any regulations or restrictions that may
18 apply under this Act to the land as a result of pro-
19 tections under this Act of such species/species listed
20 under section 4(c).

21 “(4) The impact that any pending proposal to
22 list a species under section 4(c) as an endangered
23 species or threatened species could have on use and
24 management of the land.

1 “(5) The impact that a designation under this
2 Act (including any pending proposed designation) of
3 the land as critical habitat would have on the use
4 and management of the land.

5 “(6) A response as to whether any action speci-
6 fied in the request constitutes a taking of a species
7 prohibited under this Act, and a description of ac-
8 tions that must be taken by the person to avoid such
9 a taking.

10 “(7) A description of what other actions relat-
11 ing to the land will constitute a taking prohibited
12 under this Act, and the actions that must be taken
13 to avoid such a taking.

14 “(8) Any other information that could affect
15 the use or management of the land.

16 “(c) DEADLINE FOR RESPONSE.—

17 “(1) IN GENERAL.—The Secretary shall provide
18 in writing to the owner of privately owned land or
19 the Governor of a State the information described in
20 subsection (b) by not later than the expiration of the
21 90-day period beginning on the date the Secretary
22 receives a request under subsection (a) from the
23 owner or Governor, respectively.

24 “(2) RESTRICTION ON ENFORCEMENT.—After
25 the period referred to in paragraph (1), this Act

11 “(e) RELIANCE ON INFORMATION PROVIDED.—Any
12 act or omission by a person that is based on the good faith
13 reliance by the person on information provided to the per-
14 son in writing under this section shall not be treated as
15 a violation of this Act.”.

“Sec. 13. Provision of information to affected persons.”.

Section 4(b)(5)(E) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(5)(E)) is amended by striking “if any person files a request for such a hearing” and in-

1 setting “in accordance with section 556 of title 5, United
2 States Code,”.

3 **SEC. 3. EFFECT ON OTHER LAWS.**

4 Nothing in this Act shall be construed to limit, re-
5 place, or interfere with other opportunities for public com-
6 ment on, participation in, or influence on agency decision
7 making pursuant to the National Environmental Policy
8 Act of 1969, chapter 5 of title 5, United States Code (pop-
9 ularly known as the “Administrative Procedure Act”), or
10 any other law or policy that provides for such opportuni-
11 ties.

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