

107TH CONGRESS
2^D SESSION

H. R. 3707

To amend the Endangered Species Act of 1973 to improve protections for endangered species habitats.

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 improve protections for endangered species habitats.

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. IMPROVED PROTECTIONS FOR ENDANGERED**
4 **SPECIES HABITATS.**

5 (a) SURVIVAL HABITAT DEFINED.—Section 3 of the
6 Endangered Species Act of 1973 (16 U.S.C. 1532) is
7 amended by adding at the end the following:

8 “(22) The term ‘survival habitat’ for a threatened
9 species or endangered species means the specific areas
10 within the geographical area occupied by the species, at

1 the time it is listed under section 4(c), on which are found
2 those physical or biological features that—

3 “(A) are essential to the conservation of the
4 species; and

5 “(B) may require special management consider-
6 ations or protection.”.

7 (b) REQUIREMENTS TO DESIGNATE HABITAT.—Sec-
8 tion 4 of such Act (16 U.S.C. 1533) is amended—

9 (1) in subsection (a), by amending paragraph
10 (3) to read as follows:

11 “(3)(A) The Secretary, by regulation promul-
12 gated in accordance with subsection (b), shall—

13 “(i) concurrently with making a determina-
14 tion under paragraph (1) that a species is an
15 endangered species or threatened species, des-
16 ignate survival habitat of the species; and

17 “(ii) concurrently with adoption of the
18 final recovery plan for a species under sub-
19 section (f), designate critical habitat of the spe-
20 cies.

21 “(B) A final regulation implementing the deter-
22 mination that a species is an endangered species or
23 threatened species shall not be published in the Fed-
24 eral Register unless the Secretary has determined

1 and published in the Federal Register the survival
2 habitat for such species.”; and

3 (2) in subsection (b), by amending paragraph
4 (2) to read as follows:

5 “(2)(A)(i) The Secretary shall designate critical
6 habitat, and make revisions thereto, under sub-
7 section (a)(3) on the basis of the best scientific and
8 commercial data available and after taking into con-
9 sideration the economic impact, and any other rel-
10 evant impact, of specifying any particular area as
11 critical habitat.

12 “(ii) Survival habitat designated for a species at
13 the time of listing the species under subsection (c)
14 shall be revised and finalized as critical habitat con-
15 currently with the adoption of the final recovery plan
16 under this section for the species.

17 “(iii) The Secretary may exclude any area from
18 critical habitat if the Secretary determines that the
19 benefits of such exclusion outweigh the benefits of
20 specifying such area as part of the critical habitat,
21 unless the Secretary determines, based on the best
22 scientific and commercial data available, that the
23 failure to designate such area as critical habitat will
24 result in the extinction of the species concerned.

1 “(B)(i) The Secretary shall designate survival
2 habitat of a species based only on the basis of the
3 best scientific and commercial data available and
4 after taking into consideration the economic impact,
5 and any other relevant impact, of specifying any
6 particular area as survival habitat.

7 “(ii) The Secretary may exclude any area from
8 survival habitat if the Secretary determines that the
9 benefits of such exclusion outweigh the benefits of
10 specifying such area as part of the survival habitat,
11 unless the Secretary determines, based on the best
12 scientific and commercial data available, that the
13 failure to designate such area as critical habitat will
14 result in the extinction of the species concerned.”.

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