

**Wally  
Herger**  
Congressman

**2nd District - California**

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**NEWS**

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## **Herger Re-introduces Bill to Improve the 1973 Endangered Species Act**

*ESA must be modernized to make protecting human life our top priority, Herger says*

(WASHINGTON, D.C.) -- Congressman Wally Herger (CA-02) recently re-introduced H.R. 2779, "The Species Rescue Act," which would add flexibility to the 1973 Endangered Species Act (ESA) to ensure that protecting human life is not hindered by prolonged delays in building levee repairs and maintenance work necessary to protect human life. The Herger legislation amends the ESA's Section 7 "consultation" process to allow flood protection districts and other agencies to avoid such maintenance delays.

"I can't imagine that anyone ever envisioned that protecting species would take precedence over protecting people when Congress adopted the ESA over thirty years ago," Herger said. "The Endangered Species Act is a well-intentioned law, but it provides absolutely no flexibility.

"We know that the ESA delayed repairs that could have prevented the levee break in Arboga in 1997," Herger added. "Tragically, three innocent people drowned after the levee broke--seven years after the Corps warned of the danger. Congress has a moral obligation to ensure that a similar tragedy does not occur in the future."

The loss of life in Arboga, CA, just south of Marysville, in January 1997 represented the most tragic example of the inflexibility of the ESA. Seven years earlier, the Army Corps of Engineers (Corps) had identified the Arboga levee as one in need of immediate repair, and that absent such repairs, *"loss of human life is expected."* Despite this dire warning, the ESA consultation process delayed repairs to protect the Valley Longhorn Elderberry Beetle. The process finally concluded, but the levee broke before needed repairs could occur.

"As Chairman Pombo and the Resources Committee consider larger ESA reauthorization efforts this Congress, I want to ensure that flexibility for levee repairs and other steps to provide greater public health and safety protections are included in any reform package."

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H.R. 2779 requires consultation between the Corps and U.S. Fish and Wildlife Service to be completed within 60 days if levees have been identified as posing a major risk to human life unless repairs are undertaken. At the conclusion of 60 days, agency biologists may "rescue" endangered species that are present on the levee and remove them to nearby lands so that needed repairs may begin in a timely manner.

"It is absolutely critical that the ESA's goal of protecting endangered species does not prevent essential structural improvements that can save human life. 'The Species Rescue Act' strengthens the ESA to ensure this commonsense priority is fulfilled," Herger concluded.

*H.R. 2779 has been referred to the House Committee on Resources and can be viewed online at: <http://thomas.loc.gov/cgi-bin/query/D?c109:1:./temp/~c109OMB2Pb::>*

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