



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

ESA Flexibility Act/H.R. 8136: Congressmen Westerman (Arkansas) and Stauber (Minnesota) Introduce Endangered Species Act Amendments

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United States House of Representatives Westerman and Stauber introduced H.R. 8136 which is denominated the:

ESA Flexibility Act ("Bill")

The *Bill* would amend the Endangered Species Act of 1973.

Congressman Westerman serves as the Ranking Member of United States House of Representatives Committee on Natural Resources.

The concern driving the *Bill* are scenarios involving up-listing of species due to declines related to diseases and other natural causes unrelated to human activity. An example cited in a news release issued by Congressman Westerman through the House Committee on Natural Resources is the northern long-eared bat. The bat has been in decline due to the White-Nose Syndrome. However, concern is expressed about the fact that foresters, farmers, and other land managers play no role in the species decline but the Service does not currently have the ability to tailor ESA restrictions without impeding landowner activities.

The sponsors state that the *Bill* would alleviate the burden on landowners impacted by the up-listing of species in such scenarios (such as the northern long-eared bat) by providing the Service the ability to utilize ESA Section 4(d) rules to address this issue. For example, the House Committee on Natural Resources news release states that:

In the case of the bat, this would allow landowners to continue to operate as they are now, while allowing USFWS to focus primarily on the root cause of the species' decline: white-nose syndrome.

A copy of the *Bill* can be downloaded [here](#). The House Committee on Natural Resources June 16th news release can be found [here](#).