

# State coordination of endangered species conservation

HB 3509 by D. Bonnen (Seliger)

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**DIGEST:** HB 3509 would have expanded the membership and duties of the Task Force on Economic Growth and Endangered Species, which assesses the impact of endangered species regulations and facilitates state and local government efforts to implement them in a cost-effective manner.

The bill would have required that the task force select holders of federal permits issued under the Endangered Species Act in connection with habitat conservation plans or similar plans authorized or required by federal law in connection with an endangered or candidate species. The task force would have been authorized to coordinate for state agencies the comments, positions, and responses to listings and potential listings of endangered species.

A state agency could have applied for or held a federal permit in connection with a habitat conservation plan or similar plan authorized or required by federal law in connection with an endangered, threatened, or candidate species. A state agency represented on the task force also would have been authorized to hold a permit.

Before undertaking the development of a habitat or candidate conservation plan or similar activity, a state agency would have been required to provide notice and solicit comments from members of the task force, as well as landowners, conservation interests, business interests, and mineral owners affected by the activity.

The permit holder would have had to inform the task force of any mitigation plans, including costs, at least 10 days before the plan was submitted to the U.S. Fish and Wildlife Service for approval.

The task force would have been required to conduct a study to determine state policies to defend against the overreaching inclusion of species on the Endangered Species List by the U.S. Fish and Wildlife Service.

HB 3509 also would have created the Habitat Protection and Research Fund to receive appropriations, grants, and gifts. The money would have funded research grants, personnel, and capital expenditures.

**GOVERNOR'S  
REASON FOR  
VETO:** "House Bill 3509 would make substantial changes to a process that has been efficiently overseen since 2009 by the Comptroller of Public Accounts. This process should remain at a single agency rather than a nine-member panel."

RESPONSE: **Rep. Dennis Bonnen**, the bill’s author, had no comment on the veto.

**Sen. Kel Seliger**, the Senate sponsor, said: “I am disappointed that the governor has decided to veto an agreed-to bill that many people, including members of his own staff, helped negotiate. As a leader who prides himself on being pro-business, I can’t understand why Gov. Perry would reject a piece of legislation that addresses the federal government’s assault on Texas through the overreach of the Endangered Species Act.

HB 3509 is a thoughtful piece of legislation that develops a statewide approach to the handling of threatened and endangered species listings while ensuring that the state’s economic engine, the oil and gas industry, is not crippled. I first became involved in this issue when the dunes sagebrush lizard was proposed for listing in 2011 and worked closely with Rep. Bonnen, stakeholders, industry, and landowners to not only craft a coordinated statewide policy but also establish and allocate dollars to a new dedicated fund for biological research. I am proud of the work and foresight of the Legislature, especially in light of the fact that over 100 species are being considered for listing in Texas in the next five years.”

NOTES: The HRO analysis of [HB 3509](#) appeared in the May 8 *Daily Floor Report*.