

## Exhibit 3

In Support of Plaintiffs' Partial Motion for Summary Judgment  
on Their Endangered Species Act Listing Claims

in

*Center for Biological Diversity et al., v. Jim Kurth et al.*, No. 1:15-cv-00477-EGS

and

*Defenders of Wildlife v. Jim Kurth et al.*, No. 1:16-cv-00910-EGS

Consolidated Cases

**DECLARATION OF INGRID SEGGERMAN**

I, Ingrid Seggerman, declare as follows:

1. I hold the position of Legislative Analyst in the Government Relations Department at Defenders of Wildlife (“Defenders”). I have held this position since 2014. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently thereto under oath.
2. Founded in 1947, Defenders is a non-profit corporation with more than 1.2 million members and supporters across the nation. Defenders is headquartered in Washington, D.C., with field offices in Arizona, Alaska, California, Colorado, Florida, North Carolina, Idaho, Montana, Oregon, Washington and Mexico.
3. Defenders is dedicated to protecting native animals and plants in their natural communities. Defenders accomplishes its goals with partners at local, state, regional and national scales through demonstrated on-the-ground conservation, research, policy development, advocacy, and, when necessary, litigation. On behalf of its members and supporters nationwide, Defenders has a long history of advocating for the protection of wildlife, and particularly imperiled species that have declined to the point of requiring protection under the Endangered Species Act (ESA).
4. Defenders’ Government Relations department works with national policymakers to secure laws and policies that protect native species of plants and animals and their habitats. We also work to defend existing conservation laws from proposed laws and policies that would weaken their efficacy. One of our legislative priorities is to defend the ESA and imperiled species from legislative attack.


5. As part of my responsibilities as Legislative Analyst, I track and analyze proposed legislation that would undermine the ESA, including any species-specific proposals. While Congress is in session, I accomplish this task by searching a congressional database for legislation related to the ESA on a weekly basis and updating a chart tracking the number of legislative attacks on the ESA and imperiled species. I also coordinate with legislative affairs staff members from other non-profit conservation organizations to ensure my chart is accurate and complete.
6. During the 114<sup>th</sup> Congress (from January 3, 2015 through January 3, 2017), there were approximately 130 legislative measures introduced that would have diminished the effectiveness of the ESA, removed or blocked protections for individual species, or exempted specific federal projects from the requirements of the ESA. With at least 18 similar measures already introduced this year in the 115<sup>th</sup> Congress, we are on track to see at least the same number of legislative attacks on this immensely successful conservation law during this Congress.
7. In the 114<sup>th</sup> Congress, nine bills and riders were introduced with the purpose of interfering with the U.S. Fish and Wildlife Service (FWS) decision-making process on an ESA listing decision and subsequently a final 4(d) rule for the northern long-eared bat. These bills and riders would have prevented FWS from listing the species as endangered, prevented FWS from listing the species under the ESA at all, codified the interim final 4(d) rule proposed by FWS, or amended the interim final 4(d) rule to make it even less protective of the species.
8. Prior to the introduction of these legislative measures in the 114<sup>th</sup> Congress, members of the 113<sup>th</sup> Congress had indicated a desire to introduce legislation to interfere with a

potential listing of the northern long-eared bat. On September 8 2014, for example, the House Natural Resources Committee held a field hearing on the northern long-eared bat in Harrisburg, Pennsylvania. As part of my responsibilities as legislative analyst, I watched the webcast of this hearing. Out of the witnesses who were invited to testify, only one represented the interest in protecting the northern long-eared bat. Six of the witnesses represented various industries that advocated against listing the northern long-eared bat because of the economic consequences they claimed would harm their industries.

9. As described in the Declaration of Nina Fascione at ¶¶ 10–13, Defenders devoted significant organizational efforts and resources to monitor and ensure the defeat of these proposals. In addition to monitoring and tracking these measures, I engaged in direct lobbying to defeat these proposals. For example, I met with congressional staff to discuss the threats to the bat and the importance of maintaining the integrity of the science-driven listing process under the ESA.
10. I have summarized the nine bills and riders introduced in the 114<sup>th</sup> Congress to interfere in the FWS' ESA decisions on the northern long-eared bat in the table attached hereto. To the best of my knowledge and ability, this table is a complete and accurate summary of the proposed bills and riders relating to the FWS' ESA decisions on the northern long-eared bat decision.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11<sup>th</sup> day of April, 2017, at Washington, D.C.

  
Ingrid Seggerman

**Legislative measures introduced in the 114<sup>th</sup> Congress  
related to the northern long-eared bat**

<b>Count</b>	<b>Bill Number</b>	<b>Sponsor</b>	<b>Title</b>	<b>Summary</b>	<b>Date Introduced</b>
1.	S. Amdt. 243 to Keystone XL Pipeline Approval Act (S. 1)	Johnson [R-WI]	Prohibition on listing the northern long-eared bat as an endangered species	Prohibits the U.S. Fish and Wildlife Service (FWS) from protecting the highly imperiled northern long-eared bat as an endangered species under the Endangered Species Act (ESA).	1/27/15
2.	S. Amdt. 244 to Keystone XL Pipeline Approval Act (S. 1)	Johnson [R-WI]	Same as above	Same as above	1/27/15
3.	S. 655	Thune [R-SD]	To prohibit the use of funds by the Secretary of the Interior to make a final determination on the listing of the northern long-eared bat	Prohibits the Secretary of the Interior from using funds to make a final determination on the listing of the northern long-eared bat under the ESA. Since FWS already published a final rule listing the northern long-eared bat as threatened on April 2, 2015, this bill has no practical effect.	3/4/15
4.	H.R. 1589	Noem [R-SD]	Same as above	Same as above	3/24/15
5.	S. Amdt. 422 to the Budget Resolution (S. Con. Res. 11)	Thune [R-SD]	To establish a deficit-neutral reserve fund to ensure that the conservation of northern long-eared bat	Blocks a final FWS determination due April 2, 2015 concerning whether to list the northern long-eared bat under the ESA. It	3/27/15

			& local economies are compatible	injects open-ended economic considerations into a listing decision for the northern long-eared bat, which should be based entirely on the best available science.	
6.	Sec. 122 of FY '16 Interior Appropriations Bill (H.R. 2822)	Calvert [R-CA]	House Interior Appropriations Bill of 2016; Northern Long-Eared Bat	Statutorily codifies and weakens an already problematic FWS special 4(d) rule for the northern long-eared bat.	6/8/15
7.	H. Amdt. 626 to FY '16 Interior Appropriations Bill (H.R. 2822)	Thompson [R-PA]	House Interior Appropriations Bill of 2016; Northern Long-Eared Bat	Prohibits the FWS from protecting the highly imperiled northern long-eared bat as an endangered species under the ESA.	7/7/15
8.	S. Amdt. 3034 to the Energy Policy Modernization Act (S. 2012)	Johnson [R-WI]	Prohibition on listing the northern long-eared bat as an endangered species	Prohibits the FWS from protecting the highly imperiled northern long-eared bat as an endangered species under the ESA.	9/9/15
9.	Sec. 124 of Article I Consolidated Appropriations Amendments, 2016 (H.R. 4371)	Buck [R-CO]	Northern Long-Eared Bat	Amends the FWS interim 4(d) rule of April 2, 2015 so that incidental take conducted in accordance with habitat conservation measures identified in rule is not prohibited. Also reopens the public comment period for at least 90 days.	1/12/16