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CONTACT: [Crystal Feldman](#), [Spencer Pederson](#), or [Jill Strait](#)
202-226-9019

Members Question Obama Admin on FY13 Budget Priorities, Raise Concern Over Endangered Species Act Litigation, Settlements

WASHINGTON, D.C. – Today, the House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held an [oversight hearing](#) on the FY 2013 budget requests for the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior’s Office of Insular Affairs and the U.S. Fish and Wildlife Service (FWS). The hearing focused on the budget requests for major programs and activities overseen by the agencies including increased government land acquisition, Endangered Species Act related activities and satellite programs.

“After examining these budgets, it is clear that none of them reflect the reality of our current economic situation. Each of them propose an increase over last year’s appropriated levels and they are frankly not serious documents,” [said Subcommittee Chairman John Fleming \(LA-04\)](#). “Economic down turns are difficult for everyone and require oversight of programs and hard choices to be made when funding levels are cut.”

Members also questioned the budget priorities of the three agencies noting that the NOAA satellite programs have grown by almost 114 percent since Fiscal Year 2008 while fisheries surveys – important for setting sustainable harvest levels for commercial and recreational fishermen – will receive minimal increases. It was also noted that underfunding the maintenance of our public lands makes increasing the Federal estate seem unreasonable.

At the hearing, Members took particular focus on the Agencies’ budget requests for costs related to the Endangered Species Act including implementation, recovery efforts, litigation and settlements.

Natural Resources Chairman Doc Hastings’ (WA-04) [opening statement](#) addressed resource allocation for Endangered Species Act related activities. *“As our nation faces a \$15.5 trillion debt that grows by over \$4 billion every day, the two agencies appearing today are responsible for managing national fish and wildlife and marine resources and are requesting a combined total of over \$200 million more than together they received last year -- including for more Endangered Species Act (ESA) listings and regulations. Regrettably, the sizable portion of these agencies’ budgets that already goes to managing endangered species programs focuses less on prioritizing and recovering species than on paying costly attorneys’ fees, avoiding and defending procedural lawsuits, meeting court deadlines, and responding to court orders stemming from the agencies’ own poorly drafted rules and regulations.”*

Rep. Jon Runyan (NJ-03) specifically asked **NOAA's Acting Assistant Secretary of Commerce for Conservation and Management Eric Schwaab**, *"what percentage of the NMFS budget was spent on the same actions relating to court order settlements and litigation?"* Mr. Schwaab noted that the Agency spent \$2.6 million on attorney's fees and Endangered Species Act related litigation between 2008 and 2011. Rep. Runyan went on to discuss the Agency's failure to respond to Congressional requests for the total amount spent on court litigation in general. He also noted that the Agency's recent decision to uplist several population segments of the Atlantic sturgeon was done without the Agency ever having conducted a comprehensive stock survey. This uplisting could affect more than 40 other fisheries and is based on little scientific information.

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