



# Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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## All Witnesses in Agreement that ESA Needs Improvement

**Washington, D.C.** – Today, the House Natural Resources Committee held an [oversight hearing](#) entitled “*Defining Species Conservation Success: Tribal, State, and Local Stewardship Vs. Federal Courtroom Battles and Sue-and-Settle Practices.*” At the hearing, Members and witnesses compared the effective conservation efforts happening on state, local, and tribal levels with the seemingly never-ending cycle of Endangered Species Act (ESA) litigation that often stands in the way of recovery efforts.

This hearing was the first in a series of hearings this Committee will hold to examine ways to ensure that the ESA is working efficiently and effectively for both people and species affected by this law.

*“During the last Congress, this Committee held several hearings that demonstrated how the ESA has been used as a tool for litigation and how skillful lawyers are benefitting much more than species. Ironically, the same litigious groups that routinely criticize the federal government’s failure to meet ESA listing or critical habitat deadlines are the same groups that are quick to claim that the status quo ESA successfully protects species by keeping the vast majority (over 98 percent) from ever getting off the list,” said Chairman Doc Hastings (WA-04). “Fortunately, state, local, and tribal governments, and many private landowners not only care about species conservation, they’re doing it now, and in a manner that responsibly respects local economic activities, private property, and other uses. This is occurring despite the ever-growing litigation industry involving federal implementation of the Endangered Species Act.”*

Witnesses who testified before the Committee touted the success of state, local, and tribal conservation efforts and underscored the need for meaningful ESA reform.

**[Tyler Powell](#), Oklahoma’s Deputy Secretary of Environment**, highlighted the successes of Oklahoma’s Lesser Prairie Chicken conservation efforts saying, “*As it stands today the Endangered Species Act does not adequately assess the work that states are undertaking and provides little or no role for the states after listing of a species. State wildlife agencies have built trust with landowners and a stakeholder that continues to benefit the Lesser Prairie Chicken and other species. We believe, and have seen in past listings, that this trust is lost when the Service takes over all management of a species. As also seen in other areas, states are best equipped to manage resources within their boundaries. Our goal remains to have Oklahoma’s work on the Lesser Prairie Chicken be an example of how species of greatest*

*conservation need should be managed.”*

**[Tom Jankovsky](#), Garfield Colorado County Commissioner**, accentuated the importance of local species conservation management and how top-down federal policies are doing more harm than good. *“Our primary concern is that the policies the Bureau of Land Management is attempting to put in place do not fit our unique topography and will fail, destroy our local economy and create the need for litigation. It is critical that agency plans be consistent with local plans.”*

**[Kathryn Brigham](#), Chairwoman of the Columbia River Inter-Tribal Fish Commission (CRITFC)**, showcased the many successes that CRITFC has achieved in species recovery and re-introduction. Brigham also pointed out how important CRITFC is to fulfilling local species conservation needs. *“We are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. The Endangered Species Act is at its best when it provides beneficial coordination and resources. It is at its worst when it creates delay, bureaucracy and limits the tools co-managers need to restore abundance.”*

During the hearing, **[Steve Ferrell](#), Wildlife and Endangered Species Policy Advisor to Wyoming Governor Meade**, defended the states’ ability to effectively implement ESA requirements. *“States are unquestionably qualified to be effective partners in the implementation of the ESA. States have extensive experience and expertise in science based wildlife management principles and the application of public policy in managing wildlife as a public asset. States are significantly affected by the ESA including their ability to develop and maintain their economies and natural resources. States should be afforded every opportunity to provide input to laws, regulations and policies in implementing the ESA.”*

Ferrell also testified that those closest to the species know firsthand how to protect species better than distant bureaucrats and litigious groups who often hinder ESA through lawsuits and closed-door settlements. *“Litigation appears to be a business model for some organizations today. Changing these laws to reduce the financial incentive to litigate would make the implementation of the ESA more efficient, and more transparent. States and other interested stakeholders need and deserve a seat at the table when it comes to ESA management.”*

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