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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Opening Statement of
Chairman Doc Hastings
Committee on Natural Resources
On Tuesday, June 4, 2013
1324 Longworth House Office Building
Full Committee Oversight Hearing on

***“Defining Species Conservation Success: Tribal, State and Local Stewardship
vs. Federal Courtroom Battles and Sue-and-Settle Practices”***

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Today the Committee continues its important oversight of the Endangered Species Act (ESA), a law that has not been reauthorized by Congress for 25 years. The intent of today’s hearing is to highlight specific examples of how species benefit from the work of state, local and tribal entities, often in spite of—rather than because of—Endangered Species Act listings or habitat designations.

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.

Closed-door settlements between the Interior Department and these litigious groups have set specific, court-approved deadlines to force hundreds of species listings and habitat designations over the next few years. These settlement deadlines, and agencies’ reactions to the threats of litigation, are dominating federal agencies’ use of resources and how they prioritize endangered species activities, often to the detriment of species.

This map over here shows how the Interior settlements with CBD and WEG impact nearly every state in the union.

While Section 6(a) of the ESA requires the Interior Department to cooperate with States “to the maximum extent practicable,” including consultation before major ESA federal actions affecting land or water within states’ borders, Interior’s settlements were negotiated and signed without state or local input, and with little regard for ongoing their conservation efforts.

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.

In the Pacific Northwest, hatchery programs run by Columbia River tribes have resulted in several notable successes—yielding record runs of ESA listed salmon in several areas not seen in decades, and developing science that demonstrates well-run hatcheries can move salmon toward a goal of de-listing them. Some federal bureaucrats and litigious groups, however, have sought to block use of hatcheries, despite clear support for their use under ESA.

Two other prominent species issues featured today—the Lesser Prairie Chicken, affecting largely private property on portions of five states, and the Greater Sage Grouse, affecting important energy and grazing areas in parts of thirteen western states—have become urgent issues now, not because they face imminent extinction.

Rather, the settlements set deadlines that require the Interior Department to determine whether or not to list both “candidate” bird species soon. In both cases, states and local governments oppose a federal listing, yet have taken comprehensive and proactive steps to develop data to prioritize species management and plans to manage them at the state and local level while protecting their economies.

I look forward to hearing more from our witnesses today about how successfully managing species is possible *without* federal ESA listings, and that de-listing is and should be the definition of “success” for ESA.

In my view, successful state, local and tribal species conservation efforts need to be encouraged, not threatened by lawsuits. Allowing the fate of species to be increasingly decided by federal bureaucrats, lawyers or federal judges is not working and undercuts the true purpose of ESA.

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