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Further Details Sought on Costs of Hundreds of Endangered Species Act Lawsuits and Settlements

Chairman Hastings asks Obama Administration for more information

WASHINGTON, D.C. – Today, House Natural Resources Committee Chairman Doc Hastings (WA-04) sent a [series of letters](#) to the Obama Administration requesting further information on how much the federal government spends on Endangered Species Act (ESA)-related litigation and settlement costs.

The ESA has become increasingly driven by litigation and is used by special interest groups as a way to bring hundreds of lawsuits against the government. The Department of the Interior and the National Oceanic and Atmospheric Administration are actively involved in more than 200 lawsuits and legal actions concerning the ESA. This forces federal agencies to spend time, money and resources addressing these lawsuits instead of focusing on species recovery. These lawsuits often result in settlements that cost millions of taxpayer dollars.

“The Endangered Species Act has been overtaken by lawyers and become a tool for litigation and unending lawsuits. The government then agrees to costly, closed-door settlement agreements and the American people deserve to know how much of their taxpayer dollars are going towards attorney fees instead of actual species recovery,” said Chairman Hastings. “As part of the Committee’s work to improve the ESA, this is an effort to discover whether these payments represent a prudent use of the taxpayers’ money and whether there are ways to avoid costly and debilitating lawsuits in the future so that both species and the American people are better protected under the law.”

The first letter, sent to the Department of the Interior and the U.S. Fish and Wildlife Service, requests information on the total cost of the recent settlements between WildEarth Guardians, the Center for Biological Diversity, and the U.S. Fish and Wildlife Service as well as information on how the settlements were reached.

The second set of letters relates to the settlement between the Department of Justice, National Oceanic and Atmospheric Administration, and Bonneville Power Administration that resulted in payment of close to \$2 million in attorney and legal fees to plaintiffs. These letters seek information and supporting documents on how the large payment was agreed to, as well as information about other cases where large sums of attorney fees were reported as being paid.

All letters request a response by June 14, 2012.

Background:

In May and July 2011, the Obama Administration agreed to two separate litigation settlements involving petitions to list 779 species under the ESA through more than 85 lawsuits and legal actions. These settlements mandate that over 250 candidate species must be reviewed for final listing as either threatened or endangered under the ESA by 2016. This could result in a 16 percent increase in the number of species listed by 2016. The U.S. Fish and Wildlife Service's FY 2013 budget request includes an increase in funding that could result in 88 more species being listed and critical habitat being designated in just this year alone.

On March 19, 2012 Chairman Hastings sent a [letter](#) to U.S. Department of Justice Assistant Attorney General Ignacia Moreno asking for detailed information on how much taxpayer money is being spent on Endangered Species Act-related litigation and settlements involving the Department of Justice's Environment and Natural Resources Department. The letter raised concerns over the disproportionate amount of ESA appropriated funds that are spent on legal actions and responding to petitions—and the lack of transparency on how these funds are being spent. In response, the Department of Justice provided a list of all cases from the Environment and Natural Resources Division's case management system that include a cause of action under the ESA or in which the Division is enforcing alleged violations of the ESA. This list shows that nearly \$13 million in taxpayer dollars was spent in attorney fees since January 2009 with at least \$1.6 million still owed in open cases. Chairman Hastings' letter today outlines some specific cases where additional information is requested.

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