Committee on Natural Resources
U.S. House of Representatives
Chairman Doc Hastings

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Witnesses & Members Agree on the Need for Transparency in Data Used for ESA Decisions

WASHINGTON, D.C. – Today, the House Natural Resources Committee held an oversight hearing on *"Transparency and Sound Science Gone Extinct?:The Impacts of the Obama Administration's Closed-Door Settlements on Endangered Species and People."* The hearing examined the need for data transparency as it relates to federal decisions on implementing the Endangered Species Act (ESA).

This hearing was part of a series of hearings this Committee is holding to examine ways to ensure that the ESA is working efficiently and effectively for both people and species.

"Right now, there is a lack of transparency of data and science used in literally hundreds of sweeping listings and habitat designation decisions that affect both species and people. The Obama administration's ESA-related actions – through executive orders, court settlements with litigious groups, and rules to list species – instead force regulatory actions that shut out Congress, states, local communities, private landowners – even scientists who may dispute the often sketchy or unverifiable data used for these decisions. It's important to make sure this ESA listing data and how that data is collected is made available to those affected by the potential listings," **said Natural Resources Committee Chairman Doc Hastings (WA-04).**

Witnesses at the hearing testified on the need for transparency in the species listing and critical habitat process specifically relating to the data used to proceed with listings and how settlement deadlines are motivating listings rather than science. All witnesses, including the Obama Administration, agreed on the need to make all data available to the public online.

Rob Roy Ramey II, Ph. D, who is an independent scientist, underscored the need for scientific integrity and transparency in data collection. *"The American people pay for data collection and research on threatened and endangered species through grants, contracts, cooperative agreements, and administration of research permits. They pay the salaries of agency staff who collect data, author, edit, and publish papers based upon those data. They, for the most part, are willingly regulated based on those data. It is essential that the American people have the right to full access to those data in a timely manner, as it is in the public interest. A requirement that data and methods be provided in sufficient detail to allow third party reproduction would raise the bar on the quality and reproducibility of the science used*

in ESA decisions and benefit species recovery. Failure to ensure this level of transparency will undermine the effectiveness of the very programs that the data were gathered for in the first place."

Kent McMullen, Chairman of Washington's Franklin County Natural Resources Advisory Committee, highlighted his firsthand accounts of the lack of public transparency given to local communities surrounding an ESA listing. *"The U.S. Fish and Wildlife Service (USFWS) provided no notification to our local government jurisdiction (Franklin County Board of Commissioners) or to the thirteen landowners whose land fell within the proposed critical areas of habitat and moved forward with listing under the ESA. Certainly, this case of attempts to list the White Bluffs Bladderpods shows best available science has been avoided in favor of using consensus biodiversity conservation science to expedite compliance with the mega-settlement. It also points out the shortcomings purposely practiced to avoid notification to those impacted by ESA listings. Our DNA results clearly showed there was a 100% match to all plants and no gene variations whatsoever. Therefore, the White Bluffs Bladderpod is NOT a subspecies."*

Damien M. Schiff, Principal Attorney at the Pacific Legal Foundation, called into question the transparency of how species are listed under the ESA. *"Reasonable people can disagree about the utility and morality of the Endangered Species Act, but no one can legitimately approve of a less-than-transparent administration of the Act. Unfortunately, over the last several decades, the United States Fish and Wildlife Service and National Marine Fisheries Service have implemented the Act in a way that puts agency policy ahead of the law and the best interests of the regulated public. Moreover, the agencies' administration of the Act oftentimes bears no relationship to the best interests of protected species, but serves only to aggrandize government power or satisfy particularly litigious environmental groups. The last five years have simply exacerbated these odious practices."*

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