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Opening Statement of
Chairman Doc Hastings
Full Committee

On Thursday, August 1, 2013

1324 Longworth House Office Building Subcommittee Oversight Hearing on

“Transparency and Sound Science Gone Extinct?: The Impacts of the Obama Administration’s Closed-Door Settlements on Endangered Species and People”

Today the Committee continues oversight of the Endangered Species Act, with a specific focus on the lack of transparency of data and science used in literally hundreds of sweeping listing and habitat designation decisions that affect both species and people.

The Obama Administration publicly touts that it is “the most transparent in history.” However, it’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.

Yesterday, I learned the Interior Office of Inspector General has issued a notice raising allegations of serious scientific misconduct by Fish and Wildlife Service officials and that the Department’s senior leadership failed to address these issues for over a year. I have requested and will expect a transparent response to these allegations as quickly as possible.

Last month, the Fish and Wildlife Service Director told Western governors that the mega-settlements have helped decrease the amount of “deadline” lawsuits by environmental groups. However, public documents reveal the same groups involved in the mega-settlements have filed or threatened more than 125 *new* ESA-related lawsuits against the Service over just the past two years.

These self-imposed deadlines are creating legal dilemmas for the Service on decisions whether and when to list more than 750 new species and designate millions of acres of habitat over the next four years.

Within the past two months, the Service has already been forced to seek permission from litigious groups and the court to extend settlement deadlines to allow for more public input and consideration of new data and science that are required by law.

Several Western states are legitimately concerned about the lack of transparency of Greater Sage Grouse technical documents developed by the Service and the Bureau of Land Management. States were promised prompt approval of state-developed conservation plans, but the Service's deadlines and questionable science could force a listing and block activities on millions of acres of mining and grazing lands.

Recent Freedom of Information Act documents received by the State of Idaho suggest serious interference by multiple Interior officials in the development of the National Technical Team Report. It has been nearly five months since the Committee requested documents from the Service relating to their sage grouse efforts.

As of this date, the Service has failed to provide requested emails and communications about sage grouse efforts. I expect the Director to provide the Committee the documents as requested.

Last year, the Service finalized a highly questionable rule to designate nearly 10 million acres of habitat in Washington, Oregon, and California for the Northern Spotted Owl. Despite this, the numbers of owls continues to decline, due primarily to the Barred Owl. Now you are going after the Barred Owl. Does this make sense?

Another recent example of the Service's transparency failings is occurring in the Congressional District I represent in Central Washington with the White Bluffs Bladderpod—a plant that is slated to be listed under the settlement “workplan” this year. The Service failed to consult the local county or affected landowners on why it considers “critical” 419 acres of habitat it proposes to designate on private property.

A recent university research study funded by affected landowners confirms the plant's DNA is indistinguishable from bladderpod plants in other areas, and may mean the plant doesn't require listing at all. Why didn't the Service do its “due diligence” before it got to this point?

I look forward to hearing from the witnesses about how to improve transparency of ESA decisions that deeply affect species and people.

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