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Opening Statement of
Chairman Doc Hastings
Before the Full Committee Oversight Hearing on
“The Endangered Species Act: How Litigation is Costing Jobs
And Impeding True Recovery Efforts”
Tuesday, December 6, 2011, at 10:00 a.m.

Today’s hearing is the first of several this Committee will hold over the next year to examine and review the Endangered Species Act. Enacted in 1973 and last reauthorized in 1988, the ESA’s fundamental goal is to preserve, protect and recover key domestic species. This is an objective I believe we all can support.

However, it’s been 23 years since Congress has reviewed or updated the ESA. I believe it’s the responsibility of this Committee and Congress to ask questions and examine if the original intent of this law is still being carried out two decades later.

The intent of this hearing and those to follow is to have an honest conversation about both the strengths and weaknesses of the ESA and consider if there are ways to update the law to make it work better for both species and people.

The purpose of the ESA is to recover endangered species – yet this is where the current law is failing – and failing badly. Of the species listed under the ESA in the past 38 years, only 20 have been declared recovered. That’s a 1 percent recovery rate. I firmly believe that we can do better.

In my opinion, one of the greatest obstacles to the success of the ESA is the way in which it has become a tool for excessive litigation. Instead of focusing on recovering endangered species, there are groups that use the ESA as a way to bring lawsuits against the government and block job-creating projects.

These groups have filed hundreds of lawsuits against the Fish and Wildlife Services and the National Marine Fisheries Service. In fact, in July the Interior Department agreed to a settlement that covered 779 species in 85 lawsuits and legal actions. Information provided to us over the past few months from these agencies indicates they have a combined total of over 180 pending ESA-related lawsuits.

These lawsuits direct valuable resources away from real recovery efforts. Last May, the Department of Interior stated: “The Fish and Wildlife Service’s highest priority is to make implementation of the ESA less complex, less contentious, and more effective.” While I applaud

this goal and look forward to hearing the Service's progress, I am concerned, that the Interior Department's real approach to addressing the growing docket of ESA cases appears limited to settling lawsuits with a few litigious groups. These settlements reward the groups by having the taxpayers pay their attorneys' fees and increase the already large list of species the Department is struggling to recover.

American tax dollars and government biologists and personnel should be focused on helping save species from extinction – not responding to hundreds of lawsuits.

The litigation mindset that is consuming the Endangered Species Act has had significant job and economic impacts throughout the West – unnecessarily pitting people against species. During these challenging economic times, Americans cannot afford runaway regulations and endless lawsuits.

In the Pacific Northwest, the ESA-related litigation touches nearly everyone - be it through federal judges determining the fate of irrigated agriculture and clean renewable hydropower dams, the impact of the listed spotted owl on timber communities and jobs, the fear of litigation that has blocked renewable wind projects, or uncertainty of whether predatory wolves are endangered on one side of a highway but not the other.

I hope to hear more from our witnesses today about how litigation is impacting species protection, job creation and economic development across the country. We also looking for an explanation of why the Obama Administration settled these lawsuits and how much time and resources litigation takes away from real recovery efforts.

By strengthening and updating the Endangered Species Act, improvements can be made so it's no longer abused through lawsuits and instead can remain focused on fulfilling its true and original goal of species recovery.