

Committee on Resources

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STATEMENT BY THE HONORABLE RICHARD W. POMBO, CHAIRMAN COMMITTEE ON RESOURCES, AT THE FULL COMMITTEE OVERSIGHT HEARING ON THE SILVERY MINNOW'S IMPACT ON NEW MEXICO;

BELEN, NEW MEXICO; SEPTEMBER 6, 2003.

Good Morning. Thank you for the opportunity to bring the House of Representatives Committee on Resources to the state of New Mexico. I look forward to listening and gaining greater insight from the witnesses today, and from my Congressional colleagues, on how the Endangered Species Act is being implemented by federal agencies and interpreted by the Courts specific to the Middle Rio Grande Region.

I have great confidence that the witnesses who are here will be more than successful in presenting New Mexico's views on this issue.

For nearly a decade, Congress has worked to bring amendments to the Endangered Species Act that conserves both species and the rights and needs of Americans.

During this same time, designation of critical habitat under the Endangered Species Act has evolved into a source of controversy. Due to the rigorous mandates required under the current Act, specifically critical habitat designations, many think the program is unworkable. Judicial orders and court-forced settlement agreements have left the United States Fish and Wildlife Service with limited ability to prioritize its species recovery programs and little or no scientific discretion to focus on those species in greatest need of conservation.

The Administration acknowledges that court orders and mandates often result in leaving the Fish and Wildlife Service with almost no ability to confirm scientific data in its administrative record before making decisions on listing and critical habitat proposals. In the wake of this decade long trend, the current Administration, supported by the previous Clinton Administration, recognize that critical habitat designations provide the majority of listed species and proposed to be listed species little if any additional protection.

Since the last authorization of the Endangered Species Act expired in 1993 there has been great optimism and hope that we would be able to amend the Act and implement a process based on sound science and common sense approaches to species conservation and recovery. Goals similar to those that the 1973 Congress envisioned when they originally adopted this law.

Congress intended for this law to be used to prevent the extinction of species and to increase the number of those in need before triggering federal regulation (restrictions). It never dreamed that it would turn into a tool used by vocal and well-funded special interest groups seeking to impose court ordered Federal land and water use controls on the majority of Americans.

They also never envisioned the widespread injunctions, economic meltdowns and social dislocations that many of you are now facing here in New Mexico as result of the silvery minnow legal actions.

I realize amendment and reauthorization of the Endangered Species Act has dragged on with little success since it expired in 1993. This is not for a lack of trying and Congress has come close to reaching agreement a number of times. But unfortunately, some groups would rather play politics and benefit from the current state of dislocation under the Act then have to agree what is best for the species. It is this selfish attitude that has resulted in the uncertainty New Mexico is facing with the silvery minnow.

However, New Mexico is not alone in this "uncertainty." It is happening throughout the US because of the flaws in the Endangered Species Act. Recognizing that this is not just a "regional" problem, the best and only way to fix the Act is to amend the law for all Americans with equal application across the country. Such an approach to amending the ESA also maintains the broad stakeholder support critical to reaching a majority consensus in the Congress.

The House Committee on Resources is here today as a result of the requests of its New Mexico delegation Members, Mr. Pearce and Ms. Wilson. We are before you today to hear from you and receive your ideas on what we as your elected representatives in Washington, can do to improve the implementation of the Endangered Species Act.

Again, thank you for having us and I would at this time like to recognize Mr. Baca.