



**RESOLUTION 2016-05
RULES RELATED TO THE DESIGNATION OF CRITICAL HABITAT
UNDER THE ENDANGERED SPECIES ACT**

Whereas, recent revisions to the regulations and policies governing administration of the Endangered Species Act (ESA) have fundamentally changed the United States Fish & Wildlife Service's and National Marine Fisheries Service's (collectively "the Listing Services") implementation of the ESA; and,

Whereas, these revisions include a final rule defining the term "destruction or adverse modification," a final rule governing impact analyses of critical habitat, and a final rule implementing changes to the designation of critical habitat; and,

Whereas, the revisions to the regulations and policies governing administration of the ESA remove important, and statutorily mandated, restraints on the Listing Services' ability to designate areas as critical habitat; and,

Whereas, in promulgating these revisions, the Listing Services are impermissibly eliminating all meaningful consideration of the economic impact of critical habitat designations, their prudence or necessity for management or recovery, or even the presence of protected species within the designation; and,

Whereas, the designation of critical habitat for species has numerous negative consequences for landowners and state trust lands, including creating a patchwork of regulatory requirements that inhibits leasing, increases costs, creates operational delays, and often a loss of access to state trust lands; and,

Whereas, critical habitat designations have increased on both number and size, with the largest recent designations totaling tens of thousands of miles each; and,

Whereas, the number of species being listed as threatened or endangered, and thus requiring designation of critical habitat, has risen over the past several years; and,

Whereas, a designation of critical habitat will likely have a significant negative economic impact on state trust lands and public lands held by the member states of the WSLCA; and,

Whereas, a diminution of value and reduction of income from state trust lands and public lands would negatively impact the beneficiaries of these lands, such as public school children and other worthy beneficiaries.

THEREFORE BE IT RESOLVED THAT WSLCA requests that the Listing Services rescind their critical habitat rules and avoid direct designation of critical habitat that is in contravention of the ESA and Congressional intent.

AND BE IT FURTHER RESOLVED THAT the Western States Land Commissioners Association (WSLCA) respectfully requests the United States Congress resolve the growing contemptible and unintended outcomes of ESA-related decisions and actions by the U.S. Department of Interior by establishing an ESA Congressional Oversight Committee commensurate with ESA decisional impacts, and that it shall conduct an investigative analysis, hold public hearings on its findings for purposes of amending the ESA and associated rules by the year 2020;

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
Association