



RESOLUTION 2016-06
REAFFIRM THE NEED FOR CHANGES TO THE ENDANGERED SPECIES ACT

Whereas, petitions to list multiple species for protection under the Endangered Species Act (ESA) draw attention to potential shortcomings in the original statute adopted in 1973; and,

Whereas, these petitioned listings result in the United States Department of Interior (DOI) and United States Department of Commerce (DOC), namely the US Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), being unable to meet the 90 day and 12 month statutory deadlines required by the ESA; and,

Whereas, these petitioned listings artificially create violations of the ESA's statutory deadlines allowing groups to file suit against the FWS and NMFS; and,

Whereas, due to the subsequent litigation, the concerned federal agencies have entered into legal settlements with the plaintiffs that are often not transparent to the public, which can result in listing of petitioned species that may not be guided by the best scientific data available as required by the ESA; and,

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

THEREFORE BE IT RESOLVED THAT the Western States Land Commissioners Association (WSLCA) respectfully requests that the United States Congress enact legislation that provides transparency to the public regarding the data used by federal agencies prior to listing determinations under the ESA.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests that the United States Congress enact legislation that would require federal agencies to annually track, and report to Congress, all agency funds expended and the number of agency employees dedicated to the aforementioned litigation; as well as all attorney fees awarded to plaintiffs associated with any subsequent settlement.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress enact legislation that would reconfirm the FWS's and the NMFS's obligation to include and consider scientific data submitted by state and local governments, who generally possess the best knowledge of species within their borders, before making a listing determination.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress to enact legislation that limits attorney fees under the ESA making it consistent with other federal laws.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress strengthen sovereign state authority over non-migratory and non-ESA listed wildlife and provide deference to state conservation and management plans to protect candidate species under the ESA.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress require that any federal critical habitat designations defer to state determinations of such habitat.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress to enact legislation to change the 90 day and 12 month statutory deadlines currently outlined in the ESA so that the FWS and the NFMS have a reasonable timeframe to respond to proposed candidate listings and should this new timeframe be exceeded an administrative remedy can be sought that is transparent and open to the public and done outside the court system.

AND BE IT FURTHER RESOLVED THAT the terms of any subsequent litigation settlement must comply with the best available science standard and ensure the public has notice and an opportunity to comment.

AND BE IT FURTHER RESOLVED THAT a copy of this resolution shall be provided to the appropriate members of Congress and to the DOI and DOC; and, that member states of WSLCA shall make every effort to inform the Congressional delegations of their respective states regarding the urgency of this resolution.

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
Association