



RESOLUTION 2014-05
ENDANGERED SPECIES ACT

WHEREAS, recent controversies related to the Endangered Species Act have brought attention to potential shortcomings in the original statute adopted in 1973; and,

WHEREAS, these laws relate to the statutory deadlines requiring the United States Department of the Interior or its agencies to make ninety-day and twelve -month findings regarding the suitability or placement of certain species on the endangered or threatened list; and,

WHEREAS, as a result of this litigation, the concerned federal agencies have entered into settlement agreements with the plaintiffs that are often not transparent to the public and could result in designation of petitioned species based upon a requirement of a settlement which may not be guided by the best scientific and commercial data available as required by the Endangered Species Act: and,

WHEREAS, a diminution in value and reduction of income from state trust lands and public lands would negatively impact the beneficiaries of these lands, such as public schoolchildren and other worthy beneficiaries: and,

WHEREAS, state trust lands and public lands created for the benefit of public education are faced with the option of divesting trust lands because they are not able to generate revenue from these lands.

NOW BE IT THEREFORE RESOLVED THAT 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 for listing determinations under the Endangered Species Act.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests that the United States Congress enact legislation that would require federal agencies to track, report to Congress and make available funds expended to respond to ESA lawsuits, the number of agency employees dedicated to respond to and work on litigation related to the ESA and the amount of attorneys fees awarded in the course of ESA litigation and settlement agreements.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress enact legislation that would require the US Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to include and consider scientific data submitted by State and Local governments before making a listing determination.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress to enact legislation that caps attorney's fees under the Equal Access To Justice Act, making the ESA consistent with other federal laws.

AND BE IT FURTHER RESOLVED THAT the terms of any litigation settlement must also adhere to this scientific standard and should fully preserve and comply with the administrative procedural safeguards set forth in the Endangered Species Act, which ensures that the public has notice and an opportunity to comment on any proposed listing.

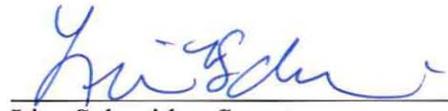
AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests that the US Department of the Interior (DOI) and the United States Congress change the Endangered Species Act and/or use of the Judgment Fund, or the administration thereof (including with regard to appropriation of funding), to ensure that no federal funding can be spent on private litigants' attorneys fees or other costs of litigation against the US Fish and Wildlife Service for failure to list a species.

AND BE IT FURTHER RESOLVED THAT a copy of this resolution shall be provided to the appropriate members of Congress and to the US DOI; 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 22nd day of July, 2014



John Thurston, President
WSLCA



Lisa Schneider, Secretary
WSLCA