

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

July 26, 2011

**Dicks Amendment Would Continue Lawsuit-Driven ESA,
Divert Scarce Dollars Away from Actual Species Recovery**

Dear Colleague,

The Interior Appropriations bill that Chairman Simpson has brought to the House Floor prioritizes funding to ensure that core responsibilities and environmental protections are met.

When it comes to the Endangered Species Act (ESA), this bill focuses funding on the actual recovery of species. It does this by both 1) continuing funds for recovery activities despite the fact that the legal authorization for such spending was last renewed in 1988, and 2) limiting funds for lawsuit-driven new listings and habitat designations.

However, the Dicks ESA amendment would reopen the litigation floodgates by striking this provision. The same activist groups that file these lawsuits endorse this amendment. They are waging an expensive paid advertising campaign on its behalf. Because they profit from those lawsuits, it appears they're more concerned about their ability to get to court, get a settlement and get paid than they are about recovering species.

This bill sends a clear message that the Endangered Species Act needs to be updated and improved. It needs to be reauthorized. It's been 23 years since the law was renewed by Congress.

The Endangered Species Act became law in 1973 with the original intention of recovering population levels of threatened or endangered species. Since then, the bureaucracy of the ESA has ballooned, deteriorating its original worthy goals. The current form of the ESA does not prioritize species recovery, it instead uses regulation and litigation as a vehicle to stymie projects, destroy American jobs and cost the government millions of dollars. Rather, we need a common sense science-based approach to species recovery.

As of July 1, 2011, the Fish and Wildlife Service was involved in 85 lawsuits and legal actions concerning new potential species listings, habitat designations, implementing recovery plans, etc. These lawsuits add years, even decades, to the ultimate recovery of a species and significantly increase the cost.

Currently, out of the 1,374 domestic species listed under the ESA by the FWS, only 20 species have been declared recovered—that's a 1% recovery rate. A 1% success rate is simply not acceptable—even for the federal government—but especially for a law that is so important to the future of threatened and endangered species.

I urge my colleagues to oppose the Dicks ESA amendment. The Interior Appropriations bill strikes the right balance by directing funding to actually recover species, and bringing a halt to litigation over new listings and habitat designations. This bill will create an opportunity where Congress can do its job to update and modernize the Endangered Species Act. It's time that Congress undertakes a thoughtful analysis of the inadequacies of the current law that allow it to be abused through lawsuits rather than serving as a true conduit for species recovery.

Sincerely,



Doc Hastings
Chairman
House Committee on Natural Resources