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CONTACT: [Crystal Feldman](#), [Spencer Pederson](#) or [Jill Strait](#)
202-226-9019

Litigation Drives Endangered Species Act to the Detriment of Species and People

WASHINGTON, D.C. – Today, the House Committee on Natural Resources continued its series of full committee [oversight hearings](#) on how to improve and update the Endangered Species Act (ESA). Today’s hearing focused on ESA litigation and how attorneys’ fees are being used by certain organizations to continue endless lawsuits. Witnesses at the hearing detailed specific cases throughout the country where ESA lawsuits have blocked or delayed important societal activities, including the construction of an elementary school.

“The original purpose of the ESA was to help recover endangered species and remove them from the list, not force taxpayers to reward an army of environmental lawyers to exploit vague definitions and deadlines that realistically cannot be met. The dramatic proliferation of lawsuits has serious consequences for both species recovery and our economy,” [said Chairman Doc Hastings \(WA-04\)](#). “While a few environmental lawyers rake in the federal cash at hundreds of dollars per hour, the needs of truly endangered species suffer. More seriously, American jobs are lost and people are hurt. ... We need to move beyond a system where species are added to the list, but never come off. Increasing the number of ESA species shouldn’t be the primary goal. It should be to recover species and get them taken off the list. Litigation that blocks economic activity and public needs, such as building schools, not only impedes recovery, it diminishes trust of taxpayers who are subsidizing that litigation.”

Witnesses at the hearing cited several instances in which ESA-related litigation has threatened, prevented, or delayed important economic activity:

- U.S. Senator Jeff Sessions, the Ranking Republican of the Senate Subcommittee on Water and Wildlife, testified about how he has watched litigation overtake the ESA.
- U.S. Rep. Cynthia Lummis, sponsor of [H.R. 1996](#), spoke of the need for more transparency on attorneys’ fees disbursements and settlements between the federal government and litigants.
- Facilities Development Project Coordinator [John Stokes](#) of the San Diego Unified School District testified on the costly and ongoing battle to the still uncompleted Jonas Salk Elementary School. Development of the school has been blocked since 1998 by ESA lawsuits and lengthy environmental studies on the fairy shrimp.

- Texas General Land Office [Commissioner Jerry Patterson](#) spoke of the threat to Texas' economy, energy production, and school funds caused by the potential listing and of threatened litigation surrounding the dunes sagebrush lizard. According to Commissioner Patterson, environmental groups targeted areas in Texas as critical habitat for the lizard without sound scientific justification.
- [Kent Holsinger](#), a manager at a Denver-based law firm, discussed how hundreds of lawsuits by environmental organizations have done nothing for species recovery and conservation and talked about the benefits of voluntary conservation efforts over the imposition of strict, burdensome federal regulations caused by the listing of a species as threatened or endangered.

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