

NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes 218.5363)

RESOLUTION NO. 06-01

Urging the Congress of the United States to amend the Endangered Species Act of 1973.

WHEREAS, The Endangered Species Act of 1973 was enacted for the express purpose of providing a program for the conservation of endangered and threatened species of wildlife, fish, and plants and to provide a means whereby the various ecosystems upon which such species depend may be conserved; and

WHEREAS, Since its enactment, the Endangered Species Act of 1973 and the several amendments thereto have been successful in protecting various species of wildlife from extinction, including the American Bald Eagle and, in Nevada, the Lahontan Cutthroat Trout, and have increased public awareness concerning the need for protecting the many diverse and unique species of wildlife; and

WHEREAS, Despite its successes, the Endangered Species Act of 1973 has been criticized as containing draconian and obtuse provisions that do not take into consideration the Act's impact on human growth and development and community economic diversification; and

WHEREAS, The protection of endangered species and their habitats often requires a restriction of economic growth and development in those habitat areas, thus creating hardships upon local governments and persons residing within those areas; and

WHEREAS, The conflict resulting from the protection of an endangered species and the restriction of economic growth is often unavoidable, but the impact of such conflict can be lessened by balancing these competing interests and ensuring, through Endangered Species Act reform, that full public and local government participation is guaranteed when considering a potential species listing; and

WHEREAS, The Endangered Species Act of 1973 relies on a standard of "best scientific and commercial data" for regulatory decision-making, such as listing a species as threatened or endangered and designating critical habitat, but does not require that such data be peer-reviewed, reliable, conclusive, adequate, verifiable, or accurate; and

WHEREAS, The Habitat Conservation Planning process for endangered species has great potential, but must be streamlined to encourage landowners to voluntarily protect and enhance habitat and species; and

WHEREAS, The State of Nevada's recent successful efforts in preventing the listing of the Greater Sage Grouse as endangered demonstrates the importance of state and local involvement in addressing species concerns and is evidence that the Endangered Species Act reform must include provisions requiring state participation in species protection; and

WHEREAS, Reform of the Endangered Species Act of 1973 is essential to accomplishing the goals of the Act in a sensible manner that responds to the needs of threatened and endangered species as well as those of state and local government and private property owners; now, therefore, be it

RESOLVED BY NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS, That the Congress of the United States is hereby urged to pass legislation reforming the Endangered Species Act of 1973 to reduce the impact of species listings on private property owners and

require collaboration and facilitation with state and local governments and private property owners prior to the final listing of a species; and be it further

RESOLVED, That the Congress of the United States is hereby urged to amend the Endangered Species Act of 1973 to establish incentives for voluntary conservation and species recovery efforts; and be it further

RESOLVED, That the Congress of the United States is hereby urged to amend the Endangered Species Act of 1973 to provide reimbursement to livestock owners for any loss of livestock resulting from the reintroduction of endangered or threatened species into the wild; and be it further

RESOLVED, That the Congress of the United States is hereby urged to amend the Endangered Species Act of 1973 to strengthen the species listing process by requiring the use of sound and verifiable science when determining the listing of any animal or plant species; and be it further

RESOLVED, That the Congress of the United States is hereby urged to amend the Endangered Species Act of 1973 to reduce or eliminate the impacts of incidental takings that often occur following a species listing; and be it further

RESOLVED, That Nevada's Legislative Committee on Public Lands joins with the Board of Directors of the Nevada Association of Counties to encourage the Congress of the United States to act on the urgent need to reform the Endangered Species Act of 1973; and be it further

RESOLVED, That Nevada's Legislative Committee on Public Lands shall transmit a copy of this resolution to the Secretary of the United States Department of the Interior, the Director of the United States Fish and Wildlife Service, the Director of the Bureau of Land Management, the Director of Nevada's Department of Wildlife, the Nevada Association of Counties, the Nevada League of Cities and Municipalities, and each member of Nevada's Congressional Delegation.

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747



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February 10, 2006

The Honorable Harry Reid
United States Senator and Senate Majority Leader
528 Hart Senate Office Building
Washington, D.C. 20510-2803

Dear Senator Reid:

Nevada's Legislative Committee on Public Lands recently met in Fallon, Nevada, to discuss a wide array of public lands and natural resource topics. As you know, the Committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations.

One of the topics on the Fallon agenda was the final review and approval of a committee resolution urging the Congress of the United States to amend the Endangered Species Act of 1973 (ESA). Indeed, the Committee on Public Lands has been tracking and monitoring the ESA for decades and has always been interested in seeing the Act amended to fairly consider impacts on communities and private land owners. Recent efforts to amend the ESA have once again peaked the Committee's interest and the members felt it was important to craft a committee-sponsored resolution urging Congress to make improvements to the Act to require better collaboration and facilitation with state and local governments and private property owners prior to the listing of a species. The Committee on Public Lands also encourages the enhancement of landowner incentives for voluntary conservation and species recovery efforts and requiring the use of sound and verifiable science when determining the listing of any animal or plant species.

Please find enclosed for your reference, a copy of Legislative Committee on Public Lands Resolution No. 06-01 concerning ESA reform. I know, as a concerned member of our Congressional Delegation, ESA reform is critical to you, and I hope you are able to encourage and promote federal legislation seeking logical and reasonable reform of the Act.

Thank you for your kind consideration of this letter and the attached resolution. As always, please feel free to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance to you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/gn:L034;W60920-1

Enc.

cc: Ron Wenker, Nevada State Director, Bureau of Land Management
Robert D. Williams, Field Supervisor, U.S. Fish and Wildlife Service, Nevada
Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest

An identical letter regarding amending the Endangered Species Act of 1973 was sent to the following individuals:

Gale Norton, Secretary of the Interior
United States Department of the Interior
1849 C Street, N.W., Room 7229
Washington, D.C. 20240

Andrew List, Executive Director
Nevada Association of Counties
201 S Roop Street, Suite 101
Carson City, Nevada 89701

The Honorable John Ensign
United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

David Fraser, Executive Director
Nevada League of Cities
310 S Curry Street
Carson City, Nevada 89703

The Honorable Shelley Berkley
United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter, Sr.
United States Representative
218 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jim Gibbons
United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

Kathleen Clarke
Director
Bureau of Land Management
United States Department of the Interior
1849 C Street, NW, Room 5655
Washington, D.C. 20240

Terry R. Crawforth
Director
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512-2861

H. Dale Hall
Director
United States Fish and Wildlife Service
1849 C Street, N.W., Room 3258
Washington, D.C. 20240