

Senate Engrossed

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SENATE CONCURRENT MEMORIAL 1012

A CONCURRENT MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO ENACT THE 21ST CENTURY ENDANGERED SPECIES TRANSPARENCY ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:
2 Your memorialist respectfully represents:
3 Whereas, when the Endangered Species Act (ESA) was originally enacted
4 in 1973, the framers and supporters of the ESA envisioned a law that would
5 protect species believed to be on the brink of extinction; and
6 Whereas, at that time, 109 species were listed for protection; and
7 Whereas, today, over 1,500 species in the United States are designated
8 as threatened or endangered under the ESA; and
9 Whereas, as a result of a 2011 mega-settlement between the United
10 States Fish and Wildlife Service and environmental litigants, hundreds more
11 species could be added within the next two years; and
12 Whereas, the ESA is failing to achieve its primary purpose of species
13 recovery as it has only a 2% recovery rate; and
14 Whereas, the ESA was last amended in 1988, which means 27 years have
15 passed since any improvements have been made; and
16 Whereas, the 21st Century Endangered Species Transparency Act would
17 require that data used by federal agencies for ESA listing decisions be made
18 publicly available and accessible through the Internet, while respecting
19 state data privacy laws and private property; and
20 Whereas, the 21st Century Endangered Species Transparency Act would
21 require the federal government to disclose to affected states data used prior
22 to an ESA listing decision and require the "best available scientific and
23 commercial data" used by the federal government to incorporate data provided
24 by states, tribes and local county governments; and
25 Whereas, the 21st Century Endangered Species Transparency Act would
26 require the United States Fish and Wildlife Service to track, report to
27 Congress and make available online the federal taxpayer funds used to respond
28 to ESA lawsuits, the number of employees dedicated to ESA litigation and the
29 amount of attorney fees awarded in the course of ESA litigation and
30 settlement agreements; and
31 Whereas, the 21st Century Endangered Species Transparency Act would
32 prioritize species protection and protect taxpayer dollars by placing
33 reasonable caps on attorney fees to make the ESA consistent with existing
34 federal law; and
35 Whereas, the customs, cultures and economic well-being of our local
36 communities, as well as important historic and cultural aspects of our local
37 heritage, are being ignored, which adversely affects the lives and jobs of
38 the people of the United States and devastates local and state economies; and
39 Whereas, a cost-benefit analysis should be required on any ESA action;
40 and
41 Whereas, the United States Chamber of Commerce, the American Farm
42 Bureau Federation, the National Rural Electric Cooperative Association and
43 many others support the 21st Century Endangered Species Transparency Act.

1 Wherefore your memorialist, the Senate of the State of Arizona, the House of
2 Representative concurring, prays:

3 1. That the Congress of the United States enact the 21st Century
4 Endangered Species Transparency Act.

5 2. That the Secretary of State of the State of Arizona transmit copies
6 of this Memorial to the President of the United States Senate, the Speaker of
7 the United States House of Representatives and each Member of Congress from
8 the State of Arizona.