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Comments: Regulation Needs to be changed or rescinded first ...The Equal Access to Justice Act ("EAJA"), enacted in 1980, allows the award of attorneys' fees in suits by or against the United States in two situations. the ESA has no restriction that attorneys' fees be paid only to prevailing parties, and no limit to the amount of attorneys' fees that can be awarded. In determining attorney fees for ESA cases, the courts use a lodestar approach in setting the rate of fees. In addition to filing lawsuits, litigious groups have filed increasing numbers of petitions under the ESA, seeking to list species as endangered or threatened under the Act. Under the Act, the FWS or NMFS must make a finding within 90 days of receiving a petition as to whether there is "substantial information" indicating whether the petitioned listing may be warranted. After this 90 day finding, there are many statutorily prescribed deadlines and decisions that the agency must make regarding each petition. While the statute may be well-intentioned in formulating a timeline for agency decision making, special interest groups attempting to list hundreds of species at a time was not what was intended and serves only as a vehicle for an award of attorneys' fees, as the deadlines become impossible to meet. endless lawsuits do not serve the purpose of the statute. FWS show the incredibly broken system, with environmental groups filing notices of intent to sue if the government does not make species-specific findings on more than 400 species within a three month time-frame. timeframes provided currently under ESA are not feasible, and that groups are litigating not over whether a species ought to be listed, but that the federal government can't comply with rigid 90-day or 12-month timeframes set by ESA. As a result of FWS' focus on listings, others have complained that opportunities for public comment and engagement, and accessibility to scientific data supporting significant ESA proposals have been short-changed, often with the federal agencies citing deadlines from the mega-settlement as the excuse. Even efforts by federal agencies to streamline the ESA consultation process for federal fire management plans have been challenged by environmentalists. In 2003, the Forest Service, Bureau of Land Management, FWS, the National Park Service, the Bureau of Indian Affairs and NMFS issued joint regulations that would expedite National Fire Plan actions not likely to adversely impact critical habitat. Activists groups filed suit under ESA, and a federal district court first upheld the regulations, and then reversed itself. ESA shuts out states, tribes, local governments, and private landowners not only in key ESA decisions but in actual conservation activities to preserve and recover species.