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Comments: ESA is increasingly becoming a tool for litigation and taxpayer-funded attorneys' fees. The Obama Administration's use of closed-door settlements undermines transparency and involvement of affected stakeholders and drives arbitrary mandates and deadlines that do little to recover species. Many view the ESA as being driven by litigation, or threats of litigation, which in turn distracts from species conservation and recovery. The FWS Director acknowledged that "when the Service is sued for missing deadlines, we have no defense. Publicly available court documents reveal that ESA litigation has risen dramatically over the past few years. In 2012, the Department of Justice (DOJ) provided the House Committee on Natural Resources case information on 613 total cases. Each of these cases was at least partially devoted to litigating some aspect of the ESA. Of these, 573 (93%) were cases where federal agencies were sued under the ESA. That amounts to an average of at least three cases a week dealing just with citizen suits under the ESA. In analyzing the data provided by DOJ, some trends were immediately apparent. Organized and well-funded special interest groups (primarily a few prominent environmental organizations) were significantly more likely to file multiple lawsuits than individual citizens, and much more likely to be awarded attorney's fees. According to the California Forestry Association, environmentalists filed more than 50 appeals in just one county to block thinning projects that sought to protect the Northern Spotted Owl habitat that had been destroyed by fire. In addition, a lawsuit filed by one group led to a federal court order last year that could block state allocation of existing water rights. According to a 2012 GAO Report of cases brought against the Departments of Agriculture ("USDA") and the Interior between 2000 and 2010, the ESA was the third most expensive and litigious statute for the USDA (costing taxpayers \$1.63 million in attorneys' fees and costs), and the most expensive and litigious statute for the entire Interior Department (costing the taxpayers \$22 million in attorneys' fees and costs). According to a 2012 Government Accountability Office (GAO) report, most federal agencies within the Departments of the Interior and Agriculture do not keep detailed records of the litigation, including the cases where they are required to pay attorneys' fees, or even the type of the cases that involve particular statutes such as the ESA. Because there is no statutory requirement to maintain this information, the House Natural Resources Committee was told that DOJ and other departments do not keep records of these expenditures. DOJ did track some payments to organizations for attorneys' fees and court costs. According to DOJ documents, ESA has cost American taxpayers more than \$15 million in attorneys' fees alone - in just the past four years. These groups - and their lawyers - are making millions of taxpayer dollars by suing the federal government, being deemed the "prevailing party" by federal courts, and being awarded fees either through settlement with DOJ or by courts. According to the documents provided by DOJ, some attorneys representing nongovernmental entities have been reimbursed at rates as much as \$500 per hour, and at least two lawyers have each received over \$2 million in attorneys' fees from filing ESA cases.