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Comments: Litigation and threats of litigation on both substantive and procedural grounds have significantly increased in recent years, and legitimate questions are being raised over petitions, listings, the rigid timeframes, and transparency of data supporting decisions regarding the priorities of the two agencies that administer ESA. In addition, though the federal government annually awards attorneys' fees to plaintiffs who file ESA-related lawsuits, the exact amount spent by American taxpayers on ESA litigation and attorneys' fees is unattainable. Even the former Interior Secretary acknowledged at a 2012 budget hearing that he could not identify how much money his agency spent on ESA-related litigation. Groups, taking advantage of strict and unworkable statutory deadlines in the ESA, have filed literally hundreds of ESA lawsuits and thousands of petitions, and in essence, have overtaken the ESA priorities of the FWS and NMFS. Lawsuits to list species under strict statutory deadlines only end up impeding recovery efforts for truly endangered species. Serial litigation actually makes ESA success even harder to accomplish. More listed species do not necessarily equate to ESA progress. The legislative history of the ESA stated that its purpose is to provide a mechanism to recover species, not simply put them on a list, but it seems it is exclusively devoted to listing species, rather than more productive goals of developing more current and better data and working cooperatively with states, localities and private landowners to avoid listings. Many of the species listed have been on the list for up to 40 years and has cost tens of billions of dollars in direct spending and untold amounts of indirect costs to Americans. Even when federal agencies have little or no data, they are defaulting to listing species under ESA, despite other ongoing conservation activities. With less than 2% of species removed from the ESA list in 40 years, the ESA's primary goal to recover and protect species has been unsuccessful. Progress needs to be measured not by the number of species listed, especially as a result of litigation, but by recovering and de-listing those that are currently listed and working cooperatively on-the-ground to prevent new ones from being listed. FWS acknowledges in its most recent review of its own recovery efforts that less than 5 percent of the over 1,500 domestic species on the ESA list are improving