

INTERIM RESOLUTION 2013-002

URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO SUPPORT A REDUCTION OF THE PROPOSED CRITICAL HABITAT DESIGNATIONS FOR THE RABBITSFOOT MUSSEL AND THE NEOSHO MUCKET AND TO ENCOURAGE THE UNITED STATES FISH AND WILDLIFE SERVICE TO ADOPT A FINAL RULE THAT IS CONSISTENT WITH THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT AND THAT IS BASED ON SOUND BIOLOGICAL SCIENCE AND AN ECONOMIC ASSESSMENT THAT CONSIDERS THE CUMULATIVE ECONOMIC IMPACTS OF THE DESIGNATION OF CRITICAL HABITAT FOR THE RABBITSFOOT MUSSEL AND THE NEOSHO MUCKET

WHEREAS, on July 12, 2011, after a year-long, nonpublic mediation with the Center for Biological Diversity, the United States Fish and Wildlife Service settled a multi-district litigation through a Stipulated Settlement Agreement pursuant to which the service agreed to seek to list and designate critical habitats for approximately forty-six (46) species in Arkansas; and

WHEREAS, the service first considered in Arkansas Neosho mucklets and rabbitsfoot mussels, which the service listed as endangered and threatened, respectively, by a final rule published September 17, 2013; and

WHEREAS, the service now proposes to designate as critical habitat for Neosho mucklets and rabbitsfoot mussels approximately seven hundred sixty-nine (769) river miles throughout Arkansas, the watersheds of which occur in thirty-one (31) counties covering approximately forty-two percent (42%) of the geography of Arkansas; and

WHEREAS, a coalition of associations and public interest groups, spearheaded by the Association of Arkansas Counties, filed comments to the proposed critical habitat designation for rabbitsfoot mussels and Neosho mucklets that seek to reduce the critical habitat by approximately thirty-eight percent (38%) to approximately four hundred seventy-seven (477) river miles; and

WHEREAS, the Arkansas Legislative Council recognizes that designating

1 seven hundred sixty-nine (769) river miles with a watershed covering forty-
2 two percent (42%) of Arkansas as critical habitat will have a potentially
3 devastating economic impact on private and public land owners throughout
4 Arkansas, including farmers, ranchers, timber producers, oil and gas
5 producers, utility providers, county and municipal governments, school
6 districts, irrigation districts, and countless small businesses,

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8 NOW THEREFORE,

9 BE IT RESOLVED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE EIGHTY-NINTH
10 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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12 THAT the Arkansas Legislative Council joins with the Association of
13 Arkansas Counties and other stakeholders in seeking to reduce the critical
14 habitat designations for the rabbitsfoot mussel and the Neosho mucket.

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16 BE IT FURTHER RESOLVED that the Arkansas Legislative Council urges the
17 Arkansas Congressional Delegation to support in every possible way the
18 reduction of the proposed critical habitat designations for the rabbitsfoot
19 mussel and the Neosho mucket and to encourage the United States Fish and
20 Wildlife Service to adopt a final rule that is consistent with the
21 requirements of the Endangered Species Act and that is based on sound
22 biological science and an economic assessment that considers the cumulative
23 economic impacts of the designation of critical habitat for the rabbitsfoot
24 mussel and the Neosho mucket.

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26 BE IT FURTHER RESOLVED that upon adoption of this resolution, the
27 Secretary of the Senate shall mail a copy of this resolution to each member
28 of the Arkansas Congressional Delegation.

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30 Respectfully submitted,

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34 Senator Missy Irvin
35 District 18
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