

1 INTERIM RESOLUTION 2013-002

2
3 URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO SUPPORT A
4 REDUCTION OF THE PROPOSED CRITICAL HABITAT DESIGNATIONS FOR THE
5 RABBITSFOOT MUSSEL AND THE NEOSHO MUCKET AND TO ENCOURAGE THE
6 UNITED STATES FISH AND WILDLIFE SERVICE TO ADOPT A FINAL RULE
7 THAT IS CONSISTENT WITH THE REQUIREMENTS OF THE ENDANGERED
8 SPECIES ACT AND THAT IS BASED ON SOUND BIOLOGICAL SCIENCE AND AN
9 ECONOMIC ASSESSMENT THAT CONSIDERS THE CUMULATIVE ECONOMIC
10 IMPACTS OF THE DESIGNATION OF CRITICAL HABITAT FOR THE
11 RABBITSFOOT MUSSEL AND THE NEOSHO MUCKET.
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13 WHEREAS, on July 12, 2011, after a year-long, nonpublic mediation with
14 the Center for Biological Diversity, the United States Fish and Wildlife
15 Service settled a multi-district litigation through a Stipulated Settlement
16 Agreement pursuant to which the service agreed to seek to list and designate
17 critical habitats for approximately forty-six (46) species in Arkansas; and
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19 WHEREAS, the service first considered in Arkansas Neosho muckets and
20 rabbitsfoot mussels, which the service listed as endangered and threatened,
21 respectively, by a final rule published September 17, 2013; and
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23 WHEREAS, the service now proposes to designate as critical habitat for
24 Neosho muckets and rabbitsfoot mussels approximately seven hundred sixty-nine
25 (769) river miles throughout Arkansas, the watersheds of which occur in
26 thirty-one (31) counties covering approximately forty-two percent (42%) of
27 the geography of Arkansas; and
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29 WHEREAS, a coalition of associations and public interest groups,
30 spearheaded by the Association of Arkansas Counties, filed comments to the
31 proposed critical habitat designation for rabbitsfoot mussels and Neosho
32 muckets that seek to reduce the critical habitat by approximately thirty-
33 eight percent (38%) to approximately four hundred seventy-seven (477) river
34 miles; and
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1 WHEREAS, the Arkansas Legislative Council recognizes that designating
2 seven hundred sixty-nine (769) river miles with a watershed covering forty-
3 two percent (42%) of Arkansas as critical habitat will have a potentially
4 devastating economic impact on private and public land owners throughout
5 Arkansas, including farmers, ranchers, timber producers, oil and gas
6 producers, utility providers, county and municipal governments, school
7 districts, irrigation districts, and countless small businesses,

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9 NOW THEREFORE,

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

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

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

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

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32 Respectfully submitted,

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36 Senator Missy Irvin

1 District 18

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