

1 INTERIM RESOLUTION 2013-003

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3 REQUESTING THAT THE ATTORNEY GENERAL EXERCISE ALL OF THE POWERS
4 AT HIS DISPOSAL TO PROTECT ARKANSAS'S INTERESTS BY INTERVENING IN
5 THE UNITED STATES FISH AND WILDLIFE SERVICE'S PROPOSED
6 DESIGNATION OF CRITICAL HABITAT FOR THE NEOSHO MUCKET AND
7 RABBITSFOOT MUSSEL.
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9 WHEREAS, on July 12, 2011, after a year-long, nonpublic mediation with
10 the Center for Biological Diversity, the United States Fish and Wildlife
11 Service settled a multidistrict litigation through a stipulated settlement
12 agreement pursuant to which the service agreed to seek to list and designate
13 critical habitats for approximately forty-six (46) species in Arkansas; and
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15 WHEREAS, the service first considered in Arkansas Neosho muckets and
16 rabbitsfoot mussels, which the service listed as endangered and threatened,
17 respectively, by a final rule published September 17, 2013; and
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19 WHEREAS, the service now proposes to designate as critical habitat for
20 Neosho muckets and rabbitsfoot mussels approximately seven hundred sixty-nine
21 (769) river miles throughout Arkansas, the watersheds of which occur in
22 thirty-one (31) counties covering approximately forty-two percent (42%) of
23 the geography of Arkansas; and
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25 WHEREAS, the service's chosen incremental economic assessment does not
26 account for the potentially tremendous cumulative economic impact a critical
27 habitat designation will have on an Arkansas county; 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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36 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 requests that the Attorney
13 General exercise all of the powers at his disposal to protect Arkansas's
14 interests by intervening in the United States Fish and Wildlife Service's
15 proposed designation of critical habitat for the Neosho mucket and
16 rabbitsfoot mussel.
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18 BE IT FURTHER RESOLVED that upon adoption of this resolution, the
19 Secretary of the Senate shall mail a copy of this resolution to the Attorney
20 General.
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22 Respectfully submitted,
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26 Senator Bruce Holland
27 District 9
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30 By: JLL/JLL
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