

INTERIM RESOLUTION 2013-001

URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO ENCOURAGE THE UNITED STATES FISH AND WILDLIFE SERVICE TO PETITION THE OFFICE OF MANAGEMENT AND BUDGET TO MODIFY THE EXISTING RULE REQUIRING THE USE OF A NARROW INCREMENTAL ECONOMIC ASSESSMENT AND UTILIZE CUMULATIVE ECONOMIC ANALYSES THAT EMPLOY A MODEL THAT CONSIDERS THE CUMULATIVE ECONOMIC IMPACTS OF THE DESIGNATION OF CRITICAL HABITAT FOR THE RABBITSFOOT MUSSEL AND THE NEOSHO MUCKET.

WHEREAS, when determining the economic impact of designating an area as critical habitat for a listed species, the United States Fish and Wildlife Service utilizes a narrow incremental economic assessment, which is required by the Office of Management and Budget in a rule that was effective October 30, 2013; and

WHEREAS, the service's chosen incremental economic assessment is flawed because it does not account for the potentially tremendous cumulative economic impact a critical habitat designation will have on an Arkansas county; and

WHEREAS, to determine the full economic impact of a critical habitat designation, the service should propose economic impact statements using a cumulative methodology such as the IMPLAN model, which the United States Department of Agriculture developed for these types of purposes; 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 in Arkansas, the watersheds of which cover parts of thirty-one (31) counties and 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, has filed comments to the proposed critical habitat designation seeking to reduce that critical

1 habitat based in part on an economic impact statement analysis using a
2 cumulative IMPLAN methodology; and
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4 WHEREAS, the Arkansas Legislative Council recognizes that designating
5 seven hundred sixty-nine (769) river miles with a watershed covering forty-
6 two percent (42%) of Arkansas as critical habitat will have a potentially
7 devastating economic impact on private and public land owners throughout
8 Arkansas, including farmers, ranchers, timber producers, oil and gas
9 producers, utility providers, county and municipal governments, school
10 districts, irrigation districts, and countless small businesses,
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12 NOW THEREFORE,

13 BE IT RESOLVED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE EIGHTY-NINTH
14 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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16 THAT the Arkansas Legislative Council urges the Arkansas Congressional
17 Delegation to encourage the United States Fish and Wildlife Service to
18 petition the Office of Management and Budget to modify the existing rule
19 requiring the use of a narrow incremental economic assessment and utilize
20 cumulative economic analyses that employ a model that considers the
21 cumulative economic impacts of the designation of critical habitat, such as
22 the IMPLAN model.
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24 BE IT FURTHER RESOLVED that upon adoption of this resolution, the
25 Secretary of the Senate shall mail a copy of this resolution to each member
26 of the Arkansas Congressional Delegation.
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28 Respectfully submitted,
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32 Senator Missy Irvin
33 District 18
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36 By: JLL/JLL