

INTERIM RESOLUTION 2013-003

REQUESTING THAT THE ATTORNEY GENERAL EXERCISE ALL OF THE POWERS AT HIS DISPOSAL TO PROTECT ARKANSAS'S INTERESTS BY INTERVENING IN THE UNITED STATES FISH AND WILDLIFE SERVICE'S PROPOSED DESIGNATION OF CRITICAL HABITAT FOR THE NEOSHO MUCKET AND RABBITSFOOT MUSSEL.

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

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

NOW THEREFORE,

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

THAT the Arkansas Legislative Council requests that the Attorney General exercise all of the powers at his disposal to protect Arkansas's interests by intervening in the United States Fish and Wildlife Service's proposed designation of critical habitat for the Neosho mucket and rabbitsfoot mussel.

BE IT FURTHER RESOLVED that upon adoption of this resolution, the Secretary of the Senate shall mail a copy of this resolution to the Attorney General.

Respectfully submitted,

Senator Bruce Holland  
District 9

By: JLL/JLL