

## INTERIM RESOLUTION 2013-001

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

10  
11 WHEREAS, when determining the economic impact of designating an area as  
12 critical habitat for a listed species, the United States Fish and Wildlife  
13 Service utilizes a narrow incremental economic assessment, which is required  
14 by the Office of Management and Budget in a rule that was effective October  
15 30, 2013; and

16  
17 WHEREAS, the service's chosen incremental economic assessment is flawed  
18 because it does not account for the potentially tremendous cumulative  
19 economic impact a critical habitat designation will have on an Arkansas  
20 county; and

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22 WHEREAS, to determine the full economic impact of a critical habitat  
23 designation, the service should propose economic impact statements using a  
24 cumulative methodology such as the IMPLAN model, which the United States  
25 Department of Agriculture developed for these types of purposes; and

26  
27 WHEREAS, the service now proposes to designate as critical habitat for  
28 Neosho muckets and rabbitsfoot mussels approximately seven hundred sixty-nine  
29 (769) river miles in Arkansas, the watersheds of which cover parts of thirty-  
30 one (31) counties and forty-two percent (42%) of the geography of Arkansas;  
31 and

32  
33 WHEREAS, a coalition of associations and public interest groups,  
34 spearheaded by the Association of Arkansas Counties, has filed comments to  
35 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,

11  
12 NOW THEREFORE,

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

15  
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.

23  
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.

27  
28 Respectfully submitted,

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32 Senator Missy Irvin  
33 District 18

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36 By: JLL/JLL

1 INTERIM RESOLUTION 2013-002

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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  
12

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  
28

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,

7  
8 NOW THEREFORE,

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

11  
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.

25  
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.

29  
30 Respectfully submitted,

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34 Senator Missy Irvin  
35 District 18

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By: JLL/JLL

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.  
8

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  
14

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  
18

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  
24

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  
28

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  
35

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,

7  
8 NOW THEREFORE,

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

11  
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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