



May 13, 2015



The Honorable Senator John Cornyn
United States Senate
517 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cornyn:

We write to express our support for S. 293, a bill to amend the Endangered Species Act (ESA) of 1973 to establish a procedure for the approval of certain settlements.

As you know, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (the Services) have been tangled in litigation and controversy for decades as a result of their inability to meet the deadlines for making listing decisions as established by the ESA. With limited resources and an impossible workload, the Services have been forced to enter into settlement agreements which rob the Services of their ability to properly prioritize the important work they are doing. As allied trade associations that represent companies who develop oil and natural gas and are working hard to be responsible corporate citizens in all phases of our operations, including with respect to the conservation of wildlife, we strongly believe that the work of the Services should not be driven by arbitrary deadlines.

Your legislation would improve the legal framework of the ESA by increasing transparency and accountability during settlement negotiations in lawsuits that challenge the Services' failure to meet deadlines. Specifically, your legislation would allow impacted parties the ability to intervene in certain lawsuits, where litigation is initiated based on a failure to perform a non-discretionary action, such as a failure to meet a deadline in the listing process. S. 293 would also require posting to alert local and state governments to settlement negotiations and would prevent a judge from approving the settlement if states and counties in the areas that would be affected by the listing decisions object. The bill would also limit the use of taxpayer dollars to finance ESA lawsuits by banning the payment of litigation costs for certain kinds of ESA settlements. Each of these is a critically necessary reform.

We thank you for introducing this important legislation. We support this legislation and look forward to working with you to secure its passage.

Sincerely,

Dan Naatz
IPAA

Megan Bel Miller
NOIA

Bruce Thompson
AXPC

Kathleen Sgamma
Western Energy Alliance

Alby Modiano
U.S. Oil and Gas Association

Eric Milito
API