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Comment:

The need for transparency in federal regulations, a principal frequently espoused by the Obama Administration, extends to the Endangered Species Act (ESA). Build consensus to address existing failures and pursue targeted, common sense reforms." In recent years, the federal agencies responsible for implementing the ESA, the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), have been processing an increasing number of listing petitions and making an increasing number of federal listing determinations. For example, as a result of the Department of the Interior's 2011 multi-district litigation settlements, the federal government agreed to make over 750 species listing determinations and critical habitat designations under specific timetables. Since these settlements, already close to 160 new ESA listings have been proposed or finalized, for a total of 1,528 domestic listed species as of the date of this report. The ESA requires that decisions to list species as threatened or endangered be made "solely on the basis of the best available scientific and commercial data" (See 16 U.S.C. 1533(b)(1)(A)). However, the data and scientific information cited as support for federal ESA listing decisions, which often include unpublished studies or professional opinions rather than actual data, are frequently not made available or accessible to the public. A substantial amount of the research cited in ESA-related decisions is paid directly or indirectly by the American taxpayers. April 30, 2014 comments supported the position that ESA science paid for by the taxpayers should be subject to public review. Need to correct this problem by requiring the public disclosure of the data used to justify proposed and final regulations to list or delist species as threatened or endangered. Making ESA-related data available and accessible to everyone on the Internet will instill accountability, allow transparent review of data and science to justify important policy considerations, and help ensure that the ESA reflects technology and scientific advances for species recovery not available when the ESA was signed into law or when many of the species were originally listed by the federal government. Over the past three years, the Committee on Natural Resources held several hearings and has received testimony from multiple witnesses highlighting examples of the lack of transparency of ESA listing decisions and their impacts on species conservation and on affected states, local entities, tribal governments, and private landowners. On August 1, 2013, the Natural Resources Committee held a hearing entitled, "Transparency and Sound Science Gone Extinct: The Impacts of the Obama Administration's Closed-Door Settlements on Endangered Species and People." During the hearing, an expert biologist, Dr. Rob Roy Ramey II, testified presented a compelling case for transparency: what are the effects of this lack of transparency on the public? When the data are not publicly accessible, legitimate scientific inquiry and debate is effectively eliminated, and no independent third party can reproduce the results. This action puts the basis of some ESA decisions outside the realm of science. Furthermore, it has

	the effect of concentrating power, money and regulatory authority in the hands of those who control access to the data. Information is power. American people have paid for data collection and research on threatened endangered species through grants, contracts and agreements and permits. They pay the salaries of agency staff who collect, data, publish and produce work based on that data. And they are, for the most part, regulated on the basis of that data. It is essential that the American people have rights to access that data in a timely manner. These agencies too often overlook local conservation plans that are developed to ensure the protection of native species and habitat. These local efforts should not be disregarded, By providing states, tribes, and localities the data used to promulgate these proposed listings, an opportunity arises for local stakeholders to get involved and have their voices heard. Greater federal and state cooperation and data transparency in species designations. Ensures on-the-ground data is factored into listing decisions. consideration of economic factors in listing decisions for threatened species and also provides more agency flexibility in the petition process to discourage excessive ESA litigation. We need to do listings in a smart way. ESA is a powerful law that can be inflexible and costly, with far-reaching effects on local economies. Arbitrary deadlines do not help. Neither do sweeping listings that threaten the communities and landowners who have been on that land since before the time states like mine were created. We can update the law without endangering our legacy for the next generation. *
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