SENATE RESOLUTION No. 112

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS
Urges United States Fish and Wildlife Service and National Marine Fisheries Service not to adopt proposed rule changes related to Endangered Species Act.

CURRENT VERSION OF TEXT
As introduced.

WHEREAS, In July 2018, the United States Fish and Wildlife Service (FWS) in the Department of the Interior and the National Marine Fisheries Service (NMFS) in the Department of Commerce proposed revisions to the regulations that implement the federal “Endangered Species Act of 1973,” 16 U.S.C. s.1531 et seq. (ESA); and

WHEREAS, The proposed revisions would lessen the protections given to threatened species, increasing the likelihood that the species will become endangered; and

WHEREAS, The proposed revisions would also make the definition of “threatened species,” more restrictive, removing protections for species that should be protected; and

WHEREAS, The proposed revisions would allow the FWS and the NMFS to make reference to possible economic impacts when deciding whether or not to place a species on the endangered and threatened species list, which will not only create more work for the FWS and the NMFS—despite the stated aim of the revisions, which is to streamline the administration of the ESA—it will also erode the integrity of the list, which has in the past made reference only to ecological facts about the species; and

WHEREAS, The proposed revisions would also make it easier for the FWS and the NMFS to exclude areas from being considered as critical habitats for endangered and threatened species, despite the fact that loss of habitat is one of the leading causes of species extinction; and

WHEREAS, It has been reported that the motivation for the rule changes is to make it easier for oil and gas companies to gain access to public lands for drilling; and

WHEREAS, The United States is currently in a period of record high oil and gas production and record high species extinction, thus the rule changes seem to be exactly the opposite of what would be prudent; and

WHEREAS, Endangered species possess aesthetic, ecological, educational, historical, recreational, and scientific value to the nation and to the people of New Jersey; and

WHEREAS, According to a 2018 study, four out of five Americans support the ESA, and only one in 10 oppose the act; and

WHEREAS, It is proper and fitting for this House to urge the FWS and the NMFS to not adopt the proposed rule changes and to maintain the current level of protection of endangered and threatened species; now, therefore,

BE IT RESOLVED by the Senate of the State of New Jersey:
1. This House respectfully urges the United States Fish and Wildlife Service and the National Marine Fisheries Service not to adopt the rule changes related to the Endangered Species Act that were proposed in July 2018.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of the Senate to the Secretary of the Interior, the Secretary of Commerce, the Director of the United States Fish and Wildlife Service, the Director of the National Marine Fisheries Service, and every member of the congressional delegation from the State of New Jersey.

STATEMENT

This resolution urges the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) not to adopt proposed rule changes related to the Endangered Species Act (ESA).

The new rules, which were proposed in July 2018, would weaken the protections afforded to threatened and endangered species in various ways. The new rules would lessen the protections given to threatened species, making them more likely to become endangered in the future. The new rules would make it more difficult for species to be designated as “threatened,” meaning that some species that should be protected will not be. The new rules would allow the FWS and the NMFS to make reference to economic impacts when deciding whether or not a species should be placed on the list of threatened and endangered species. Finally, the new rules would make it easier for the FWS and the NMFS to exclude areas from being designated as critical habitats for threatened and endangered species.

The proposed rules are similar to changes sought by the oil and gas industry and would make it easier to open up public lands to exploration by oil and gas companies, despite the legislative intent of the ESA and the fact that, according to a 2018 study, four out of five Americans support the ESA and only one in 10 Americans opposes it.