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[Home](#) > [Printer-friendly PDF](#) > [Sue-and-Settle Continues to Dictate Endangered Species Listings](#)

Sue-and-Settle Continues to Dictate Endangered Species Listings ^[1]

(DENVER) – In testimony before the Senate Environment and Public Works Subcommittee on Superfund, Waste Management and Regulatory Oversight, [Western Energy Alliance](#) ^[2] released an update to its analysis of Endangered Species Act (ESA) litigation from two serial litigants, WildEarth Guardians (WEG) and the Center for Biological Diversity (CBD).

The Alliance analyzed petitions and lawsuits filed since a prominent 2011 settlement with the Department of the Interior involving hundreds of species that included an agreement by WEG and CBD to curb the number of species petitions and lawsuits. The data show another year later, another chance for the environmental groups to overload the U.S. Fish and Wildlife Service (FWS) with listing petitions and lawsuits that divert resources away from actual species recovery and into litigation and bureaucratic process. The analysis shows:

- 53 petitions have been filed with FWS requesting listing or uplisting (from threatened to endangered) on 129 species. WEG and CBD are responsible for 38 (72%) of the petitions covering 113 (88%) of the species.
- Requests for listings have climbed to an average of 31 species per year, up from 20 prior to 2007.
- 71 different plaintiffs have filed 43 lawsuits challenging FWS decisions on 107 different species. WEG and CBD remain the most prolific litigants, with 23 (53%) lawsuits involving 45 (42%) species.

“DOI’s justification for entering into the closed-door settlement agreements that excluded the public, elected officials, states, localities, and other stakeholders was to limit future listing petitions and litigation,” said Kathleen Sgamma, vice president of government and public affairs at Western Energy Alliance. “Ceding that much power to one special interest has placed a huge burden on the federal government, states, productive industries, private landowners, and the entire economy. Since the two environmental groups keep suing, the settlements can only be judged a resounding failure.”

“Today’s hearing is an important first step toward wresting power back from very narrowly focused unelected, unaccountable and unproductive environmental groups. Western Energy Alliance supports congressional reform of the ESA to ensure the public once again has a seat at the table and that resources are spent actually conserving species rather than on lawyers,” concluded Sgamma.

Her testimony is available [online](#) ^[3]. Additional data, analysis and background material are available at Western Energy Alliance’s sue-and-settle webpage at <http://www.westernenergyalliance.org/knowledge-center/legal/sue-and-settle> ^[4].

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[1] <https://www.westernenergyalliance.org/press-room/sue-and-settle-continues-dictate-endangered-species-listings>

[2] <http://www.westernenergyalliance.org/>

[3] <http://cdn.westernenergyalliance.org/sites/default/files/Testimony%20of%20K.%20Sgamma%20-%20August%204%2C%202015.pdf>

[4] <http://www.westernenergyalliance.org/knowledge-center/legal/sue-and-settle>