



Kansas Natural Resource Coalition

Bringing Voice and Environmental Decision-making to Local Government

For Immediate Release
October 26, 2017

Contacts: Shawn Tasset - President
(620) 682-5406
J. R. Carlson - Executive Director
(620) 260-9169

KNRC Announcement and Member Action Request

Steering Committee Unanimously Approves Lawsuit Against USFWS; Action Moves to Policy Committee

Garden City, KS – Today, the steering committee of the Kansas Natural Resource Coalition (KNRC) unanimously approved a proposal by the Pacific Legal Foundation (PLF) to participate in a federal lawsuit that alleges that the United States Fish and Wildlife Service (USFWS) failed to submit its Policy for Evaluation of Conservation Efforts (PECE) to the United States Congress for review under the Congressional Review Act¹ (CRA).

Through this notification, the KNRC steering committee is recommending the policy committee approve participation as a plaintiff in the PLF lawsuit. Member counties are requested to review, vote and return the attached ballot by November 17, 2017.

Under CRA, rules and regulations proposed by federal agencies are required to be submitted to the United States Congress and comptroller for review before going into effect. Major rules are also to be accompanied by a cost-benefit analysis, and those rules that do not receive congressional approval cannot be reissued without a joint resolution from the Congress.

The PECE is a *positive* rule that was adopted by USFWS in 2003, and it played an important role in a decision by a Federal court vacating the listing of the Lesser Prairie-Chicken (LPC) in 2014. The PECE provides a framework for USFWS to evaluate state and private conservation activities during the Endangered Species Act (ESA) listing process, or for denying petitions that do not contribute substantially to conservation efforts. By failing to submit the PECE to Congress as required by the CRA, USFWS has created the possibility for decisions on state and private conservation to be vulnerable to legal challenges.

The steering committee believes KNRCs participation as a plaintiff will have a positive effect on the PECE rule, federal administrative processes, and the image of the coalition. Because PLF is a public interest law firm, legal expenses are incurred by donors, outside contributors, and sources other than KNRC member counties.

See the KNRC website at: <https://www.knrc.org>

Kansas Natural Resource Coalition
PLF Litigation
Member Ballot

PO Box 22
Garden City, KS 67846

Due: Friday November 11th, 2017
Fax: (620) 260-9169

Yea (vote for PLF litigation)

Nay (vote against PLF litigation)

Abstain

KNRC Member: _____

Date: _____