

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

February 28, 2013

The Honorable Daniel M. Ashe  
Director  
U.S. Fish and Wildlife Service  
1849 C Street, NW  
Washington, DC 20240

Dear Director Ashe,

On May 24, 2012, you received the attached letter from Senators Inhofe and Sessions. The letter requests documents and answers to a series of questions about the closed-door settlement agreement made by the Fish and Wildlife Service with the Center for Biological Diversity and WildEarth Guardians. To our knowledge, there has been no response to that letter. Because we remain concerned about this "sue and settle" agreement, we renew our call that you provide us with the information requested.

In addition to those items specifically requested in the May 24, 2012 letter, we also ask you to reconsider your agency's decision to deny access to all records, electronic or otherwise, of meetings, conversations, e-mails, letters, and/or other communications or documents between the Administration and the parties of the settlement agreement. As members of the Environment and Public Works Committee, we have oversight responsibility for the Endangered Species Act. Having such communications would provide us with invaluable insight into the manner in which this settlement agreement was reached. In addition, we note that the landowners whose private property would be impacted by these ESA listings were not privy to the any of the settlement negotiations.

These settlement agreements mandate that your agency make listing determinations for more than 250 species throughout the United States. Listings of these species will have a tremendous impact on private property and on economic growth. Having a listed species on property can greatly limit a private property owner's ability to use his or her land. Because the terms of this settlement were made without consultation with all stakeholders, their views remain unrepresented in the process.

The information requested will help us investigate a process that is under growing public scrutiny. In 2009, President Obama said "we will achieve our goal of making this administration the most open and transparent administration in history," and earlier this month the President further stated "this is the most transparent administration in history, and I can document that is the case." Perhaps the best opportunity to assure the espoused transparency can be "documented" would be to actually provide the documents that were requested by Congress nearly a year ago. Doing so will help to prove that the President's words are more than simply a vacant promise.

We look forward to your expeditious response to our letter. Please feel free to contact us if you have any questions.

Sincerely,



David Vitter  
Ranking Member  
Committee on Environment & Public Works



John Boozman  
Ranking Member  
Subcommittee on Water & Wildlife



James M. Inhofe  
Ranking Member  
Subcommittee on Oversight



Jeff Sessions  
Ranking Member  
Subcommittee on Clean Air & Nuclear  
Safety