

BILL ANALYSIS

Senate Research Center
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S.C.R. 51
By: Bivins
Natural Resources
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As Filed

DIGEST

Under rules adopted on November 23, 1998, the Fish and Wildlife Service of the U.S. Department of the Interior listed the Arkansas River shiner (*Notropis girardi*), a minnow whose present range included portions of the Canadian River in Texas, as a threatened species pursuant to the federal Endangered Species Act. Subsequent rules adopted on April 4, 2001, which follow from policy reconsiderations stipulated in an agreed settlement order, designate 1,148 miles of river segments in the Arkansas River basin – including over 100 miles of the Canadian River in Oldham, Potter, and Hempill counties in Texas – as critical habitat for the species. This state's Parks and Wildlife Department recommended against listing the Arkansas River shiner as an endangered or threatened species because such a listing was scientifically unsound and unnecessary. The Fish and Wildlife Service refused to enter a Memorandum of Understanding concerning recovery of the Arkansas River shiner with the states of Texas and Oklahoma, yet in its recent rule adoption notice concedes that ideally a recovery plan should precede critical habitat designation. Its designation, which becomes effective on May 4, 2001, includes a portion of the Canadian River that makes up the headwaters of Lake Meredith, and as such could potentially interfere with the reservoir's water supply and flood control functions.

PURPOSE

As proposed, S.C.R. 51 submits the following resolutions:

Provides that the 77th Legislature of the State of Texas urges the U.S. Department of the Interior to reconsider the necessity of designating the Arkansas River shiner as a threatened species and the necessity of designating critical habitat in Texas for the Arkansas River shiner. Provides that the 77th Legislature urges the Parks and Wildlife Department and the Office of the Attorney General to take all reasonable steps to ensure that portions of the Canadian River in Texas be designated as critical habitat only to the extent that such designation is absolutely necessary, scientifically justifiable, and economically prudent. Provides that the secretary of state shall forward official copies of this resolution to the secretary of the interior, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America. Provides that the secretary of state shall forward an official copy of this resolution to the executive director of the Parks and Wildlife Department and to the attorney general of Texas.