

Oklahoma et al. v. Dept. of the
Interior et al.
USDC 4:14-CV-00123



Background on Current Suit

- Originated from 2 Settlement Agreements that:
 - 1) Removed Consideration of “Warranted but Precluded” Category in Listing Several Species
 - 2) Forced Listing 251 as Threatened or Endangered by 2016 and 39 More by 2017
- On April 1 2014 this Lawsuit was Filed Claiming:

The two settlements:

 - 1) Violate ESA, APA, Public Particip. Process
 - 2) Frustrate Voluntary Conservation Efforts
 - *Including the 5 State Range Wide Plan*
 - 3) Increase Regulatory Burden on States
 - 4) Don't Consider Best Scientific & Commercial Data



The Current Suit – Cont'd

- Current Plaintiffs:
 1. Oklahoma
 2. North Dakota
 3. Kansas
 4. Nebraska
 5. Domestic Energy Producers Association
 6. Farm Bureau of Oklahoma
- Defendant: US Fish and Wildlife Services
- NM AG's Office Agreed to Issue Commission



Where does Department stand in suit?

- ESA and APA Protect and Bind New Mexico
- NM Species Have Been Listed and More Will
- Estimated Costs of Litigation to New Mexico
 - \$75.00/per Attorney Pro Hac Vice Entry and \$400.00 Complaint Fee
 - Additional Costs Depend on Decision to Contract Out
- New Mexico Can Contribute to Suit:
 - NM Specific Science, Knowledge, and Data
 - Provide Brief and Support for Hearings



Current and Potential Impacts of Case

- Listing of Species in New Mexico:
 - Lesser Prairie Chicken,
 - Meadow Jumping Mouse, and
 - Potentially Many More in the Future
- Continuous Concern that Federal Law and Process was Ignored
- More Litigation is Lighting Up:
 - Permian Basin Petroleum and Counties Lawsuit Filed June 9, 2014
 - CBD, WEG, DOW Lawsuit Filed June 17, 2014



Summary

- FWS entered into agreement without public participation as the ESA and APA guarantee.
- State Already Injured As a Result:
 - Lesser Prairie Chicken Listed (frustrating the 5 State Range Wide Plan)
 - New Mexico Meadow Jumping Mouse Similarly Listed
 - ESA and APA Public Participation Process Undermined

3 Lawsuits Already Because of Settlements

High Potential for Damage to Continue



Questions?

