

## Senate Resolution 304

By: Senators Pearson of the 51st, Murphy of the 27th, Moody of the 56th, Heath of the 31st, Shafer of the 48th and others

**ADOPTED SENATE**

## A RESOLUTION

1 Urging the United States Fish and Wildlife Service to conduct further scientific study in the  
2 Etowah River Basin, to perform the mandatory five-year review of all federally listed  
3 species, and to develop an Environmental Impact Statement before further review of the  
4 Etowah Aquatic Habitat Conservation Plan; and for other purposes.

5 WHEREAS, high water quality protection standards are of concurrent benefit to human and  
6 animal populations and are a recognized objective of the people and elected representatives  
7 of Georgia; and

8 WHEREAS, the Etowah Aquatic Habitat Conservation Plan (HCP) is an effort by the  
9 University of Georgia River Basin Center requesting participation of local governments in  
10 the Etowah River Basin area to establish development regulations across eight counties and  
11 13 municipalities covering approximately one million acres; and

12 WHEREAS, these regulations are possibly the most stringent in the United States for a  
13 suburban metropolitan area and are being proposed in a state which is already leading by  
14 example with some of the highest water quality protection standards and best practice  
15 methods in the country; and

16 WHEREAS, since 2002, regulations have been developed under the guise of protecting three  
17 federally listed fish species, the Etowah Darter, the Cherokee Darter, and the Amber Darter,  
18 each of which was added to the endangered species list after limited initial research and  
19 which are believed to exist in greater numbers now, in spite of concurrent human activity in  
20 the basin; and

21 WHEREAS, no aquatic HCP exists for any other suburban metropolitan area in the United  
22 States, and the economic impact and burden of the Etowah Aquatic HCP to property owners  
23 and participating local governments is not well studied and needs further description in  
24 official HCP documents; and

25 WHEREAS, the United States Fish and Wildlife Service is required under federal regulations  
26 to perform a five-year status review for each species listed as endangered to ascertain  
27 progress toward recovery or increased threats suggesting decline in population, yet none of  
28 the three above-named species has ever had such fundamental review, despite being listed  
29 for over 20 years; and

30 WHEREAS, an objective and properly conducted five-year review is anticipated to show that  
31 each species exists in a greater number of locations with larger populations than at the time  
32 of listing, and such a showing would demonstrate that existing regulations and current  
33 practice in site design and erosion control measures have already had a beneficial effect on  
34 the species; and

35 WHEREAS, an Environmental Impact Statement would address the economic impact of the  
36 proposed regulations, as well as provide additional scientific data assessing the current status  
37 of the three species.

38 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body  
39 urge the United States Fish and Wildlife Service to conduct further scientific review within  
40 the Etowah River Basin by performing the mandatory five-year status update prior to further  
41 consideration of any Etowah Aquatic HCP related decisions.

42 BE IT FURTHER RESOLVED that the United States Fish and Wildlife Service is urged to  
43 perform an Environmental Impact Statement to assess the potential environmental benefits  
44 and accompanying economic impact of the Etowah Aquatic HCP.

45 BE IT FURTHER RESOLVED that local governments who have participated in the HCP  
46 should consider fully the economic impact of adopting this regulatory framework and should  
47 request that the United States Fish and Wildlife Service carry out these studies before further  
48 HCP review.

49 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed  
50 to transmit an appropriate copy of this resolution to the United States Fish and Wildlife  
51 Service.