



NATIONAL ENDANGERED SPECIES ACT
REFORM COALITION

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July 9, 2018

The Honorable John Barrasso, MD
Chairman, Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Re: “Endangered Species Act Amendments of 2018”

Dear Chairman Barrasso:

On behalf of the National Endangered Species Act Reform Coalition (NESARC), I am writing to express our support for the work you have done in the development of the “Endangered Species Act (ESA) Amendments of 2018.” This is an important first step at making reasonable improvements to the Endangered Species Act and reauthorizing the law for the first time in 30 years.

NESARC is the country’s oldest broad-based, national coalition dedicated solely to achieving improvements to the ESA and its implementation. Our membership includes agricultural interests, cities and counties, commercial real estate developers, conservationists, electric utilities, energy producers, farmers, forest product companies, home builders, landowners, oil and gas companies, ranchers, realtors, water and irrigation districts, and other businesses and individuals throughout the United States. NESARC and its members are committed to promoting effective and balanced legislative and administrative improvements to the ESA that support the protection of fish, wildlife, and plant populations as well as responsible land, water, and resource management.

The discussion draft focuses on one area of updates to the ESA that has been a long-standing NESARC priority—working to provide for better cooperation between the federal agencies and state and local governments on species conservation measures. NESARC supports increased state and local involvement in the ESA decision-making process. This effort, coupled with improvements in openness and engagement with landowners, businesses and organizations, will bring on-the-ground expertise, capabilities and innovation that can be leveraged to make the Act more successful. As the bill moves through the legislative process, we look forward to working with you to ensure that private landowners and the regulated community are able to engage on equal footing with other stakeholders, including state and local partners, to achieve the protection and recovery of species.

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NESARC also commends efforts in the discussion draft to improve transparency for decisions made under the law. We believe that the ESA must be open to new ideas and ensure that decisions made under the ESA are informed by sound and reliable data. The decision-making process for listings, critical habitat designations and other decisions must allow for full public participation, better data collection and transparency, and robust independent scientific review. The ESA also needs to reflect that States, tribes, local governments, and private parties often have current and accurate data that can be better incorporated into listing, critical habitat, and recovery decisions. We commend your initial efforts to identify improvements to the ESA that achieve these objectives and look forward to the opportunity for a meaningful discussion on the core principles that inform this effort and how to further achieve effective improvements to the Act.

Additionally, the draft bill calls for reauthorizing the ESA for the first time since 1988. As you are aware, the ESA was first enacted in 1973, and has remained unauthorized since October of 1992. It is essential that Congress fulfill its duty to review, revise and reauthorize statutes to ensure that they remain effective and continue to fulfill their intended purpose. In the case of the ESA, a three-decade span between authorizations has resulted in poor outcomes for species and a significant increase in litigation that can be directly attributed to an outdated law that requires Congressional attention.

NESARC and its members recognize that the discussion draft captures many of the recommendations of the Western Governors' Association's bipartisan, multi-year "*ESA Species Conservation and the Endangered Species Act Initiative*." Through their initiative, WGA successfully and effectively convened a diverse set of stakeholders to identify areas of the ESA that are in need of improvement. As your bill moves through the legislative process, we are optimistic that you and your staff will continue this dialogue and engagement.

Thank you for your leadership on this important issue. Please do not hesitate to contact me, or NESARC's Executive Director, Jordan Smith, with questions or if we may be of additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Yates", written in a cursive style.

Ryan R. Yates
Chairman