



Protecting Water for Western Irrigated Agriculture

P.O. Box 216 Klamath Falls, Oregon 97601

September 25, 2018

The Honorable Paul A. Gosar, DDS
Chairman
Congressional Western Caucus
United States House of Representatives
Washington, DC 20515

Re: Family Farm Alliance Support for ESA Package

Dear Chairman Gosar:

On behalf of the Family Farm Alliance (Alliance), I write to express our support for your efforts to modernize the federal Endangered Species Act (ESA). A total of nine bills will be addressed by the House Committee on Natural Resources (Committee) on September 26, 2018, which provides an excellent opportunity to highlight several important reform principles for reforming and modernizing the ESA.

The Alliance advocates for family farmers, ranchers, irrigation districts, and allied industries in seventeen Western states. The Alliance is focused on one mission – To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. We believe the time for modernizing the ESA is long overdue, since it was last amended in 1988. We are not seeking to repeal the Act, but simply wish to make it current with the modern age. We are pleased to see the Committee consider these important bills, many of which are built on concepts we have long supported. Some of these principles include codification of “No Surprises”, collaborative agreements to support conservation, clarifying portions of the critical habit designation process, transparency, and the use of best available science.

For many years, the Alliance has worked with federal agencies, the regulated community, the Committee, and others in Congress to find ways to make the ESA work better for imperiled species and rural communities. For example, we worked closely with the House of Representatives’ ESA Working Group, which in February 2014 issued its final report. Among other things, the Report concluded that the ESA “while well-intentioned from the beginning, must be updated and modernized to ensure its success where it matters most: outside of the courtroom and on-the-ground.”

The authors of the ESA clearly believed in applying the law in a way that would foster collaboration and efficiency of program delivery, in an incentive-driven manner. Unfortunately, implementation of the ESA has “progressed” in recent years towards an approach that is now driven by litigation

and sometimes the inappropriate, inconsistent and incorrect interpretation of the law by federal agencies. The Alliance believes the ESA can and should be made to work for both imperiled species and people through voluntary conservation among private landowners and in partnership with federal and state governments. As the Congressional Working Group pointed out in their Report, the ESA can be modernized to more successfully assist species that are truly in danger. It can be updated so species conservation does not create conflicts with people.

Wyoming Governor Matt Mead, as Chairman of the Western Governors' Association (WGA), launched the Species Conservation and Endangered Species Act Initiative in June 2015. Representatives from our organization played a prominent public role in several of the WGA public meetings and webinars on ESA reform, and participated in every WGA workshop. Throughout the course of that process, we outlined our ideas to encourage voluntary conservation efforts to advance the goals of the ESA.

The bills that will be heard at your September 26 hearing will commence discussion on ESA reform and the need for initiating broader discussion and comprehension regarding the way the law is implemented today. The Family Farm Alliance supports your efforts and we look forward to working with you to improve these bills so that positive changes to the law can be made to protect and recover imperiled species and the ecosystems upon which they depend. Fewer than 2% of the species ever listed under the Act have been recovered and removed from the endangered list, a benchmark statistic that authenticates the need for ESA reform.

Surely, constructive and thoughtful parties can agree that a law addressing the needs of species in trouble is worthwhile. Repealing the ESA is not our goal, but the law needs to be updated for it to be effective in today's world. The Alliance believes we can have an open and candid discussion about fixing the law to make it work as intended.

We thank you for your leadership on this important issue, and look forward to working with you and your staff as these bills move through the legislative process. If you have any questions or require further information, please do not hesitate to contact me at (541)-892-6244 or dan@familyfarmalliance.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Keppen', with a stylized flourish at the end.

Dan Keppen
Executive Director