



July 10, 2018

The Honorable Paul A. Gosar, D.D.S  
Chairman  
Subcommittee on Energy and Mineral Resources  
House Natural Resources Committee  
2057 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Gosar:

Western Energy Alliance strongly supports the Congressional Western Caucus's efforts to modernize the Endangered Species Act (ESA) through a package of eight targeted bills. As you and many stakeholders across the West have long recognized, the ESA has become too cumbersome and prohibitive of responsible economic activity and job creation while being ineffective at protecting and recovering species. We fully support efforts by Congress to modernize the ESA, and the introduction of these sensible bills is an important step in that process.

More resources are spent by the U.S. Fish and Wildlife Service (FWS) on ESA paperwork and litigation than providing on-the-ground conservation of species and their habitat. The ESA has far too often been used primarily as a means to prevent or delay responsible economic activity rather than to truly protect species. The lack of effectiveness of the ESA is clear in that only about 2% of listed species have actually been recovered. It is time to modernize the Act so that it is refocused back on the original intent of protecting and recovering species.

Federal ESA listings often thwart existing state, local and private efforts to protect species, and the threat of a listing may disincentivize voluntary conservation efforts under current regulations. Rather than imposing one-size-fits-all species listings that harm communities and obstruct on-the-ground conservation, FWS should support and defer to state and local plans and promote reliable voluntary conservation agreements.

The LAMP Act and the EMPOWERS Act would strengthen and codify the roles of states and local governments, giving greater weight to the jurisdictions and people who are most affected by listing decisions. The LOCAL Act and the PREDICTS Act would provide more regulatory certainty for voluntary conservation efforts, thereby encouraging the participation in and effectiveness of these programs.

Congress can also improve implementation of the ESA by allowing FWS to utilize its limited resources in the most efficient manner possible. Currently, resources are tied up responding to bulk petitions submitted by activist organizations with the specific goal of

suing FWS when it unsurprisingly fails to meet the rigid deadlines of the law. The PETITION and LIST Acts would allow the Service to prioritize and respond to the backlog of petitions without the constant threat of legal action, thereby ensuring reviews are conducted in a thorough and accurate manner while enabling resources to be transferred from legal defense to species recovery.

Finally, the designation of critical habitat can be and has been used as a tool to limit economic development rather than primarily focused on species protection. The WHOLE Act would reorient critical habitat designations to the original intent of the Act by allowing for mitigation offsets of critical habitat disturbance in non-critical areas, which would ensure responsible resource development can continue to coexist with species conservation.

We appreciate that these draft bills from members of the Congressional Western Caucus identify critical concepts for ESA modernization and provide the foundation for sensible changes. We urge Congress to pass legislation updating the ESA with targeted changes to improve the consistency and effectiveness of the law, and we appreciate your leadership on this issue.

Sincerely,



Kathleen M. Sgamma  
 President