

**Kansas Department of
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MIDWEST
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September 13, 2018

The Honorable John Barrasso, M.D.
Chairman
Senate Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Endangered Species Act Amendments of 2018 discussion draft legislation

Dear Chairman Barrasso:

The Midwest Association of Fish and Wildlife Agencies (MAFWA) was formed in 1934 to provide a common forum for state and provincial fish and wildlife agencies to share ideas, information, pool resources, and form action initiatives to better the management and conservation of fish and wildlife resources in the Midwest. Currently, MAFWA represents 13 states and 3 provincial Midwest fish and wildlife agencies.

The MAFWA state directors would like to thank you for the opportunity to review your discussion draft bill and for your thoughtful efforts on how to improve implementation of the Endangered Species Act (ESA). The state agencies support and value the ESA as a strong and effective tool for protecting and recovering species that are at risk of extinction. While state fish and wildlife agencies have experienced success with species it is clear the ESA is not performing as intended and changes are necessary to ensure the conservation and recovery of fish and wildlife species. Your draft legislation offers significant improvements to the ESA.

The proposed legislation supports the defined "General Principles for Improvement as adopted by the Association of Fish and Wildlife Agencies (AFWA) which:

- enables more effective and consistent conservation and protection of species;
- ensures fish, wildlife and natural resource professionals make ESA decisions;
- facilitates the opportunities in ESA implementation as Congress originally intended;
- focuses on management actions that will recover species to the point that provisions of the ESA are no longer necessary, and the species can be de listed or down-listed; and

- better incentivizes private landowner participation in application of the ESA.

These principles are further defined by the thirteen recommendations for improvement, identified, reviewed vetted and confirmed by MAFWA member state fish and wildlife agencies. The proposed legislation generally supports these recommendations and we strongly encourage your review and consideration of these recommendations as you work toward consensus on the legislation. The perspectives in this letter do not supersede or alter the views or input of any state and should not be viewed as representing the perspective of any individual state.

Congress explicitly affirmed in section 6 that the authority of federal agencies exists concurrently with the authority of the state fish and wildlife agencies for the listed fish and wildlife species. State fish and wildlife agencies have been a leader in conserving and recovering imperiled species for many decades and since ESA enactment in 1973, they have evolved, by necessity, into highly functional, capable and scientific-based organizations now well equipped to take on ESA efforts. State fish and wildlife agencies have a trust responsibility for managing wildlife within their respective borders for the current and future benefit of our citizens, and therefore, must have the opportunity to exercise their authority as a full and equal partner under section 6 as originally intended to ensure conservation efforts for threatened and endangered species would be executed more efficiently and effectively.

We appreciate your willingness to address much debated, and contentious issues to advance ESA modernization. Issues such as providing state fish and wildlife agencies a more active and formal role in ESA implementation actions, requiring science-based recovery for listed species, providing more emphasis on the development and implementation of recovery plans through highly collaborative recovery teams with the clear intent for conservation actions to recover species be driven by science and fish and wildlife conservation professionals. MAFWA is very aware of the challenges the Committee has undertaken to produce legislative language that generates bipartisan solutions to allow this important issue to advance through Congress, and we appreciate your ongoing efforts.

We are grateful this draft legislation creates opportunities for state fish and wildlife agencies to engage our highly respected scientific resources and expertise at the state level early and work with our federal agencies as equal partners to produce effective conservation measures and results for listed species that will also directly contribute to helping and precluding more listings. We also recognize that additional funding will be needed by state fish and wildlife agencies to successfully implement all these proposed changes and Recovering America's Wildlife Act (S.B. 3223 and H.R. 4647) offers an opportunity to support states in this critical endeavor.

As you continue to build support for this critical legislation, MAFWA stands ready to work with you to promote balanced, bipartisan solutions to species conservation challenges. Different perspectives, insights and experiences can significantly improve the ESA. MAFWA supports more equal opportunity for states to forge partnerships to conserve all

fish and wildlife. We appreciate your efforts and encourage you to continue your dialogue with interested parties as you craft the best possible ESA modernization package.

Sincerely,



Terry Steinwand
President

cc: MAFWA Board of Directors
Ron Regan
Sheila Kemmis