



*Protecting Water for Western Irrigated Agriculture*  
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June 6, 2018

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

Dear Chairman Barrasso:

On behalf of the Family Farm Alliance (Alliance), I write in support of the proposed “Endangered Species Act Amendments of 2018.” This bill would amend the Endangered Species Act of 1973 (ESA) to increase transparency, increased regulatory certainty, and to reauthorize that Act. The Alliance great appreciates the leadership of Chairman Barrasso and members of the committee on the issue of ESA reform, and strongly supports this very important legislation.

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 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 are also committed to the proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental, and national security reasons – many of which are often overlooked in the context of other national policy decisions.

The ESA was a well-intended and laudable effort by Congress and then-President Richard Nixon to protect “charismatic mega fauna” like grizzly bears, the bald eagle, and the blue whale. The original intent of the ESA - stated in the Act itself - was to encourage “the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards”. The authors of the ESA clearly believed in applying it 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 inappropriate interpretation by federal agencies. Rural communities in areas represented by our organization have, in particular, suffered as a result.

We are pleased to see the Committee re-assess the original intent of the ESA, which emphasized a paradigm where species conservation could be achieved in cooperation with state and local

interests, including farmers and ranchers, instead of at the expense of agriculture, which is happening in several Western states under current interpretation of the Act.

Wyoming Governor Matt Mead, as Chairman of the Western Governors' Association (WGA), launched the Species Conservation and Endangered Species Act Initiative (Initiative) in June 2015. Since then, a series of Initiative workshops and webinars, along with a series of questionnaires, have enabled states to share best practices in species management, promote the role of states in species conservation, and explore options for improving the efficacy of the ESA. Workshops and webinars were designed to foster an inclusive and bipartisan dialogue on how to improve implementation of the ESA and better incentivize species conservation efforts to avoid the need to list a species in the first place. Representatives from our organization played a prominent public role in several of the 2015 WGA public meetings and webinars and participated in every WGA workshop. As part of the workshop process, we prepared a white paper – derived from earlier reports authored by the Alliance – that outlines our ideas to encourage voluntary conservation efforts to advance the goals of the ESA.

Each of these ideas and others are reflected in the proposed bill. We strongly support the improved state-federal consultation provision relating to conservation and recovery of wildlife included in the draft. The bill also encourages conservation activities through regulatory certainty, including provisions that address our oft-voiced complaint regarding “random acts of conservation.” Section 201 of the proposed bill establishes the Sense of Congress that local government, landowners, and other stakeholders should receive credit for enrolling in, and performing obligations under, conservation agreements, as well as investing in and carrying out conservation activities generally. We agree that federal agencies should consider these actions in making determinations under the ESA. Title II also contains important provisions that will improve application of conservation agreements, candidate conservation agreements with assurances, and safe harbor agreements.

Finally, the proposed bill also includes practical improvements to the ESA that will strengthen conservation decision-making through increased transparency, optimize conservation through resource prioritization, and authorize studies that will improve transparency of management decisions and ultimately, improve conservation. For all of these reasons, the Family Farm Alliance strongly supports the draft “Endangered Species Act Amendments of 2018” and look forward to working with you further to advance this important legislation.

Please do not hesitate to contact me at [dankeppen@charter.net](mailto:dankeppen@charter.net) if you have further questions.

Sincerely,

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

Dan Keppen  
Executive Director