

July 13, 2018

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

Dear Chairman Barrasso:

On behalf of the American Farm Bureau Federation and its more than 6 million member families across the United States, I commend you for your leadership in the development of the Endangered Species Act Amendments Act of 2018. For the last 30 years, Congress has been unable or unwilling to successfully provide meaningful changes to the ESA while allowing the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) free reign to fundamentally alter and strengthen the regulatory power of the ESA through rulemaking after rulemaking.

Farmers and ranchers play a critical role in protecting endangered and threatened species, and it is important that the ESA strike a fair balance between the needs of plants and animals and the needs of people. Farms and ranches comprise much of the privately owned open space in this country – space that provides habitat for endangered or threatened species. Approximately 76 percent of all listed species live to some extent on privately owned lands and more than one-third exclusively on privately-owned lands. Agricultural lands are also the buffers between wildlife habitat and development. Scientific credibility, public accountability, and cooperation between federal agencies, states, and landowners is imperative if the ESA is going to work effectively.

Thus far, federal coordination with farmers and ranchers is often lacking and at best inconsistent. Listing decisions are often made using outdated, insufficient or inaccurate data that is not always publicly available. Instead, the ESA has often been used as a land-use tool to prevent farmers and ranchers from making use of their privately-owned land. At the same time, the ESA has failed in its mission to recover imperiled species. Only three percent of all species listed during the 45 years that the ESA has been in existence can be considered to have actually “recovered” to the point where they could be removed from the list.

Reform is necessary because there are clear shortcomings associated with the upkeep and recovery rate of listed species. Congress intended for the ESA to protect species from extinction, but the law fails to accomplish this purpose by prioritizing species listings over actual recovery and habitat conservation. Unfortunately, the law fails to provide adequate incentives for working lands species conservation and imposes far-reaching regulatory burdens which greatly restrict agriculture’s ability to produce food, fuel and fiber for consumers here at home and around the world.

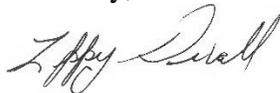
One of the most serious deficiencies with the listing process of the ESA is the lack of transparency in science used to justify an agency's action to list a species. The current "best available science" standards provide little incentive for agencies involved in listing decisions to obtain accurate and up-to date information necessary to make an informed decision. Further, listing decisions are often made using outdated, insufficient or misinformed data, which agencies frequently withhold from the public.

AFBF supports amendments to the ESA to require that listing decisions are made using sound, peer-reviewed science that is readily available to landowners and the public. The ESA needs to reflect that states, local governments, and private parties often have current and accurate data that can be better incorporated into listing, critical habitat, and recovery decisions. **Farm Bureau believes that any environmental decision-making process benefits from having information from affected state and local governments. These entities very often have better and more updated information on species locations and local economic impacts than the federal agencies.**

The Endangered Species Act Amendments Act builds upon the bipartisan recommendations of the Western Governors Association and its Species Conservation and Endangered Species Act Initiative championed by Governor Matt Mead (R-WY). The American Farm Bureau Federation extends support to your legislation which would prioritize and improve the recovery planning process, provide regulatory certainty for landowners through improvements to voluntary conservation agreements, and require transparent decision-making processes based on the best scientific and commercial data available.

The scope and reach of the ESA are far more expansive today and cover activities and situations not contemplated when it was originally enacted. Procedures established in 1973 are outdated. We applaud your efforts to update and improve the processes and procedures that the ESA put in place 45 years ago so that they better serve the needs of the public and the people most affected by implementation of the law's provisions. We look forward to working with the committee to make the ESA more workable for private landowners and more beneficial for the species that it is supposed to help.

Sincerely,



Zippy Duvall  
President