



July 9, 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:

The Oregon Water Resources Congress (OWRC) is writing in support of the proposed “Endangered Species Act Amendments of 2018.” This discussion draft bill would amend the Endangered Species Act of 1973 (ESA) to enhance transparency, increase regulatory certainty, and to reauthorize that Act. We appreciate the leadership of Chairman Barrasso and members of the committee on the issue of ESA reform, and strongly support this very important legislation.

OWRC is a nonprofit association representing irrigation districts, water control districts, improvement districts, drainage districts and other local government entities delivering agricultural water supplies. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower production, and deliver water to roughly 1/3 of all irrigated land in Oregon. The water supplied by our members helps support family owned farms and ranches that provide over 225 diverse agricultural products; an integral part of Oregon’s economy and our global food network.

In Oregon there are numerous endangered, threatened, and sensitive species of concern and we feel strongly that the State is best positioned to develop and implement conservation efforts. Efforts by the State of Oregon and other western states to incentivize and support on-the-ground projects that directly benefit species is far more effective than litigation driven action and settlements. In fact, the Oregon Chub became the first fish species to be de-listed for recovery in 2015; an accomplishment that would have not been possible without a cooperative and incentivized approach with landowners.

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 in Oregon have suffered as a result and the cost of litigation has stymied genuine species recovery efforts.

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. Whether it is the Oregon Spotted Frog in the Deschutes Basin, or competing biological flow needs for freshwater and anadromous fish in the complex Klamath Basin, every watershed basin in Oregon has suffered from so-called environmentalists who have used provisions of the ESA to destroy livelihoods and cripple agency budgets rather than support actions that improve species health.

OWRC has been supportive of the efforts of the Western Governors' Association (WGA) in modernizing the ESA process through the Species Conservation and Endangered Species Act Initiative (Initiative) and we are encouraged to see this discussion continuing at the national level. WGA led a robust process for engaging stakeholders in a transparent and constructive manner. A series of Initiative workshops and webinars, along with a series of questionnaires, have enabled states, including Oregon, 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.

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. In addition, Title II contains important provisions that will improve application of conservation agreements, candidate conservation agreements with assurances, and safe harbor agreements.

Finally, the proposed bill 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, OWRC strongly supports the draft "Endangered Species Act Amendments of 2018" and looks forward to working with you further to advance this important legislation. We would be happy to provide you with more specific examples of how this draft bill could improve collaborative species conservation throughout Oregon.

Please do not hesitate to contact me at 503-363-0121 or aprils@owrc.org if you have further questions or for any additional information.

Sincerely,
April Snell
Executive Director