

**ORANGE COVE IRRIGATION DISTRICT**  
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July 2, 2018

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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 Orange Cove Irrigation District, I write in strong support of the proposed "Endangered Species Act Amendments of 2018." This discussion draft bill would amend the Endangered Species Act of 1973 (ESA) in order to increase transparency and 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 critical legislation.

The Orange Cove Irrigation District is a Friant Division Contractor in California's Southeastern San Joaquin Valley. The Friant Division was established in the 1930's. Today it provides water supply to more than 1.5 million acres of the world's most productive agriculture and M&I supply which together support a population in the millions. The CVP had functioned as envisioned by its federal architects for decades without a disruption in Friant Division supply until 2014 and 2015 when limited Sacramento/San Joaquin

Delta exports and maximum carryover storage requirements (based on ESA driven Biological Opinions) were imposed on Project operations. Those operations resulted in zero water supply allocations to all Friant Division contractors, many of whom, including the Orange Cove Irrigation District have no alternative source of supply.

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 delighted 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.

The aforementioned impacts in California's Great Central Valley have been nothing short of devastating over the last few decades as ever-increasing ESA "justified" Delta export restrictions have impacted the sustainability of agriculture and groundwater in rural communities without a modicum of species benefit.

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, the entire process has been transparent and constructive. 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.

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. 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, the Orange Cove Irrigation District strongly supports the draft "Endangered Species Act Amendments of 2018" and looks forward to working with you further to advance this important legislation.

Please do not hesitate to contact me at (559) 626-4461 if you have further questions.

Sincerely,



Fergus Morrissey  
Engineer-Manager  
Orange Cove Irrigation District

CC: Orange Cove Irrigation District Board of Directors  
Dan Keppen, Family Farm Alliance