

Admitted:
Indiana
Maryland
District of Columbia

4909 Cordell Avenue
Bethesda, MD 20814
301.718.1800 P
301.718.8303 F
LEBaier@LawBaier.com

LOWELL E. BAIER
ATTORNEY AT LAW

June 8, 2018

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

RE: Endangered Species Act of 2018

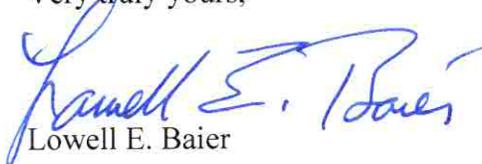
Dear Senator Barrasso:

Having reviewed the June 1, 2018 draft "Endangered Species Act of 2018," I commend you and your Committee staff for taking a major step towards amending the current text of the 1973 Endangered Species Act. Your proposed legislation is long overdue in surgically addressing procedural issues that have provoked serial litigation for the last two decades.

There are a few technical and drafting edits that I would offer upon request. The underlying mission of the ESA is stated in its 1973 "Purposes" clause: "...to provide a means whereby the ecosystems upon which endangered species and threatened species depend upon may be conserved, to provide a program for the conservation of such endangered species and threatened species." 16 U.S.C. §1531(b). Any amendments to the Act need to focus on improving the Act's procedural application to ensure the proper allocation of resources for habitat enhancements as the precursor to saving at risk species. Amendments should be surgically drafted in a manner that will reduce the stranglehold of litigation and the judicial system.

This draft legislation is a major step onwards improving the application of the Endangered Species Act, and I look forward to participating in its review by Congress.

Very truly yours,


Lowell E. Baier