



## COLORADO FARM BUREAU

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August 2, 2018

The Honorable John Barrasso, MD  
Chairman, Senate Committee on Environment and Public Works

410 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Barrass:

On behalf of Colorado Farm Bureau, Colorado's largest agriculture organization representing more than 24,000 member families from around the state. Our diverse membership is a great representation of the success in stewardship, planning and implementation that goes into providing for the continued use of our natural resources. These stewards are the best possible intermediaries when it comes to species management given that they live on and work the lands. CFB is happy to support the amendments as proposed to the Endangered Species Act (ESA) and help ensure its success in any way we can.

CFB is incredibly grateful for the work of the members of the EPW committee and recognize that the ESA is largely antiquated and in dire need for modernization and clarification. 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. Listing of species by the Fish and Wildlife Service has happened in a vacuum over the years. Once listed species need to have a recovery process that is clearly defined including goals and expectations of all partners and it should be strictly adhered to or updated when appropriate. Promoting stakeholder involvement and states input should be at the forefront of the priorities, as well as efficacy of the agencies charged with the implementation of the ESA.

Thus far, federal coordination with farmers and ranchers is often lacking and, at best, inconsistent. Agricultural lands are the buffers between wildlife habitat and development. 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. Farms and ranches comprise much of the privately owned open space in this country – space that provides habitat for endangered or threatened species. Therefore, 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.

Judicial review of delisting decisions by the Fish and Wildlife Service should be limited. We've seen in a dynamic natural system that there will always be something that hasn't been considered by the Fish and Wildlife Service. Anyone who has dealt with those systems is well aware of this fact, but we've seen delisting or downlisting decisions made by species professionals in the Fish and Wildlife Service second guessed by judges with little or no experience in natural systems. These judges appear to let their biases rule their decisions where there is not a legitimate issue.

These are some of the issues which we feel should be considered when amending the ESA:

- Enhance cooperation between states and the federal government.
- Establish a more open and transparent process that allows parties to understand what the process and goals are.
- Allow the experts the ability to reach delisting or downlisting decisions and allow those decisions to go forward without incessant legal challenges which serve to erode public confidence in the ESA.
- Once a species is recovered, allow the Agency to move on to other species without having to spend years in additional studies and/or litigation to achieve essentially the same outcome. Then allow the Fish and Wildlife Service to set priorities.

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. Reform is necessary because there are clear shortcomings associated with the upkeep and recovery rate of listed species.

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. All of the proposed changes in the Endangered Species Act Amendments of 2018 will achieve species recovery faster and less expensively than the current process. Our organization certainly supports this effort. ESA efforts must be outcome-based, have regulatory certainty and ultimately bring people together to achieve enhancements.

CFB is happy to lend its support to this innovative approach to species recovery and hopes that all organizations vested in animal welfare and environmental protection will support the plan as well. Please, contact the CFB offices 303.749.7516 with any question or concerns that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Vorthmann". The signature is fluid and cursive, with a large initial "C" and "V".

Chad Vorthmann  
Executive Vice President