



Elephant Butte Irrigation District Of New Mexico

530 South Melendres
Las Cruces, NM 88005-2826

Staff Members

Gary L. Esslinger, Treasurer/Manager
Leo Barrett, Maintenance Project Director
Gail Norvell, Finance Director
James Narvaez, Irrigation System Director
Delyce Maciel, HR/Safety Director
Erek Fuchs, Groundwater Resource Director
Zack Libbin, P.E., District Engineer
Patrick Lopez, Hydrology/IT Director

Telephone
(575) 526-6671
Fax (575) 523-9666
Dispatch Fax (575) 526-8391
Warehouse Fax (575) 526-1530
Engineering Fax (575) 541-5716

www.ebid-nm.org

Board of Directors

Robert Faubion, President
Michael McNamee, Vice-President
Greg Daviet, Secretary
Jerry Franzoy
James Salopek
Robert Sloan
Bobby Kuykendall
Joe Paul Lack
Sam Salopek

July 16, 2018

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

RE: Proposed Endangered Species Act Amendments of 2018

Dear Chairman Barrasso:

On behalf of the Elephant Butte Irrigation District, I write 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 increase transparency, increased 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 supports this very important legislation.

Elephant Butte Irrigation District ("EBID") is a political subdivision of the State of New Mexico and for 100 years EBID has been the water steward of New Mexico's portion of the Rio Grande Project. We operate and maintain the irrigation infrastructure system for EBID members in the Rincon and Mesilla Valleys, continually improving efficiencies to meet the needs of those we serve, all while keeping costs low and protecting the interests of our members to a secure water source for now and the future. We are committed to maximizing the benefit of the limited water we are blessed with. We maintain the canals, drains, and dams of our system to extend the life of the Project into the future and contribute to the conservation of our water and natural resources. We also have innovative collaborative programs to protect species, such as our Environmental Water Transaction Program. Through the program, we supply surface water to historic floodplains for purposes of growing a mosaic of native riparian habitat including open woodlands, dense riparian shrub, meadows and grasslands to protect existing, endangered, and threatened species.

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 stand to suffer as a result.

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. The agriculture community, after all, are the original environmentalists.

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. Further, 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, Elephant Butte Irrigation District strongly supports the draft “Endangered Species Act Amendments of 2018” and look forward to working with you further to advance this important legislation.

Please do not hesitate to contact me if you have further questions.

Sincerely,



Gary Esslinger
Manager, Elephant Butte Irrigation District

cc: Senator Tom Udall
Senator Martin Heinrich

Congressman Steve Pearce
Dan Keppen, Family Farm Alliance
Kris Polly, Natural Water Resource Association