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Affiliated with The National Cattlemen's Beef Association

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

Dear Chairman Barrasso,

The Virginia Cattlemen's Association would like to express our support for the Endangered Species Act (ESA) Amendments of 2018. As an organization we represent Virginia's beef cattle industry of some 24,000 cattle producers and 1.6 million head of cattle being managed across the Commonwealth. Beef cattle production is an \$8 billion per year industry, employing more than 36,000 people and the largest use of private land for agriculture in Virginia.

Virginia is ranked seventh highest nationally with 73 ESA listed species of animals and plants and, in fact, upon review of the USFWS information five of the top ten states are in the Southeastern United States. We have a great deal of interest for improvement and modernization of ESA as well as for supporting legislation that would streamline the program's overall effectiveness by allowing states to manage goals with support of the US Fish & Wildlife Service. This model of cooperatively managed federal oversight with the states taking the lead in assessing need, surveying the stakeholder landscape and procuring necessary resources for effective progress towards goals has nowhere more recently been demonstrated effective in Virginia than with the ongoing success of our Chesapeake Bay Program. As we enter Phase 3, the final phase of the Environmental Protection Agency (EPA) approved Watershed Improvement Plan, Virginia agencies such as the Department of Environmental Quality and Department of Conservation and Recreation, working under guidance from EPA, have worked successfully with stakeholders across all communities and interests in water quality, land management and economic development to meet or surpass our improvement expectations incrementally for Chesapeake Bay health enhancement.

According to the U.S. Fish & Wildlife Service, "the purpose of the ESA is to protect and recover imperiled species and the ecosystems upon which they depend." While this is a laudable and important goal, data indicates that fewer than 2% of the species listed under the Act since its inception have been successfully recovered. What was originally intended to be a wildlife recovery program has instead become a toolbox of litigation-ready opportunities for agenda-driven fringe groups and individuals to exert control over proper policy making. As a

result, policies and mandates, often crafted by legal settlement rather than scientific data, have become the norm. This is eerily reminiscent of the mode of operation utilized by both environmental advocacy and extremists groups in the early 2000s prompting the Obama Administration to mistakenly usurp the ability of cooperation between federal and state agencies by creating an infinitely complex program for improved water quality of the Chesapeake Bay. The cost of this program via Executive Order, bypassing common sense collaboration between EPA and our state agencies charged with natural resource protection, has been an un-Constitutional stretch of the authority of the Clean Water Act, improvement goals that continuously increase due to a flawed Total Maximum Daily Load that never rewards positive change with sustainability and hundreds of millions of tax dollars invested and still expected until at least 2025.

The Endangered Species Act Amendments of 2018 seeks to improve a federal program struggling to fulfill its purpose by giving more power to state and local governments to make decisions based on their area's unique landscapes, individual needs, and conditions on the ground. This emphasis on indigenous state and local government involvement would allow Virginia to consider our unique situations, develop sound recovery plans and monitor these plans for actual improvement. Furthermore, locals are the best equipped to predict, assess, and quickly react to changing conditions for the benefit of species. It is difficult to imagine Virginia's stakeholders in the welfare of endangered species, including the private landowners, industry relying on our lands and waters for sustainable economies and the Virginia General Assembly being unable to perform much better than the abysmal ESA delisting rate of 2% owned by our federal government.

The Virginia Cattlemen's Association supports this reauthorization of ESA for the first time since 1992 would elevate the roles of the states and improve transparency of ESA implementation by:

- Increasing expectations of state conservation agencies for ESA species plan management
- Prioritize state resource investment for ESA species recovery with supplementation of federal dollars
- Provide regulatory certainty for land owners and other interested stakeholders to assist in species recovery participation in a multi-faceted management plan that is reviewable for effectiveness, subject to improvement and scrutinized for fiscal responsibility
- Require the listing of any species with ESA will be accompanied by goals for recovery, habitat improvement and other criteria designated by the Secretary of the Interior in consultation with affected states for potential delisting or down listing of a species
- Require all appropriate criteria for ESA listing status be validated through available scientific and commercial data

The Virginia Cattlemen's Association is sensitive in our support for this ESA proposed plan being contrary to the stance of opposition by Governor Northam's Administration in respect to the Endangered Species Act Amendments of 2018. At a hearing of the Senate Environment and Public Works Committee on July 17, 2018 our Virginia Secretary of Natural Resources said, "The discussion draft released by the Chairman, however, contains provisions that would hinder Virginia's ability to make the most of our partnerships with federal agencies by complicating proven and established species protection and recovery processes. The Commonwealth of Virginia cannot support the legislation in current form." Secretary Strickler goes on further to

say, "...the primary reason many species are where they are is precisely because states – including Virginia –have not had the resources or the political will to do the job themselves. That's why the ESA is so important. It separates the complicated scientific and management questions of biodiversity conservation from local political pressures." It is dismaying to hear our Administration publicly, and mistakenly, label our state legislature and stakeholders as unwilling and incapable of managing endangered species or willing to improve dissemination of federal programs.

However we feel strongly, as major stakeholders of natural resources conservation, that state management of federal programs are proven effective and more efficient in achieving long term goals. The price paid for federal planning and management of programs such as ESA is abysmal when considering the species delisting rate of 2% and the tax money spent to achieve that lowly bar of accomplishment. In addition the nearly non-existent ESA victories have cost the public and private sectors in lost conservation initiatives and lack of utilization of improved or current data. The current version of ESA is nearly ineffective as a natural resource conservation program as intended. In Virginia, we have to look no further than the success of our Chesapeake Bay Program for public and private stakeholder collaboration to efficiently corral all available resources for effective conservation.

Please accept the support of the Virginia Cattlemen's Association for an investment in the long term health of ESA and cooperative federalism through language proposed in the Endangered Species Act Amendments of 2018.

Respectfully submitted,

A handwritten signature in black ink that reads "Jon Repair". The signature is written in a cursive, flowing style with a large initial "J" and a long, sweeping underline.

Jon Repair – Virginia Cattlemen's Association President