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The Honorable John Barrasso
Chairman, Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

June 26, 2018

Re: American Loggers Council Support for the Endangered Species Act Amendments of 2018

Dear Senator Barasso,

The American Loggers Council (ALC), representing professional timber harvesters in 33 states across the United States, will support legislation that amends the Endangered Species Act of 1973, and appreciates the inclusion of the following issues that we have taken a position on since 2014:

- 1. Increase the role of the states.** This includes explicit statutory recognition to state conservation efforts and increased funding for state programs. A critical element is to insulate state officials from liability for take when they issue permits, or review notices or plans, authorizing private activity. Consideration could be given to the delegation of some functions to states, but all consequences must be carefully examined. Attention should also be given to clarifying the scope of consultation under section 7 for the delegation of environmental programs by EPA to states.
- 2. Provide explicit statutory authority for No Surprises** assurances that are used in habitat conservation plans, safe harbor agreements and candidate conservation agreements.
- 3. Provide statutory standards to improve the use of science,** such as criteria to determine what is the “best available science,” peer review, scientific basis for identification of distinct population segments, and consistency in use of captive breeding/hatchery programs.
- 4. Update the statutory process for designating critical habitat** by: (1) defining the term “critical habitat” more precisely (including biological prerequisites and economic considerations) and extending the designation deadline to some point after preparation of a draft recovery plan and (2) by clarifying the meaning of the destruction or adverse modification of critical habitat standard in consultations on federal agency actions.
- 5. Recognize private property rights** by providing adequate funding for landowner conservation and incentive programs, by ensuring such programs are voluntary and by establishing a process to compensate fairly for the loss of property value.



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6. Establish explicit statutory authority for measures to control the consultation process.

Consultation on federal agency actions is on the increase and may be the next procedural program that overwhelms the agencies' ability to conserve and recover species. Codifying explicit authority for counterpart regulations and criteria for delegation of environmental programs to states under other laws should provide efficient improvements in this process.

7. Merge ESA functions into one agency. It causes considerable confusion and inconsistency for both NOAA-Fisheries, a Commerce Department Agency, and the Fish and Wildlife Service, and Interior Department agency, to have policy jurisdiction over ESA implementation. These functions should be merged into the Fish and Wildlife Service.

We applaud your efforts for introducing the Endangered Species Act Amendments of 2018 and believe it addresses the issues that members in our organization have sought since 2014.

Sincerely,

Daniel J. Dructor
Executive Vice President