



WYOMING STOCK GROWERS ASSOCIATION

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June 2, 2018

Honorable John Barrasso, MD
Chairman
Senate Committee on Environment & Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

RE: Endangered Species Act Amendments of 2018

Dear Chairman Barrasso:

The Wyoming Stock Growers Association (WSGA) appreciates your ongoing efforts to develop critical changes to enhance the implementation of the Endangered Species Act of 1973 (Act). The miniscule rate of recovery of listed species, the dominant role of litigation in implementation of the ESA and the overly burdensome regulatory processes associated with implementation all beg for common sense procedural changes to the Act. WSGA strongly believes that your proposed legislation meets this need while maintaining and enhancing the substantive provisions of the Act.

On behalf of WSGA I was personally engaged in the three-year process undertaken by the Western Governors Association to identify weaknesses in the current implementation of the Act and seek common ground on needed regulatory and statutory changes. Those topics that surfaced as the primary focus of our discussions, including transparency, the role of state and local governments, incentivizing private sector conservation and reasonable timelines for actions under the Act, have all been addressed in the proposed legislation.

While WSGA respects the intent of the Act to establish a critical federal role in identification and recovery of threatened and endangered species, we have become alarmed over the life of the Act with the extent to which it has superseded the primary authority of state wildlife agencies in wildlife management. Title I of the proposed legislation takes several important steps toward assuring the opportunity for state and local governments to assume an active role in the identification, listing, recovery and delisting of species.

We want to emphasize, in particular, the critical need for the proposed requirement that a listing rule must include recovery goals. In our experience, recovery goals have far too often been a moving target subject to expansion based on non-scientific evidence or the whims of the judicial system. The establishment of balanced state-federal recovery teams whose unanimous vote is needed to modify recovery criteria will go far toward assuring the stability and longevity of recovery goals.

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Delisting of a species under the current Act has almost invariably led to litigation challenging the delisting. WSGA has, in recent years, been drawn into litigation to defend the delisting of the Preble's Meadow Jumping Mouse, the Gray Wolf and, currently, the Grizzly Bear. The lawsuits challenging delisting are, literally, often prepared before the ink has dried on the delisting decision. The proposed five-year delay on judicial review will enable state wildlife agencies to demonstrate their capability to manage a delisted species.

Recent success in state-led development and implementation of plans for the management of the Greater Sage Grouse has drawn widespread attention to the value of state-led recovery efforts that fully engage local affected interests. The proposed recognition of conservation agreements as a regulatory mechanism under Title II of the Act, together with provisions designed to expedite the process of entering into CCAAs and Safe Harbor Agreements will serve to further engage private landowners in management of these species. Throughout the Western Governor's process, WSGA was an outspoken advocate for allowing landowners who enter into CCAA's for regulatory certainty to remain eligible to receive funding under other conservation programs. Thank you for including this important provision in the legislation.

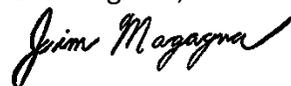
While WSGA remains a vigilant advocate for the protection of information and data specific to private landowners and business enterprises, at the same time we recognize the need for increased transparency regarding scientific and commercial data that serves as the basis for decision making. Full sharing of information with the affected States prior to making a listing decision will go far in enhancing the credibility of federal agency decisions.

The process for prioritizing status reviews and findings as provided in Title IV is an essential step ESA Amendmentstoward more efficient use of resources. Prioritization should not be based, as it often is currently, on judicial settlements with petitioners.

The studies provided for in Title V address several topics on which WSGA has been a strong voice for many years. These include adoption of a multi-species approach and recognition of the role of predation and invasive species in listing decisions. Finally, all taxpayers are entitled to transparency regarding the tremendous cost in federal resources expended in connection with ESA litigation.

WSGA is pleased to offer our full support to your proposed legislation. Do not hesitate to call upon us if we can be of further assistance in moving this bill forward.

Best Regards,



Jim Magagna
Executive Vice President

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