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September 24, 2018

The Honorable John Barrasso, M.D., Chairman
Senate Committee on environment and Public Works
410 Dirksen Senate Office Building
Washington DC 20240

RE: *Endangered Species Act (ESA) Amendments of 2018*

Dear Senator Barrasso:

On behalf of the Garfield County, Colorado Board of County Commissioners, we are pleased to lend our support to your bipartisan draft Endangered Species Act (the Act) reform bill.

On December 28, 1973, the Endangered Species Act became law. Fast forward 45 years later, only less than 2 percent of the total listed species (approximately 2,100) under federal protection have been recovered meanwhile leaving devastating and community-crippling socio-economic impacts in its wake. By any stretch, the Act has failed to meet the intent recover imperiled species. Your proposed amendments to the Act are highly welcomed and are long overdue; they can provide for an opportunity to modernize the administration of the Act so that listed species have a stronger and quicker opportunity for actual recovery.

As a local government, we strongly support the emphasis your draft takes toward recovery of threatened and endangered species with plans that are locally developed. Our experience in protecting the greater sage grouse in Colorado clearly demonstrates that top-down restrictions do not work, but that ground up locally-developed plans stand to give the species the best chance for recovery while taking into account the legitimate needs of our local residents and communities.

In the spirit of supporting your draft legislation, we would like to offer the following points for your consideration:

- 1) Involving State and Local Governments –As you have rightly asserted through your bipartisan work with the Western Governors Association, there is strong benefit to including input from state and local governments when making decisions around species protection. We applaud a team recovery approach that includes state and local jurisdictions. More importantly, we strongly support the requirement for a well-vetted species recovery plan as a component of any listing decision. There must be a perspective change in the administration of the Act that places the highest priority on recovery including

appropriating resources for the same. These recovery plans must include obtainable and measurable goals so that quantifiable progress can be determined so that we know when we've succeeded. No more moving the goal posts!

- 2) Threatened vs. Endangered – As originally signed into law in 1973, the Act acknowledged a difference between the intensity of regulatory provisions applied to species that were “threatened” versus those that were in danger of “extinction.” Later Administrations erased / blurred the distinction and required the same heavy restrictions to apply to both levels. We would urge the Committee to refine the bill to acknowledge there should be a graduated regulatory difference between species that are “in trouble” versus ones that are “facing extinction.”
- 3) Best Available Science / Transparency Required – Perhaps one of the most important changes needed for the successful administration of the Act is the need to return to the reliance on reproducible best available science required for a listing decision.

As the saying goes, “trust but verify”; this is imperative so that decisions to list a species that will likely have an enormous socio-economic impact to citizens and community are made based on sound reproducible science rather than be decided based on the much less credible “best professional judgement” standards or conjecture commonly used today.

Further, we urge the Committee to refine the bill to require compliance with the Information Quality Act by explicitly requiring that all data, metadata, computer code, input parameters and assumptions used in predictive models be fully documented and made available in a publicly accessible archive. This would ensure reproducibility, as well as facilitate independent review and analysis.

Lastly, please consider there are other data points that affect species population fluctuation due not only to disease, predation and invasive species, but also to weather patterns and hunter harvest.

- 4) Periodic Check-in Required – We urge the Committee to consider a requirement that the Services periodically review (e.g. every 5 years) and test the reliability of population model and threat predictions against empirical data, prior to a listing decision on candidate species and during 5-year status reviews of currently listed species. This is a significant issue because the recent scientific literature reports that only half of published population viability models are reproducible, and rarely are model predictions tested against more recent data (e.g. extinction models for greater sage-grouse).

Again, we laud your bipartisan efforts with the support of the Western Governors Association to make needed changes to the Act and we stand ready to help any way we can as you move this legislation forward.

Very truly yours,



John Martin, Chairman

Garfield County Board of County Commissioners

Cc Garfield County (Colorado) Board of County Commissioners
The Honorable John Hickenlooper, Governor, Colorado
The Honorable Scott Tipton, US House of Representatives
The Honorable Cory Gardner, US Senate
Kevin Batchelder, Garfield County Manager
Tari Williams, Garfield County Attorney
Fred Jarman, Deputy County Manager