



Connecting Central Oregon's Water, Land & Environment

July 12, 2018

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

Dear Chairman Barrasso:

On behalf of the Deschutes Basin Board of Control (DBBC), I write in support of the proposed "Endangered Species Act Amendments of 2018." As I understand 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 support this very important legislation.

The DBBC is comprised of the 8 Central Oregon irrigation districts, including Arnold, Central Oregon, Lone Pine, North Unit, Ochoco, Swalley, Three Sisters, and Tumalo. Members of the DBBC members have played a long and pivotal role in the Deschutes Basin with some of its member's water rights dating back to the late 1800's, and collectively, the DBBC conveys water to over 150,000 acres of productive farms and ranches, as well as local schools and parks.

In 2008 the DBBC and the City of Prineville began development of a multi-species habitat conservation plan known as the Deschutes Basin Habitat Conservation Plan (HCP). Over 20 stakeholders, including state and federal agencies, the Confederated Tribes of Warm Springs, Portland General Electric, and conservation groups have participated in development of this plan. The U.S Fish and Wildlife Service have invested over \$3 million to this process with that amount having been matched with another \$3 million by the DBBC and the City of Prineville. The HCP the DBBC has embarked upon is a voluntary, unprecedented, collaborative, process that is meant to address the needs of the environment while insuring Central Oregon farming and ranching families can continue to provide for themselves and those in the region that rely upon the work they do. Even in light of this unprecedented effort, in the summer of 2015, two environmental groups (one of which was an active stakeholder to the process), sued the Federal Government (U.S. Bureau of Reclamation) and three members of the DBBC under the Endangered Species Act as it relates to the Oregon spotted frog. In the end this litigation resulted in significant time and resources being expended that could have been used to advance the HCP and important "on the ground" conservation work. I'm happy to report that in this rare instance the DBBC prevailed in the litigation but did so at a great expense financially and to the collaborative process we'd

PO Box 919 - Madras, OR 97741

Deschutes Basin Board of Control Member Districts

*Arnold Irrigation District • Central Oregon Irrigation District • Lone Pine Irrigation District • North Unit Irrigation District
Ochoco Irrigation District • Swalley Irrigation District • Three Sisters Irrigation District • Tumalo Irrigation District
DBBC President - Mike Britton, 541-475-3625; mbritton@northunitid.com*

worked so hard to foster and maintain. Even so, we continue to work diligently towards responsible solutions to difficult environmental issues driven by the ESA.

As you know, 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. The DBBC's example above is a testament as to how rural communities in Central Oregon suffered as a result of the misintent of the ESA

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 DBBC also applauds the work of Wyoming Governor Matt Mead, as Chairman of the Western Governors’ Association (WGA), having launched the Species Conservation and Endangered Species Act Initiative (Initiative) in June 2015. Since then, the entire process has been transparent and constructive. The intent of Governor Mead's work was 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. Title II also contains important provisions that will improve application of conservation agreements, candidate conservation agreements with assurances, and safe harbor agreements.

Finally, the proposed bill also 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, the Deschutes Basin Board of Control 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 at 541.475.3625 if you have further questions.

Sincerely,



Mike Britton
President

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