

American Bird Conservancy * American Rivers * Animal Welfare Institute * Born Free USA
 Californians for Western Wilderness * Center for Biological Diversity * Clean Water Action
 Colorado Native Plant Society * Conservatives for Responsible Stewardship * Defenders of Wildlife
 Delaware Ecumenical Council on Children and Families * Delaware-Otsego Audubon Society
 Earthjustice * Earthworks * Endangered Habitats League * Endangered Species Coalition
 Environmental Action Committee of West Marin * Environmental Protection Information Center
 Friends of Blackwater, Inc. * Friends of the Earth US * Friends of the Sonoran Desert
 Friends of the WI Wolf and Wildlife * Great Lakes Wildlife Alliance
 Great Old Broads for Wilderness * Great Old Broads for Wilderness-GJ Broadband
 Hoosier Environmental Council * Howling for Wolves * Humane Society Legislative Fund
 Indiana Forest Alliance * Klamath Forest Alliance * League of Conservation Voters
 Lower Ohio River Waterkeeper * Maine Audubon * National Parks Conservation Association
 National Wolfwatcher Coalition * Natural Born Juicers * Natural Resources Council of Maine
 Natural Resources Defense Council * New Hampshire Audubon
 New Mexico Wilderness Alliance * Northcoast Environmental Center
 Northern New Mexico Group of Sierra Club * NYC Audubon * Oceana * Onondaga Audubon
 Rocky Mountain Recreation Initiative * Rocky Mountain Wild * Save Animals Facing Extinction
 Save the Manatee Club * Save Wolves Now Network * Sierra Club
 Southern Adirondack Audubon Society, Inc.
 Southern Resident Killer Whale Chinook Salmon Initiative
 The Humane Society of the United States * Trap Free Montana * Trap Free Montana Public Lands
 Turtle Island Restoration Network * Union of Concerned Scientists
 Western Environmental Law Center * Western Nebraska Resources Council
 Western Watersheds Project * Wild Utah Project * Wildlands Network * Wolf Conservation Center

July 17, 2018

The Honorable John Barrasso
 Chairman
 Environment and Public Works Committee
 United States Senate
 Washington, DC 20510

The Honorable Tom Carper
 Ranking Member
 Environment and Public Works Committee
 United States Senate
 Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

The Senate Environment and Public Works committee meets today for a hearing on Chairman Barrasso's draft legislation entitled the "Endangered Species Act Amendments of 2018," a bill that would more aptly be named the "Eliminating Species Act." Given that the Endangered Species Act (ESA) has proven highly effective at preventing the extinction of species under its care, we strongly believe this is nothing more than a politically motivated attempt to undermine this successful, popular law at the expense of sound science and the conservation of imperiled species. We write on behalf of our millions of members and supporters to express strong opposition to this draft legislation.

The Endangered Species Act is our nation’s most effective law for protecting wildlife in danger of extinction. By the U.S. Fish and Wildlife Service’s own statistics, 99 percent of species listed under the Act have survived, and many are on the path to recovery. On May 18, 2018, nearly 1,500 scientists sent a letter¹ urging Congress not to weaken the Endangered Species Act because it is one of the most successful pieces of legislation and uses the best available science to help imperiled species recover. Given this incredible success, it should come as no surprise that the ESA is also extremely popular, earning the support of 90 percent of voters.² The American public expects that our rich biological heritage will be preserved for future generations to enjoy and the ESA ensures that the nation meets that expectation.

The draft legislation would dramatically weaken this effective and popular wildlife conservation law. The bill would:

- Undermine the ESA’s reliance on science, especially in recovering species;
- Give states the ability to veto endangered species restoration projects;
- Make it harder to protect imperiled species by requiring recovery goals at the same time as listing;
- Undermine citizen court access and reduce public involvement and agency accountability; and
- Slow agency conservation actions by requiring cumbersome and unnecessary new procedures

This damaging bill seeks to impose state control over the most important processes to list, protect, and recover imperiled species under the ESA — even though states already have broad opportunities to engage in the ESA process. Moreover, states lack the legal authority, resources and political resolve to implement the ESA. A 2017 study³ by the U.C. Irvine School of Law found that:

- Only 4% of states have authority to promote the recovery of imperiled species;
- Only 5% of spending on imperiled species is by the states; and
- Only 10% of states have significant habitat safeguards.

There is no reason to believe that the current effort to “reform” the ESA is anything other than a thinly veiled attempt to gut the law, given that members of Congress have repeatedly tried to do just that. In the 115th Congress alone, there have already been more than 100 individual legislative attacks on the ESA, including efforts to both remove protections for specific species and to undermine the law itself. These attacks are often made in the name of corporate interests, placing short-term economic gain above long-term conservation efforts and demanding changes that would create significant barriers to species protection.

Moreover, industry opponents to the ESA frequently cite statistics that are wholly misrepresentative not only of the law’s effectiveness, but of the science behind species recovery. Recovery within a relatively few years is simply inaccurate as a metric for success. Furthermore, species are often only listed under the ESA after decades of decline under state management, and only once they have

¹<https://s3.amazonaws.com/ucs-documents/science-and-democracy/esa-letter-final-may-18-2018.pdf>

²<https://defenders.org/press-release/new-national-poll-finds-90-percent-american-voters-support-endangered-species-act>

³<http://www.law.uci.edu/centers/cleanr/news-pdfs/cleanr-esa-report-final.pdf>

reached “emergency room status.” The ESA saves species by preventing extinction and setting them on the long road to recovery. That is the measure of the law’s profound success.

The ESA contains immense flexibility including incidental take permits for land use and other otherwise prohibited activities; cooperative agreements to encourage collaboration and to provide aid to states for conservation projects; and candidate conservation agreements to avoid the need for a formal ESA listing. This flexibility has repeatedly served to reconcile the imperative to save species from extinction and industry concerns.

Recognizing the proven success, immense popularity, and flexibility provided under the law, there is simply no justifiable explanation for this draft legislation or any of the other more than 100 damaging changes to the Endangered Species Act proposed in this Congress.

Sincerely,

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