



## WESTERN GOVERNORS' ASSOCIATION

John Hickenlooper  
Governor of Colorado  
Chairman

Brian Sandoval  
Governor of Nevada  
Vice Chairman

James D. Ogsbury  
Executive Director

Headquarters:  
1600 Broadway  
Suite 1700  
Denver, CO 80202

303-623-9378  
Fax 303-534-7309

Washington, D.C. Office:  
400 N. Capitol Street, N.W.  
Suite 376  
Washington, D.C. 20001

202-624-5402  
Fax 202-624-7707

[www.westgov.org](http://www.westgov.org)

March 25, 2014

Honorable Doc Hastings  
Chairman  
Committee on Natural Resources  
United States House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Hastings:

Western Governors thank the Endangered Species Act (ESA) Congressional Working Group for its report, issued on February 4, 2014, which contains recommendations for improving ESA and removing impediments to species recovery.

Western Governors have called on Congress to amend and reauthorize the ESA ([Policy Resolution 13-08 Endangered Species Act](#)). The Working Group's report covers a breadth of ESA reform issues. We are particularly pleased to see that your recommendations call for significant enhancement of the role of states.

The ESA statute is premised on a strong federal-state partnership but, in practice, the role of states has become increasingly limited over time. Western Governors encourage Congress to implement ESA reforms that reinstate the robust state engagement envisioned under the Act.

A number of the Working Group's recommendations align with Western Governors' ESA reform principles:

### **Principle 1: States should be full and equal partners in administering and implementing the ESA**

The Working Group recommends strengthening states' authority in ESA implementation. The report calls for a greater state role in management activities and an increased reliance on state species conservation plans to preclude the need to list species under ESA. We echo the need to enhance the role of state governments in recovering species and collaborating on species management. States are already proactively engaged in species management and conservation. They are, for example, affirmatively involved in the development of state conservation plans for greater sage-grouse and participated in designing the lesser prairie-chicken range-wide conservation plan.

Honorable Doc Hastings  
March 25, 2014  
Page Two

**Principle 2: The use of sound science in ESA decisions**

The Working Group's recommendations reinforce this principle in several ways. They call for modernizing and clarifying, "best available scientific and commercial data." Western Governors agree that ESA decisions must be made using objective, peer-reviewed scientific literature and scientific observations. To this end, the Working Group further recommends an increased role for states through greater use of state data and inclusion of the states in scoping peer reviews. Western Governors endorse greater state engagement in both these areas. This approach is in keeping with the Congressional direction included in the FY 14 Omnibus Budget Package, which directs the Interior Department and Forest Service to utilize state fish and wildlife data.

**Principle 3: Clarity and transparency of terminology and criteria**

The need to clarify and define ESA terms to ensure consistency is included in the Working Group's recommendations. In particular, we agree with the call to define "foreseeable future" and "significant portion of the range." Without clear definitions, there is considerable variation in the Service's interpretation of these factors in listing deliberations, recovery planning, and delisting decisions.

**Principle 4: Provide adequate incentives and/or funding**

Western Governors believe incentives and funding for conservation are essential. Providing economic incentives for landowners to participate in conservation efforts is likely to achieve more efficient and cost-effective results that may lead to more timely conservation efforts. To this end, we are pleased that the Working Group's recommendations call for strengthening and simplifying HCPs and CCAAs to incentivize individuals to undertake voluntary conservation efforts.

Thank you very much for including Western Governors in this important policy conversation. We stand ready to work with Congress to reform ESA to be more efficient and effective in protecting species.

Sincerely,



John Hickenlooper  
Governor, State of Colorado  
Chairman, WGA



Brian Sandoval  
Governor, State of Nevada  
Vice Chairman, WGA

Honorable Doc Hastings

March 25, 2014

Page Three

cc: ESA Congressional Working Group Members:

Honorable Cynthia Lummis

Honorable Mark Amodei

Honorable Rob Bishop

Honorable Doug Collins

Honorable Andy Harris

Honorable Bill Huizenga

Honorable James Lankford

Honorable Blaine Luetkemeyer

Honorable Randy Neugebauer

Honorable Steve Southerland

Honorable Glenn Thompson

Honorable David Valadao