

March 1, 2012

The Honorable Doc Hastings  
Chair, House Natural Resources Committee  
1203 Longworth House Bldg  
United States House of Representatives  
Washington, DC 20515

Dear Chairman Hastings:

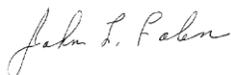
As representatives of the livestock industry in the West and nationwide, Public Lands Council (PLC) and the National Cattlemen's Beef Association (NCBA) respectfully submit, jointly with Karen Budd Falen, Esq., our priority recommendations for Endangered Species Act (ESA) reform to the House Natural Resources Committee.

As you know, Karen Budd Falen is a rancher and attorney who has diligently represented the livestock industry. We are pleased to be associated with her in submitting these recommendations. PLC is the oldest national organization dedicated to representing federal lands ranchers, who own nearly 120 million acres of the most productive private land and manage vast areas of public land across the West. NCBA is the beef industry's largest and oldest national marketing and trade association, representing American cattlemen and women who provide much of the nation's supply of food and own or manage a large portion of America's private property. Our members are proud of their tradition as stewards and conservators of America's land and water, striving daily so that they may succeed in passing healthful, abundant natural resources down to future generations.

The ESA, while designed to protect species from endangerment of extinction, has proven itself to be marginally effective while simultaneously causing immense economic damage to our members. We appreciate your recent and planned hearings regarding the problems with the act and are encouraged by your acknowledgment that the act, not having been reauthorized since 1988, is in great need of reform. Not only do our members suffer from ESA-induced land and water use restrictions that can jeopardize their ability to stay in business, they also bear the brunt of countless "citizen suits" brought by radical, taxpayer-funded environmental groups bent on ending animal agriculture.

Thank you for considering our recommendations. We greatly look forward to working with you, your staff, and other members of your committee to come up with feasible, meaningful solutions that encourage species protection through incentives, rather than through heavy-handed, job-killing government regulation.

Sincerely,



John Falen  
President  
Public Lands Council



J.D. Alexander  
President  
National Cattlemen's Beef Association

## **2012 ESA Reform Priorities**

Jointly Submitted to the U.S. House Committee on Natural Resources by Karen Budd Falen, Public Lands Council and National Cattlemen's Beef Association

### **Federal Implementing Agency Mechanisms:**

- Consistent with the Data Quality Act, the implementing agencies should require more rigorous criteria in listing decisions. Independent, peer reviewed science should be used to reach decisions.
- A more prompt and simplified "delisting" or "downlisting" mechanism should be implemented. Recovery plans needs to include specific delisting criteria which, when met, automatically result in delisting. Operators of water storage reservoirs, water diversion structures, canals, or other artificial water delivery facilities should be exempt from liability under ESA for any take of specified aquatic species that results from predation, competition, or other adverse effects attributable to non-native aquatic species introduced by another person into the river basin where the facility is located.
- In determining whether a Federal agency action is likely to result in the destruction or adverse modification of critical habitat, the agencies would consider the offsetting effects of habitat conservation measures proposed to be implemented as part of the action including the protection and management of certain alternative habitat.
- Landowners and operators should be able to enter into voluntary partnership agreements with the agencies, under which the owners and operators manage the land for the protection and enhancement of both protected and candidate species, in exchange for incentive payments. Where the operator of such land is not the owner, both the owner and the operator must enter into the agreement.

### **State/Local involvement:**

- The agencies should be required to notify and provide a copy of a listing petition to the governor and wildlife management agency of each state in which the species is believed to occur and to solicit the assessment of such agency as to whether the petitioned action is warranted.
- Public hearings, especially in rural areas, should be held in states affected by proposed listings.
- The agencies should be able to enter into species recovery agreements and species conservation contract agreements with individuals. Grants should be made available to promote the voluntary conservation of endangered and threatened species by private property owners.
- County and local governments should be involved as cooperating agencies in species listing and critical habitat designation.
- Legislative efforts to promote more state and local management of endangered species would allow ranchers and their communities to adjust based on local conditions.

### **Transparency:**

- The agencies should make certain information available to the public (specifically on the Internet):

- Litigation costs and other general expenditures made primarily for the conservation of species. This should also be included in an annual report to Congress.
- Information upon which a proposed regulation is based, including information not supporting a listing or other regulation (with an exception for disclosures protected under the Freedom of Information Act or the Privacy Act).
- Lists of threatened or endangered species.
- Lists of final and proposed regulations under the ESA.
- Lists of results of five-year reviews.
- All draft and final recovery plans, and other required reports and data.
- Federal grazing permittees should be guaranteed access to agency deliberations on ESA issues that affect their livelihoods.
- Economic impact studies should take place and be distributed prior to any listing.