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July 28, 2014

The Honorable John Boehner
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Boehner:

On behalf of the American Petroleum Institute (API), I write to express API's support for common-sense measures to assure both the transparency of the government's data and litigation expenditures and access for state, local and tribal governments to the government's decision processes undertaken through the Endangered Species Act of 1973 (ESA). Therefore, we support H.R. 4315, the 21st Century Endangered Species Transparency Act, which incorporates sound practices to help provide accountability for government actions in the administration of the ESA, in order to bring this 40-year-old law into the 21st century for the benefit of species and the people.

For decades, America's oil and natural gas industry has developed energy resources in a safe and environmentally responsible way, including in the areas where species and habitats of concern are found. Unfortunately, a number of organizations seek to employ the ESA to restrict the use of multiple-use public lands and private lands where shale energy production and natural gas production from tight sandstones have helped the U.S. become a global energy leader. According to research firm IHS Global Insight, the renaissance in energy production from shale and tight sand formations has created billions of dollars in additional revenues for federal, state and local governments, helped American consumers save \$1,200 annually per household, and supported more than 2.1 million jobs in 2012. A lack of transparency in the data and information relied upon for decisions under the ESA, combined with regulatory practices that are unaccountable to state, community, and tribal governments, has damaged the efficiency and integrity of decision-making under the ESA.

H.R. 4315 would require that data used by federal agencies for ESA listing decisions be made publicly available through the Internet, and would allow the American people to learn what data forms the basis of ESA species listing decisions. This bill would require the U.S. Fish and Wildlife Service to track, report to Congress, and make available online expenditures for ESA-related lawsuits, including attorneys' fees awarded in the course of ESA litigation and settlement agreements. It would also require the federal government to disclose to affected states all data relied upon for ESA listing decisions and require that the "best available scientific and commercial data" used by the federal government include data provided by affected states, tribes, and local governments. Finally, it would apply the requirements of the Equal



Access to Justice Act (28 U.S.C. § 2412) to the recovery of attorney fees for lawsuits under the ESA citizen suit provision.

Continued access to conventional and unconventional American energy resources on federal, state and private lands can be pursued together with conservation of important wildlife species and habitats. Our industry supports these reasonable measures to modernize the ESA, and our experience operating in the American West, Alaska and elsewhere demonstrates that production of the energy on which Americans depend, and stewardship of the environment Americans value can be achieved together.

We urge all members of the House of Representatives to support H.R. 4315 as an important step in this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Milito".

Erik Milito