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July 1, 2014

Honorable John Boehner
Speaker
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

Dear Speaker Boehner:

Western Governors are encouraged that the House of Representatives is addressing the critical issue of Endangered Species Act (ESA) reform, as evidenced by the recent approval of a package of ESA-related measures (H.R. 4315, H.R. 4316, H.R. 4317, and H.R. 4318) by the Committee on Natural Resources.

Historically, Western states have been disproportionately impacted by ESA. Currently, our region is faced with a number of ESA listings that would have significant impacts on Western states. ESA listing decisions have real economic impacts for state and local governments through restrictions on rangeland grazing, hunting, tourism and development of resources on public and private lands.

States value species conservation, but federal listing under the ESA is not always needed to achieve conservation objectives. The U.S. Fish and Wildlife Service and National Marine Fisheries Service should work with states to clearly define what level of conservation is needed to preclude the need to federally list a species. When federal listings are needed, states must be directly involved in the development of conservation plans to ensure they are economically viable and sustainable, address land use needs, and that they meet mutual conservation objectives.

States implement significant conservation programs and therefore possess the most current, scientifically valid, and comprehensive data available. Western states believe that the Act could be greatly improved through targeted reforms, particularly those that would involve states as full and equal partners in the development of scientific data, analyses and management provisions applied within listing, recovery and de-listing decisions. With that in mind, Western Governors are pleased to provide the following input on ESA legislation that is pending further consideration by the full House:

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- **Sound Science:** ESA could be strengthened through clarification of what constitutes “sound science” in the context of ESA listing decisions. Western Governors believe that, in most cases, states are the source of the best, “ground-truthed” science and expertise on the health of species within their borders. One of the pending ESA bills (H.R. 4317) recognizes the value of state data and would require that the “best available scientific and commercial data” used by the federal government include data provided by affected states.

This concept was endorsed by Congress through inclusion of language in the statement of managers accompanying the Consolidated Appropriations Act of 2014. The language directs the Department of Interior and the U.S. Forest Service to engage with state wildlife agencies and utilize state wildlife data and analyses in land management decisions.

- **Data Transparency:** Western Governors appreciate Congress’ recognition of the importance of federal use of state fish and wildlife data, analyses and management recommendations as principal sources to inform listing determinations. We submit that public release of data provided by state agencies should be done in a manner which protects private landowner data. Private landowners are central to voluntary conservation efforts. Concerns about public release of data make private landowners reluctant to engage in these valuable voluntary conservation efforts. Efforts should be made to publicly release data at an appropriate scale which acknowledges and addresses such concerns. We would appreciate the opportunity to work with Congress to strengthen ESA data transparency reform efforts to ensure adherence to this important principle.

ESA listing decisions have tremendous impacts on vital state interests; accordingly, the states require expanded, meaningful opportunities to participate in such decisions. We thank you for your cooperation in helping to provide such opportunities.

Sincerely,



John Hickenlooper
Governor, State of Colorado
Chairman, WGA



Brian Sandoval
Governor, State of Nevada
Vice Chairman, WGA

Identical letter sent to Honorable Nancy Pelosi, Minority Leader, U.S. House of Representatives