

COMMITTEE ON NATURAL RESOURCES  
September 30, 2015, 10:00AM  
1324 Longworth House Office Building, RM 1324  
Washington, D.C.

Testimony of the Honorable Dennis Daugaard

Good morning members of the Natural Resources Committee. Thank you Chairman Bishop and Ranking Member Grijalva for allowing me a few moments to share some thoughts on the ways the federal government can become better partners with the states on natural resource management and energy development. There are certainly many topics we could discuss today, but I will limit my testimony this morning to concerns and challenges we in South Dakota have about the Endangered Species Act (ESA) and a few suggestions for improvement. Of course, the goal of the ESA is to protect threatened and endangered species, and this is a goal that state governments support. Still, in order for the ESA to be effective in achieving this goal, the implementation and administration of the Act must be improved.

In South Dakota, we take an active role in protecting and promoting species present in our state. Unfortunately, state governments are often left out of the conversation when it comes to the ESA decisions. Allowing state agencies to play a more active role in the administration of the ESA is a common sense adjustment that can and should be made.

State governments can also be a critical asset when working with landowners and other stakeholders to implement practices to sustain a species and prevent the listing of a species. In a state like South Dakota where approximately 80 percent of land is privately owned, it is critically important to take into account the potential impact

an ESA action could have on landowners. More importantly, landowners need to be engaged with ESA candidate species discussions early in the process. Empowering states to take a lead role working with landowners and key partners should be a priority. More often than not, states have a stronger rapport with affected stakeholders than do their federal counterparts. This rapport can foster important working relationships. For example, when critical butterfly habitat designations for the Dakota Skipper and Poweshiek Skipperling were in the process of being proposed, our state urged the United States Fish and Wildlife Service (USFWS) to notify landowners their land was being considered as critical habitat, so landowners wouldn't first learn of this through a public announcement. By treating states as an equal partner in the decision and implementation process, we can work with landowners to seek their input and partnership. Doing this early can help avoid fractured relations and lead to greater success in protecting and bolstering wildlife populations.

In South Dakota, agriculture is our number one industry, employing more than 115,000 South Dakotans. Building and maintaining a strong relationship with producers is crucial to maintaining our diverse landscape, protecting our natural resources and promoting our number one industry. In South Dakota, we have several initiatives in progress to address a suite of environmental concerns. One of them is wildlife habitat. On October 2<sup>nd</sup>, we will launch our "Habitat Pays" campaign, to encourage agriculture producers to provide wildlife habitat on their lands. As one tool, we have developed a website illustrating how exemplary producers in South Dakota are including wildlife conservation practices within their farming operation. The website provides wildlife

habitat program information from federal, state, and private partners and identifies key contact people who are ready and able assist in meeting desired habitat goals.

Understanding habitat is the key to the recovery of listed species, we must still ask why South Dakota is impacted by listings which are unfounded and outdated. Our state was never designated as an important area for the recovery of the gray wolf, yet after countless efforts to have South Dakota removed, we remain a state where wolves are listed as endangered. For over a decade, our Department of Game, Fish, and Parks has been in continuous discussion with the USFWS to delist wolves. There have also been joint efforts with North Dakota's Game and Fish Department to submit unified letters of request and justification to delist wolves in our states.

As another example, Topeka Shiner habitat and population numbers are sufficient in our state, yet due to habitat loss and concerns over population in other states, the Shiner remains listed. We are committed to working with the federal government and neighboring states to address conservation needs, but situations such as those just described place undue burden and unnecessary restrictions on landowners and governmental agencies.

Another troubling matter related to ESA administration is the development of recovery plans. In several instances, species have been listed yet no recovery plan is in place, or recovery plans are not generated until long after a listing decision is made. In the Topeka Shiner example, South Dakota has been waiting 16 years for the USFWS to complete a recovery plan. In this instance, the USFWS is not following one of its own requirements, and we are paying the price. A recovery plan for this species would allow us to know recovery goals and how we can contribute to achieving them. In the

meantime, South Dakota has used valuable resources to conduct surveys and research on this species. On September 9<sup>th</sup>, the Department of Game, Fish, and Parks reaffirmed our desire to delist the Topeka shiner by formally requesting the USFWS to reassemble a recovery plan team. Our request stressed the importance to provide participating partners and monitoring criteria to downlist and delist Topeka Shiners. It's important for states to be part of these planning and recovery efforts and we are committed to assisting in those activities.

Data and information are used to make scientific conclusions that assist in the decision process. Data can also be used in models to create long-term projections of species status and to project response to environmental conditions and conservation practices. More recently, modeling projections have been used to predict climate change impacts. In a few instances the "foreseeable future" has projected as far into the future as 100 years. Such projections are unrealistic and unreliable when considering such a long span of time. While there may not be a "one size fits all" number to use when considering the foreseeable future, I was pleased the USFWS used a more reasonable number of 20-30 years in making the greater sage-grouse decision.

As I have described, improvements need to be made in how the ESA is implemented. It's imperative that implementation builds strong partnerships among the USFWS and state natural resource and agriculture agencies. When that does not occur, progress is halted and results are limited. The recent effort regarding Sage Grouse is a step in the right direction. The collaboration exhibited at all levels of government and partners for sage grouse should be considered a model for future

efforts. While it may not be realistic to spend the same amount of time and resources on every candidate species, there were many lessons learned through this process which are applicable to future challenges we may face.

South Dakota has a long history of working with landowners and agencies to manage our bountiful natural resources. Species tied to the ESA have and will become contentious issues; however, as a state we stand ready to work with all parties involved. It is my hope improvements can be made to the ESA which brings a higher level of efficiency, removes unnecessary burdens, and builds strong partnerships. Our common goal is to find ways to protect species before they are so threatened as to necessitate a listing under the ESA.

Thank you again for allowing me to speak with you this morning. I will stand by for any questions the Committee may have.