




**National Rural Electric  
Cooperative Association**

A Touchstone Energy\* Cooperative 

Jo Ann Emerson  
Chief Executive Officer

July 28, 2014

The Honorable Doc Hastings  
Chairman  
House Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Peter DeFazio  
Ranking Member  
House Committee on Natural Resources  
1329 Longworth House Office Building  
Washington, D.C. 20515

   
Dear Chairman Hastings and Ranking Member DeFazio:

On behalf of rural electric cooperatives across the country, I am writing in strong support of H.R. 4315, the 21<sup>st</sup> Century Endangered Species Transparency Act. The National Rural Electric Cooperative Association strongly supports this legislation and urges all members of the House to vote for passage.

Federal listings under the Endangered Species Act (ESA) have consequences for rural electric cooperatives across the country. Endangered and threatened listing determinations affect our ability to site and maintain power lines, undermining our core mission to provide safe and reliable energy to our member owners.

When it was originally enacted in 1973, the framers and supporters of the ESA envisioned a law that would protect species believed to be on the brink of extinction. At that time, 109 species were listed for protection. Today, over 1,500 species in the United States are designated as threatened or endangered under the ESA. Furthermore, as a result of a 2011 mega-settlement between the U.S. Fish and Wildlife Service and environmental litigants, hundreds more species could be added within the next two years.

Instead of being used as a tool for litigation, we need to make sure that the ESA is focused on real recovery efforts. Electric cooperatives support updates to make the ESA more efficient, effective, and less costly, with the goal of finding a balance between specie recovery and essential economic activities. We believe that to ensure fair and sensible application of the ESA, scientific information must be thorough, balanced and based on scientific standards and impartial peer review.

H.R. 4315 meets these important objectives by making several key improvements to the ESA:

- The bill requires the public release (via the Internet) of the data that has been determined to be the best scientific and commercial data available and forms the basis of a proposed or final regulation to designate a species as threatened or endangered under ESA section 4(a)(1).
- The bill requires an annual report on expenditures for certain ESA-related lawsuits. A searchable database of the information also must be made publicly available on the Internet.

- The bill seeks further transparency in the administration of the ESA by: (1) requiring that, before a final listing, reclassification or delisting determination for a species is made, each affected State must be provided with “all data that is the basis of the determination,” and (2) ensures that “best available scientific and commercial data” used by the Federal government includes data provided by affected States, tribes, and local governments.
- The bill applies the requirements of the Equal Access to Justice Act to the recovery of attorney fees or lawsuits under the ESA citizen suit provision. By capping rates for awards of fees to prevailing attorneys to \$125 per hour, the ESA would be aligned with the caps that are currently in place under the Equal Access to Justice Act.

Again, on behalf of rural electric cooperatives across the country, I strongly urge you to vote YES on final passage of H.R. 4315.

Sincerely,



Jo Ann Emerson

Thanks for all of  
your help!