



July 2, 2018

Senate Committee on Environment and Public Works
Att: Chairman John Barrasso
410 Dirksen Senate Office Building
Washington DC 20510

Re: Endangered Species Act Amendments of 2018

Dear Senator Barrasso:

Please accept this correspondence as the letter of vigorous support for the proposed 2018 Amendments of Endangered Species Act ("The Proposal") targeting enhanced partnership efforts between Federal and State species managers targeting species conservation and the Endangered Species Act. The Organizations were active participants in the Western Governors Association collaborative meetings addressing species conservation and ESA reform and are thrilled to see that process continue to move forward. The Organizations have also participated in a wide range of cooperative efforts around specific species, and it has been our experience that in these cooperative meetings that almost all species specific information, including population counts; specific habitat management actions public and private lands and other critical information that is being provided is coming from state species managers rather than federal species managers. Poor implementation of species management standards after a species is listed on the ESA is a major challenge that is faced by those seeking access to public lands in a sustainable manner. Many of these challenges are addressed by the Proposal.

Prior to addressing our basis for support of the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization the 150,000 registered OHV users in Colorado seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that

advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations. The Trail Preservation Alliance ("TPA") is a 100 percent volunteer organization whose intention is to be a viable partner, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the sport and takes the necessary action to insure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands. Colorado Snowmobile Association ("CSA") was founded in 1970 to unite winter motorized recreationists across the state to enjoy their passion. CSA advocates for the 30,000 registered snowmobiles in the State of Colorado. CSA has become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling by working with Federal and state land management agencies and local, state and federal legislators.

ORBA is a national not-for-profit trade association of motorized off-road related businesses formed to promote and preserve off-road recreation in an environmentally responsible manner. One Voice is a grassroots Organization that focuses on insuring that local experiences and challenges are conveyed to decision makers in Washington overseeing these areas and issues for resolution. Idaho Recreation Council ("IRC") is a recognized, statewide, collaboration of Idaho recreation enthusiasts and others that will identify and work together on recreation issues in cooperation with land managers, legislators and the public to ensure a positive future for responsible outdoor recreation access for everyone, now and into the future. The Idaho Recreation Council is a collaboration of Idaho recreation enthusiasts on the following activities: 4 x 4, Equestrian, Backcountry Aviators, Mountain Biking, Snowmobiles, Motorcycles, Rafts/Jet boats and ATV/UTV's. Collectively TPA, ORBA, One Voice, IRC CSA and COHVCO will be referred to as "The Organizations".

While the primary mission of the Organizations most directly relates to motorized recreation, the overall scope of the Organizations efforts has a larger impact as motorized recreation and access can take many forms and involve many activities, including camping, hunting and fishing and other recreational activities where motorized access to public lands is critical but not the primary recreational activity sought. Under federal land management standards, when an area is open to motorized access it is rarely closed to any other activity.

The Organizations welcome the Proposal review and updating of the Endangered Species Act ("the Act") as this review and updating is badly needed based our experiences with ESA issues and efforts with the Colorado Parks and Wildlife Department. Currently, the Endangered Species Act is simply not reflecting the management situation on the ground for many species, and this has become a major hurdle to species management. The Organizations believe that the ESA must become both more efficient and more consistent in its impacts between species over time and effectively achieve species populations that allow for the delisting of species. The Organizations have been heavily involved in a wide range of Endangered Species management efforts including

listing, delisting and more generally focused habitat conservation efforts throughout the Western United States, addressing species including the Canadian Lynx, Wolverine, Sage Grouse and numerous plant and mollusk species based in the California desert area. Additionally, our involvement with habitat challenges facing all species have included more generalized efforts targeting landscape level efforts around poor forest health and the impacts of various invasive species that have severely negatively impacting both terrestrial and aquatic habitats for all species. Often simply streamlining landscape level planning on forest health has to start with a major effort simply targeting ESA management issues that are being applied in the area, despite the fact that these standards often are out of date.

These experiences have allowed the Organizations to identify process related restrictions in efforts to avoid listings of species and delist species once they are listed. It has been our experience that much of the concerns that are driving possible listings of species are based on a lack of scientific research around the species and challenges that may be resulting in the decline of the population, as exemplified around the management of the Canadian Lynx after listing on the ESA. The lack of science for management results in efforts that in no way relates to the challenges facing the species and in some situations has resulted in further negative impacts to the population. The Proposal facilitates the development of high quality scientific information around issues prior to listing rather than listing the species with the hope of development of science at some point later, which can often take decades to develop while faulty science is applied on the ground.

The lack of certainty around the basis for listing of a species also greatly complicates any efforts to delist the species as there is simply insufficient information for subsequent efforts to provide a defensible basis for delisting a species. The implementation of population goals that automatically trigger delisting efforts for any species has become a major hurdle as often the desire to simply have more of a species trumps the desire to have a sustainable population of that species. As a result of the difficulty in delisting a species, too often the ESA listing process has also become an alternative method of challenging projects for those that have chosen not to participate in the more general NEPA process around the project.

While the Organizations believe the proposed amendments are a major step towards making the Endangered Species both a more effective species management tool and more cost effective, the Organizations would like to address possible negative impacts from provisions that are providing expanded information privacy for personal information, such as those found generally found in §301 of the Proposal. While the Organizations are highly supportive of protecting personal information in the listing and recovery process, based on the experiences outlined in WGA meetings, the Organizations are also intimately familiar with the misuse of confidentiality provisions in the development and management of possible historic sites in the development of land management plans.

The Organizations would also like to raise the opportunity for additional clarity in management during the times when state recovery teams are working. In the Proposal, a recovery team process is anticipated to take several years. The Organizations welcome this timeframe as developing high quality management for the species must be the standard rather than simply seeking fast management solutions for the species. The Organizations would like to see additional clarity around the use of a possible listing during the recovery team process, as it has been our experience that these time periods often run much longer than expected and managers often rely on this ambiguity as the basis for closure or restrictions in the planning process.

The Organizations look forward to participating in further discussions as this Legislation and issue moves forward. Please feel free to contact Scott Jones, Esq. at 508 Ashford Drive, Longmont CO 80504 or via email at scott.jones46@yahoo.com or via telephone at 518-281-5810.

Respectfully Submitted,



Scott Jones, Esq.
ORBA/TPA/COHVCO Representative
CSA President



Fred Wiley, CNSA Past President
ORBA President and CEO
One Voice Authorized Representative



D.E. Riggle
Director of Operations
Trails Preservation Alliance

Sandra Mitchell, Executive Director
Idaho Recreation Council