



September 14, 2020

Senate Committee on Environment and Public Works

Att: Senator Barrasso

410 Dirksen Senate Office Building

Washington, DC 20510

Re: Support of Endangered Species Act Amendments of 2020
MAZ20148

Dear Senator Barrasso:

Please accept this correspondence as the vigorous support of the Organizations noted above for the proposed 2020 Amendments of Endangered Species Act ("The Proposal") targeting enhanced partnership efforts between Federal and State species managers in implementation of the Endangered Species Act. The Organizations were active participants in the Western Governors Association collaborative meetings and efforts organized by the Western Congressional Caucus addressing species conservation and ESA reform and are thrilled to see that process continue to move forward with this Proposal. 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 of approximately 250,000 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 ensure 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 the more than 30,000 winter motorized recreationists across the state to enjoy their passion. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport. The 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. For purposes of this correspondence TPA, COHVCO, CSA, and IRC will be referred to as "The Organizations". 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.

The Organizations welcome the Proposal's review and programmatic update of the Endangered Species Act ("the Act") as this review and updating is badly needed based on our experiences with ESA issues and efforts. It is important to remember when the current iteration of the ESA was passed in 1973, cutting edge technology in the home was a kitchen toaster. Just as a home where a toaster is the most advanced technology is badly in need of an update by 2020, Legislation such as the ESA, that has remained largely unchanged since the toaster are equally in need of an update. The Proposal provides that badly needed update.

As a result of the badly out of date structure of the ESA, the ESA 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. 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. This Legislation is a major step towards developing this resource.

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.

The additional clarity in management during the times when state recovery teams are working is a significant benefit as 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 would ask that we be included in any further public efforts, collaborations or other efforts around this initiative as this issue and challenge is very important to our members. If you have questions please feel free to contact either Scott Jones, Esq. at 508 Ashford Drive, Longmont, CO 80504. His phone is (518)281-5810 and his email is scott.jones46@yahoo.com or Fred Wiley, ORBA's Executive Director at 1701 Westwind Drive #108, Bakersfield, CA. Mr. Wiley phone is 661-323-1464 and his email is fwiley@orba.biz.

Respectfully Submitted,

Scott Jones, Esq.
Authorized Representative of One Voice



Fred Wiley, ORBA President and CEO;

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