



THE WILDLIFE SOCIETY

Leaders in Wildlife Science, Management and Conservation

26 July 2018

The Honorable John Barrasso
Chairman, Senate Environment and Public Works Committee
307 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso:

The Wildlife Society appreciates the recent focus of your office and the Environment and Public Works Committee on efforts to improve the Endangered Species Act and its important role in sustaining wildlife populations and their habitat. In light of this effort, we offer some perspectives on the draft Endangered Species Act Amendments of 2018 as representatives of wildlife professionals across North America.

The Wildlife Society (TWS; wildlife.org) was founded in 1937 and is a non-profit professional society representing over 10,000 wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to inspire, empower, and enable wildlife professionals to sustain wildlife populations and habitats through science-based management and conservation.

The Wildlife Society actively promotes the use of science in all aspects of policy and decision making - including the execution of the Endangered Species Act. TWS members work cooperatively in state agencies, federal agencies, universities, and private corporations to advance science-based management and conservation, to prevent listing under the ESA, and to conserve and recover those already listed. TWS has prepared a [Position Statement](#) and a [Technical Review](#) based on the experience and expertise of our members on ways to strengthen the ESA and improve its implementation.

In line with the recommendations provided in our Technical Review, we appreciate your recognition throughout the draft Endangered Species Act Amendments of 2018 of the important role that state fish and wildlife agencies play in ESA implementation. TWS' technical review noted the importance of state fish and wildlife agencies and recommended earlier and greater levels of involvement of these agencies throughout the listing, recovering, and delisting decision processes. We believe such involvement will help states provide crucial information, lead to improved management decisions, and provide the public with more timely information. Specifically, we commend the provision in Section 102 that would exempt recovery teams, and in particular their state agency members, from FACA requirements. We believe this exemption will enable state agencies to participate as equal partners in the recovery process, and facilitate greater sharing of information and expertise.

We also applaud your support of voluntary conservation programs, such as Safe Harbor Agreements and Candidate Conservation Agreements with Assurances, within the ESA decision making process. We support proactive conservation efforts done in partnership with private

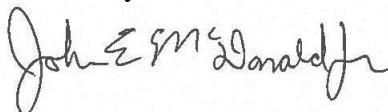
landowners, and we're optimistic that codifying SHAs and CCAAs in statute will provide private landowners with the needed certainty to increase enrollment in these vitally important programs.

However, we are concerned about some provisions in the draft legislation and their potential effects on the ability of wildlife science to inform the decision-making process. For example, Section 109 outlines a process by which states would annually provide feedback regarding performance of individual USFWS employees. While the working relationship between the states and the Service is central to the effectiveness of the ESA, we do not believe it is appropriate to have those outside the federal government directly contributing to performance appraisals of federal employees. This system could not only affect morale, but result in federal employees not providing clear and impartial work products on behalf of federally regulated and candidate species.

We are also concerned about the changes proposed in Section 101 of the draft language, which would create a definition for "best scientific and commercial data available". This definition appears to require the Secretary of the Interior give greater weight to a comment from a state than a comment received from any other individual or entity. State fish and wildlife agencies produce robust science, and that information should certainly be used to inform ESA processes. However, wildlife science and management is done in collaboration, with many components contributing to our growing knowledge. TWS believes scientific information should be considered on its own merits and given the appropriate weight in the decision making process based upon its scientific rigor, not its source. State agencies, tribes, universities, non-profit organizations, federal agencies, private corporations, and individual researchers all have the ability to contribute robust science to our knowledge and help inform ESA decision processes.

Thank you for considering the views of wildlife professionals. We look forward to continuing discussions with your office and the Committee on this important legislation.

Sincerely,

A handwritten signature in black ink that reads "John E. McDonald, Jr." The signature is written in a cursive, slightly slanted style.

Dr. John E. McDonald, Jr.
President