



National Association of Conservation Districts

July 28, 2014

The Honorable John Boehner
Speaker
U.S. House of Representatives
1011 Longworth House Office Building
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
235 Cannon House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
Majority Whip
U.S. House of Representatives
2421 Rayburn House Office Building
Washington, DC 20515

The Honorable Steny H. Hoyer
Minority Whip
U.S. House of Representatives
1705 Longworth House Office Building
Washington, DC 20515

Re: Support for H.R. 4315, the "Endangered Species Transparency and Reasonableness Act"

To: U.S. House of Representatives Leadership

On behalf of the nation's 3,000 conservation districts and their governing boards, the National Association of Conservation Districts (NACD) urges you to vote in support of H.R. 4315, the "*Endangered Species Transparency and Reasonableness Act*" when it is considered by the House of Representatives.

Established under state law, conservation districts are local units of government charged with carrying out programs for the conservation and management of natural resources at the local level. For more than 75 years, conservation districts have cooperated with federal, state, and tribal governments and local organizations to provide technical, financial and educational assistance to more than 2.3 million cooperating land managers nationwide.

Through voluntary, incentive based conservation practices NACD aims to provide adequate food, cover and water of suitable quantity and quality for fish and wildlife habitats. Fish and wildlife are necessary elements in the ecological system; sustaining bio diverse populations of plant and animal species is essential to maintaining a balanced and healthy ecosystem.

NACD supports the *Endangered Species Transparency and Reasonableness Act* because it will improve transparency, provide increased access to data, encourage greater local community engagement and help focus limited federal funds on species recovery.

The *Endangered Species Transparency and Reasonableness Act* works to address some of the concerns about the implementation and effectiveness of the ESA by:

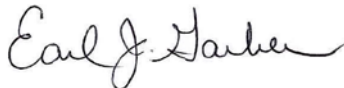
- Requiring data used by federal agencies for final regulation to designate a species as threatened or endangered under the ESA be made publicly available and accessible through the Internet.
- Requiring an annual report on expenditures for certain ESA-related lawsuits. A searchable database of the information also must be made publicly available on the internet.
- Requiring the federal government disclose to affected states all data used in ESA prior to any listing or proposed listing decision; and ensuring that “best available scientific and commercial data” used by the federal government will include data provided by affected states, tribes, and local governments.
- Applying the requirements of the Equal Access to Justice Act to the recovery of attorney fees for lawsuits under the ESA citizen suit provision.

By establishing a cap on payments to attorneys engaged in litigation against the federal government, millions of tax dollars could otherwise be used to fund on-the-ground programs supporting species and habitat recovery. Furthermore, if transparency were established to increase public understanding of how taxpayer dollars are being spent on such litigation, it would add much needed accountability to the ESA.

In recent years, the ESA has struggled to accomplish its mission to foster collaboration and efficiently deliver species recovery. The law is in need of modernization and improvement to more successfully assist the recovery of endangered species. NACD strongly believes that on-the-ground, incentive based conservation efforts and local decision-making—rather than litigation and regulation—is the best approach to environmental challenges, and achieve positive results for our land, air, water and other natural resources.

On behalf of NACD and local conservation districts across the country, thank you for your attention to this important issue. H.R. 4315 will go a long way toward improving the ESA. Conservation districts are committed to providing on-the-ground management and mitigation practices which are good for wildlife, land and water, while continuing to promote a stable source of food, fiber and fuel for a growing population.

Sincerely,



Earl J. Garber
President

cc: The Honorable Doc Hastings
Chairman
House Committee on Natural Resources
The Honorable Peter DeFazio
Ranking Member
House Committee on Natural Resources