



September 22, 2020

The Honorable John Barrasso, Chairman  
Senate Environment and Public Works Committee  
410 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Barrasso:

The National Association of State Foresters (NASF) would like to express our appreciation for your introduction of The Endangered Species Act Amendments of 2020, a bill that would accomplish many of the recommendations found in the attached NASF Position Statement - Improving the Effectiveness of the Endangered Species Act. This is an update of our 2015 position paper that was just very recently adopted by our membership. NASF represents the heads of forestry agencies from all 50 states, the District of Columbia and the US territories. Our focus is on promoting the protection and proper management of state-owned and privately-owned forests, and we are also regular collaborators in the management of federally-owned lands.

NASF continues to support the purposes of the Act originally adopted in 1973, but we have concerns as to the Act's effectiveness and some of its unintended consequences. Notably, when an endangered or threatened species listing places restrictive and/or financially difficult burdens on a landowner the end result could well be the disposal and conversion of that land to other uses. We feel that administration of the Act in the past has made many landowners, in fact, fearful that an endangered species may reside on their property. Hopefully, badly needed updates to this legislation could one day lead to landowners celebrating their ability to help a species at risk rather than dreading regulatory intervention.

In addition, special interests frequently use the Endangered Species Act to promote policy positions that delay or severely hamper needed management activities on federal lands such as those administered by the USDA Forest Service and Department of Interior Bureau of Land Management. Changes to the Act that would facilitate an increase in the scope and scale of federal land management are badly needed.

We note a number of desirable amendments in the bill. Chief among those is expanding the role of states in all phases of administering the Act and giving clear guidance on the use of the best scientific and commercial data available. We also highly support the aim to simplify processes for entering into voluntary conservation agreements of all types, as well as clarifying the process and need for timeliness in any delisting. Broadening the role of interveners in legal actions will insure that all affected parties are fully heard. Providing direction on the need to prioritize agency activities around listing petitions and their subsequent requirements for review and determination is a needed change given the number of petitions that are being promulgated.

Again, thank you for the hard work that went into developing this important piece of legislation. NASF stands ready to assist you in this effort.

Sincerely,

A handwritten signature in blue ink that reads "Gregory J. Josten". The signature is written in a cursive style with a long horizontal stroke at the end.

Greg Josten  
NASF President  
South Dakota State Forester