American Agri-Women
142 Oak Circle
Colchester, VT 05446

September 24, 2018

U.S. Fish and Wildlife Service
MS: BPHC, 5275 Leesburg Pike
Falls Church, VA 22041-3803


Dear Secretary Zinke:

The American Agri-Women (AAW), is a national coalition of farm, ranch and agri-business organizations working to educate ourselves and the public about agriculture and to promote agriculture and women's leadership. AAW's mission is "to be a force for truth, a reasoned, non-partisan voice for the agricultural community to the public." AAW is not an auxiliary to any other farm organization.

AAW recently become aware of the US Fish & Wildlife Service's (USFWS) three proposed rules for revising regulations administering the Endangered Species Act and is submitting the subsequent comments in support of the proposed revisions.

During the more than four decades the Endangered Species Act (ESA) has been law, the regulations administering the ESA have progressively moved beyond Congressional Intent and Authorities granted, effected through evermore cumbersome, unauthorized regulation, activist judicial decisions and friendly lawsuits resulting in onerous “Sue ‘n Settle” agreements made away from the public’s eye or input².

Clearly, the trajectory of ESA requires, not only revision of administrative regulation but reassessment of often heavy handed, unsuccessful implementation resulting in counterproductive outcomes, leading to the dismal > 97%³ to 97.7%⁴ failure to “recover” and delist species over a 45 year period. The failures of ESA are so staggering, USFWS under the previous administration in an educational 2013 ESA 40th Anniversary “Commemoration” announcement provided a misleading – at best – statistic, stating, “The ESA is the most significant piece of endangered species legislation, having prevented the extinction of 99 percent of the species it protects since its inception in 1973.” This statement and others are easily exposed as misleading by reviewing the record of delisted species vs. listed species.

From an agriculture prospective, if cow/calf ranchers produced only 3 calves out of 100 head of cows or farmers only managed to harvest crops off of 3 acres out of every 100, their ranches/farms would likely not survive the first year, let alone 45 years. Ag producers must make > 95% net gain in livestock to continue to pursue their livelihood. Unfortunately, the same principles are not applied, when using taxpayers’ dollars in the administration of ESA. As a reminder, USFWS under the previous administration, provided Congress statutorily required⁵ inaccurate ESA expenditure data showing, “The most recent report (fiscal year 2015)
indicates 31 federal government entities and states reported spending $1.507 billion on listed species. This figure is clearly an underestimate as, for example, the USFS reported spending only $1.12 million and all of it dedicated to a single species. This is implausible, as the prior year’s report indicated USFS spent $45,983,888 on over 150 different species. Additionally, these reports exclude all litigation costs.” Another study found listings caused both lower median income (-$2,500/household), as well as lowered tax receipts in those same counties affected by listings.

Applying the same restrictions to species listed as threatened, as those listed as endangered results in economic harm, as was shown through the threatened listing of the Lesser Prairie-Chicken (LPC) in 2014.8 The LPC listing across five states impacts to the economies included but were not limited to: oil/gas exploration stoppage9 and well capping; wind farm cancellations in Kansas & Colorado Counties; land devaluations; and exorbitant mitigation fees. 10

In conclusion, AAW supports the revisions proposed to the regulations administering the ESA and encourage USFWS to provide accurate and complete data to the Congressional oversight committees as Section 18(1) of ESA requires.

Respectfully,

American Agri-Women Executive Board Members

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1 American Agri-Women History https://americanagriwomen.org/about/history/
5 Commemoration of 40th Anniversary of Endangered Species Act https://www.fws.gov/endangered/ESA40/resources.html
7 Heritage Fellow report – Correcting Falsely “Recovered” and Wrongly Listed Species and Increasing Accountability and Transparency in the Endangered Species Program; p 5 https://www.heritage.org/sites/default/files/2018-04/BG3300_0.pdf
9 http://www.foxnews.com/politics/2014/05/24/oil-companies-say-new-federal-reg-on-southwest-bird-has-halted-drilling-in.html
10 The LPC Impacts on Farmers & Ranchers https://www.kfb.org/Stop-Fowl-Play/The-Impacts