

February 23, 2017

National Governors Association  
Hall of the States  
444 North Capitol Street, Suite 267  
Washington, D.C. 20001-1512

Dear Chairman McAuliffe, Governors,

On behalf of our tens of millions of supporters, we write to urge you to maintain the statutory integrity of the Endangered Species Act (ESA) and refrain from supporting efforts by the current Congress to revise this landmark and highly successful environmental law. We understand the Western Governors' Association may be calling on the National Governors Association to support such legislative changes. We strongly believe that, in the current political environment, any effort to open up the law would likely weaken, if not cripple, its ability to conserve and recover our nation's most imperiled plants and animals. Accordingly, we strongly urge you to reject any resolutions or proposals regarding changes to the Endangered Species Act at your next winter meeting.

The Endangered Species Act is the world's most effective law for saving and recovering wildlife. It has prevented the extinction of 99% of the species under its care, and has served as a model for conservation laws throughout the world. The Act has been so successful in large part because it requires that science and not short-term political and economic concerns guide decisions about whether species are at risk and how they should be protected and recovered. It has also been successful because once an animal or plant is protected under the Endangered Species Act, a set of flexible tools allows the Federal government, States, and conservation partners to develop successful conservation and recovery strategies.

Many of the Western Governors' Association's recommendations regarding the ESA are based on a flawed premise: that the Act is failing because only 1% of the species protected under the Act have been recovered thus far.<sup>1</sup> This claim ignores a basic biological and scientific fact — recovery of endangered species takes time. The Bald Eagle was one of the first species protected under the Endangered Species Act, but it still took 34 years to recover it nationwide in 2007. Indeed, over 700 species, nearly half of those protected under the Act, have been protected for less than 20 years. It is simply not biologically possible for most species to have recovered yet, but many species are recovering at the pace expected by scientists and conservationists at the state and federal wildlife agencies. Claiming that the Act does not work because it is unable to exceed what is biologically possible is not a basis for rational reform of or changes to the law.

The Endangered Species Act is working to protect and recover species. Scientists estimate that were it not for the Act, at least 227 species would have gone extinct between 1973 and 2005.<sup>2</sup> More endangered species were found to be partially or fully recovered in 2016 than in any other year since the Endangered Species Act became law in 1973. Eleven species were found to have

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<sup>1</sup> Statement of Matt Mead, Nov 12, 2015. Western Governors Association.

<https://www.youtube.com/watch?v=IUmVxNwgSNI>

<sup>2</sup> I. Scott, J. M., Goble, D. D., Svancara, L. K. & Pidgorna, A. in THE ENDANGERED SPECIES ACT AT THIRTY Vol. 1 (eds Goble, D. D., Scott, J. M. & Davis, F. W.) Ch. 2 (Island, 2006).

recovered in 2016, including four subspecies of island foxes from the Channel Islands, Kentucky's white-haired goldenrod, the Santa Cruz cypress, and Columbian white-tailed deer. Several species have already been proposed for downlisting or delisting in 2017, including the black-capped vireo, lesser long-nosed bat, gypsum wild buckwheat, and the Kuenzler hedgehog cactus.

Unfortunately, a few states have become increasingly hostile to the Endangered Species Act, and are attempting to weaken the state and federal partnerships at the heart of the Act. For example, 10 States have joined in a legal effort to remove protections for endangered species only found within the borders of one state.<sup>3</sup> If this lawsuit were to succeed, it could undermine protections to at least 1,098 species across the country — 65% of the endangered species protected under the Act, and virtually all of the species found in Hawaii. If the goal of the Western Governors' Association initiative is to improve the Act, it is quite concerning that some of the very same states in the WGA are pursuing an extreme legal agenda that would make the recovery of most endangered species virtually impossible.

One of the greatest obstacles to recovery of endangered species is lack of funding. States fund most of their endangered wildlife management activities through Federal revenue sources including the Pittman-Robinson Act, the Dingell-Johnson Act, the Land and Water Conservation Fund, and through cooperative grants under Section 6 of the Endangered Species Act. Without all of these federal sources of funding, the ability of states to conserve endangered species would be highly compromised. If the National Governors Association wants to find bipartisan solutions to improving wildlife conservation, advocating for increased federal funding for conservation would be the right path to follow, not policy changes to the law that would weaken the scientific foundations of the Act.

The Endangered Species Act is under great threat in Congress right now. Over the past six years, over 200 different pieces of legislation have been introduced that would either weaken the Act or weaken protections for specific endangered species. The current Chair of the House Natural Resources Committee has stated that he would like to repeal the Endangered Species Act outright.<sup>4</sup> Simply put, this is not a political climate where amendments to the Act such as those contemplated by the WGA would result in better outcomes for imperiled species, and should not be discussed in this Congress. We therefore ask that you carefully consider the consequences of endorsing a vague set of "reforms" or policy principles that would give political cover to those members of Congress most hostile to the Act.

Sincerely,

Center for Biological Diversity  
Endangered Species Coalition  
The Humane Society of the United States  
Natural Resources Defense Council  
Sierra Club

Earthjustice  
Friends of the Earth  
Greenpeace  
Public Citizen  
Waterkeeper Alliance

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<sup>3</sup> Brief of the State of Utah, Alaska, Arizona, Colorado, Idaho, Kansas, Montana, South Dakota, and Wyoming as *Amici Curiae*, *People for the Ethical Treatment of Property Owners v. U.S. Fish and Wildlife Service*, cv-14-4151, 10th Cir. 2015.

<sup>4</sup> Rep. Bishop aims to repeal landmark conservation law, Dec. 9, 2016.  
<http://www.eenews.net/eedaily/stories/1060046928/> (last accessed Dec. 27, 2016).

350 Santa Cruz  
Action for Animals  
Advocates for Snake Preservation  
Alameda Creek Alliance  
Amazon Watch  
Animal Legal Defense Fund  
Animal Welfare Institute  
Animals Are Sentient Beings, Inc.  
Animas Valley Institute  
Apollo Kauai  
Arkansas Interfaith Power & Light  
Arkansas Valley Audubon Society  
Audubon Colorado Council  
Audubon Society of Corvallis  
Audubon Society of Greater Denver  
Basin and Range Watch  
Battle Creek Alliance  
Bay Area Coalition for Headwaters  
Berks Gas Truth  
Beyond Nuclear  
Big Blackfoot Riverkeeper, Inc.  
Bird Ally X  
Bird Conservation Network  
Black Warrior Riverkeeper  
Blue Mountains Biodiversity Project  
Bold Visions Conservation  
Born Free USA  
Boulder County Audubon Society  
Boulder Rights of Nature, Inc.!  
Broad River Alliance, a Waterkeeper  
Affiliate  
Cahaba River Society  
California Chaparral Institute  
California Council for Wildlife Rehabilitators  
California Native Plant Society  
California Wildlife Foundation/California Oaks  
California Wolf Center  
Californians for Western Wilderness  
Calusa Waterkeeper  
Cape Fear River Watch  
Cascadia Wildlands  
Center for Science and Democracy at the  
Union of Concerned Scientists  
Center for Sierra Nevada Conservation  
Center for Food Safety  
Chart 411  
Chocolay Raptor Center  
Citizens Committee to Complete the Refuge

Citizens' Resistance at Fermi 2  
Citizens United for Resources and the  
Environment, Inc  
Clean Air Watch  
Climate Action Alliance of the Valley  
Climate Action Coalition (Portland Oregon)  
Coal River Mountain Watch  
Coalition for Responsible Transportation  
Priorities  
Coastal Environmental Rights Foundation  
Coherent Field Project  
Colorado Native Plant Society  
Colorado Wild Rabbit Foundation  
Columbia Riverkeeper  
Community Organizing Center  
Concerned Citizens of Lake, Cuyahoga,  
Geauga, & Ashtabula Counties Ohio  
Conservancy of Southwest Florida  
Conservation Congress  
Conservation Council for Hawai'i  
Conservation Law Foundation  
Conservation Northwest  
CORALations  
Cottonwood Law Center  
Cougar Rewilding Foundation  
Crystal Coast Waterkeeper  
Delaware Riverkeeper Network  
Delta Fly Fishers  
Desert Tortoise Council  
Dogwood Alliance  
Don't Waste Michigan & Coalition for a  
Nuclear Free Great Lakes  
Earth Care  
Earth in Brackets  
Earthworks  
Eastern Coyote/Coywolf Research  
Eco-Eating  
EcoEquity  
Eco-Justice Collaborative  
Ecology Party of Florida  
Endangered Habitats League  
Endangered Small Animal Conservation Fund  
Environment America  
Environmental Investigation Agency  
Environmental Protection Information Center  
Environmental Youth Council of St. Augustine  
Florida  
Fairmont, MN Peace Group

Flycasters, Inc of San Jose  
Food Empowerment Project  
Footloose Montana  
Food and Water Watch  
For the Fishes  
Fort Collins Audubon Society, Colorado  
Freshwater Accountability Project  
Friends of Bumping Lake  
Friends of Griffith Park  
Friends of Matanzas  
Friends of the Bitterroot  
Friends of the Creeks  
Friends of the Santa Clara River  
Friends of the Tampa Bay National Wildlife  
Refuges  
Fund for Wild Nature  
Georgia ForestWatch  
Global Exchange  
Golden Gate Raptor Observatory  
Grand Valley Audubon Society  
GreenFaith  
Gunpowder Riverkeeper  
HAA Ka Lei Maile Alii  
Hands Across the Sand  
Hayward Area Planning Association  
Hells Canyon Preservation Council  
Hilton Pond Center for Piedmont Natural  
History  
Howling For Wolves  
Humane Society Veterinary Medical  
Association  
Humboldt Baykeeper  
Iowa Environmental Council  
Idaho Sporting Congress, Inc.  
INFORM  
Inland Empire Waterkeeper  
Interfaith Council for the Protection of  
Animals & Nature  
International Fund for Animal Welfare  
Julian Mountain Lion Project  
Justice for Wolves  
Keep Coyote Creek Beautiful  
Kettle Range Conservation Group  
Kodiak Audubon Society  
Kootenai Environmental Alliance  
Lahontan Audubon Society, Reno, Nevada  
League of United Latin American Citizens  
LEPOCO Peace Center  
Life of the Land

Los Padres ForestWatch  
Maricopa Audubon Society  
Maryland Ornithological Society  
Mass Audubon  
Matanzas Riverkeeper  
Matanzas Voices  
Miami Waterkeeper  
Midshore Riverkeeper Conservancy  
Milwaukee Riverkeeper  
Missourians Organizing for Reform and  
Empowerment (MORE)  
Mojave Desert Land Trust  
Mom's Advocating Sustainability  
Montana Audubon  
Morongo Basin Conservation Association  
Mountain Lion Foundation  
MoveOn.org Civic Action  
Mt. Diablo Audubon Society  
National Wolfwatcher Coalition  
Nature Abounds  
Nevada Wildlife Alliance  
Nevadans for Responsible Wildlife  
Management  
New Mexico Interfaith Power and Light  
New Mexico Wilderness Alliance  
New York Communities for Change  
North County Watch  
Northeast Oregon Ecosystems  
Northern Jaguar Project  
Northwest Animal Rights Network  
Northwest Environmental Advocates  
Nuclear Information and Resource Service  
Nukewatch/The Progressive Foundation  
Occidental Arts and Ecology Center  
Ocean Conservation Research  
Ocean Futures Society  
One School at a Time  
Orange County Coastkeeper  
Oregon Natural Desert Association  
Organize Florida  
Other Worlds  
Palisades Park Michigan  
Partners for Parks  
Physicians for Social Responsibility  
Port Hope Community Health Concerns  
Committee  
Prairie Dog Pals  
Predator Defense  
Prince William Soundkeeper

Project AWARE  
Project Bobcat  
Project Coyote  
Puget Soundkeeper Alliance  
Quad Cities Waterkeeper  
Raptors are the Solution  
Raritan Riverkeeper  
RE Sources for Sustainable Communities  
Redwood Alliance  
Regional Parks Association  
Rights and Democracy  
Riverkeeper  
Roaring Fork Chapter, Great Old Broads for  
Wilderness  
Rocky Mountain Wild  
Rogue Riverkeeper  
SafeEnergyAnalyst.org  
Sailors for the Sea  
San Bernardino Valley Audubon Society  
San Francisco Baykeeper  
San Juan Citizens Alliance  
San Luis Valley Ecosystem Council  
San Luis Obispo Mothers for Peace  
Santa Clara Valley Audubon Society  
Santa Cruz WILPF Earth Democracy  
Save Our Sky Blue Waters  
Satilla Riverkeeper  
Save The Cumberland Inc.  
Save The Frogs!  
Save the Pine Bush  
Save The River / Upper St. Lawrence  
Save the Scenic Santa Ritas  
Selkirk Conservation Alliance  
Sheep Mountain Alliance  
Sisters of Charity of Nazareth Congregational  
Leadership  
Sisters of Charity of Nazareth Western  
Province Leadership  
Snake River Waterkeeper  
South Anastasia Communities Assn.  
Sound Rivers  
South Florida Wildlands Association  
South Yuba River Citizens League  
SustainUS  
Speak Up Wekiva, Inc.  
Spirit of the Sage Council  
St. Augustine Environmental Youth council  
St. Marys Riverkeeper

Superior Watershed Partnership  
Surfrider Foundation  
Sustainable Agriculture of Louisville  
Sustainable Arizona  
The Cloud Foundation, Inc.  
The International Society for the preservation  
of the Tropical Rainforest  
The Lands Council  
The Regeneration Project Interfaith Power and  
Light  
The Rewilding Institute  
The Safina Center at Stony Brook University  
Thumb Land Conservancy  
TN ENVIRONMENTAL Council  
TrailSafe Nevada  
Tri-Valley Flyfishers  
Tropical Audubon Society  
Tualatin Riverkeepers  
Turtle Island Restoration Network  
United Planet Faith & Science Initiative  
Upper Gila Watershed Alliance  
Uranium Watch  
Vast Horizons  
Ventana Wilderness Alliance  
Wasatch Clean Air Coalition  
Waterkeepers Chesapeake  
West Virginia Highlands Conservancy  
Western Nebraska Resources Council  
Western New York Land Conservancy  
Western Watersheds Project  
Wildcoast  
WildEarth Guardians  
Wildlife Alliance of Maine  
Wildlife Research Institute, Inc  
WildWest Institute  
Winyah Rivers Foundation  
Wolf Conservation Center  
Women's Energy Matters  
Women's International League for Peace and  
Freedom  
Women's International League for Peace and  
Freedom, Fresno Branch  
Women's Intl League for Peace and Freedom,  
East Bay Branch  
Wyoming Untrapped  
Wyoming Wildlife Advocates  
Yellow Dog Watershed Preserve  
Yellowbilled Tour