

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.¹ 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 2005.² 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

¹ Statement of Matt Mead, Nov 12, 2015. Western Governors Association.

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

² 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.³ 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.⁴ 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

³ 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.

⁴ 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