
November 13, 2023

The Honorable Alex Padilla
Chair
Subcommittee on Fisheries, Water,
and Wildlife
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Cynthia Lummis
Ranking Member
Subcommittee on Fisheries, Water,
and Wildlife
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chair Padilla and Ranking Member Lummis:

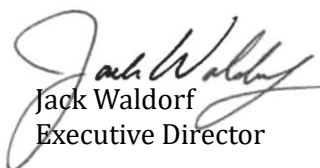
With respect to the Subcommittee's November 14 hearing, Challenges and Opportunities to Facilitate Wildlife Movement and Improve Migration Corridors, attached please find Western Governors' Association (WGA) Policy Resolution 2024-03, Species Conservation and the Endangered Species Act. This resolution includes Western Governors' collective and bipartisan policy recommendations on wildlife migration corridors and habitat.

As noted in the resolution, Western Governors appreciate federal support for habitat connectivity efforts and urge Congress to consider long-term funding and provisions for transportation infrastructure projects that support fish and wildlife crossings and habitat connectivity. The Governors also encourage the federal government to proactively coordinate and consult with states and advance voluntary, incentive-based, and locally driven initiatives to conserve key wildlife corridors and habitat.

I request that you include this document in the permanent record of the hearing, as it articulates Western Governors' policy positions and recommendations on this important issue.

Thank you for your consideration of this request. Please contact me if you have any questions or require further information.

Sincerely,



Jack Waldorf
Executive Director

Attachment



Policy Resolution 2024-03

Species Conservation and the Endangered Species Act

A. **BACKGROUND**

1. Through broad trustee, statutory, and police powers, states have primary management authority over fish and wildlife. This system of wildlife and habitat management is grounded in the North American Model of Wildlife Conservation and has enabled western states to become leaders in the conservation and recovery of numerous threatened, endangered, and species of concern. Continued cooperative relationships between federal, state, and tribal governments, nonprofit organizations, and private stakeholders are essential to the successful management of all species and their habitats. Where voluntary, incentive-based conservation activities have been effective, they have precluded the need to list species under the Endangered Species Act (ESA). Western Governors have a vested interest in utilizing these tools to effectively manage wildlife and habitat for a balance of uses.

B. **GOVERNORS' POLICY STATEMENT**

Species Conservation

1. Western Governors support all reasonable proactive management efforts to conserve species and the ecosystems upon which they depend to sustain populations of diverse wildlife and habitats, recover species before they are so imperiled they need ESA protection, and retain the West's wildlife legacy for future generations. Western Governors also support initiatives that engage state and tribal governments as well as stakeholders to develop incentives for early, voluntary conservation measures to address multiple threats to species while preserving and enhancing western working landscapes.
2. Western Governors believe states should be full partners in listing, critical habitat designations, recovery planning, recovery efforts, and delisting decisions. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services), working with the states, should establish consistent criteria to assess modeling related to projected scientific information and other factors in their scientific review. In these circumstances, federal agencies should partner with states and management authorities with expertise over the given model to develop and utilize mutually acceptable predictive techniques and consensus-based metrics that are grounded in science and measurable outcomes.
3. Western Governors believe that ESA decisions should be based on the best available science. State agencies often have the best available science, expertise and other scientific and institutional resources such as mapping capabilities, biological inventories, biological management goals, state wildlife action plans and other important data. The Services should utilize state expertise and resources whenever possible. All listing, recovery, and delisting decisions should utilize objective, peer-reviewed scientific literature, and scientific observations. When making a listing decision for a species where state or multi-state

conservation plans employing the best available science have been primarily used in the management of that species, upon review, consultation, and endorsement, the Services should give careful consideration to those management activities. A review of the scientific and management provisions contained within listing, recovery, and de-listing decisions by acknowledged independent experts is important to ensure the public that decisions are well-reasoned and scientifically based. Scientific and management review committees, as well as the scope and extent of the appropriate scientific and management review, should be agreed upon by the Services and the affected states. Federal agencies should, when appropriate, delegate their responsibility to name these review committees and determine the scope of review to states in order to enhance state ownership of the committee's decision.

4. Western Governors believe that states need clear, concrete guidance from the Services about the requirements of state and multi-state conservation plans in meeting species and habitat conservation goals and objectives that would lead to stable or increasing populations, address perceived threats to the species, and eliminate the need for listing. Western Governors also encourage the pursuit of all efforts to reduce regulatory burdens on state and tribal governments as well as stakeholders that are not necessary to achieve species conservation and biodiversity goals and objectives.
5. The Services should acknowledge that variability in state approaches for conservation of species is acceptable, particularly for species with a wide geographic range, as long as established conservation goals and objectives are met.
6. The Services should explore employment options, including revised Government Schedule requirements, expanded use of detail positions, and shared staff between nongovernmental partners, state agencies, and federal agencies to increase interagency coordination and familiarity with processes. These types of well-rounded personnel can then more effectively serve as conveners and facilitators for multiagency actions.
7. Governors support legislative initiatives, court rulings, petitions, or regulatory measures which allow local, state, federal and private conservation efforts adequate time to be implemented and demonstrate their efficacy while also avoiding excessive delay protecting and recovering imperiled species. Governors believe there should be no delays in delisting recovered species which meet statutory requirements for delisting due to excessive, costly and resource-intensive litigation. States can help local efforts achieve success by supporting them with tools for assessing and stabilizing priority habitats and species.
8. Western Governors believe funding and economic incentives for proactive, voluntary conservation efforts are essential. Such efforts may lead to rapid conservation outcomes and even obviate the need to list a species in the first instance. Additional incentives for willing private landowners to participate in voluntary conservation efforts are likely to achieve more efficient and cost-effective results. Funded and incentivized activities should include:
 - Restoration of native habitat on public and private lands;
 - Amelioration of threats to species populations;
 - Long-term management activities for conservation-reliant species;

- Management of invasive species adversely affecting species and habitat, including research programs;
 - Management of public lands in a way that supports multiple uses, including the minimization of human-wildlife and livestock-wildlife conflict; and
 - Monitoring and enforcement to ensure species and habitat conservation goals and activities are being met.
9. Governors believe adequate post-listing funding of species management, monitoring, and conservation is necessary as state and federal agencies increasingly assume ESA management activities and embrace ecosystem and multi-species management strategies. Funding for ESA-related activities, especially recovery plans and recovery efforts, should be enhanced to address the growing list of threatened and endangered species. A broad range of programs, from the Farm Bill to the Water Resources Development Act, should be reviewed for opportunities to assist communities and landowners in their efforts to conserve listed species in a manner that respects water and property rights. The Cooperative Endangered Species Conservation Fund authorized under ESA Section 6 should also be funded and managed as a block grant, with state discretion on spending priorities.
 10. Western Governors support funding for wildlife conservation education and recreation programs to help better connect people with their natural surroundings and experience wildlife in their natural habitat. Funding for educational and community-based programs can encourage younger generations to learn about fish and wildlife conservation early and obtain the skills to partake in outdoor activities themselves.
 11. Western Governors support the North American Model of Wildlife Conservation and the associated user-pay structure that enables state agency management activities with funding from license sales. Western Governors also recognize that continued engagement in license-based activities is necessary for healthy wildlife populations and habitat. The recruitment, retention, and reactivation of hunters and anglers is essential to these goals, and programs which support this engagement should be funded and delivered to all Americans.

Wildlife Migration Corridors and Habitat

12. Western Governors believe that federal land management agencies should allow states and tribes to lead in identifying key wildlife migration corridors and habitat in the West, acknowledge the value of multiple-use landscapes, and engage in early and substantive consultation with Governors prior to the promulgation of any policy pertaining to the management of wildlife corridors and habitat. Western Governors believe in applying the best-available state-led science and models for precise, data-driven decision making. Western Governors also encourage federal land management agencies to take proactive steps to ensure that management plans and projects are consistent with and supportive of state wildlife migration priorities, programs, and policies.
13. Western Governors urge federal land management agencies and non-governmental organizations – in coordination with state fish and wildlife agencies – to work with private landowners and local communities to identify monetary and non-monetary incentives to encourage voluntary corridor and habitat conservation efforts. Western Governors encourage

dialogue among relevant partners in the West to identify collaborative solutions to wildlife corridor and habitat conservation across land ownerships.

14. Western Governors encourage Congress and the Executive Branch to maintain a financial investment in research and habitat improvement projects to conserve migration corridors through the National Fish and Wildlife Foundation's Improving Habitat Quality in Western Big Game and Migration Corridors Program and the USFWS Migratory Bird Program.
15. Western Governors commend the considerable efforts already underway to increase coordination between state fish and wildlife agencies and state departments of transportation to integrate consideration of wildlife corridors and habitat connectivity into transportation infrastructure planning and development. Western Governors urge the Department of the Interior and the U.S. Department of Transportation to cooperate in a similar manner on projects under their jurisdiction and support intra-state efforts when appropriate. The Governors also support development of best practices to expand federal and state agency coordination.
16. The Governors support proactive planning on public lands that seeks to direct future development actions with due consideration for large tracts of intact wildlife habitat and connectivity corridors.
17. Western Governors believe that any federal efforts to identify and conserve wildlife migration corridors through administrative or legislative action must rely upon proactive coordination and consultation with states and should advance voluntary, incentive-based, and locally driven initiatives to conserve key wildlife corridors and habitat. Governors further encourage Congress and the Administration to support collaborative and locally developed initiatives through financial and technical assistance.
18. Governors appreciate federal support for habitat connectivity and urge Congress to include long-term funding and provisions in its next reauthorization of federal surface transportation programs for state-supported transportation infrastructure projects that support fish and wildlife crossings and habitat connectivity.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

This resolution will expire in December 2026. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.