



March 6, 2024

The Honorable Bruce Westerman  
Chairman  
House Committee on Natural Resources  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Raúl Grijalva  
Ranking Member  
House Committee on Natural Resources  
1332 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Cliff Bentz  
Chairman  
Subcomm. on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Jared Huffman  
Ranking Member  
Subcomm. on Water, Wildlife and Fisheries  
1332 Longworth House Office Building  
Washington, D.C. 20515

Chairman Westerman, Chairman Bentz, Ranking Member Grijalva, and Ranking Member Huffman,

Livestock producers conserve and enhance millions of acres of high-quality wildlife habitat on both public and privately owned land across the United States. These farmers and ranchers treat against invasive plant species, cultivate and restore native grasslands, mitigate the risk of wildfire, work with state and federal authorities to support migration corridors, and participate in voluntary conservation agreements to support wildlife recovery, all while raising high-quality protein to feed our nation. The National Cattlemen's Beef Association (NCBA) is the oldest and largest trade association representing the American cattle industry, with roughly 26,000 individual members and more than 178,000 members through 44 state affiliate organizations. The Public Lands Council (PLC) is the only national group dedicated solely to representing the ranchers who hold roughly 22,000 federal grazing permits and steward more than 220 million acres of public lands across the West. United in our goal of providing healthy, green, open acres of habitat on productive working lands for a host of different wildlife species, we write today in support of H.R. 7408, the *America's Wildlife Habitat Conservation Act*, and urge members of the Committee to vote Yes on the bill.

Despite the best original intentions of Congress to enact protections and leverage federal resources to recover imperiled species, the Endangered Species Act (ESA) has become an endless source of bureaucratic delay, federal government overreach, and frivolous litigation by extreme activist groups. In response to the urgent need for commonsense ESA reforms, H.R. 7408 provides commonsense solutions:

**Vital, statutory certainty for landowners who make essential, voluntary investments in conserving wildlife habitat on private land.** The U.S. Fish and Wildlife Service (USFWS) cannot achieve their goals without the participation of private landowners; by their own estimate, two-thirds of all species listed under the ESA have some habitat on private acres.<sup>1</sup> Producer participation in voluntary agreements can be an incredibly powerful tool. For example, across the range of the lesser prairie-chicken, more than 1.8 million acres of habitat was enrolled in the Conservation Reserve Program, more than 1.6 million acres of agricultural land was enrolled in the Working Lands for Wildlife initiative, more than 2 million acres were enrolled by ranchers in New Mexico under Candidate Conservation Agreements (CCAs) and Candidate Conservation Agreements with Assurances (CCAAs), and more than 1 million acres were enrolled by landowners in Texas and Oklahoma under their respective CCAAs.<sup>2</sup> Despite these efforts, the lesser prairie-chicken was listed anyway, and an overreaching 4(d) rule issued for the threatened population soured many farmers and ranchers on any future intent to conserve habitat for the species. After years of this broad-brush, one-size-fits-all approach by USFWS, many producers and landowners are understandably skeptical of enrolling in these voluntary agreements in the first place if they ultimately won't count as "real" habitat management in the eyes of the agency. H.R. 7408 would codify CCAs and CCAAs, and prevent landowners from falling under a critical habitat designation if they are already implementing habitat conservation and restoration work for the species. This is essential to incentivizing continued participation in these efforts.

**Robust funding for states and tribes to implement their own wildlife habitat conservation and restoration plans, rather than a top-down federal approach.** USFWS has a track record of imposing species management plans on specific areas without local buy-in. For example, the agency is pursuing translocation of grizzly bears to the North Cascades Ecosystem despite years of objections by local ranchers, families, and elected officials. H.R. 7408 empowers states and tribes to implement their own plans for species – especially predator species – without having to cave to a federal initiative cooked up a thousand miles away. This local leadership is key in ensuring durable solutions, as local communities and experts are ultimately those responsible for the factors that are able to ensure long-term species conservation.

**Mechanisms to curb the overreach of "blanket 4(d)" rules and to force USFWS to set concrete, incremental recovery goals that trigger state management of the species when met.** Over the past half-century, the ESA has become a waiting room for species rather than a dynamic, tool for listing, recovery, and delisting. This legislation would restore the distinction between threatened and endangered listings – per Congress's intent in the Act – and create a structure by which USFWS would be held accountable for timely delisting when a species hits its recovery goals.

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<sup>1</sup> "ESA Basics: 50 Years of Conserving Endangered Species." U.S. Fish and Wildlife Service. February 1, 2023.

<sup>2</sup> "Partners in lesser prairie-chicken conservation." U.S. Fish and Wildlife Service.

**Flexibility for limited take of a threatened species at the discretion of the Secretary of the Interior, allowing for management of species that are abundant but not yet delisted.** This is another key measure that will help livestock producers and rural families live with listed species – particularly apex predators – with as little danger to human life and as little destruction of livestock and property as possible. Species recovery plans must be adaptable enough to respond to changing conditions and respond to potential dangers, to both humans and the species. Unfortunately, today’s rigid approach far too often leads to avoidable social and ecological conflict.

**An overdue correction of the inflated ESA consultation burden that has fallen on the U.S. Forest Service as a result of *Cottonwood Environmental Law Center v. United States Forest Service (2015.)*** The wildfire crisis continues to ravage the West each spring, summer, and fall, and catastrophic fires are moving further East with each passing year. The U.S. Forest Service continues to face budget shortfalls and staffing shortages post-COVID-19, and their limited resources must be focused on the most immediate threat to the nation’s forests. Diverting the agency’s attention to needless, bureaucratic hoop-jumping shows reckless disregard for the critical role national forests play in providing wildlife habitat, timber production, grazing land, carbon sinks, and headwaters.

**Authority for the National Wildlife Refuge System to leverage public-private partnerships to address ecosystem challenges and conserve habitat.** Extending Good Neighbor Authority to USFWS will encourage the maintenance of contiguous habitat, and minimize red tape to expedite much-needed range improvements and recreation infrastructure.

Wildlife conservation is a mission that American farmers and ranchers hold dear. The presence of healthy wildlife populations brings revenue to rural communities through hunting, angling, and tourism. Healthy, balanced populations support the health and resiliency of the pastures and rangelands that livestock graze for the majority of the year. And for many livestock producers, the beauty and enjoyment brought by native wildlife is one of the things they love most about living, working, and raising their families in rural America. H.R. 7408 represents a landmark step forward in improving broken aspects of ESA implementation and ensuring that the Act can endure for another 50 years. We urge the Committee to favorably report the *America’s Wildlife Habitat Conservation Act* so that the historically fruitful partnership between livestock producers and state, Tribal, and federal authorities can continue to yield durable conservation results.

Sincerely,

National Cattlemen’s Beef Association  
Public Lands Council