



The Honorable Bruce Westerman  
Chairman  
Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Support for H.R. 1897 – “ESA Amendments Act of 2025:

Dear Chairman Westerman:

Thank you for introducing the ESA Amendments Act of 2025 (HR 1897) and your continued commitment to improving the Endangered Species Act (ESA). The clarifications included in the bill will provide greater certainty and resolve the intent of several important and often disputed provisions within the ESA. Additionally, the changes are consistent with the goal of supporting domestic energy production and streamlining federal environmental reviews. The Turlock Irrigation District and Modesto Irrigation District (Districts) supports this bill and looks forward to working with the Committee to advance this important reform legislation.

The Turlock and Modesto Irrigation Districts are the two oldest irrigation districts in California. The Districts provides irrigation water to over 200,000 acres of prime farmland, drinking water to nearly 340,000 people in the cities of Modesto, Turlock, and Ceres

Our projects serve as important sources of affordable domestic energy, drinking water and irrigation flows. They operate pursuant to a Federal Energy Regulatory Commission license, and are subject to extensive regulation. The Districts are committed to environmental stewardship and species protection that is grounded in sound science. Thus, the bill’s confirmation that best-available science (and not worse-case scenarios or speculative concerns) must serve as the basis for species-related reviews is an important and welcome acknowledgement. Our projects are currently going through the Federal Energy Regulatory Commission hydropower licensing process, and through that process we have become concerned about agency overreach based on speculative impacts, resulting in the potential for expansive requirements that exceed the original intent behind species-related reviews. This legislation would protect against this.

Additionally, the Districts support the addition of a clear definition of environmental baseline that recognizes existing infrastructure. Currently, the National Marine Fisheries Service and U.S. Fish and Wildlife Service (collectively, the “Services”) do not include existing structures as part of the environmental baseline. This results in an overstatement of project impacts during the consultation process, and conflicts with the way the environmental baseline is assessed under the National Environmental Policy Act.

The Districts also strongly supports the clarification that mitigation or offsets cannot be required as “reasonable and prudent measures” in a no-jeopardy biological opinion issued following ESA Section 7 consultation. The current ESA specifies that reasonable and prudent measures are intended to minimize – not mitigate – for the effects of incidental take. The Services issued regulations in 2024 (currently under appeal) providing that mitigation could be unilaterally imposed through an RPM. Reiterating the original Congressional intent to differentiate between minimization measures and mitigation is an important clarification.

While the Districts support these and other important changes in the bill, the Districts also request that you consider further clarifications with respect to the role of states in species management. In particular, the bill amends the definition of “best scientific and commercial data” to provide that this includes “data submitted to the Secretary by a State, Tribal, or local government.” This should be clarified to ensure that such data does in fact qualify as the best available scientific and commercial information. Revising this definition to provide that data submitted to the Secretary by a State, Tribal or local government shall be considered by the Services if determined to be valid scientific or commercial data.

Similarly, the provision allowing the Secretary to adopt a state recovery strategy for threatened or candidate species where the recovery strategy is “reasonably certain to be implemented by the petitioning State and to be effective in conserving the species that is the subject of such recovery strategy” should further specify that the recovery strategy must be based on the best science available and demonstrated to be no more costly than recovery strategies developed by the Services or other states.

Thank you for your consideration of these comments, and for your efforts to bring greater clarity to the ESA. We are hopeful that these changes will enable domestic energy projects like ours to be permitted in a science-based, timely and effective manner.

Sincerely,



Brad Koehn  
General Manager  
Turlock Irrigation District



Jimi Netniss  
General Manager  
Modesto Irrigation District