



Chairman Richard Pombo
Committee on Resources
U.S. House of Representatives
Washington, DC 20515
FAX: 202-225-5929

RE: The Threatened and Endangered Species Recovery Act

Dear Chairman Pombo:

The members of the Forest Landowners Association wish to thank you for the recent introduction of H.R. 3824 (The Threatened and Endangered Species Recovery Act). This bill would strengthen existing law and regulation to result in actual recovery of at-risk species; the true intent of the Endangered Species Act. We've all seen too much litigation, and federal agencies confusing process with results. We are particularly pleased with provisions that correct unintended consequence of the original act, which take valuable landowner rights provided by the constitution without compensation. This proposed new legislation should be moved, as soon as possible.

We at FLA believe the conservation of species and ecosystems is important to society. However, the current Endangered Species Act (ESA) listing process has dramatized the enormous power of the ESA to affect landowners, workers, industry, and regional economies in ways never intended by the statute's authors. This law provides federal agencies sweeping powers for removing productive forestlands from productive uses by declaring land essential for the habitat of threatened/endangered species. The law does not provide public interest or economic tests for recovery plans and does not require a consensus of scientific opinion to determine the status of species or even a deliberate process for ensuring such an outcome. Agency regulation has consistently expanded these powers under which federal agencies can "take" private land for habitat conservation. The costs of landowner compliance with the law are significant.

At the age of 30, the Endangered Species Act (ESA) is still a vigorous source of debate. But now, instead of relying on a federal regulatory hammer; both sides of that debate are shifting toward incentives for landowners who can participate in protection programs. H.R. 3824 specifically strengthens the concepts of critical habitat, sound science, and landowner buy-in. The "diagnosis" and "treatment" aspects of the current law are flawed. They are ambiguous, open to arbitrary personal judgment and do not rely on sound science or peer-reviewed research. Known as "listing" and "critical habitat" respectively, these key elements of the act are responsible for the misdiagnosis of species as endangered or threatened and the application of a one-size-fits-all solution.

Dissatisfied with irresponsible decision-making related to the implementation of the Endangered Species Act, Democrats and Republicans alike are joining together though H.R. 3824 to improve methods employed to address species' habitats, to improve the ESA by requiring that greater weight be given to field-tested and scientifically reviewed data, and to give incentives to the very group best positioned to best help recover at-risk species – the nation's private landowners, whose properties are home to the vast majority of the subject plants and animals. The Forest Landowners Association particularly supports the provisions that speak to acceptable compensation for governmental takings, which fairly assigns the burden of economic losses to society.

Thank you for this bill. Please call upon us as you deem useful.

Sincerely,

Joe Hopkins
Chairman,
Government Affairs Committee