

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

R. BRUCE JOSTEN  
EXECUTIVE VICE PRESIDENT  
GOVERNMENT AFFAIRS

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WASHINGTON, D.C. 20062-2000  
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April 28, 2014

The Honorable Doc Hastings  
Chairman  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Peter DeFazio  
Ranking Member  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Hastings and Ranking Member DeFazio:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports H.R. 4315, the "21<sup>st</sup> Century Endangered Species Transparency Act," H.R. 4316, the "Endangered Species Recovery Transparency Act," H.R. 4317, the "State, Tribal, and Local Species Transparency and Recovery Act," and H.R. 4318, the "Endangered Species Litigation Reasonableness Act." These four bills would bring long-needed reforms to the Endangered Species Act ("ESA") by incorporating more transparency, accountability, and better science in how the Act is implemented.

The Chamber recognizes the need to protect certain species threatened with extinction, provided that this protection is done in a reasonable manner and is not used to unnecessarily impede development of lands and natural resources. The Chamber's main objective with the ESA is to ensure that the listing of endangered species and the designation of critical habitats are based upon sound science and the balance of protection of endangered species with the costs of compliance and the rights of property owners.

Unfortunately, the implementation of the ESA over the last four decades has stunted economic development, halted the construction of projects, and burdened landowners – all with very little success in the actual recovery of species. Like so many facets of the regulatory process, the ESA regulatory agenda often has been driven by outside interest groups using the tactic of "sue and settle" in recent years. It is imperative that the federal agencies implementing the ESA strive to bring more transparency and stakeholder input to the process. The four bills referenced above would do just that:

- H.R. 4315, the "21<sup>st</sup> Century Endangered Species Transparency Act," would require that data used by federal agencies for ESA listing decisions be made publicly available and accessible through the Internet.

- H.R. 4316, the “Endangered Species Recovery and Transparency Act,” would require the Administration to track and make available online details on the federal government funds being spent on ESA-related litigation.
- H.R. 4317, the “State, Tribal, and Local Species Transparency and Recovery Act,” would give state, local and tribal groups a larger and more meaningful role in ESA listing decisions.
- H.R. 4318, the “Endangered Species Litigation Reasonableness Act,” would limit the award of litigation costs in ESA-related litigation to prevailing parties and place reasonable hourly caps on attorney fees.

The construction of important infrastructure projects, the creation of jobs, and economic prosperity are on the line because of ESA listings. It is imperative that the listing process be transparent, based upon sound science, and balanced between species protection, compliance costs, and property rights. The reforms outlined in these bills would make those kinds of improvements to the ESA.

The Chamber strongly supports H.R. 4315, the “21<sup>st</sup> Century Endangered Species Transparency Act,” H.R. 4316, the “Endangered Species Recovery Transparency Act,” H.R. 4317, the “State, Tribal, and Local Species Transparency and Recovery Act,” and H.R. 4318, the “Endangered Species Litigation Reasonableness Act.”

Sincerely,



R. Bruce Josten

cc: Members of the House Committee on Natural Resources