



**TESTIMONY OF
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THE INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA
AT THE
U.S. CONGRESSIONAL WESTERN CAUCUS
LEGISLATIVE FORUM ON
THE ENDANGERED SPECIES ACT (ESA) MODERNIZATION PACKAGE
JULY 12, 2018**

The Independent Petroleum Association of America (IPAA) appreciates the opportunity to discuss this draft legislation and looks forward to working with the Caucus to enact this important legislation that will restore the Endangered Species Act toward its original goal of protecting imperiled species on the brink of extinction.

IPAA represents thousands of independent oil and natural gas explorers and producers across the country, as well as the service and supply industries that support their efforts. IPAA's members are the face of small business in the oil and natural gas industry and support millions of direct and indirect jobs across the United States.

IPAA has been active in Endangered Species Act (ESA) issues for many years. It is a law that affects our members in every region of the country on both federal and private land and is ever-changing with a constant stream of newly proposed listings. In 2014, IPAA launched its Endangered Species Watch website focused on equipping IPAA members and Capitol Hill with the background on the Endangered Species Act and the need for straight forward, targeted ESA reform to both protect America's wildlife and grow the economy. Additionally, IPAA works with allies from across the country on endangered species issues and has formed an active coalition to address the rising challenges related to ESA listings.

When Congress passed the ESA in 1973, it was amid a wave of bipartisan environmental legislation with clear goals of improving the air, land, water, and yes, saving species on the verge of elimination. At its original passage, the ESA received much fanfare and virtually no opposition. However, since that time, it has evolved into one of the most litigious statutes on the books.

As of yesterday, the Service had listed 2,339 total species as threatened or endangered. The amount recovered is 54. That's an abysmal success rate of 2.5 percent. Over the past several years, IPAA has submitted detailed comments to the FWS on proposed changes to the ESA, but more action is needed from Congress. Transparency, flexibility and focus on recovery of imperiled species should be the main focus of the ESA.

The Service has not balanced delisting efforts with responding to the barrage of sue-and-settle listing petitions. Species seem too easily find their way into the protective fold of the ESA with no plan or

pathway for delisting. For example, IPAA has been actively involved in a coalition to delist the American Burying Beetle, including engagement on a petition to delist the species. The 12-month finding was due on August 8, 2016. Almost two years later with no decision made to date, this species remains listed as endangered, despite scientific evidence to the contrary. Congressman Biggs' LIST Act would greatly assist in this order so the service could better focus on species instead of missed deadlines.

IPAA appreciates several of the bills that address voluntary conservation. Our members have a strong commitment to environmental stewardship and a proud record of proactively working to address issues facing the species in areas where we operate. A recent example of this would be the Pecos Watershed Conservation Initiative with the National Fish and Wildlife Foundation, where five of our Permian Basin operators invested significant capital to protect the habitats along the Pecos River in New Mexico and West Texas.

Additionally, IPAA is involved in voluntary conservation efforts for several key species like the lesser prairie chicken, the greater sage grouse and the dunes sagebrush lizard.

IPAA member companies are committed to protecting plants, wildlife and ecosystems and finding creative solutions to problems that exist within the scope of oil and natural gas production. We commend the Congressional Western Caucus for seeking innovative solutions to protect America's imperiled wildlife while allowing for development. The proposed legislation addresses many overdue needs for administrating and protecting biodiversity on U.S. soil. It will further advance the 1973 Congressional intentions of halting the trend for species extinction.

Thank you for the opportunity to comment today.