



House Subcommittee Hears Testimony on ESA Bill “Moving of the Goal Posts” by NMFS Discussed

The House Committee on Natural Resources, Subcommittee on Water, Wildlife and Fisheries earlier this week held a legislative hearing on four bills intended to modernize the Endangered Species Act (ESA), limit federal overreach in state water rights and reauthorize important programs for healthy wildlife and ecosystems.



Mauricio Guardado, the general manager of United Water Conservation District in Ventura County (CALIFORNIA) testified on a discussion draft bill introduced by Committee Chairman Bruce Westerman (R-Ark.) which would amend the ESA, a priority for Committee Republicans in the 118th Congress.

“The ESA is a well-meaning bill,” said Chairman Westerman last July, when an ESA working group was established. “We don’t want to do away with ESA; we want to make it something that actually works for endangered species.”

Chairman Westerman’s Discussion Draft refocuses the ESA on recovery, empowering state and private led species conservation, increasing transparency, and ensuring accountability for regulatory agencies.

Stephen Guertin (U.S. Fish and Wildlife Service Deputy Director for Program Management and Policy) and Ellen Richmond (Senior Attorney for Defenders of Wildlife) testified on the bill, along with Mr. Guardado, who shared United’s challenges dealing with National Marine Fisheries Service (NMFS) staff on pressing local water issues.

United not only stores water at its Santa Felicia Dam and Lake Piru reservoir, it

also directly recharges the groundwater aquifers via its Freeman Diversion in southern California. United's service area is home to numerous endangered species and United works collaboratively with many federal agencies on complex permitting efforts.

The U.S. Fish and Wildlife Service (USFWS), the U.S. Army Corps of Engineers, and the Federal Energy Regulatory Commission are "tough but fair" regarding their regulatory requirements, Mr. Guardado stated.

It's a different story when it comes to NMFS, he testified.

"Time and again, NMFS has used the ESA as a weapon to punish water agencies for its own political agenda," he stated. "NMFS has created such fear that water agencies are afraid to challenge these abuses, for fear of retribution from NMFS in their next permitting effort."

[CLICK HERE](#) to download Mr. Guardado's written testimony, which further details the routine "moving of the goal posts" by NMFS in Ventura County and elsewhere.

The discussion draft legislation makes reforms to the ESA to clarify existing definitions and establish an environmental baseline to measure successful outcomes.

Mr. Guardado also serves on the Advisory Committee of the Family Farm Alliance, although he represented United at the hearing. His testimony notes that an Alliance subcommittee was established to provide detailed recommendations to USFWS and NMFS in July 2018 on proposed revisions to regulations that implement portions of the ESA.

"Many of the important sections of the ESA Reform draft legislation we are discussing today are similar to those recommendations," he noted in his [written testimony](#).

Although unlikely to pass in the current Senate, these bills highlight potential Republican legislative priorities if they gain more votes in Congress.

Additionally, the subcommittee reviewed the America's Conservation Enhancement Reauthorization (ACE) Act [H.R. 8811](#) to renew various conservation laws and another bill [H.R. 7544](#) prohibiting federal requirements for water rights transfers as a condition for permits. The Nutria Eradication and Control Act, [H.R. 8308](#) targeting the invasive nutria species, was also discussed.

"By strengthening transparency, species recovery efforts, and responding to recent Supreme Court rulings, these measures balance conservation approaches," said Subcommittee Chairman Cliff Bentz (R-OREGON). "These reforms will protect our communities while safeguarding our natural environment."

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers.

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