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UNITED WATER CONSERVATION DISTRICT
"Conserving Water since 1927"

General Manager
Mauricio E. Guardado, Jr.

Legal Counsel
David D. Boyer

July 9, 2018

The Honorable John Barrasso
Chairman, Environment and Public Works Committee
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Support for Endangered Species Act Amendments of 2018

Dear Chairman Barrasso:

On behalf of United Water Conservation District (United), I write in support of the "Endangered Species Act Amendments of 2018" as reflected in the June 29, 2018 discussion draft. United appreciates your work, and that of committee members and staff, to bring the discussion draft forward. It reflects goals of transparency and regulatory certainty, and promotes problem-solving over the conflict that has characterized implementation of the Endangered Species Act (ESA). Even though it has many shortcomings, the ESA has inappropriately been treated as untouchable and not in need of reform. We applaud your effort to accomplish needed and sensible reforms.

For 90 years, United and its predecessor agency have managed water resources of the Santa Clara River basin in Ventura County, California. Our primary focus is on protecting and sustaining groundwater basins that are critical for highly productive agriculture and hundreds of thousands of urban residents. United stores, diverts and delivers water of the Santa Clara River watershed to high-rate percolation ponds that recharge groundwater basins in western Ventura County, and in some areas delivers surface water in lieu of direct pumping from the groundwater basin. These activities are essential to maintain sufficient quantity and quality of groundwater supplies for the region, and prevent seawater intrusion into the groundwater basins that would permanently contaminate this essential resource.

The Santa Clara River Valley and the Oxnard Plain, for which United provides groundwater recharge, comprise one of the prime agricultural areas in the world, with year-round agriculture supporting high-value row crops, strawberries, raspberries, lemons, oranges, avocados, flowers and sod, providing the basis for a significant Ventura County agricultural economy, with annual production valued at over \$2 billion, including over \$1 billion per year generated from the Oxnard Plain alone.



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United has been affected by the application of the ESA: species listings, most particularly Southern California Steelhead, that occurred long after regional economies developed in reliance on United, have resulted in litigation and costly and frustrating regulatory procedures. At the present time, United is aggressively working to pursue permits for several listed aquatic and terrestrial species based on a multiple species habitat conservation plan that has been in development for many years.

Some of our current problems and conflicts could have been headed off had the proposed ESA amendments been in place years ago. Further, we recognize the potential for future listings, and the support of cooperative conservation that is reflected in the discussion draft would be extremely helpful and productive.

United also understands that the discussion draft will be subject to clarification and amendment as the bill moves through the legislative process. United would strongly support additional, common-sense amendments that provide predictability, objectivity, and regulatory accountability for parties applying for permits under section 10(a)(1)(B) of the ESA, especially those operating pre-existing water projects. These could include interim protections from litigation and enforcement, time deadlines for agency action such as exist in the ESA section 7 consultation process, and certainty as to the application of the "maximum extent practicable" standard that applies to permitting based on a habitat conservation plan. 16 U.S.C. § 1539(a)(2)(B)(ii).

Again, thank you for your leadership in delivering the discussion draft. We look forward to working with you to realize enactment of this legislation.

Please feel free to contact me at 805.525.4431 or mauriciog@unitedwater.org if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Guardado, Jr." with a stylized flourish at the end.

Mauricio E. Guardado, Jr.

General Manager, United Water Conservation District