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September 18, 2020

Ms. Jennifer Jones
Executive Director
Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711

RE: Sunset Review of Texas Parks and Wildlife Department

Dear Ms. Jones:

Texas Farm Bureau (TFB) appreciates the opportunity to comment on issues presented in the Sunset Staff Report for the Texas Parks and Wildlife Department (TPWD).

TFB is a grassroots membership organization representing more than 526,000 member families in Texas. Our positions on Sunset Advisory Commission recommendations are guided by policy resolutions adopted by County Farm Bureaus and voted on by a delegate body representing each county at our annual convention.

TFB submits the following comments on items identified in the staff report.

Issue 3: TPWD Needs to Improve Strategic Management Processes to Ensure It Can Best Meet the Future Needs of Texans.

TFB supports the staff recommendation requiring TPWD to measure the effectiveness of the Land and Water Plan and refine its scope (3.1).

Comments on Issues Not Addressed by Staff Report

Listing of Endangered or Threatened Species

TFB opposes TPWD requesting or advocating for the listing of any species as endangered. Therefore, we oppose TPWD listing endangered or threatened species on the state list independent of federal action.

Farmers, ranchers, foresters, and other agriculturalists have long opposed provisions of the federal Endangered Species Act (ESA) due to its inflexibility, reliance on sometimes-limited empirical data in listing decisions, and penalties for inadvertent violations.

TFB supports voluntary and incentive-based efforts to protect wildlife. Many landowners work with agencies and other entities to help promote healthy wildlife populations. They simply want to ensure that sound science is used in all decision making to avoid erroneous impacts to their private property rights.

Chapter 68 of the Parks and Wildlife Code (PWC) ensures Texas complies with the listing of federally protected species. PWC §68.002 also authorizes TPWD to maintain a state list of "fish or wildlife threatened with statewide extinction". The basic criterion for state listing closely mirrors that of the federal ESA.

Texas Administration Code (TAC) Chapter 65 Subchapter G maintains the state list of threatened species (§65.175) and endangered species (§65.176). In January 2020, TPWD amended TAC §65.175 and TAC §65.176 - adding 45 species to the threatened list and another 10 species to the endangered list.

In its preamble to these rule revisions, TPWD also noted the use of a new assessment methodology to standardize the agency's listing protocol. This methodology was developed by a third-party non-profit that specializes in conservation easements. It was not thoroughly vetted via public comment and rulemaking to ensure full transparency and objectivity.

In recent years, environmental groups and other activist organizations have used the federal Endangered Species Act to flood the U.S. Fish and Wildlife Service with petitions for new Endangered Species listings. This includes dozens of petitions for species in Texas and could have major financial and economic implications in the future.

Because of these economic implications, the legislature gave the Comptroller's office the responsibility to work with stakeholders to prevent the federal listing of endangered species in 2011. TFB has been a part of these stakeholder groups that have worked to develop voluntary conservation plans and strategies to address these species.

PWC §68.002 and TAC §65.175 and §65.176 are purported to be needed to preempt the need for federal Endangered Species listings. Texas Farm Bureau disagrees. The state of Texas has clearly determined that other strategies are more appropriate to address the potential listing of species at the federal level.

Texas Farm Bureau is concerned that the State Threatened and Endangered Species List adds confusion and could be used by third parties to petition U.S Fish and Wildlife to place additional species on the federal Endangered Species List.

In addition, TWPD currently maintains a list of the *Species of Greatest Conservation Need* through its Texas Conservation Action Plan (TCAP) which appears to be the functional equivalent of the State Threatened and Endangered Species Lists. The stated purpose of the TCAP is to "bring people together to realize conservation benefits, prevent species listings, and preserve our natural heritage for future generations." Our members certainly support this mission.

Therefore, TFB does not support maintaining a list of *State Threatened and Endangered Species* that are not already federally listed. Instead, the state list should be restricted to federally listed species and renaming state listed species as *Species of Greatest Conservation Need* might help eliminate confusion and promote further conservation efforts.

While TFB is currently neutral on all Sunset Staff recommendations for the remaining issues, we undergo policy development each Fall. Should our members adopt policy that impacts any recommendations we will provide updated comments as soon as possible.

Thank you for the opportunity to provide our comments. We look forward to continuing to work with the Sunset Commission members, staff, and the Texas Legislature throughout the process.

Sincerely,

A handwritten signature in black ink that reads "Marissa Patton". The signature is written in a cursive, flowing style.

Marissa Patton
Associate Legislative Director