S. Hrg. 115-77

LEGISLATIVE HEARING ON S. 1514, THE HUNTING HERITAGE AND ENVIRONMENTAL LEGACY PRESERVATION (HELP) FOR WILDLIFE ACT

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

JULY 19, 2017

Printed for the use of the Committee on Environment and Public Works



Available via the World Wide Web: http://www.fdsys.gov

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ONE HUNDRED FIFTEENTH CONGRESS FIRST SESSION

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LEGISLATIVE HEARING ON S. 1514, THE HUNTING HERITAGE AND ENVIRONMENTAL LEGACY PRESERVATION (HELP) FOR WILD-LIFE ACT

WEDNESDAY, JULY 19, 2017

U.S. Senate, Committee on Environment and Public Works, Washington, DC.

The Committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, Hon. John Barrasso (Chairman of the Committee) presiding.

Present: Senators Barrasso, Carper, Inhofe, Boozman, Fischer, Moran, Rounds, Ernst, Cardin, Gillibrand, Booker, and Harris.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. Good morning. I call this legislative hearing to order.

Today we are here to talk about S. 1514, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act, HELP for Wildlife. The bill is comprehensive. It is bipartisan, designed to enhance recreational hunting and sport fishing activities, to ensure common sense environmental regulation, and to protect wildlife and wildlife habitat.

I introduce this bipartisan bill along with Senators Cardin and Capito and Klobuchar and Boozman and Baldwin. The bill has been additionally cosponsored by Senators Enzi, King, and Johnson. I thank them for working with me and crafting the legislation that the Theodore Roosevelt Conservation Partnership has called the strongest legislative package of sportsmen's priorities in years.

The HELP for Wildlife Act does a number of things. First, it protects wildlife and wildlife habitat across the country by reauthorizing important environmental programs. Among others, the bill reauthorizes until 2023 the North American Wetlands Conservation Act, the National Fish and Wildlife Foundation Act, the Neotropical Migratory Bird Conservation Act, the Chesapeake Bay Program, and the Chesapeake Bay Gateways Grants Assistance Program.

The bill also provides for enhanced recreational shooting and sport fishing activities. The bill finalizes partnerships among public agencies and other interested parties for promoting fish conservation across the country that will create new recreational sport fishing activities and opportunities.

The bill also ensures that lead tackle, which is widely used by anglers, is not unnecessarily regulated under the Toxic Substances Control Act, a position reaffirmed twice by the Obama administration. The bill also promotes the building and expansion of public target ranges for recreational shooting.

Finally, this bill ensures common sense environmental regulation that protects species, as well as farmers and ranchers. The bill prevents farmers from being held liable for bird baiting for hunting purposes if they adhere to USDA and State agriculture best prac-

tices.

The bill also prohibits judicial review of the final Obama administration rule delisting the recovered gray wolf in Wyoming that was reinstated by the U.S. Court of Appeals for the District of Columbia on March 3rd of 2017 and republished on May 1st of 2017. The bill also mandates the reissuance of the final rule delisting the gray wolf in the western Great Lakes, and it prohibits judicial review.

The HELP for Wildlife Act has garnered tremendous support from the environmental and the sportsmen's communities. Over 50 different organizations have endorsed the HELP for Wildlife Act, diverse groups such as Ducks Unlimited, which will be testifying today; the National Wildlife Federation; Trout Unlimited; the Chesapeake Bay Foundation; the Association of Fish and Wildlife Agencies; the Choose Clean Water Coalition; the American Sport Fishing Association; Boone & Crockett Club; Safari Club International; the Congressional Sportsmen Foundation; and the Rocky Mountain Elk Foundation, just to name a few.

Many groups in my home State of Wyoming have also submitted written testimony in support of the bill, including the Wyoming Association of Conservation Districts, the Wyoming Stock Growers Association, the Wyoming Farm Bureaus Federation, the Wyoming Wool Growers Association, and the Wyoming County Commissioners Association. Former Democrat Governor Dave Freudenthal, who I think e-mailed you yesterday, has also submitted written testimony in support of the HELP for Wildlife Act.

I ask that all their written testimonies be submitted for the

record.

[The referenced information follows:]



July 14, 2017

The Honorable John Barrasso 307 Dirksen Senate Office Building United States Senate Washington, DC 20510

The Honorable Benjamin Cardin 509 Hart Senate Office Building United States Senate Washington, DC 20510

Dear Senator Barrasso and Senator Cardin:

On behalf of Trout Unlimited and its 300,000 members and supporters, I commend you and your co-sponsors for introducing the S. 1514, The HELP for Wildlife Act of 2017. Your bill includes valuable provisions to conserve fish and wildlife habitat that will sustain outstanding hunting and fishing opportunities in all of your states. We appreciate the strong leadership that you, and the bill's bipartisan co-sponsors, have demonstrated on sportsmen's conservation issues.

The bill includes the reauthorization of some of our nation's most successful conservation programs such as the North American Wetlands Conservation Act, and the National Fish and Wildlife Foundation (NFWF). NFWF has been especially valuable to Trout Unlimited for many years, providing funding for some of the Nation's best stream and river restoration projects. For example, in Wyoming, TU partnered with landowners and the State to implement projects throughout the Greybull River drainage, including culvert improvement and riparian restoration projects that restore and reconnect historical habitat for Yellowstone cutthroat trout.

HELP would also reauthorize the Chesapeake Bay Program. The Chesapeake is one of the Nation's hunting and fishing gems. Damaged by nutrient pollution, the Bay is making a good comeback due to the Chesapeake Bay program and the incredible partnership of state, federal, local, farming and conservation interests. In the Bay's headwaters in West Virginia and Virginia, TU has had good success using Chesapeake Bay and NFWF funds to work with farmers to restore streams, thereby improving fishing in the mountains but also improving water quality in the Bay.

We are especially pleased that the bill includes the National Fish Habitat Conservation Act, which would encourage fish habitat partnerships nationwide to work with landowners of all types to achieve broad scale fisheries benefits. Nineteen partnerships are already underway, restoring fish habitat from Alaska to Maine, and this bill will ensure that those partnerships will be sustained and enhanced.

The lynchpin to all of these programs is partnership. These programs bring together a broad range of partners to protect and restore thousands of miles and acres of habitat, leverage state, federal and non-profit funding sources as matching dollars, and to assist private landowners with conservation. Together, these habitat programs have amassed years of proven conservation and partnership successes, and this bill will make sure that these successes continue.

Thank you introducing the HELP for Wildlife Act. We look forward to its swift and successful passage.

Sincerely,

Steve Moyer
Vice President for Government Affairs

Steven M. May

Trout Unlimited Arlington, VA Tasha Sorenson

Taska Soursen

Wyoming Sportsman Conservation Project

Coordinator Cheyenne, WY

Cc: Senators Boozman, Klobuchar, Capito, Baldwin, and Crapo.



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July 14, 2017

The Honorable John Barrasso Chair, Senate EPW Committee 410 Dirksen Senate Office Building Washington, D.C. 20510

The Honorable Thomas Carper Ranking Member, Senate EPW Committee 456 Dirksen Senate Office Building Washington, D.C. 20510

Re: Support for The Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (S.1514).

Dear Senators:

Magpul Industries is an international leader in the design and manufacturing of firearm magazines and accessories. Our U.S. manufactured products are used by combat soldiers, competitive shooters, firearm enthusiasts, and sportsmen.

As a company that places the highest value on freedom, personal responsibility and individual choice, and actively supports sportsmen and conservation efforts, Magpul Industries writes this letter strongly supporting The Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (S.1514). American sportsmen and firearm enthusiasts are the most conservation-minded and responsible citizens of our country and this bill will strengthen and enhance sportsmen opportunities and critical conservation efforts in the U.S.

There are many aspects of S.1514 that Magpul supports, but there are several aspects of the bill that we can attest will provide immediate and significant benefits. For instance, Section 2 will facilitate the building of additional public shooting ranges that are desperately needed across the country. The expansion of public ranges will allow more firearm owners to exercise their 2nd Amendment rights and facilitate new firearm owners to learn how to safely and responsibly handle a firearm. In addition, as competitive shooting become extremely popular, these new ranges will support the growth of this sport.

U.S. public lands are a treasure for the American people. It is important that we create new opportunities for citizens to embrace and utilize these public lands. It is equally important that we support efforts that conserve these public lands and ensure that we are acting as responsible



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stewards of these lands for the next generation. For these reasons, Magpul supports 8.1514's objective of enhancing and protecting public lands.

Magpul supports The Hunting Heritage and Environmental Legacy Preservation for Wildlife Act and appreciates your consideration of this letter. If you would like to discuss this issue further please contact me directly or our Director of Government and International Relations, Colonel Tray J. Ardese USMC (ret.) tardese@magpul.com or (843)-271-5269.

Duane Liptak, Jr.

Executive Vice President, Magpul Industries Corp



July 13, 2017

The Honorable John Barrasso Chair, Senate EPW Committee 410 Dirksen Senate Office Bldg Washington, DC 20510 The Honorable Thomas Carper Ranking Member, Senate EPW Committee 456 Dirksen Senate Office Bldg Washington, D.C. 20510

Re: Comments on S. 1514, the HELP for Wildlife Act

Chairman Barrasso and members of the Senate Environment and Public Works Committee,

The Rocky Mountain Elk Foundation (RMEF) would like to thank you for holding a hearing on S 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act. We strongly support several key provisions of this bill and encourage you to pass it without delay.

Section 2 of the bill would provide state and federal agencies greater flexibility to use federal Pittman-Robertson funds for construction of public recreational sbooting ranges. Since Pittman-Robertson funds are collected from excise taxes on firearms, ammunition and archery equipment, an appropriate amount should be designated for shooting ranges that will help recruit and retain recreational shooters and expand hunter education opportunities.

We are also fully in support of this bill's requirements for the Interior Department to reissue final rules for gray wolves in Wyoming and in the Western Great Lakes states. State management of gray wolves was recently restored in Wyoming as a result of a court decision, but the possibility of reversing it remains unless judicial review is preempted—as provided in this bill.

Much like Idaho, Montana and Wyoming, gray wolves have far exceeded recovery goals in the Western Great Lakes states of Michigan, Minnesota and Wisconsin and no longer require federal protection. This bill would require the Interior Department to reissue its 2011 final rule removing gray wolves in the Western Great Lakes states and prevent further judicial review of this decision.

Gray wolves have had a significant impact on elk, deer, other wildlife and livestock. We remain confident wildlife agencies in these states, through public hunting and trapping, will be able to strike a balance for gray wolf and ungulate population management.

Thank you for the opportunity to comment on this important legislation.

Sincerely.

David Allen President & CEO

5705 Grant Creek Rd. | Missoula, MT 59808-8249 | (800) CALL ELK | WWW.RMEF.ORG



Honorable Benjamin L. Cardin United States Senator-Maryland 509 Hart Senate Building Washington, D.C. 20510

Dear Senator Cardin,

Blue Water Baltimore would like to thank you for your continued commitment to improving water quality in the Chesapeake Bay with the introduction of S. 1514 the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act. We value your leadership to strengthen S. 1514 to include key provisions for the Bay - including reauthorizing the EPA Chesapeake Bay Program at \$90 million for 5 years and the reauthorization of the Chesapeake Gateways Grant Assistance Program for 5 years.

As you are aware the National Fish & Wildlife Foundation plays a key role in administering grant programs in the Chesapeake which are critical to implementation of many of Blue Water Baltimore's programming. Reauthorization of the National Fish & Wildlife Foundation ensures our organization will have the opportunity to implement key stormwater management practices here in Baltimore to protect all of our Baltimore watersheds while improving the quality of life for all Baltimore City residents.

We fill a unique role in the Baltimore area as we use a holistic set of programs to meet the great challenges of improving water quality. As the new Executive Director, I am thrilled to be working for an organization that utilizes practices from arts and education, to stormwater management projects, to legal and legislative advocacy to effect change on the ground and is passionate about citizen engagement to build awareness on the impact of pollution.

As 2017 has brought about a new set of policy challenges, our organization is reassured to know we have strong Chesapeake Bay advocates on the Hill working to ensure our Bay continues to grow healthier. Thank you again for your commitment to Baltimore City, the state of Maryland, and the Chesapeake Bay!

Kindest Regards,

Jenn Aiosa Executive Director

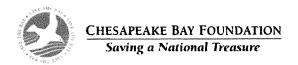
Blue Water Baltimore





Blue Water Baltimore would like to thank @SenatorCardin for co-sponsoring the HELP for Wildlife Act.

9:49 AM - 11 Jul 2017



CBF Statement on S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act

On June 30, U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW), joined with Senators Ben Cardin (D-MD), Shelley Moore Capito (R-WV), Amy Klobuchar (D-MN), John Boozman (R-AR), and Tammy Baldwin (D-WI) to introduce S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act.

Chesapeake Bay Foundation President William C. Baker issued this statement in response to the bill:

"Hunting and fishing communities are among the Chesapeake Bay's most dedicated conservationists. This bill will extend programs to help Bay states and local communities meet their goals in the Chesapeake Bay Agreement, from restoring vital habitats for fish and wildlife to supporting local stewardship and public access. CBF applauds the efforts of Senators Cardin and Capito in advancing this important legislation."

The bill will extend programs important to Bay restoration until 2023. Action on the legislation is expected in the next few weeks. Programs that would be extended include:

- The Chesapeake Bay Program, which was created under President Ronald Reagan to support the voluntary Chesapeake Bay Agreement. It is a unique regional partnership that brings together leaders and experts from a vast range of agencies and organizations. Over 60% of funds go to states, primarily through grants programs that leverage private investment for restoration activities in support of the Bay Agreement. Program funds are also used to coordinate the complex science, research, modeling, monitoring, data collection, and other activities essential to collaboration. This bill would reauthorize the program at \$90M per year.
- The National Fish and Wildlife Foundation Act, which supports public and private conservation
 efforts. For example, the Foundation administers the Chesapeake Bay Stewardship Fund, which
 last year included \$12M in grants dedicated to protecting and restoring the Bay.
- The Chesapeake Bay Gateways and Watertrails network and Gateways Grants Assistance
 Program, which connects the public with the Chesapeake Bay through parks, wildlife refuges,
 museums, and historic communities.
- The North American Wetlands Conservation Act, which provides grants to protect and manage
 wetland habitats for migratory birds and other wetland wildlife. The Chesapeake Bay is the
 largest estuary in the United States and stages or winters millions of waterfowl and other wetland
 dependent migratory birds every year.

The legislation will also codify the National Fish Habitat Partnership, which will support locally-led fish conservation through the collaboration of public agencies, private citizens, and nonprofit organizations.





THANK YOU @SenatorCardin & @SenCapito for your leadership introducing the HELP for Wildlife Act! This legislation will help the #SaveTheBay!



10:41 AM - 30 Jun 2017

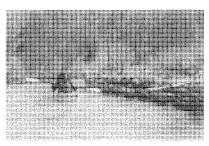
Statement:Legislation Supports Key Chesapeake Bay Programs

July 12th, 2017

(http://chesapeakeconservancy.org/2017/07/)

Annapolis, MD – On Monday, a bipartisan group of Senators including Senator Ben Cardin (D-MD) and Senator Shelley Moore Capito (R-WV) introduced a bill titled the *Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act* (S. 1514) which would reauthorize several federal programs vital to outdoor recreation and conservation stewardship in the Chesapeake Bay.

Among other provisions, the HELP Wildlife Act would increase the authorized funding level for the EPA Chesapeake Bay Program to \$90 million, the highest amount in the program's history. The bill would also extend authorization for the Chesapeake Bay Program until 2023. The Chesapeake Bay Program (CBP) is a regional partnership that has coordinated the restoration of the Chesapeake Bay since 1983. In addition to coordinating restoration science, modeling, and monitoring, the Chesapeake Bay Program provides critical funding to state and



local governments to reduce pollution and funding to universities and nonprofits to support projects improving water quality.

Additionally, The HELP Wildlife Act would extend authorization for the Chesapeake Bay Gateways and Watertrails program until 2023. Established by Congress in 1998, the Gateways program enhances conservation stewardship by connecting people with the Chesapeake Bay through outdoor recreation opportunities, exhibits and interpretive trail signage, and youth programs. Since 2000, the Gateways program has allowed the National Park Service Chesapeake Bay Office to provide more than \$13 million in financial and technical assistance for more than 300 projects in communities in the Chesapeake Bay and its tributaries.

The HELP Wildlife Act extends six year authorizations for several other programs important to conservation and wildlife in the Chesapeake Bay, including for the North American Wetlands Conservation Act, the National Fish and Wildlife Foundation, and the Neotropical Migratory Bird Conservation Act.

Senator John Barrasso (R-WY) sponsored the bill with Senator Ben Cardin (D-MD), Senator Shelley Moore Capito (R-WV), Senator John Boozman (R-AR), Senator Amy Klobuchar (D-MN), and Senator Tammy Baldwin (D-WI) joining as original cosponsors.

Chesapeake Conservancy President and CEO Joel Dunn issued a statement in support of the bill:

"The HELP Wildlife Act exemplifies bipartisan support for conservation and outdoor recreation throughout the United States and especially in the Chesapeake Bay. I am very grateful for Senator Cardin and Senator Capito's leadership on this bill, and I urge the Senate to move this bill forward so that the Chesapeake Bay Program, the Gateways program, and many other programs important to the Chesapeake Bay can continue to be funded."

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Explore (http://chesapeakeconservancy.org/explore/)	~
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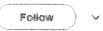


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(http://chesapeakeconservancy.org/aboutinfo@chesapeakeconservancy.org/aboutinfo@chesapeakeconservancy.org/ 716 Giddings Avenue Suite 42 Annapolis, MD 21401 (443) 321 3610 (tel:4433213610)

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Thank you @SenatorCardin and @SenCapito for your leadership on the Sportsman's Bill and for being #BayStrong!

8:10 AM - 30 Jun 2017



Protecting Water for Western Irrigated Agriculture

P.O. Box 216 Klamath Falls, OR 97601 (541)-892-6244 www.familyfarmalliance.org

July 14, 2017

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

Dear Chairman Barrasso:

On behalf of the Family Farm Alliance (Alliance), we are writing to express our support for your bill, S. 1514, the HELP for Wildlife Act. As you know, irrigated agriculture has created much of the robust habitat for wildlife in the Western U.S. and our members work with and consider themselves to be avid sportsmen in support and conservation of this important habitat.

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. We are also committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental and national security reasons — many of which are often overlooked in the context of other national policy decisions. The Alliance believes we must continue to invest in the planning, design and construction of new water supply and management infrastructure in the Western U.S. to help meet the growing demands for water for farms, cities and the environment, and as such, protect and conserve the vital wildlife habitat created by our members' farms and ranches.

We appreciate the fact that S. 1514 recognizes that normal farming practices are necessary in the West in producing food for the Nation and the world, all the while protecting wildlife from unscrupulous practices (such as baiting) in the process. We also appreciate that nothing in the Act would affect State water rights; although, we would request the bill be strengthened to also protect a State's ability to permit new water uses in the future.

Again, the Alliance supports S. 1514 and urges quick action on this important legislation. We believe the protections authorized in S. 1514 represent an important step forward in efforts to help make the West resilient for both farms and wildlife.

Sincerely,

Patrick O'Toole President

Tatrick 7 O'Toole

Dan Keppen

Executive Director





July 17, 2017

The Honorable John Barrasso
Chairman
U.S. Senate Committee on Environment and Public Works
Washington, D.C. 20510

Dear Chairman Barrasso:

I am writing in support of S. 1514, The Hunting Heritage and Environmental Legacy Preservation for Wildlife Act ("HELP for Wildlife"). We are encouraged by the HELP Act's array of provisions designated to improve and strengthen our nations' natural resources and hunting heritage. At Pheasants Forever and Quail Forever we applaud the truly bipartisan nature of the bill and recognize your efforts to support the interests of our Members and supporters.

At Pheasants Forever and Quail Forever we are especially supportive of provisions directed at fish and wildlife habitats including the North American Wetlands Conservation Act and the Neotropical Migratory Bird Conservation Act. Reauthorization of the National Fish and Wildlife Foundation supports partnerships and programs critical to many species of fish and wildlife. We also recognize and support provisions to strengthen and expand public shooting ranges on our national forests and Bureau of Land Management lands.

We thank you for your leadership on the important conservation and outdoor recreation bill and we look forward to working with you and your Senate colleagues to move a comprehensive sportsmen's act forward.

Respectfully yours,

Howard K. Vincent President and CEO

July 14, 2017

The Honorable John Barrasso Chairman U.S. Senate Committee on Environment and Public Works Washington, DC 20510

Dear Chairman Barrasso and Senators Cardin, Boozman, Klobuchar, Capito, and Baldwin,

Thank you for introducing S. 1514, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act ("HELP for Wildlife"). This is a truly bipartisan bill that includes a range of provisions designed to improve the management of fish, wildlife, habitat, and outdoor recreation including hunting and fishing. On behalf of the millions of hunters, anglers, and outdoor enthusiasts from all 50 states represented by our organizations, we express our support for the HELP Act and your bipartisan efforts to advance the interests of sportsmen and women.

HELP for Wildlife would reauthorize important conservation programs including the North American Wetlands Conservation Act, the Neotropical Migratory Bird Conservation Act, and the National Fish and Wildlife Foundation. It would establish a National Fish Habitat Conservation Act to conserve fish and fish habitat through partnerships that enhance fish and wildlife-dependent recreation. HELP for Wildlife prioritizes recovery of the Chesapeake Bay by reauthorizing the Chesapeake Bay Program and Chesapeake Bay Initiative through 2022. The Chesapeake is our nation's largest estuary and a legendary fishing, boating, and waterfowl hunting location. These programs provide funds for a regional partnership that coordinates the ongoing restoration of the Chesapeake Bay and its watershed, and they support the Chesapeake Bay Gateways and Watertrails Network.

HELP for Wildlife would provide funding and support for the construction and expansion of public target ranges on national forests and Bureau of Land Management lands. Public ranges are in short supply in many areas and this bill would help meet the increasing demand for safe places to shoot. In addition, expanded recreational shooting infrastructure will help generate additional conservation revenue by facilitating shooting sports activities that are fundamentally linked to dedicated excise taxes on firearms, ammunition and archery equipment through Wildlife Restoration program.

HELP for Wildlife makes sure normal agricultural practices are not mischaracterized as otherwise prohibited attempts to bait migratory game birds. It also exempts lead sport fishing equipment from regulation under the Toxic Substances Control Act. Finally, it affirms previously issued U.S. Fish and Wildlife Service rules to remove wolves in the Great Lakes and Wyoming from the Endangered Species Act, returning management of these populations to state wildlife agencies.

We applaud your leadership on this bipartisan conservation and outdoor recreation bill. We also encourage your collaboration with your colleagues in the U.S. Senate Committee on Energy and Natural Resources in order to get the best ideas from both committees and ensure the greatest likelihood one or more packages of sportsmen bills becoming law.

Sincerely,

American Sportfishing Association Archery Trade Association Association of Fish and Wildlife Agencies B.A.S.S. Boone and Crockett Club Camp Fire Club of America

Catch-A-Dream Foundation

Center for Sportfishing Policy

Coastal Conservation Association

Congressional Sportsmen's Foundation

Conservation Force

Council to Advance Hunting and the Shooting Sports

Dallas Safari Club

Delta Waterfowl Foundation

Ducks Unlimited

Houston Safari Club

Izaak Walton League of America

Mule Deer Foundation

Marine Retailers Association of the Americas

National Marine Manufacturers Association

National Professional Anglers Association

National Shooting Sports Foundation National Trappers Association

National Wild Turkey Federation National Wildlife Federation

National Wildlife Refuge Association

North American Grouse Partnership

Northwest Sportfishing Industry Association

Orion - The Hunter's Institute

Pheasants Forever

Professional Outfitters and Guides of America

Quail Forever

Quality Deer Management Association Rocky Mountain Elk Foundation Ruffed Grouse Society

Safari Club International

Shikar Safari Club International

Texas Wildlife Association

Theodore Roosevelt Conservation Partnership

Whitetails Unlimited

Wild Sheep Foundation

Wildlife Forever

Wildlife Management Institute



Wyoming County Commissioners Association

P.O. Box 86 • 408 W 23rd Street • Cheyenne, WY • 82003 (307) 632-5409 • (307) 632-6533 (fax) • www.wyo-wcca.org

July 13, 2017

The Honorable John Barrasso, MD Chairman Senate Committee on the Environment and Public Works 410 Dirksen Senate Office Building Washington, D.C. 20510 The Honorable Tom Carper Ranking Member Senate Committee on the Environment and Public Works 456 Dirksen Senate Office Building Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper,

As President of the Wyoming County Commissioners Association (WCCA), I am writing on behalf of Wyoming's 23 counties in support of the HELP for Wildlife Act. We are appreciative, and urge speedy passage of this legislation. The bill is critical to the continuation of state-led and voluntary wildlife conservation programs that help create healthy populations of large wildlife, and promote activities on public lands that lead to greater public involvement in wildlife conservation.

Nearly half of the land area in Wyoming and nearly two-thirds of the subsurface is owned by the federal government. As County Commissioners, we are on the front lines of protecting and advocating for the economic well-being and health of the entire county - its people, land and wildlife. This necessitates our active and constant involvement with federal land and wildlife agencies as partners and cooperating agencies. While we don't always agree, our intentional efforts to engage the federal agencies has led to helpful lines of communication and important joint efforts. No matter the Administration, we have learned that the most successful land and wildlife conservation programs are those that meaningfully engage local governments at the outset.

That is why we support the reauthorization of the conservation programs in the HELP for Wildlife Act. For example, while Wyoming may not be known for its extensive wetlands, the North American Wetlands Conservation Act (NAWCA) reauthorized in Section 4 of the bill has provided over \$40 million in grants and partner funding for critical projects in Wyoming that support our abundant wildlife. Projects like those funded by NAWCA are voluntary and collaborative rather than mandated by the federal government. In other words, they are broadly supported.

In addition to explicit conservation programs, we support the sections of the bill that promote sport shooting and responsible fishing. These sections help ensure that future generations have the access, tools and abilities to hunt and fish. They represent an investment, both directly

through Pittman-Robertson funding, and indirectly through engaged citizens who build a lifelong love for Wyoming's land, water and wildlife.

Finally, we are keenly interested in passage of sections 7 and 8 of the bill to finalize the Fish and Wildlife rules for state management of gray wolves in Wyoming and the Great Lakes region. Given the Endangered Species Act's very low success rate overall, it is long past time that we celebrate its success with respect to the reintroduction and recovery of the wolf. By every measure the wolf has fully recovered in the Greater Yellowstone Region, a reason to both celebrate and protect the intended purpose of the ESA to remove recovered species from the list rather than continued limbo from court intervention.

We are encouraged by the bipartisan support for the HELP for Wildlife Act, and thank you for your leadership in developing this legislation. We respectfully request its favorable consideration and quick passage in the United States Senate.

Sincerely.

Rob Hendry

Wyoming County Commissioners Association

Freudenthal Law Office, LLC

Dave Freudenthal Wyoming Governor 2003-2011

July 17, 2017

The Honorable John Barrasso, MD Chairman Senate Committee on Environment and Public Works 410 Dirksen Senate Office Building Washington, DC 20510

The Honorable Tom Carper Ranking Member Senate Committee on Environment and Public Works 456 Dirksen Senate Office Building Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

Subject: HELP for Wildlife Act

Chairman Barrasso and Ranking Member Carper,

Thank you for the opportunity to submit written comments on the HELP for Wildlife Act. In general, this Act represents a very positive bi-partisan step forward in many areas. I am encouraged by the increased recognition of the role of the States and giving better definition to programs such as the National Fish and Wildlife Foundation which have, from the outside, seemed to be "insider ball".

I would offer specific comments in 3 areas.

1. Target Practice Ranges on Public Lands

This is a surprisingly important sportsperson and public safety issue. Whatever one's position on the Second Amendment, everyone would support the idea that those of us who possess firearms should have a properly designed and safe place to utilize them. My experience as Governor and in the private practice of law has convinced me that many of the best locations for firearm and bow practice ranges are on public lands. This is not surprising given the settlement patterns of public lands. Early settlers to an area sought ownership under various federal laws of those areas with water, favorable soil and location advantages. The broad, open spaces largely remained in federal ownership. These are the exact areas most suitable for target ranges. Such uses are consistent with the multiple use management concepts for public lands. Unfortunately, the current regulatory system makes it nearly impossible to authorize target ranges, even when properly located and constructed

1604 Pioneer Avenue, Cheyenne, WY 82001 phone 307-996-1400 fax 307-996-1419

in a safe and rational manner. The changes authorized by this legislation are in the best interest of the sporting community and the public at large. It is important to have properly authorized ranges because the current alternative tends to be individuals self-selecting public land areas to target practice or sight in their weapons.

The provisions related to cementing the decisions to de-list the wolf populations are essential.

It is unfortunate that the evolution of the ESA litigation and administrative actions have created an environment in which the ESA process never ends. The Committee is well aware of the tortured path of administrative action and litigation that has brought us to the point where legislative action is necessary. I would simply offer two comments. First, there is a clear preponderance of scientific evidence demonstrating the objectives of the ESA have been met with regard to the wolf populations in question. Second, the regulatory mechanisms established by the States are more than adequate to maintain the necessary wolf populations. Unfortunately, the administrative and legal system surrounding the ESA is rife with opportunities to create and litigate issues intended to extend and complicate the ESA process. In the absence of ESA reform, fully informed Congressional action, on a case by case basis, is required.

The provisions protecting the use of lead tackle from the threat of nationwide restrictions under laws not intended for such purposes are logical and necessary.

The sporting community has recognized, supported and accepted the requirement of non-lead ammunition in waterfowl hunting. This came about because of the solid, scientific information interpreted in the context of wildlife management. No such information supports the current discussion of regulation of lead tackle. Your proposed legislation will prevent the regulatory community from overrunning their headlights. Thereby doing more damage than good.

Again, thank you for the opportunity to submit comments.



WYOMING WOOL GROWERS ASSOCIATION

811 N. Glenn Road Casper, WY 82601 Ph. 307.265.5250 Fax: 307.234.9701 www.wyowool.com

July 17, 2017

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TREASURER Lisa Keeler

Lisa Keeler Kaycee, WY

WWGA AUXILIARY PRESIDENT

Marcia Federer Cheyenne, WY

Executive Director Amy W. Hendrickson

amy@wyowool.com

U.S. Senate Committee on Environment and Public Works 410 Dirksen Senate Office Building Washington, DC 20510-6175

Dear Chairman Barrasso, Ranking Member Carper and Members of Committee:

On behalf of the Wyoming Wool Growers Association (WWGA), we offer the following comments for inclusion into the hearing record. We wish to express our appreciation to Chairman Barrasso, Ranking Member Carper and members of the Committee for the opportunity to offer the views of the Wyoming Wool Growers Association regarding S. 1514, Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act. Our comments are specific Section 8. Reissuance of Final Rule Regarding Gray Wolves In Wyoming.

The Wyoming Wool Growers Association is one of the oldest livestock producers association in Wyoming and the only one solely representing the sheep industry in the state. Since 1905, the Wyoming Wool Growers Association has represented Wyoming's sheep and wool producers. We serve to protect and preserve the interests of sheep and livestock producers throughout the state and continue to advocate for the businesses, communities, and families that constitute the agricultural industry in Wyoming.

Sheep are an important part of Wyoming's agriculture sector. Wyoming is fourth in the country for sheep production behind Texas, California, and Colorado and number three in wool production, behind California and Texas. Wyoming wool is the finest in the country as reflected by the value paid for it. In 2016, Wyoming's wool producers received the highest prices paid for wool in the country.

The Wyoming Wool Growers Association supports S. 1514, HELP for Wildlife Act and we encourage the Committee to support this bill. We are especially supportive of the provisions in Section 8 that reaffirm the March 2017 D.C. Circuit Court of Appeals decision returning management of wolves in Wyoming back to the State. Ensuring that the 2011 rule be re-instated and protecting it from further judicial review will provide certainty to Wyoming's wildlife managers and to our sheep and livestock producers who must raise their livestock under threat of wolf depredation every day.

Wyoming's wildlife managers and livestock producers understand the balance that is needed to maintain a healthy wolf population in the state and a vibrant animal agriculture industry. We strongly support the bill's reaffirmation of the gray wolf delisting rule and its provision to remove the threat of continued legal action. The

constant stream of lawsuits, the length of time between when a suit is filed and a decision made, and the ever-lasting appeals process all serve to create an uncertain environment for everyone, including wildlife managers and livestock producers. Having certainty allows for good decisions to be made and plans to be adjusted as needed to ensure sustainable wolf populations. It also allows our sheep producers the opportunity to properly manage their flocks in balance with the gray wolf.

Between 2012 and 2014, Wyoming carried out a successful wolf management program that ensured a sustainable population of wolves and allowed sheep and livestock producers the ability to protect their animals. The state has a positive track record of wolf management that shows stable populations above the numbers agreed to between Wyoming and the U.S. Fish and Wildlife Services (FWS). When the wolf was delisted, Wyoming agreed to maintain a population of 100 wolves and 10 breeding pairs. Two years later, in 2014, the state Game and Fish Department announced that Wyoming was home to 300 wolves including 23 breeding pairs, far exceeding the minimum population agreed to between FWS and the State.

Our sheep and livestock industries would also benefit from the certainty provided through this legislation. Depredation is a primary cause of sheep loss that costs our producers thousands of dollars each year and wolf depredation plays as significant role in our sheep losses. During the past two years, as the wolf population in Wyoming has continued to grow the impact on our sheep populations has also grown. This is evidenced by the number of wolves taken as a result of depredation, which doubled over the past two years (54 in 2015 and 115 in 2016). Keep in mind, that in the past two years, only federal personnel have been allowed to address wolf depredation. In order to protect sheep from wolf damage, a producer had to have his death losses confirmed by the US Fish and Wildlife Service as being caused by wolves before USDA Wildlife Services could take action against the wolves responsible. During this confirmation process, the wolf or wolves would continue their killing, leaving producers helpless to protect their animals.

The Wyoming Wool Growers Association membership believes that wildlife management should reside with the state and that this bill confirms that policy with regard to the gray wolf. We believe the State is best equipped to know and truly understand the needs of its wildlife and how to best balance those needs with the communities that must live and work alongside that wildlife.

We greatly appreciate the opportunity to weigh in on this important legislation. We urge the Committee to pass this bill out with a favorable recommendation for passage by the Senate. If additional information is needed, please don't hesitate to contact Amy Hendrickson at the Wyoming Wool Growers office. She may be reached by email at amy@wyowool.com or by phone at 307-265-5250.

Sincerely,

Kayneves Kay Neves

President

kn/awh

Testimony for the Record of

Lawrence G. Keane Senior Vice President for Government and Public Affairs and General Counsel National Shooting Sports Foundation

Before the

Committee on Environment & Public Works United States Senate

Regarding

S. 1514, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act

July 19, 2017

Dear Chairman Barrasso and Ranking Member Carper:

The National Shooting Sports Foundation appreciates the opportunity to submit testimony for the record in support of S.1514, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (HELP Act). This bipartisan legislation includes a number of provisions that will enhance wildlife habitat and expand access and opportunities for hunting, fishing and recreational shooting. NSSF strongly urges members of the committee to engage in the bipartisan and bicameral collaboration necessary to enact this legislation during the 115th Congress.

The National Shooting Sports Foundation is the trade association for the firearms, ammunition, hunting and shooting sports industry. Our mission is to promote, protect and preserve hunting and the shooting sports. Formed in 1961, NSSF has a membership of more than 12,000 manufacturers, distributors, firearms retailers, shooting ranges, sportsmen's organizations and endemic media organizations.

The HELP Act includes a provision modeled after S.593, sponsored by Senator Capito, along with lead cosponsors Senators Bennet, Boozman, and Heitkamp, that would remove a number of barriers that are currently preventing state wildlife agencies from utilizing Pittman-Robertson excise tax funds to develop much needed shooting range infrastructure. In recent years, demand for safe places for recreational shooters, hunters, law enforcement and others to shoot has increased. Unfortunately, the additional range infrastructure needed to meet the increased demand has not been developed. Adding additional range infrastructure to meet the growing demand would recruit and retain new hunters and recreational shooters while also significantly increasing the conservation revenues generated by excise taxes on firearms and ammunition that are utilized to pay for wildlife conservation and management, law enforcement and hunter education.

Hunters, recreational shooters and firearms, archery, and ammunition manufacturers are the largest financial supporters of wildlife conservation throughout the United States having contributed over \$12 billion to habitat conservation, recreational shooting and wildlife management through Pittman-Robertson excise tax payments since the program's inception. A significant portion of this amount is directly attributable to recreational shooters who, per-capita, spend even more than hunters on firearms and ammunition and archery equipment subject to these important excise taxes. For example, NSSF conservatively estimates over 75% of all ammunition manufactured is used for target shooting.

Despite the unqualified success of this historic "user-pays" system, Pittman-Robertson funds have not always been administered in a manner that encourages the creation of recreational shooting opportunities, even though these shooters who may never go afield are helping to fund conservation. Section 2 of the HELP Act would help address this loss of access and opportunity by reducing existing local and state Pittman-Robertson matching requirements for shooting ranges from 25% to 10%. Pittman-Robertson funds are allocated to states on a formula basis. Therefore, while this change would provide additional flexibility and capability to states, the reimbursement rate would not result in increased federal spending.

Section 2 would also amend an existing requirement that Pittman-Robertson funding used for shooting ranges be obligated within two years by allowing the funds to accrue over five years. This extension would allow individual projects to be funded over multiple budget cycles and significantly enhance the ability of states to build and maintain shooting ranges.

Additionally, NSSF strongly supports Section 7 of the HELP Act which affirms previously issued U.S. Fish and Wildlife Service rules to remove wolves in the Great Lakes and Wyoming from the Endangered Species Act (ESA), returning management of these populations to state wildlife agencies. The federal government's decision to remove the gray wolf from the list of threatened and endangered species was the scientific based threshold indicating the time to resume state management. Following through on the resumption of state authority is the only way to manage wolf population in concert with other species under state management and consider questions of future wolf management under the widest set of options.

After being listed for decades on the ESA, populations of gray wolves have recovered beyond expectations. Effects on wildlife populations, such as changes to big game species behavior and declining fawn and calf recruitment, along with continuing risks to farmers, ranchers and sportsmen, can be addressed only if the United States Congress again supports the Fish and Wildlife Service in returning management authority of gray wolves to the states.

Remaining attempts to extend federal authority are clearly designed to revise the recovery goals. Advocates seeking to do this through the courts are undermining the credibility of the ESA. They have the option to use the ESA legitimately by petitioning the Fish and Wildlife Service for a new listing if they can make the case that the wolf still requires the protections of the ESA.

State agencies are fully qualified and best positioned to responsibly manage wolf populations in accordance with the North American Model of Wildlife Conservation. All should recall that the wolf has never been managed under the North American Model and doing so now will be a milestone in the evolution of scientific management.

The success of the North American Model of Wildlife Conservation relies upon sportsmen's ability to participate in the regulated and ethical harvest of game species. To that end, states must have the ability to utilize hunting and trapping as a wildlife management tool for wolves as they successfully do for other species.

Congress has enacted this language before for Idaho and Montana and should do so again in order to strike the proper balance between sustaining wolf populations and protecting the other wildlife and livestock that are vital to the economic wellbeing of communities throughout the wolves' range.

We applaud your leadership on this bipartisan conservation and outdoor recreation bill. We also encourage your collaboration with your colleagues on the U.S. Senate Committee on Energy and Natural Resources in order to get the best ideas from both committees and ensure the greatest likelihood that one or more packages of sportsmen bills become law.

Sincerely,

Lawrence G. Keane Senior Vice President for Government and Public Affairs and General Counsel National Shooting Sports Foundation



July 14, 2017

The Honorable John Barrasso Chairman Senate Environment and Public Works Committee United States Senate Washington, DC 20510 The Honorable Tom Carper Ranking Member Senate Environment and Public Works Committee United States Senate Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the 230,000 members and volunteers of the National Wild Turkey Federation (NWTF), I write to express strong support for S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act and urge its expeditious consideration. We stand ready to assist you in your efforts.

Founded in 1973, the NWTF is a national non-profit wildlife conservation organization dedicated to the conservation of the wild turkey and preservation of our hunting heritage. With the successful restoration of the wild turkey complete, the NWTF has focused its efforts on our "Save the Habitat. Save the Hunt." initiative, which connects both parts of our mission by recognizing the importance of quality habitat for wildlife conservation and its significance to our hunting tradition. Through this initiative, our goal is to conserve or enhance 4 million acres of wildlife habitat for turkeys and other wildlife, provide access to 500,000 additional acres for hunters and other wildlife enthusiasts, and grow the hunting population by 1.5 million individuals. The NWTF doesn't just advocate for conservation, we deliver conservation on the ground through our work with federal land management agencies, state fish and wildlife agencies, and other partners. The HELP for Wildlife Act is particularly important because it will result in the delivery of fish and wildlife conservation on the ground. The success of our partners through adequate funding is essential to the NWTF reaching our goals.

We support the reauthorization of the North American Wetlands Conservation Act (NAWCA), which utilizes voluntary, non-regulatory partnerships to conserve wetlands and their associated upland habitats for waterfowl, shorebirds, and other wildlife. These habitats provide many benefits due to flood remediation and wetlands purification in improving water quality. Federal dollars are matched 1:2 with state, landowner, business, and conservation NGO partners through competitive grants approved by a Technical Committee, the Council, and the US Fish and Wildlife Service (USFWS). Since its inception, more than 2,600 NAWCA projects have conserved 33.4 million acres of wetlands habitat in North America.

Modeled conceptually on NAWCA, the National Fish Habitat Conservation Partnerships (NFHCP), reauthorized by the HELP for Wildlife Act, have established 599 partnerships in 20 regions covering the nation since 2006, conserving millions of miles of riparian and coastal ecosystems. Since 2006, \$63 million of federal funding has been matched by over \$102 million from state and local governments, private landowners, agricultural businesses, and conservation NGOs to put conservation on the ground through voluntary, non-regulatory partnerships. Conservation of riparian and coastal watersheds benefits anglers, wildlife enthusiasts, and the citizens of our nation by providing high quality wildlife habitat, and ensuring the quality of our waters.

The National Fish and Wildlife Foundation (NFWF) is an important component to leveraging additional conservation funding. For example, the NWTF has been able to restore more than 20,000 acres of longleaf pine habitat across the Southeast in partnership with the NFWF. The NWTF supports the NFWF's reauthorization.

The NWTF is a strong supporter of the authority of the state fish and wildlife agencies to manage fish and wildlife within their borders, including on federal lands. We therefore strongly support the two provisions in the HELP for Wildlife Act regarding wolf conservation, and protecting state authority to manage delisted populations. In both the Great Lakes states and in Wyoming, according to the USFWS, gray wolves have been biologically recovered and warrant delisting from the Endangered Species Act. Unfortunately, environmental activist groups have misused the process provisions of the Endangered Species Act to thwart delisting actions by the USFWS. Protection from egregious judicial review is long overdue - we should embrace the successes of delisting recovered species, not continue to allow it to be thwarted.

Finally, the NWTF strongly supports the provision that incentivizes the state fish and wildlife agencies to use Pittman-Robertson funding to develop, construct, and maintain shooting ranges on public lands. Recreational shooters contribute significantly to the Pittman-Robertson Fund through federal excise tax dollars paid on firearms, ammunition, and bows and arrows. Additional opportunities for recreational shooting will help recruit and retain hunters and recreational shooters, thus preserving this nation's great tradition of hunting - a high priority of the NWTF. Additionally, this will ensure the long-term viability of the Pittman-Robertson Fund, which along with state hunting license sales, is the principle source of funds for the wildlife conservation programs delivered by the state fish and wildlife agencies. These programs benefit not only hunters and recreational shooters but all citizens of the respective states.

The NWTF strongly supports the expeditious consideration and enactment of the HELP for Wildlife Act. This legislation will enhance the delivery of fish and wildlife habitat conservation on the ground, provide recreational opportunities for hunters, recreational shooters, and anglers, and improve the quality of life for all of our citizens. The NWTF sincerely appreciates your leadership on this bipartisan conservation and outdoor recreation bill and stands ready to assist you in its ultimate enactment.

Sincerely,

Rebecca A. Humphries Chief Executive Officer

Testimony by Scott Gudes, Vice President American Sportfishing Association Before the Senate Committee on Environment and Public Works

Regarding the Hunting Heritage and Environmental Legacy Preservation Act.

July 19, 2017

Chairman Barrasso, Ranking Member Carper and Members of the Committee, thank you up for the opportunity to testify regarding S. 1514, the Hunting Heritage and Environmental Legacy Preservation Act, or HELP for Wildlife Act. As a representative of approximately 800 companies manufacturing and conducting commerce in the production, sale and use of sportfishing equipment, I want to thank and express appreciation for the Committee's support of anglers, hunters, shooters and the overall outdoor recreational economy.

This bill authorizes a number of programs and policies that are important to the recreational fishing community and industry. In fact, the Committee might consider adding "Fishing" to the title, as this bill really is the Hunting and Fishing Heritage and Environmental Legacy Preservation Act. Of course, I do realize that would change the "HELP" abbreviation for the Act. Possibly the bill could be referred to in section 1 as the "HELP for Wildlife and Fisheries Act."

The outdoor industry recreational economy is often overlooked as an engine for jobs and economic growth. Recreational fishing in the U.S. generates 828,000 jobs and \$115 billion in annual economic activity. Recreational fishing is about families and young people spending time outdoors, getting on or near the water, gaining an appreciation for nature, and enjoying outdoor recreation. The Recreational Boating and Fishing Foundation notes that fishing is the second most popular outdoor recreation activity in the United States with 46 million Americans participate in recreational fishing each year. The National Oceanic and Atmospheric Administration (NOAA) estimates that 11 million of these anglers fish in saltwater. The five year survey conducted by the Interior Department and

Census Bureau, which is funded by angler and boater excise taxes is currently being updated. We believe the new survey results out later this year will show that even more Americans are fishing and the jobs and economic benefits I mentioned are even greater.

The Hunting Heritage and Environmental Legacy Preservation for Wildlife Act contains a number of provisions that will improve and conserve fishing access and fishery resources. Our community works closely with the National Fish and Wildlife Foundation and we are pleased the bill reauthorizes the Foundation and recognizes the Foundation's important work in fresh- and saltwater fisheries. The Bill reauthorizes the Chesapeake Bay Program and the Chesapeake Bay Initiative Act of 1998. The Chesapeake Bay's importance cannot be overstated. It is our nation's largest estuary. With its tidal rivers like the Choptank and numerous wetlands, the Bay serves as the nursery for 70 to 90 percent of all Atlantic striped bass, and it is home to many other sportfishing stocks, and forage fish. Millions of anglers fish the waters of the Chesapeake Bay in Maryland and Virginia each year, from Have de Grace to the Virginia Capes. It is important to the sportfishing industry and anglers in Maryland and Virginia, and up and down entire the Atlantic Coast that the bay water quality be restored and that this great estuary be well managed for future generations. The American Sportfishing Association strongly supports the Committee's efforts.

Section 9 of the bill authorizes general provision language that has been carried in annual Interior and Environment Appropriations bills which prohibits the regulation of lead fishing tackle by the Environmental Protection Agency. This provision keeps the regulation of lead fishing tackle with State Fish and Wildlife Agencies where it belongs. It also provides the same treatment for fishing tackle that Congress has already enacted for lead ammunition. Similar legislative language for fishing tackle has been included in the "Sportsmen Acts" that have come close to final passage the past few sessions of Congress.

Lead fishing tackle is used by almost all anglers when they are targeting fish below the immediate surface. Thus, sinkers, jigs and other such tackle are often used to weight a lure or bait. The metal is the preferred manufacturing material because of its density (thus size), malleability and low cost.

It is employed in almost all types of fishing, from trolling tackle on the Chesapeake Bay to plastic worm rigs for largemouth bass. Every angler intends to retrieve and reuse this type of what is called "terminal tackle." If a fishing line unintentionally breaks, for example due to submerged structure, then the weight remains intact and does not mix with the water.

The use of lead fishing tackle is not a human health issue. The concern that has been raised is the interaction with individual birds with very small lead tackle, what is often referred to as "split shot."

Numerous times over the last few decades, and most recently in 2010 and 2012, the EPA was petitioned to ban lead in all fishing tackle nationwide. In those cases the impact on loon waterfowl was cited by the petitioners. EPA ended up, after review, dismissing the petitions stating that "the petitioners have not demonstrated that the required rule is necessary." Biological facts, and economic impacts did not support the proposed action.

The American Sportfishing Association believes that the regulation of sportfishing tackle and methods of fishing are issues that are appropriately within the jurisdiction of State fish and wildlife agencies. We also believe Congress should accord anglers the same treatment it legislated for hunters, sport shooters, and ammunition and we appreciate the Committee's action in section 9.

Finally, Section 12 of the bill authorizes the National Fish Habitat Partnership or "NFHP." This program was modeled on one of the most successful, conservation endeavors in our nation's history, the North American Wetlands Conservation Act. The HELP for Wildlife Act would codify the National Fish Habitat Partnership – a program established through a state-led public-private partnership and housed within the U.S. Fish and Wildlife Service.

The HELP for Wildlife Act supports this voluntary, non-regulatory, "from the ground-up" fish habitat conservation program. The program has been and will continue to be driven by local and regionally-based Fish Habitat Partnerships. The partnerships are comprised of representatives of federal, state, and local agencies, conservation and sportsmen's organizations, private landowners

and the business sector. The program is about achieving outputs, high impact habitat improvements, at the lowest cost practicable. Fish habitat partnerships have already led to almost 600 successful conservation projects in 50 states benefitting anglers and communities throughout the nation.

The fish habitat provisions in section 12 clearly protect private property rights, require the approval of projects by the state government, and provide for diverse representation on the National Fish Habitat Board that is charged with project selection. We believe that this legislation will create better fisheries habitat, more fish and quality fisheries and angler access. It will increase participation and enjoyment by Americans of our rivers, lakes and streams and improve fish habitat throughout the country. The committee's bill is clearly an investment in the future. The American Sportfishing Association strongly supports the Committee's fisheries habitat conservation and partnerships legislation.

Chairman Barrasso, Ranking Member Carper and members of the Senate Committee on Environment and Public Works, the HELP for Wildlife Act truly is a HELP for Wildlife and Fisheries Act. Moreover, this legislation represents an appreciation for the value of outdoor recreation and sportsmen. On behalf of the American Sportfishing Association and the men and women working in our industry and anglers "wetting a line" around the country, I'd like to express my appreciation for the Committee's action. We strongly support this bill.

Senate Committee on Environment and Public Works July 14, 2017

Written Testimony of Shaun Sims, President Wyoming Association of Conservation Districts

S. 1514 Hunting Heritage and Environmental Legacy Preservation for Wildlife Act" or the "HELP for Wildlife Act" (S.1514)

Chairman Barrasso, Ranking Member Carper, and Committee Members, on behalf of the Wyoming Association of Conservation Districts, thank you for advancing legislation that includes provisions to congressionally confirm the delisting of the Gray Wolf in Wyoming and prevent further litigation.

As you are aware the U.S. Fish & Wildlife's decision to delist was upheld by the U.S. Court of Appeals for the District of Columbia (No. 14-5300) and the rule to delist was republished on May 1, 2017 (82 Fed. Reg. 20284) to reinstate the removal of Federal protections for the Gray Wolf in Wyoming under the Endangered Species Act of 1973, as amended. The Association supports the provisions specifically preventing this decision from further judicial review.

The local Districts are charged statutorily with natural resource conservation, including water, soil, and range and wildlife habitat. Further, the districts have statutory responsibility to work with the private land owners to conserve their natural resources and provide for economic stability and sustainability. 11-16-101 et. seq.,

The Association has been a member of the Wyoming Wolf Coalition in supporting and defending the delisting of the Wolf and transfer of management to the state. As recently stated by the US Fish & Wildlife Service:

"Meanwhile, the state's annual wolf numbers reveal an enduring healthy population, with approximately 377 wolves in 52 packs with 25 breeding pairs. The Northern Rocky Mountain population as a whole continues to be self-sustaining, with numbers well above federal management objectives."

The state is capable of managing the Wolf pursuant to Wyoming's Wolf Management Plan. Spending significant resources to defend against repeated legal challenges detracts from other high priority wildlife habitat enhancement and conservation projects. Further, it serves to jeopardize other natural resource and wildlife resources important to our communities and the private land owners.

As articulated by the Wolf Coalition in its defense and support of the State of Wyoming:

"Wyoming must balance its mandate to protect and preserve a recovered wolf population, with its duty to protect and preserve the prey upon which the wolves feed. Wyoming must consider the impact that wolves have on private property, particularly livestock. Wyoming must consider the impact that wolves have on other wildlife, particularly elk and moose populations. Wyoming must consider the economic well-being of all industry groups and local governments. After balancing

¹ https://www.fws.gov/home/wolfrecovery/

these various interests, Wyoming developed and adopted a Management Plan that was properly tailored and based on sound science. The USFWS recognizes the soundness of that Plan.

Given the WACD's responsibility to provide for a balanced approach to both conservation objectives as well as stability in the industry, we believe it is imperative that the management of Wolves remain in the state's jurisdiction.

The private landowners in Wyoming provide significant habitat for wildlife resources. For example, the statewide distribution of habitat is 55%, 40%, and 58% of pronghorn, elk, and mule deer winter range, respectively, is in private ownership. The statewide distribution of privately-owned Greater Sage-grouse core habitat is approximately 35%. This habitat is provided by predominately working ranches. These same private landowners are experiencing significant losses from wolves, hence continuing to put pressure on their ability to maintain economically viable operations.

The Association is deeply concerned that without a balanced approach to species conservation and protection, which recognizes and includes a recognition of the contribution private working ranching landscapes provide for multiple species and ecosystem services, the resulting consequence will ultimately be a loss of habitat as these ranges are sold and subdivided.

We appreciate the recognition provided in S.1514 that the Wolf has been recovered and that adequate protections are in place to ensure future viability, and that litigation on this matter is frivolous, unnecessary and waste taxpayer's dollars at the federal, state and local levels.

Thank you for the opportunity to provide written testimony for the record.

² Wyoming Wolf Coalition – 2013 Amicus Curiae Brief in Support of Appellant State of Wyoming; No.14-5300



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Written Testimony submitted to the Committee on Environment & Public Works United States Senate

S. 1514 Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act

July 13, 2017

Offered by James Holte, President On Behalf of the Wisconsin Farm Bureau Federation

On behalf of the Wisconsin Farm Bureau Federation we offer these comments into the official record regarding S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act. We would like to thank Chairman Barrasso and co-authors Mr. Cardin, Mr. Boozman, Ms. Klobuchar, Mrs. Capito and Ms. Baldwin for the opportunity to offer the views of the Wisconsin Farm Bureau regarding this legislation.

Under the umbrella of the Endangered Species Act, the gray wolf's federal status has undergone extensive changes during the last 15 years. This is not due to the biological or scientific evidence that population numbers for the species have met and exceeded their recovery goals, but flaws in the Act that make these decisions prone to politics and legal battles based on procedural technicalities. While the recovery status of the gray wolf in the Western Great Lakes region continues to be fought in courtrooms and determined by Federal Judges in Washington, D.C., Wisconsin farmers have their hands tied when it comes to defending their livestock and livelihoods. It is illegal for farmers in the Western Great Lakes region to protect their livestock from depredating wolves and there is no mechanism to manage the population.

Section 7 of the HELP Wildlife Act provides relief for farmers to protect their livelihoods and livestock. States will be granted the ability to manage their wolf populations with approval and oversight from the United States Fish and Wildlife Services. This decision also provides certainty for farmers as this reissuance of the final rule regarding gray wolves in the Western Great Lakes will not be subject to judicial review. We fully support this change.

Implementation of Wisconsin's first gray wolf hunting and trapping season in 2012 demonstrated that the state's Department of Natural Resources (DNR) management plan was conservative, science-based and designed to maintain the prescribed wolf population while managing it to minimize conflicts with Wisconsin farmers and others.

We appreciate the efforts by the U.S. Senate Committee on Environment and Public Works as well as the authoring Senators of the HELP Wildlife Act to address the needed reforms to the Endangered Species Act and the serious nature of the gray wolf situation in Wisconsin. There is a legitimate need for states to have more control of wildlife management while still maintaining some level of federal oversight.



President- Dennis Sun, Casper Region I Vice President- JD Hill, Ranchester Region III Vice President- Mantha Philips, Casper Region V Vice President- Reg Philips, Dubois

per First Vice President- Scott Sims, McFadden
D Hill, Ranchester Region II Vice President- Steve Paisley, Wheatland
Mantha Philips, Casper Region IV Vice President- Bill Resor, Jackson
Reg Philips, Dubois Executive Vice President- Jim Magagna, Cheyenne
Young Producers Assembly- Kendall Roberts, Cheyenne

July 12, 2017

TO: Senator John Barrasso, Chairman Senator Thomas Carper, Ranking Member

Senate Committee on Environment & Public Works

FROM: Jim Magagna, Executive Vice President, Wyoming Stock Growers Association

RE: "HELP for Wildlife Act"

TESTIMONY

Chairman Barrasso, Ranking Member Carper and Members of the EPW Committee.

The Wyoming Stock Growers Association (WSGA) appreciates this opportunity to provide testimony on the HELP for Wildlife Act (S.1514). WSGA is generally supportive of all sections of the bill. However, we will focus our testimony on Section 8, REISSUANCE OF FINAL RULE REGARDING GRAY WOLVES IN WYOMING. WSGA strongly supports Section 8. Our comments are intended to focus on the strong need for this legislation.

WSGA, with a current membership of over 1100, has represented the livestock industry in the state since 1872. We have been actively engaged in discussions and decisions regarding wolf management in Wyoming and surrounding states since wolves were introduced into Wyoming in 1995. On a personal note, I have been involved with this issue since being named by Interior Secretary Lujan in 1990 to serve on a FACA Committee to develop a plan for the introduction of Canadian wolves into Yellowstone National Park.

While WSGA strongly opposed the introduction of wolves into the state, since this introduction became a reality, we have maintained a focus on assuring establishment of a population that would provide for the return of management to the state under a plan that would maintain a viable population in suitable areas while assuring the ability to address and minimize impacts on Wyoming livestock and wildlife.

WSGA was very involved in the development of Wyoming's initial wolf legislation in 2003. We participated with Wyoming wildlife managers, representatives of USFWS (the Service) and other interested parties in the development of Wyoming's Wolf Management Plan. The Plan provided for maintaining a viable wolf population in the suitable habitats of northwestern Wyoming while protecting the status of the wolf as a predator subject to unlimited control in the remainder of the state. We have accepted reasonable changes to both the legislation and

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EMAIL: INFO@WYSGA.ORG • WEBSITE: WWW.WYSGA.ORG • BLOG: WWW.REALRANCHERS.COM

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the Plan to accommodate the ever-changing targets outlined by the Service over a period of years

WSGA has defended this plan for nearly 15 years, both in comments to the Service and, when necessary, through participation in litigation to defend the plan. The process of securing delisting of a fully recovered grey wolf species in Wyoming has been a "merry-go-round" that is worthy of full understanding.

In December of 2007 the Service approved the Wyoming Wolf management Plan. The following February they issued a final rule delisting the Northern Rocky Mountain wolf population, including the population in Wyoming. When the Federal District Court in Montana issues a preliminary injunction against the delisting based on the Service's acceptance of Wyoming's dual classification system, rather than defend its decision, the Service chose to revoke its previous approval of the Wyoming Plan. The result was a reversal of the delisting of the wolf in Wyoming.

In 2010, following some revisions to the Wyoming Plan and the Service's continued refusal to sanction the Plan, the State of Wyoming filed a petition in Federal District Court in Wyoming seeking an order directing the Service to begin the delisting process in Wyoming. The Wyoming Wolf Coalition, in which the WSGA was a major participant, filed a motion to intervene on behalf of the State. That motion was granted.

The District Court found the decision of the Service to be arbitrary & capricious and set it aside. Two comments of the Judge are worth noting here: "The Court offers the following observations. Given the past history of the wolf project, both the state of Wyoming and the FWS have been facing conflicting rulings and determinations, based on substantially the same scientific and commercial data—a Catch-22 for all... In this case, the Court finds that the agency has not provided a reasoned explanation for its varying actions during the course of this long term wolf reintroduction project." Following this decision, the Service again proceeded with the delisting of the wolf in Wyoming.

In 2012, the Wyoming wolf delisting was again challenged. This time the environmental plaintiffs filed two lawsuits in DC Federal District Court and a third in the Colorado District Court, challenging the biological determination that the wolf population in the Northern Rockies was recovered and questioning the state's commitment to maintaining a recovered population. These cases were consolidated in the DC Court. WSGA filed an amicus brief in the case as a member of the Wolf Coalition. In September, 2013, the District Court granted, in part, the plaintiffs' motion based on nothing more than the Court's view that the State's commitment to manage for a specific numerical buffer was not included in legislation and, therefore, was an inadequate regulatory mechanism.

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EMAIL: INFO@WYSGA.ORG • WEBSITE: WWW.WYSGA.ORG • BLOG: WWW.REALRANCHERS.COM

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It was not until 15 months later that the Service filed an appeal of this decision. The Service then defended the adequacy of the State's management plan along with Wyoming's statutes and regulations. In March of 2017 the Court of Appeals for the DC Circuit issued a decision reversing the judgment of the District Court. In doing so the Court of Appeals accepted the argument of the Service that Wyoming's predator area was never "envisioned to meaningfully contribute to wolf recovery in the region" and is this not "a significant part of its range.

In the latest chapter of this 15 year saga, the gray wolf was again delisted in Wyoming on April $25^{\rm th}$, 2017.

Our intent in relating this complex history is to demonstrate that state management of a viable wolf population in Wyoming has been subject to incessant litigation and resulting unpredictable actions by the Service. Meanwhile, our neighboring states of Montana and Idaho representing portions of the same distinct population segment (DPS) have enjoyed six years of protection from similar judicial challenges as a result of action taken by Congress and signed by the President. According to the findings of the Service, Wyoming has fully met the established criteria for a recovered wolf population as have our two neighboring states. As a matter of equity, we are entitled to the same level of Congressional protection from judicial challenge.

The ranching community in Wyoming, both as the primary private landowners and as the most extensive users of state and federally managed lands, is a critical partner in the protection of diverse species. Our willingness to engage with state and federal wildlife managers is tempered by the threat of litigation each time that a wildlife management decision is threatened by litigation, often by organizations whose primary goal is land use control, not the welfare of the species. These judicial challenges to delisting decisions only serve to defeat and delay the intended outcome of the Endangered Species Act.

When predator species such as gray wolves and grizzly bears cannot be properly managed by qualified state wildlife managers, our members suffer significant economic impacts. AS but one example, a large in-common grazing allotment on the Bridger-Teton National Forest in western Wyoming has seen its overall cattle losses during the summer season increase from a historic average of approximately 3% to annual averages ranging from 7% to 10% since the reintroduction of wolves and the expansion of grizzly bears into their allotment.

In recent years WSGA has been drawn into litigation challenging Service decisions on wolves, grizzly bears, sage grouse and Prebles Meadow Jumping Mice, to name a few. Until Congress can identify an approach to discourage such litigation while fostering local collaborative species management, targeted Congressional action to preclude judicial review will continue to be essential.

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P.O. Box 206, Cheyenne, WY 82001 • Ph: 307.638.3942 • Fx: 307.634.1210
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WSGA reiterates our strong support of Section 8 and urges swift Congressional action to pass the HELP for Wildlife Act. We appreciate this opportunity to share our experiences with you.

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TESTIMONY Presented to the Committee on Environment and Public Works U.S. Senate

Ken Hamilton E.V.P.
The Wyoming Farm Bureau Federation

13 July, 2017

RE: S. 1514

The Wyoming Farm Bureau Federation would like to provide comments on S. 1514, and more specifically Section 7 of the proposed legislation which deals with reissuance of the final rule regarding gray wolves in the Western Great Lakes Region; and Section 8 which deals with reissuance of the final rule regarding gray wolves in Wyoming.

The Wyoming Farm Bureau Federation represents over 2,600 farmers and ranchers within the state of Wyoming as well as approximately 11,000 non-agricultural members who have an interest in a strong agricultural sector. Our members produce a number of commodities in the state of Wyoming but a majority of them are engaged in livestock production, predominately cattle and sheep.

Canadian wolves were brought into Wyoming under the experimental non-essential designation allowed under section 10 (j) of the Endangered Species Act, since that time our members have experienced direct livestock losses by wolves. But the losses aren't just limited to direct losses. Studies have shown that livestock in areas with wolves don't do as well as livestock in areas without wolves. These losses range all the way from not gaining the appropriate weight to not breeding back for the next breeding cycle. This has resulted in a significant economic loss to those ranchers.

The emotional toll on livestock producers can be significant when they come upon animals injured by wolves which must be put down to end their suffering. We have a number of stories from our ranchers about having to put down cattle and calves injured by wolves. One member had over 100 injured sheep when wolves stampeded his sheep down through the timber. These sheep had broken bones; many had impaled themselves on broken branches or torn their abdominal cavities open. Most had to be euthanized by the rancher and the herder.

Wyoming Farm Bureau participated heavily in the wolf introduction program in Yellowstone National Park. Our emphasis during that time was on the impacts wolves would have on livestock and livestock producers once they left Yellowstone National Park. We were very much aware that once wolves were placed into Yellowstone National Park, they would soon leave that location.

Another aspect of our concern during that initial period was that once wolves reached the scientific number needed to be considered recovered, the courts would not allow the federal government to delist them from the Endangered Species Act. This concern proved to be valid.

In 1994 wolves from Canada were brought into pens located in Yellowstone National Park. In the interest of full disclosure, our organization represented by the American Farm Bureau filed a lawsuit to prevent this action from occurring. The US Federal Judge ruled in favor of the Farm Bureau on one count but that decision was overturned on appeal.

Once wolves were introduced into Yellowstone, it only took seven years to reach the number established by scientists for a recovered population. The recovery numbers established by these scientists was 10 breeding pairs of wolves or 100 wolves in each of the three recovery areas or 300 wolves throughout Idaho, Montana and Wyoming. After Wyoming adopted and amended state statutes to accommodate concerns raised by the US Fish and Wildlife Service, the Agency issued a final rule to delist wolves in Idaho, Montana and Wyoming in 2008.

Now, almost a decade after the final rule was issued by the US Fish and Wildlife, we have worked our way through the court system, gone beyond the recovery numbers by over three times and probably used a small forest on legal papers to arrive at the point recommended by the US Fish & Wildlife Service in 2008 where wolves in Wyoming are now being managed by our state's wildlife management agency.

So the question can be asked, why would S. 1514 be necessary if wolves in Wyoming are now under state management?

We believe there are a couple of important reasons to go forward with Section 8 of S. 1514. First, we believe that Congress has a responsibility to citizens whom have been impacted by this process to weigh in and make it known they feel the process that Wyoming went through is unacceptable. When the U.S. Government makes an arrangement on what is necessary to recover a species and the Executive Branch lives up to that arrangement but the Judicial Branch abrogates that agreement, the Legislative Branch should weigh in. This is exactly what occurred when Congress stepped in and legislatively mandated delisting of wolves in Montana and Idaho. It seems appropriate they also weigh in, even after the fact, to show their support for the Executive Branch's 2008 delisting action.

Secondly, anyone who may face the possibility of a species being introduced into their area would naturally look at the experience in Wyoming, Montana and Idaho. Instead of working to improve a species the citizens would work against such an effort because history has shown that even when the agreed upon outcome is achieved, there are some who can afford a protracted legal battle to draw the process out long after a delisting should occur.

One of the persistent complaints we hear from our landowners is that having an endangered species on your land is a significant liability. This committee has heard testimony on ways to improve the Endangered Species Act. We suggest that passage of S. 1514 would provide a statement from the Legislative Branch that, even under the current ESA, Congress feels that once a recovery goal is reached a species should be delisted.

Regarding Section 7, this section is an opportunity to delist wolves in the Western Great Lakes Region. Wolves in this region also long ago reached the necessary recovery goals. In conversations we've had with our counterparts in those areas, they shared the same frustration we in Wyoming had where a goal

was reached but the agreement to delist was thwarted. The farmers and ranchers in this area have experienced some of the same impacts as farmers and ranchers in Wyoming. Turning over management of wolves to those states will afford some flexibility that may not be available under the current federal management.

In a time of tight federal budgets where agencies must establish priorities on where they spend their limited funds, releasing management of wolves to the states is an easy step which would allow the Fish and Wildlife Service to focus their limited financial resources on other species. Spending funds on a recovered species makes little sense.

Conclusion:

The Wyoming Farm Bureau Federation supports sections 7 and 8 of S. 1514. Senate action on these sections will provide an important statement to those affected landowners. Passage of these sections will provide a statement of support that shows once recovery goals are met and the Executive Branch agrees that management should be turned over to the states this body feels it is important the federal government lives up to this agreement. We thank you for the opportunity to comment on these sections of this legislation.

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July 3, 2017

Statement from the Association of Fish and Wildlife Agencies Supporting the Introduction of the HELP for Wildlife Act

the HELP for Wildlife Act

The Association of Find and Wildlife Agencies supports the insolutions of the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act (5: 1514). This biparities highlation would nessitivities important conservation programs and provide federal regulation (wild resistivities important). U.S. Senator John Barnaso (R-WY), chairman of the Sanase Committee on Environment and Public Works (ERW), joined with Senators Bern Cardin (D-MD), Shetey Moore Capito (R-WY), and with Senators Bern Cardin (D-MD), Shetey Moore Capito (R-WY), joined with Senators Bern Cardin (D-MD), and the Senators Bern Cardin (D-MD), shetey Moore Capito (R-WY), joined with Senators Bern Cardin (D-MD), shetey Moore Capito (R-WY), joined with Senators Bernard (D-MD), and the Senators Bernard (D-MD), an

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The voice of fish and wildlife agencies 1100 First Street, NE, Suite 825 Washington, DC 20002 Phone: 202-318-3474 Fax: 202-350-9869 Email: arto@fatwuldlife.org

Statement for the Record

Submitted to the Senate Committee on Environment and Public Works Regarding the

Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (S. 1514)

By the Association of Fish and Wildlife Agencies

July 18, 2017

The Association of Fish and Wildlife Agencies (Association) writes to express our strong support and sincere appreciation to Chairman Barrasso and Senator Cardin for introducing the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (HELP for Wildlife Act, S. 1514). The Association represents its state fish and wildlife agency members (state agencies) on Capitol Hill and before the Administration to advance favorable fish and wildlife conservation policy and funding and works to ensure that all entities work collaboratively on the most important issues. All 50 states are members.

The Association applauds the HELP for Wildlife Act and the broad range of bipartisan provisions that support state agencies' authority for the management fish and wildlife within their borders as precious resources held in trust for the public, and we support all of the partnership-based habitat conservation provisions in the bill. In support of state agencies' authority to manage fish and wildlife, the bill provides clear definitions under the Migratory Bird Treaty Act for determining the baiting of migratory birds; a provision that is much needed to provide clarity to farmers, landowners, migratory bird hunters, and conservation law enforcement officers when faced with ratooning rice crops and to reduce unintended liability for producers when settling crop insurance claims following crop losses caused by a natural disaster. Further, the provision affords the opportunity for enhanced state-level coordination between the USDA Cooperative Extension Service state offices and state agencies when defining normal agricultural practices, based on crop type and conditions, to further guide interpretation of the new baiting definitions. These are activities that must occur at the state level to be implemented correctly and successfully.

Second, the bill returns management authority of recovered gray wolves, a conservation success story and a species that has well exceeded delisting requirements in the Western Great Lakes and Wyoming, back to those states. This provides much needed management consistency and certainty for the states, its citizens, and its wildlife resources. These delisting provisions do not alter the Endangered Species Act (ESA), but instead support the US Fish and Wildlife Service's Congressional

testimony that wolves have fully recovered and fulfill Congressional intent under the ESA, which is returning a fully recovered species back to the states for management. Congress never intended for recovered species to remain under the protections of the ESA in perpetuity. The time has come to recognize and celebrate gray wolf recovery as national conservation success story.

Third, the bill reaffirms the states' authority to regulate sport fishing tackle under the Toxic Substances Control Act. The ability to use fishing tackle made, whole or in part, of lead is extremely important to anglers and the sport fishing industry across the nation in order provide manufacturing flexibility, the ability to utilize other metals in production and create more options for anglers, provide reliable tackle, and manage costs. The impacts to fish and wildlife from lead ingestion are highly variable due to differences in species susceptibility, habitat characteristics, and exposure in the environment. These differences require unique management approaches tailored to the specific circumstances and situation. State agencies are best equipped to implement individually-crafted management solutions to address specific environmental issues. Further, state agencies utilize public education and voluntary or incentive-based programs, where appropriate in lieu of regulation, to protect fish and wildlife resources based on the best available science to inform management decisions, collaboration with diverse stakeholders, and identification of the most appropriate solutions to address unique fish and wildlife management situations

The Association supports the many provisions in the HELP for Wildlife Act that enhance proactive, non-regulatory opportunities for state agencies to work cooperatively with their conservation partners and private landowners, and leverage fiscal resources and human capacities and expertise to improve the management of habitats for fish and wildlife as well as increase outdoor recreation opportunities.

The Association sincerely thanks Chairman Barrasso, Senator Cardin, and the other bill cosponsors for including authorization of the National Fish Habitat Conservation Through Partnerships Act. This provision is a long-standing priority for the Association, and its authorization would help provide certain and consistent federal funding that can be leveraged with other state, private and non-profit funds through state-led and community supported partnerships. These Fish Habitat Partnerships work proactively and voluntarily to conserve, restore and enhance fish and fish habitat across the nation, providing thousands of jobs and opportunities for rural economic growth and stability. In short, the authorization reaffirms the duties of the National Fish Habitat Board, identifies the responsibilities and expectations of the Fish Habitat Partnerships, and provides a minimum of 50% non-federal match requirements and regular reporting on fish and fish habitat restoration progress to the appropriate Congressional committees, among other requirements. To date, 20 Fish Habitat Partnerships have self-organized to implement more than 599 fish habitat projects across 50 states in support of the state-driven National Fish Habitat Action Plan. The Association is excited about the fish habitat conservation opportunities that will stem from enactment of this legislation, and we look forward to working with the bill sponsors toward enactment.

The HELP for Wildlife Act also would reauthorize additional important conservation programs with proven track-records of success including the North American Wetlands Conservation Act, which is extremely effective in leveraging non-federal funds to voluntarily conserve, restore, enhance and manage wetland habitat for migratory birds and other wildlife. The Neotropical Migratory Bird Conservation Act provides much needed fiscal resources to conserve neotropical migratory birds across their migration routes and lifecycles, many of which are state species of greatest conservation need identified by state agencies. Additionally, reauthorization of the National Fish and Wildlife Foundation provides much needed and additional funding and opportunities to pull together public-private partnerships across diverse interests to address fish and wildlife conservation challenges, creating opportunities for enhanced habitat and species conservation across important landscapes.

The HELP for Wildlife Act recognizes the importance of Chesapeake Bay recovery by reauthorizing the Chesapeake Bay Program and Chesapeake Bay Initiative. The Chesapeake is the nation's largest estuary and a legendary fishing, boating, and waterfowl hunting location. These programs provide important funds for a regional partnership that coordinates ongoing restoration of the Chesapeake Bay and its watershed, and they support the Chesapeake Bay Gateways and Watertrails Network.

Finally, the HELP for Wildlife Act would provide much needed funding and support for the construction, expansion, and maintenance of public target ranges on national forests and Bureau of Land Management lands. Public ranges are in short supply in many areas, and this provision would help meet the increasing public demand for safe places to participate in recreational shooting sports activities and for others to hone their marksmanship skills. Also, expanded recreational shooting sports infrastructure will help continue and possibly generate additional conservation revenue by facilitating shooting sports activities that are fundamentally linked to dedicated excise taxes on firearms, ammunition and archery equipment which is subsequently apportioned to state agencies for wildlife and habitat conservation work through the Wildlife Restoration Program -- a cornerstone of conservation funding in this country. Across the country there is a growing interest in the recreational shooting sports, and state agencies need the flexibility that is provided in this legislation to meet the changing needs of their constituents as well as the safety expectations of the public.

The Association strongly supports the HELP for Wildlife Act and applauds your leadership on this comprehensive, bipartisan conservation and outdoor recreation legislation. Collectively, all of these programs and provisions create synergy among a broad range of diverse interests to create partners that conserve, restore and enhance fish, wildlife and their habitats. They leverage federal, state, private, and non-profit funds as well as expertise and human capital to assist private landowners in conserving our nation's cherished fish and wildlife resources for the benefit and enjoyment of future generations. The Association looks forward to working with you toward enactment of this legislation which will allow the fish and wildlife conservation legacy that is unique to this nation to continue.

Testimony of

Jeff Crane President Congressional Sportsmen's Foundation

Before the

Committee on Environment and Public Works United States Senate

Regarding

S. 1514, the "HELP for Wildlife Act"

Good morning Chairman Barrasso, Ranking Member Carper, and members of the Committee. My name is Jeff Crane, and for the past 12 years I have served as the President of the Congressional Sportsmen's Foundation (CSF). Established in 1989, CSF works with the Congressional Sportsmen's Caucus (CSC), the largest, most active bipartisan caucus on Capitol Hill. With nearly 300 Members of the Congress from both the House and Senate, current Senate CSC Co-Chairs are Senators Jim Risch (ID) and Joe Manchin (WV), and Vice-Chairs are Senators Deb Fischer (NE) and Heidi Heitkamp (ND).

Thirteen years ago, CSF extended the legislative network from Washington, DC to states across the country, establishing the bipartisan National Assembly of Sportsmen's Caucuses, which today is made up of 48 state legislative caucuses, and includes over 2,000 legislators. Eight years ago, CSF established a bipartisan Governors Sportsmen's Caucus, which today includes 33 Governors and one Lieutenant Governor. Together, this collective force of bipartisan elected officials work to protect and advance hunting, angling, recreational shooting and trapping for the nearly 40 million sportsmen and women who spend \$90 billion annually on our outdoor pursuits.

Taking a moment to put things into historical perspective, the idea of conservation in America began with members of the sportsmen's community, who introduced game laws and programs to protect natural resources - leading to the creation of state and federal fish and wildlife agencies. Nearly 80 years ago, the hunting community led the charge for the passage of the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act) which redirected excise taxes on firearms and ammunition to a dedicated fund to be used specifically for conservation purposes. Further, revenue from sportsmen's licenses was also permanently linked to conservation, laying the foundation for what is now the unique American System of Conservation Funding, a "user pays public benefits" program that is the financial backbone of the most successful conservation model in the world. Through time, this System has expanded and now includes the fishing and boating communities - with the passage of the Federal Aid in Sportfish Restoration Act (also known as the Dingell-Johnson Act, and the subsequent Wallop-Breaux Amendment) as well as the archery community. The funds collected through these programs, totaling over \$16 billion, plus millions of dollars annually in license and permit fees, are the lifeblood of state fish and wildlife agencies - the primary managers of our nation's fish and wildlife resources. These critical conservation dollars fund a variety of efforts including: enhanced fish and wildlife habitat and populations, recreational access to public and private lands, shooting ranges and boat access facilities, wetlands protection and its associated water filtration and flood retention functions, and improved soil and water conservation - all which benefit the American public.

It is also worth noting that unlike some other outdoor recreational activities, hunting and shooting, in particular, are under constant siege by well-funded, politically active and litigious extremist groups that are intent on using whatever means necessary to put an end to the traditions we cherish. Through the use of frivolous lawsuits and judicial action, these anti-use and animal rights extremists are using the courts instead of relying on science-based wildlife management to achieve their intolerant anti-hunting and fishing agenda. Legal challenges to the application of the statutory and administrative policies that guide federal land management and conservation are effectively tying the hands of the public land managers and state wildlife officials, which in turn, degrade habitat quality and deny access and opportunity.

The provisions in this legislation attempt to address many of these issues and should provide certainty that our sportsmen's heritage will be protected into the future. CSF supports the "HELP for Wildlife Act" and would like to draw particular attention to the following provisions in the bill:

Section 2: Target Practice and Marksmanship Training Support Act

Section 2 would allow states to use the excise taxes already collected on sporting equipment and ammunition to develop and maintain much-needed public shooting ranges, ultimately generating increased wildlife conservation funding. Hunters, recreational shooters and firearms, archery, and ammunition manufacturers are the largest financial supporters of wildlife conservation throughout the United States, having contributed more than \$7 billion to habitat conservation and wildlife management through Pittman-Robertson excise tax payments since the program's inception. In recent years, contributing as much as much as \$800 million annually to habitat conservation, wildlife management, and science based research. A significant portion of this amount is directly attributable to recreational shooters who, per-capita, spend even more than hunters on firearms and ammunition subject to these important excise taxes.

Despite the unqualified success of this historic "user pays – public benefits" system, Pittman-Robertson funds have not always been administered in a manner that encourages the creation of recreational shooting opportunities. As a result, opportunities for both recreational and competitive shooting have declined significantly in recent years. Section 2 would help address this loss of access and opportunity by providing states with more flexibility in their use of Pittman-Robertson funds to develop and improve public shooting ranges.

Specifically, it would amend an existing requirement that Pittman-Robertson funding used for shooting ranges be obligated within two years by allowing the funds to accrue over five years. This extension would allow individual projects to be funded over multiple budget cycles and significantly enhance the ability of states to build and maintain shooting ranges. In addition, the legislation would limit the unnecessary exposure to liability that land management agencies may face when providing recreational shooting opportunities on public lands.

Section 2 would also reduce existing local and state Pittman-Robertson matching requirements for shooting ranges from 25% to 10%. Pittman-Robertson funds are allocated to states on a formula basis. Therefore, while this change would provide additional flexibility and capability to states, the reimbursement rate would not result in increased federal spending.

Finally, I would like to emphasize that Section 2 will help state and federal recreation managers reduce conflicts on public land. As our nation's population continues to grow and development occurs near our public forests, rangelands and grasslands, the increased use of these resources by a new and diverse set of recreational users has had a significant impact on the target shooters and hunters that have traditionally used these areas to practice their craft or sight in a rifle before hunting season. As this growth and development occurs, the reality is that recreational shooters will continue to be displaced by a regulatory and land management planning regime that has demonstrated a willingness to favor other recreational pursuits when conflict arises, having already shut down access to significant portions of our treasured federal lands. One way to

address this problem is by making sure that this lost opportunity – or at the very least, a portion of it – can be offset by the construction or renovation of places that are conducive to target practice, hunting preparation and the shooting sports.

Section 4: North American Wetlands Conservation Act

Section 4 will extend the North American Wetlands Conservation Act (NAWCA) through fiscal year 2022 at an annual authorization of \$50,000,000. Originally passed in 1989, NAWCA provides matching grants to carry out wetlands conservation projects in the United States, Canada, and Mexico. Since enactment, NAWCA has provided nearly \$4 billion in grants and matching funding for 2,000 projects spanning over 27 million acres in all 50 states. NAWCA requires that for every federal dollar contributed to the program, a non-federal source must equally match the \$1 federal contribution. However, the program is often matched at a rate of \$3 for every \$1 of federal money, a sign that conservation groups, including sportsmen and women, are willing to have skin in the game.

Wetlands benefit wildlife and people by acting as filters to provide clean water and to recharge groundwater supplies. In addition to serving as a natural water filtration system, wetlands also lessen the severity of damage caused by floods and hurricanes by acting as a buffer zone in coastal regions. NAWCA ensures protection of invaluable habitat for ducks, fish, mammals, alligators, and thousands of other species that call wetlands their home. NAWCA is the epitome of a successful public-private partnership that plays an instrumental role in protecting our treasured wetlands.

Section 7: Reissuance of Final Rule Regarding Gray Wolves in Western Great Lakes Section 8: Reissuance of Final Regarding Gray Wolves in Wyoming

The gray wolf populations in the Rocky Mountains and the Great Lakes areas have long exceeded their recovery goals. Accordingly, the wildlife professionals at the U.S. Fish and Wildlife Service (FWS) decided to remove both of these populations from the lists of Threatened and Endangered Species and return management authority to state wildlife agencies. These decisions by the FWS have been repeatedly overturned by the courts on procedural grounds that confuse the plain biological reality of a successful recovery with the unclear requirements of the Endangered Species Act (ESA) itself regarding modern scientific knowledge on population boundaries.

While Congress may or may not advance the various proposals that would address these deficiencies through a broader modernization of the ESA, I encourage the committee to recall that Congress passed a bipartisan measure to return Idaho and Montana gray wolves to state management in 2011. Since that time, these two states have demonstrated without question that they have both the capacity and willingness to manage gray wolves appropriately as their populations continue to increase. We are confident that state managers in Wyoming and the Great Lakes states are equipped to take on these responsibilities and believe that affirming the ecologically sound rulings issued by FWS scientists during the previous administration is long overdue.

The FWS states that, "the gray wolf has rebounded from the brink of extinction to exceed population targets by as much as 300 percent. Today, there are estimated to be 5,691 gray wolves in the contiguous United States. Wolf numbers continue to be robust, stable and self-sustaining." The recovery of the gray wolf is a success story and now their management needs to be rightfully transferred to the professionals at the state wildlife management agencies—the primary managers of our nation's fish and wildlife resources.

Section 9: Modification of Definition of Sport Fishing Equipment Under Toxic Substances Control Act

Section 9 would amend the Toxic Substance Control Act (TSCA) to clarify that an existing exemption from TSCA regulation for sport fishing equipment as defined in the IRS Code, would be made permanent. Congress has already approved permanent protections to traditional ammunition, so this title would create a similar exemption for articles of fishing tackle subject to Wallop-Breaux and Dingell-Johnson excise taxes.

Anti-hunting and fishing interests have petitioned the Environmental Protection Agency (EPA) to force the EPA to expand its TSCA authority in order to regulate traditional ammunition and recreational fishing tackle. These organizations assert that this is necessary to address significant impacts to wildlife populations that are resulting nationwide from the use of traditional tackle and ammunition. These exaggerations are little more than misleading scare tactics with no credible supporting science. Our natural resource professionals already have the necessary tools to address and mitigate any localized issues that might arise without the unwarranted involvement of the EPA and TSCA.

Moreover, EPA's exercise of TSCA authority over recreational fishing tackle would likely result in massive increases in the price of tackle for sportsmen due to the exponentially higher raw materials and manufacturing costs of using alternative metals. Not only would this result in the loss of anglers, it would also have untold detrimental impacts on countless manufacturing facilities resulting in the loss of thousands of jobs.

In addition, organizations involved in anti-hunting and fishing campaigns fail to acknowledge that the detrimental economic impacts to the fishing tackle industry would also result in considerable reductions to the excise taxes the sport fishing manufacturers pay on their products as a means of funding habitat conservation and boating safety throughout the country. In fact, much of our country's fish and wildlife habitat exist solely as the result of these contributions.

Section 9 would amend TSCA in a manner that serves to protect and enhance our fishing heritage while concurrently facilitating the important benefits that the recreational fishing industries contribute to the betterment of our nation's economy and treasured natural resources.

Summary

In summary, this is a common sense, non-controversial bill, with bipartisan support, that is beneficial for conservation and preserves our outdoor heritage. This legislation is also good for the American economy, and especially good for rural communities that surround our treasured public lands and waters. This legislation helps ensure that America's sporting and wildlife heritage will remain available to generations of hunters, anglers, recreational shooters, and wildlife enthusiasts to enjoy.

CSF would like to thank the sponsors of the important piece of legislation for their bipartisan work in the Senate. We would look forward to working with members of the committee to get this bill passed out of the U.S. Senate and enacted into law. Thank you.



Senator Barrasso Introduces Bill to Enhance America's Sporting Heritage

Posted on Thursday, July 13, 2017

On June 30, Congressional Sportsmen's Caucus (CSC) Member, and Chairman of the Senate Environment and Public Works Committee Senator John Barrasso (WY) introduced **S.1514**, the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (HELP for Wildlife Act).

This bipartisan legislation would increase public access for sportsmen and women, improve fish and wildlife habitat, and reauthorize funding for fish and wildlife conservation programs.

Also included are a wide range of pro-sportsmen's provisions, which would:

- Reauthorize the North American Wetlands Conservation Act (NAWCA) through fiscal years 2018 to 2022. This important program ensures the protection of millions of acres of wetland habitat spanning over all 50 states.
- Ensure that normal agricultural practices are not misconstrued as attempts to bait migratory game birds.
- Provide funding and support for the construction and expansion of public target shooting ranges on Bureau of Land Management lands and National Forests.
 Ensure that sportsmen and women have the proper infrastructure to participate safely in recreational shooting.
- Reaffirm the Fish and Wildlife Service (FWS) rule to remove gray wolves from the Endangered Species Act in the Great Lakes and Wyoming, and returns the management of these populations to state wildlife agencies.
- Ensure that traditional lead-based sport fishing equipment is exempt from the Toxic Substances Control Act.

"CSF would like to thank the sponsors of the important piece of legislation for their bipartisan work in the Senate. We would look forward to working with members of the Committee to get this bill passed out of the U.S. Senate and enacted into law," said Congressional Sportsmen's Foundation President Jeff Crane.



Contact: Casey Skeens, NWF Communications Manager, SkeensC@NWF.org, 202-797-6808

Bipartisan Senate Coalition Introduces Sportsmen's Bill

WASHINGTON, D.C. (June 30, 2017) — Today, a bipartisan group of senators introduced the "Hunting Heritage and Environmental Legacy Preservation for Wildlife Act" (HELP for Wildlife Act) that would expand access for sportsmen throughout the U.S. while also enhancing provisions that will conserve wildlife habitat. The National Wildlife Federation applauds Senators Barrasso, Cardin, Boozman, Klobuchar, Capito, and Baldwin for working together to move a bill forward that will help wildlife and sportsmen alike.

"The bipartisan sportsmen's bill will advance key priorities of sportsmen and women, including important wildlife conservation programs," said <u>Collin O'Marg</u>, president and chief executive officer of the National Wildlife Federation's membership includes millions of sportsmen and sportswomen among our 51 state and territorial affiliates. While other bipartisan sportsmen bills have come close to passage in recent years, this bill, led by Chairman Barrasso and Senators Cardin, Boozman, Klobuchar, Capito, and Baldwin, represents a great bipartisan effort to conserve America's outdoor heritage for hunters, anglers, campers, hikers, and wildlife enthusiasts, while helping to restore America's wildlife populations. By protecting and bolstering our outdoor heritage, we can help recover America's wildlife and empower the next generation of conservation champions."

Over the past few years, other bipartisan sportsmen bills have been introduced in Congress but none have been signed into law. Some of the provisions that the bill contains include:

- Target Practice and Marksmanship facilitates the construction and expansion of public target ranges, including ranges on land managed by the Forest Service and the Bureau of Land Management.
- Baiting of Migratory Game Birds prohibits baiting of migratory game birds, except in the case of normal
 agricultural practices.
- North American Wetlands Conservation Act (NAWCA) reauthorization provides matching grants to
 organizations, states and local governments, and private land owners for the acquisition, restoration, and
 enhancement of wetlands critical to migratory birds.
- National Fish and Wildlife Foundation (NFWF) reauthorization funds urgent conservation needs with matching private funds.
- Neotropical Migratory Bird Conservation Act reauthorization supports programs that conserve birds which summer in United States and spend the winter months in the Tropics.
 Delisting Great Lakes and Wyoming Wolves reissues final December 2011 rule to delist the gray wolf in the
- Delisting Great Lakes and Wyoming Wolves reissues final December 2011 rule to delist the gray wolf in the Western Great Lakes and the final September 2012 rule to delist the gray wolf in Wyoming under the Endangered Species Act.
- Chesapeake Bay Program and Chesapeake Bay Initiative reauthorization provides funds for a regional
 partnership coordinating the restoration of the Chesapeake Bay and its watershed as well as for technical
 assistance focusing on conservation stewardship through the Chesapeake Bay Gateways and Watertrails
 Network
- National Fish Habitat Conservation Act enacts programs to conserve fish and fish habitat through partnerships that foster fish habitat conservation and enhance fish and wildlife-dependent recreation.

Visit the National Wildlife Federation Media Center at NWF.org/News.

The <u>National Wildlife Federation</u> is America's largest conservation organization, uniting all Americans to ensure wildlife thrive in a repidly changing world. Follow us on <u>Facebook</u>, <u>Twitter</u>, and <u>Instagram</u>.



Testimony of the National Wildlife Federation In support of S. 1514, the "Help for Wildlife Act"

Submitted to the U.S. Senate Committee on Environment and Public Works
For the record of the July 19, 2017
"Legislative Hearing on S. 1514, the Hunting Heritage and
Environmental Legacy Preservation (HELP) for Wildlife Act."

The National Wildlife Federation submits this testimony in support of the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act, S. 1514, on behalf of our approximately 6 million members and supporters, including hundreds of thousands of hunters and anglers who are members of the National Wildlife Federation (NWF) and our state and territorial affiliates.

NWF would like to commend the U.S. Senate Committee on Environment and Public Works for its leadership in the 115th Congress in advancing the conservation interests of hunters, anglers and other outdoor enthusiasts, and doing so in a truly bipartisan fashion. NWF has supported Congress' efforts to pass a bill for sportsmen and women for over three Congresses now. All of those efforts have come up short. The Committee is showing leadership by continuing to try to pass a bill for sportsmen, and by taking a bipartisan approach that is most likely to lead to of actual passage of legislation.

The Committee got off to a strong, bipartisan start on sportsmen and conservation policy with the WILD Act, S. 826, an innovative and non-controversial conservation bill that quickly passed through the Senate with unanimous consent. The Wild Act offers prizes for innovations in addressing conservation challenges, addresses invasive species, and, like HELP, reauthorizes numerous conservation programs including Partners for Fish and Wildlife and multi-national species programs for elephants and other wildlife.

The Committee has taken a similar approach to S. 1514, the HELP for Wildlife Act. The Committee has put together a package of provisions that advance a variety of conservation and outdoor recreation interests, that have attracted broad support, and that avoid some of the intractable provisions that have plagued previous sportsmen bills. The HELP Act is written so that it could pass on its own merits. The HELP Act could also serve as a basis for a broader Senate sportsmen package when combined with provisions from the Senate Committee on Energy and Natural Resources. We encourage this Committee to work with the Energy and Natural Resources Committee to come up with the strongest overall Senate sportsmen and conservation package.

HELP would reauthorize numerous important conservation programs for 5 years. NWF strongly supports these programs. We advocate for the conservation interests of hunters, anglers, and outdoors enthusiasts, and are pleased to see a healthy dose of conservation in this sportsmen's package.

- The Chesapeake Bay Program and Chesapeake Bay Initiative provide funds for a regional
 partnership coordinating the restoration of the Chesapeake Bay and its watershed as well
 as for technical assistance focusing on conservation stewardship through the Chesapeake
 Bay Gateways and Watertrails Network. The Chesapeake Bay is the United States'
 largest estuary, a source of healthy food and outdoor recreation for millions of Americans
 that is experiencing an ecological recovery due to these programs after many decades of
 degradation.
- The North American Wetlands Conservation Act (NAWCA) provides matching grants to
 organizations, state/local governments, and private landowners for the acquisition,
 restoration, and enhancement of wetlands critical to migratory birds. Maintaining
 wetlands in the face of economic pressures to drain them and convert them to other uses
 is critical to maintaining waterfowl populations and the huge recreational and economic
 benefits they bestow.
- The Neotropical Migratory Bird Conservation Act supports programs that conserve birds
 which summer in United States and spend the winter months in the Tropics. Bird
 migrations are one of the world's most amazing and accessible wildlife spectacles, and
 the basis for one of the most popular outdoor activities and economic engines –
 birdwatching.
- The National Fish and Wildlife Foundation funds urgent conservation needs with matching private funds. NFWF provides vital support for restoring wildlife populations and habitats including in large ecosystems like the Delaware Bay.

HELP would also authorize a National Fish Habitat Conservation Act to carry out programs to conserve fish and fish habitat through partnerships that foster fish habitat conservation and enhance fish and wildlife-dependent recreation.

HELP includes the Target Practice and Marksmanship Training Support Act", which amends the Pittman-Robertson Act to allow up to 10% of this important program's wildlife conservation funding to be redirected to fund the construction and expansion of public target ranges, including ranges on land managed by the Forest Service and the Bureau of Land Management. The growing popularity of recreational shooting has led to significant increases in P-R funding for state-based wildlife conservation and hunter education due to increases in the excise taxes collected on weapons and ammunition. This has also created an increased demand for public shooting ranges. NWF recognizes the need for more public shooting ranges in many parts of the country to meet the demand for target practice and for recreational shooting. State wildlife agencies, however, remain in desperate need of more funding for wildlife conservation. NWF is optimistic this shift in funding from wildlife conservation and toward shooting ranges will lead to an even greater amount of funding being returned to wildlife conservation as a result of increased spending on shooting equipment.

The HELP for Wildlife Act removes the Great Lakes population of wolves from the Endangered Species Act (ESA) by reinstating a Fish and Wildlife Service wolf delisting rule overturned by repeated rounds of litigation. NWF has been a strong supporter of the recovery of the gray wolf under the federal and state Endangered Species Acts, but the wolf population in Minnesota, Wisconsin and Michigan has clearly recovered, exceeding their original recovery targets by approximately ten times. The U.S. Fish and Wildlife Service estimates that there are well over 2000 wolves in Minnesota, over 850 in Wisconsin, and over 600 in Michigan. The wolf management plans of the Minnesota, Michigan and Wisconsin Departments of Natural Resources have been approved by the U.S. Fish and Wildlife Service, and all three agencies have demonstrated their ability to successfully manage wolves. It is time for wolves in these three states to be returned to management by the state agencies, freeing the Fish and Wildlife Service to redirect scarce resources to much more highly endangered species. Yet the unique listing history of the gray wolf, and the lack of clarity under the ESA around delisting species, makes it unlikely wolves in the Great Lakes will be removed from the ESA in the foreseeable future without Congressional intervention. For example, the Fish and Wildlife Service attempted to delist wolves in the Great Lakes four times between 2003 and 2011. The continued labelling of this obviously recovered high profile population as threatened and endangered is straining the credibility of the ESA. While there are legitimate unresolved legal issues raised by the litigation over wolves in the Great Lakes, plaintiffs' pursuit of injunctions against state management while pursuing broader legal claims has exacerbated this situation. NWF therefore accepts congressional intervention in this instance as the most likely way to return this recovered population of wolves to state management.

Wolves in Wyoming have already been removed from the ESA in the wake of a recent court ruling upholding the Fish and Wildlife Service's delisting rule covering Wyoming. The HELP Act shields this ruling from further judicial review. This provision is no longer needed to return wolves to state management in Wyoming, but, as in the Great Lakes, it does not prevent wolves in Wyoming from being relisted under the ESA in the future if conditions warrant it.

HELP would exempt lead sport fishing equipment such as lures and weights from regulation under the Toxic Substances Control Act (TSCA). Lead is toxic for wildlife and people, and the state and territorial affiliates of NWF have passed five resolutions supporting the reduction of lead in shot and tackle. NWF has worked for decades on reducing the use of lead-based ammunition and fishing gear, and in our experience the most success has occurred where broad coalitions of hunters, anglers, conservationists, industry, and government agencies come together to develop effective solutions based upon sound science. While we do not believe regulation will be required to move toward greater availability and use of non-lead fishing equipment, we do not think this provision in the HELP Act eliminating the possibility of federal regulation under TSCA is necessary. We are also concerned it could unintentionally undermine the success of voluntary phase out efforts underway.

Finally, one area of vital importance to NWF and our members not addressed in the HELP Act is coastal Louisiana, aptly nicknamed "Sportsmen's Paradise" for its unparalleled hunting, fishing and wildlife viewing opportunities. But this paradise for sportsmen and sportswomen is disappearing, a Vanishing Paradise. Over two thousand square miles of coastal Louisiana has

disappeared since 1932, an area the size of Delaware. That is one third of the largest expanse of coastal wetlands in the lower 48 states. Without decisive action, another two thousand square miles could disappear in as little as 50 years. We strongly support Louisiana's Coastal Master Plan which proposes controlled sediment diversions that will allow nature to begin rebuilding the delta of the Mississippi River, and we urge the Federal government to work with the state, using the funds flowing from the Deepwater Horizon settlements, to make real restoration happen now.

NWF thanks the Committee for its bipartisan efforts to pass sportsmen conservation legislation, and for accepting our testimony in support of those efforts.



Senators Introduce the Strongest Legislative Package of Sportsmen's Priorities in Years

A package of bills introduced today has bipartisan support and will benefit habitat, access, and conservation funding

Only hours ahead of their departure for the Fourth of July recess, Senator John Barrasso (R-WY), Senator Ben Cardin (D-MD), and a bipartisan group of senators introduced S. 1514, a strong package of bills that would benefit fish and wildlife habitat nationwide, while funding critical watershed restoration efforts in the Mid-Atlantic and improving access for recreational shooters on public lands.

The legislation would:

- Reauthorize the North American Wetlands Conservation Act—a grant program through which
 each federal dollar invested is matched an average of three times over by non-federal dollars—at
 \$50 million annually through 2022.
- Authorize the National Fish Habitat Conservation Act, which was created to foster partnerships that improve conditions for fish species and enhance recreational fishing opportunities.
- Reauthorize the National Fish and Wildlife Foundation, the nation's largest conservation grantmaker
- Reauthorize Chesapeake Bay restoration program at \$90 million per year through 2022.

"What makes this effort different from sportsmen's packages of the more recent past is that, right from the outset, it deals with meaningful conservation priorities by reauthorizing and instituting programs that will actually enhance fish and wildlife populations, habitat, and access," says Whit Fosburgh, president and CEO of the Theodore Roosevelt Conservation Partnership. "We applaud Sen. Barrasso, Sen. Cardin, Sen. Boozman, Sen. Klobuchar, Sen. Capito, and Sen. Baldwin for their leadership and recognition of what American hunters and anglers value."

The legislation is not without controversy, but a provision to delist gray wolves in Wyoming and the Great Lakes has bipartisan support from lawmakers and has been recommended by the U.S. Fish and Wildlife Service. "When we take recovered species off the list, we strengthen the Endangered Species Act by making truly endangered species a priority—species shouldn't stay on the list forever," adds Fosburgh. "We trust in state fish and wildlife agencies to manage wildlife, and science indicates this is the next step for wolves."

With the bipartisan support of the Chairman and members of the Senate Environment and Public Works Committee, this legislation has a good chance of moving forward quickly.

July 18, 2017

The Honorable John Barrasso Chairman Environment and Public Works Committee United States Senate Washington DC 20515 The Honorable Tom Carper Ranking Member Environment and Public Works Committee United States Senate Washington DC 20515

Dear Chairman Barrasso and Ranking Member Carper:

The Theodore Roosevelt Conservation Partnership, a coalition of 54 sportsmen's conservation and outdoor recreation organizations, seeking to guarantee all Americans a quality place to hunt and fish, would like to offer our strong support for S.1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act.

The provisions included in S.1514 represent some of the highest policy priorities for America's 40 million hunters and anglers. Quality habitat is simply essential for the future of hunting and fishing in the United States, and the HELP for Wildlife Act includes habitat provisions with long track records of success, including reauthorization of the critical North American Wetlands Conservation Act (NAWCA), and the reauthorization of the National Fish and Wildlife Foundation. S.1514 also includes the statutory authorization of fish habitat conservation language, which will ensure taxpayer dollars fund impactful and locally originated on-the-ground fish habitat projects all across the country.

The HELP for Wildlife Act includes reauthorization of the Chesapeake Bay Program, an EPA-administered account that sees fully two-thirds of program funding re-granted to the states to help restore water quality and ease regulatory burdens. The Chesapeake watershed, at 64,000 square miles, is enormous, and is home to world class fishing and hunting opportunities. The Chesapeake Bay program not only seeks to restore the main stem Chesapeake, but in order to achieve that important goal, restores the local watersheds so important to sportsmen in Delaware, Maryland, Pennsylvania, New York, Virginia, and West Virginia.

S.1514 also includes language to delist the gray wolf in Wyoming and across the Great Lakes region. TRCP strongly believes that the best way to strengthen the Endangered Species Act is to ensure that once recovered, species can be removed from the Endangered Species list and returned to state management. Science indicates that gray wolf populations have reached the point where their removal from the list is appropriate, and that state wildlife agencies have the tools to manage gray wolves moving forward.

The HELP for Wildlife Act is a great example of Senate bipartisanship, with a long list of support that includes the Theodore Roosevelt Conservation Partnership. We appreciate the Senate Environment and Public Works Committee moving forward quickly with a hearing, and hope that the Committee can move to markup this important legislation in the near future.

Sincerely,

Whit Fosburgh President and CEO Theodore Roosevelt Conservation Partnership Senator Barrasso. I will also note that my friend, Brian Nesvik, Chief Game Warden with the Wyoming Game and Fish, is testifying today in support of the bill. It is an honor. I had the honor of spending time with Brian on several occasions in 2009, including Thanksgiving dinner. At the time, he was deployed to Kuwait as the commander of the second of 300th Field Artillery unit, which had the mission to running convoy operations into Iraq in a very dangerous time. So thank you very much, Brian, for coming to be with us today to testify.

Just as with the WILD Act and the Nuclear Energy Innovation and Modernization Act, which both passed this Committee earlier this year with strong bipartisan support, this bill is another example of how we can work together, both Democrat and Republican, to help protect the environment and grow the economy. So I look forward to working with my colleagues on moving this important legislation out of the Committee and pass it to the Senate floor.

With that, I look forward to the testimony of our Ranking Mem-

ber for his opening statement.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Thanks very much, Mr. Chairman.

To each of our witnesses, welcome.

Brian, what branch of the service were you in?

Mr. NESVIK. Senator, I am in the Army National Guard and continue to serve today.

Senator CARPER. Navy solutes Army. I am a retired Navy captain. I appreciate you very much. I like to say different uniforms; same team. So we are glad you are here.

Glad all of you are here.

We haven't seen Dale for about like 20 minutes, so it is nice to see you again.

[Laughter.]

Senator CARPER. This is double duty. Twice the citizen, that is what you are.

Welcome, everybody.

We have considered, as you know, my colleagues know that most of this legislation before, and I have supported different iterations of sportsmen's bills over the years. I think most of us have. I look forward to hearing from each of you. We look forward to hearing from each of you about this year's bill, the HELP for Wildlife Act.

I recognize the important role that sportsmen and other outdoor enthusiasts play in our economies. We are blessed in our State to have two beautiful, magnificent wildlife refuges right along the Delaware Bay and one of the nation's newest national parks. So this is something that is close to home for us in Delaware.

According to the Congressional Sportsmen's Foundation, Delaware has about 177,000 hunters. We only have 178,000 people.

[Laughter.]

Senator CARPER. Actually, we have almost a million. And anglers who spend \$158 million annually and support almost 2,000 jobs. Almost 2,000 jobs. Many of these sportsmen and sportswomen also invest their time and resources to promote habitat conservation, in

part through programs that will be reauthorized through the HELP for Wildlife Act.

Hunting is only one form of wildlife related recreation. A 2011 Census study showed that more than 340,000 people enjoyed wildlife related recreation in Delaware, and 71 percent of them participated in wildlife watching specifically. Year after year, people come to the First State to observe the federally threatened red knot shorebirds which stop along the Delaware Bay to refuel on horseshow crab eggs along their amazing 9,000 mile migratory journey.

As we consider the HELP for Wildlife Act, we must carefully balance the different interests at play in wildlife preservation and recreational activities across our country. This careful balance is especially difficult to strike when it comes to managing some of our nation's most charismatic species, including the gray wolf.

As Ranking Member of this Committee, I have made clear my firm commitment to ensuring that wildlife management decisions are guided and driven by the best available science. The idea of intervening in the current science based, publicly informed species management process to legislatively delist a species gives me great pause

In the case of gray wolves, the Committee must consider the strong support across our nation for wolf protection and the critical role that wolves play in their ecosystems. We will hear from witnesses today on both sides of this complex issue, and I am especially interested in their perspectives on how best to manage this special species.

I would be remiss if I did not mention the new provisions in this bill to reauthorize the Chesapeake Bay program, the Chesapeake Bay Initiative Act. Our champion here to my left, my wingman on many issues involving Delmarva, Delmarva peninsula, Del, Mar, and Buzz is probably out there somewhere in the audience. I would be remiss if I did not mention the new provisions in this year's bill to reauthorize the Chesapeake Bay, and we should applaud Ben for his leadership in important sections of the HELP Act for his leadership.

As part of the Chesapeake Bay watershed, Delaware takes its responsibilities to contribute to the Chesapeake Bay's recovery and sustainability very seriously. I am particularly interested to hear what our witnesses have to say about how our Bay is doing. The Committee needs a full understanding of the Chesapeake Bay program role in assisting State efforts to restore the Bay and the role that the Chesapeake Gateways and Watertrails Network plays in advancing public understanding of and support for the Chesapeake restoration.

Again, our thanks to all of you. We look forward to hearing from you and for you to share your expertise with us. Bring it on.

Senator Barrasso. Well, thank you very much, Senator Carper. We have a couple of members who have some guests today who are testifying, so I would like to first give Senator Boozman the opportunity to introduce Mr. Jeff Crow, who will be testifying today.

Senator BOOZMAN. Thank you, Mr. Chairman, and thank you for calling this important hearing. I would just like to take a second

to give a special thanks to Jeff, of Hot Springs County, Arkansas,

for coming here today and testifying.

Director Crow began his career with the Arkansas Game and Fish Commission in 1986 and has been serving as Director since 2016. In 1996 he accepted a position with the Arkansas State Police, where he had assignments in highway patrol, criminal investigations, training, and SWAT. He retired from law enforcement in 2011, after 25 years of service. In 2012 he returned to the Arkansas Game and Fish Commission as a colonel of the agency's Enforcement Division. In 2013 Jeff was promoted to Deputy Director, and the following year he became the agency's Chief of Staff.

Director Crow also served 25 years on active duty as a member of the Reserves in the United States Marine Corps. A combat veteran of Operation Desert Storm and Operation Iraqi Freedom, he

retired in 2007 at the rank of Sergeant Major.

I think you have done everything.

Director Crow holds an associate's degree in Criminal Justice from National Park College, a bachelor's degree in Organizational Management from John Brown University, and a master's degree in Public Administration from Arkansas State University. With all this experience, I cannot think of anyone better to discuss why the HELP Act is great for the State of Arkansas and this nation.

I would like to thank Director Crow for his service to the State of Arkansas and to this country. We thank you for agreeing to testify about this important legislation and look forward to your testi-

mony.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you very much, Senator Boozman.

I would like to offer now an opportunity to Senator Cardin to introduce Kim Coble, who is here to testify today.

Senator Cardin. Well, first of all, Mr. Chairman, thank you for

Senator CARDIN. Well, first of all, Mr. Chairman, thank you for conducting this hearing. Thank you for your leadership on this legislation.

I am pleased that Kim Coble could be with us today. Kim is the Vice President for the Environmental Protection and Restoration at the Chesapeake Bay Foundation. She started her career at the Chesapeake Bay Foundation in 1992. We have been working on the Bay for a long time, Mr. Chairman, and Kim has been one of those key players as the senior scientist in the Foundation's Virginia Office, Delmarva, the States of the Chesapeake Bay region, which includes six States and the District of Columbia.

In 2003 she was named the Chesapeake Bay Foundation's Maryland Executive Director, where she directed policy and management of a diverse team of scientists, land use specialists, lawyers, grassroots coordinators, and volunteers to protect and restore the Chesapeake Bay, and then in 2011 she became the Foundation's Vice President of Environmental Protection and Restoration.

Mr. Chairman, I think this Committee has heard me mention many times how proud we are of the way that the Chesapeake Bay restoration efforts were handled. It started at the grassroots, the local levels with the State of Maryland, the State of Pennsylvania, the State of Virginia, the State of Delaware. We involved local governments and private sector, and the Chesapeake Bay Foundation has been a critical part of that team.

The reauthorization of the Chesapeake Bay program is a critical factor for the Federal partnership in the program, but the Bay efforts receive help from many different programs. Several are being reauthorized by the legislation that you introduced today. So it is a pleasure to have Kim with us today to explain the importance of the Federal role for the Chesapeake Bay.

Senator Barrasso. Well, thank you very much.

Thank you all for being here. I will alert the witnesses that today there is a roll call vote sometime during this Committee, so you may see some of us go and come back. Don't be offended; we just apologize in advance. We are going to need to vote and then come back.

So, with that, I look forward to hearing the testimony, beginning with Brian Nesvik.

STATEMENT OF BRIAN NESVIK, CHIEF GAME WARDEN, WYOMING GAME AND FISH DEPARTMENT

Mr. NESVIK. Well, good morning, Mr. Chairman, Ranking Member Carper, and members of the Committee. I am glad to be back with the Committee. It is absolutely an honor to discuss these issues that are important to the citizens of my State and across the nation, and I will do my best here today to meet the Committee's needs on this particular piece of legislation.

needs on this particular piece of legislation.

Mr. Chairman, I would like to open by passing along the sincere appreciation of the President of the Wyoming Game and Fish Commission, Keith Culver. I spoke with Keith here in the last couple of days, and he is today presiding over a Wyoming Game and Fish Commission meeting in a town you are very familiar with, Afton, Wyoming. They are actually discussing some of the same issues that we will discuss here today. The Commission did want to pass along, though, their appreciation for yours and the Committee's work on wildlife type legislation over the last several months.

Mr. Chairman, as you are keenly aware, Wyoming is home to a rich and diverse wildlife resource that is valued by an equally rich and diverse constituency. Much of the State's wildlife habitats remain in pristine condition and continue to provide wide open spaces and remote wild country for western iconic species like sagegrouse, grizzly bears, moose, gray wolves, pronghorn antelope, and elk. These resources directly affect and influence the quality of life for Wyoming's citizens and visitors from all over the globe.

As I analyzed the key provisions of this bill, two things struck me about the overarching themes. First, there is a reliance on the underlying trust and abilities of States to make decisions regarding important issues affecting their citizenry. Second, the bill places priority on, and provides resources for, America's fish and wildlife

resources and the places that they live.

Wyoming citizens take very seriously their trust responsibility for the management of all wildlife within its borders. State leaders have invested significant resources and inspired a conservation ethic in all of its endeavors. Wyomingites pride themselves on balancing conservation with economic development and maintaining a quality of life that reflects their most deeply held western values. One of those most important values is the reliance on State man-

agement of those wildlife occupying habitats within the boundaries of the State.

Section 8 of this Act and its provisions to preserve wolves in a delisted status in Wyoming provides a mechanism to provide the State with predictability and commitment; predictability, the State will be able to focus on managing the gray wolf, and commitment that as Wyoming maintains a healthy and viable recovered gray wolf population, that it will be able to continue its management uninterrupted.

The gray wolf population in our State has been recovered since 2002, and the Service has now, on three occasions, published a rule that definitively states wolves are recovered and that Federal management is no longer needed. For over 15 years, Wyoming's citizens have been extremely patient while the Service and the courts have wrestled with the status of a recovered population of wildlife within Wyoming's borders. The citizens of the State are ready for predictability and commitments that ensure State management into the future, and this bill provides that.

During the 2 years when Wyoming managed wolves under its current Wolf Management Plan, its wolf population thrived and remained far above recovery criteria. In fact, wolf populations and the number of breeding pairs occupying suitable habitats remained over 70 percent above the minimum requirements of the ESA.

Because not all habitats are biologically and socially suitable, there is a need to manage wolves and mitigate conflicts between wolves and livestock and private property owners. The State's track record is strong in its management of these conflicts, and during the 2 years when Wyoming managed the population, there were an average of 35 wolves removed by our agency consequential to livestock damage each year. Last year, under the authority of the Fish and Wildlife Service, Federal managers removed at least 113 wolves in control actions in response to livestock depredation.

As currently written, this Act reserves the responsibility for the Service to relist Wyoming's gray wolf population if it becomes threatened or endangered in the future. The ESA mandates that the Service's evaluation of all potential emerging threats or changing science and requires specific actions if recovery is not maintained. Despite the facts that the courts have been the lead in relisting species, they are not required to relist species, and this bill does not inhibit the responsibility of the Service to continue to oversee, for the post-delisting monitoring period, the wolf population in Wyoming.

In Idaho and Montana, where delisting was achieved through congressional action, State management remains intact today, and the 5-year post-delisting monitoring requirement of the ESA has expired. Both States continue to manage a fully recovered gray wolf population, and there no longer exists any Federal oversight.

Germane to the core tenets of the ESA is its intent and stated goal to recover and delist endangered species, and again, the provisions of this bill in section 8 that provides certainty to future management of Wyoming wolves is welcome.

With that, Mr. Chairman, I would also like to provide my concise thoughts on other very important components of this bill. As I stated earlier in my opening comments, this bill provides a priority on the protection and enhancement of wildlife habitats across America. The reauthorization of the North American Wetland Conservation Act, also known as NAWCA, is reflective of the priority Ameri-

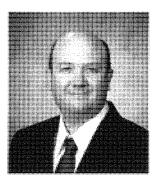
cans place on wildlife and wild places.

In one project in our State, in the Upper Green River Basin in Western Wyoming, NAWCA was used in a big way, for its intended purpose. A \$1 million NAWCA grant awarded to the Wyoming Game and Fish in 2013 protected and enhanced over 16,000 acres of critical habitat in the Pacific Flyway, benefiting wildlife and their habitats. Also important in that is that partners were able to match Federal dollars by nearly \$3 million.

Mr. Chairman, there are several other provisions of this bill where I offer additional perspective in my full written testimony, and I look forward to answering yours and the Committee's ques-

tions. Thank you.

[The prepared statement of Mr. Nesvik follows:]



Brian R. Nesvik Chief Game Warden/Chief of Wildlife Division Wyoming Game and Fish Department

Brian Nesvik graduated from the University of Wyoming in 1994 with a B.S. in Wildlife and Fisheries Biology and Management. He served in a variety of assignments as a game warden around the state in Laramie, Glendo, Casper, Elk Mountain and Pinedale before being promoted as the Regional Wildlife Supervisor in Cody in 2010. In May of 2011, he was promoted to his current position serving as the Chief Game Warden and Chief of the Wildlife Division for the Wyoming Game and Fish Department.

In his current position, he oversees all terrestrial wildlife management and wildlife law enforcement for the Department. His team consists of over 200 game wardens, biologists, veterinarians, administrative support professionals and information and education specialists.

Additionally, Nesvik has served in the Wyoming Army National Guard as an artillery officer since 1986. Nesvik served as a commander on two deployments to Operation Iraqi Freedom in Baghdad, Southern Iraq and Kuwait first as a company commander with 180 Soldiers and secondly as a battalion commander with 680 Soldiers. He has commanded as the battery, company, battalion and brigade levels with his last command assignment ending in 2015 as the commander of the 115th Field Artillery Brigade. He currently serves as the Army Guard's Plans, Operations and Training Officer and holds the rank of Colonel. He is a graduate of the Army War College and holds a Masters of Science degree in Strategic Studies.

Nesvik is married to wife Penny of 20 years and has three children Brittany, Rudy and Aspen. He enjoys hunting, fishing, boating and horseback riding.



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006 Phone: (307) 777-4600 Fax: (307) 777-4699 wgfd.wyo.gov GOVERNOR
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Testimony of Brian R. Nesvik Chief Game Warden/Chief of the Wildlife Division Wyoming Game and Fish Department

Before the U.S. Senate Committee on Environment and Public Works

On the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act, S. 1514

July 19, 2017

Wyoming is home to a rich and diverse wildlife resource that is valued by an equally rich and diverse constituency. Much of the state's wildlife habitats remain in pristine condition and continue to provide wide open spaces and remote wild country for western iconic species like sage grouse, grizzly bears, moose, gray wolves, pronghorn antelope and elk. The management, abundance and quality of these resources are deeply intertwined and work symbiotically with multiple components of the State's economy including agriculture, tourism and mineral extraction. But more importantly, these resources directly influence the quality of life of Wyoming citizens and visitors from around the globe.

Wyoming citizens take very seriously their trust responsibility for the management of all wildlife within its borders. State leaders have invested significant resources and inspired a conservation ethic in all of its endeavors. Wyomingites pride themselves on balancing conservation with economic development and maintaining a quality of life that reflects their most deeply held western values. One of these most important values is the reliance on state management of those wildlife occupying habitats within the boundaries of the state. The North American Model of Wildlife Conservation is prominently understood and relied upon as good policy and guidance for sound wildlife management.

I submit this testimony with the purpose of highlighting some of the key components of the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (Act,) and how specific provisions contribute to Wyoming's conservation efforts. I offer a perspective from a state wildlife manager who works closely with private landowners, federal land managers, diverse wildlife stakeholders and non-governmental organizations. Additionally, my thoughts reflect my work with colleagues in other state wildlife management agencies and the Association of Fish and Wildlife Agencies (AFWA). Key parts of the Act included in my testimony below include commitment to continued state management of the gray wolf in Wyoming, important uses for conservation resources allocated under the North American Wetlands Conservation Act (NAWCA), the use of federal match funding for the development of shooting ranges, the use of tish habitat partnerships and lead used in fishing equipment

"Conserving Wildlife Serving People"

Section 8. Reissuance of Final Rule Regarding Gray Wolves in Wyoming

The Endangered Species Act (ESA) was signed into law in 1973 and the Northern Rocky Mountain gray wolf subspecies was immediately added to the list as an endangered species. In 1978 the United States Fish and Wildlife Service (USFWS) listed all wolves in the lower 48 states under the ESA. Recovery planning in the northern Rocky Mountains began as early as the mid 1970s and by the 1980s several drafts of recovery plans were circulated for public comment. In the early 1990s an Environmental Impact Statement was prepared in preparation for gray wolf releases in Yellowstone National Park and central Idaho.

Gray wolves were reintroduced in Wyoming in 1995 and 1996 in Yellowstone National Park. The Recovery Plan identified clear and measurable recovery criteria which called for 30 breeding pairs and 300 wolves between the three states of Idaho, Montana and Wyoming (with 10 breeding pairs and 100 wolves in each state) and genetic interchange between the sub-populations in all three states. Those criteria were met in 2002 and in 2003 the USFWS began to prepare for delisting by issuing a notice of intent to delist. This was followed by years of litigation and disagreements between the states and the USFWS with challenges over state management plans and the establishment of Distinct Population Segments (DPS). Following a 2008 court decision that dismissed a challenge to Wyoming's Wolf Management Plan, the USFWS determined gray wolves no longer needed the protections of the ESA and delisted the Northern Rocky Mountain population.

Environmental litigants immediately challenged the delisting rule and were successful in convincing a district court judge to enjoin the rule effectively stopping state management. The court ruled that the USFWS failed to show evidence of genetic interchange and also that it relied on Wyoming's flawed wolf management plan. The court concluded that Wyoming's wolf plan failed to commit to managing for at least 15 breeding pairs, despite the fact that the recovery plan required only 10. Additionally, the court found Wyoming's plan to manage wolves with dual legal status to be problematic.

In 2009 the USFWS published a new rule establishing the Northern Rocky Mountain DPS and delisting that DPS with the exception of Wyoming. The USFWS stated that Wyoming's plan was not sufficient to ensure a recovered population. In 2010 a federal judge vacated the 2009 rule on the basis that the USFWS could not delist only a portion of a DPS. The court also disagreed with the USFWS assertion that Wyoming's dual status plan was insufficient.

In 2011 Congress intervened by initiating the USFWS 2009 delisting rule which reinstated state management of wolves in Montana and Idaho. This was challenged by environmental litigants, but held as constitutional by the courts. Wyoming entered into discussions with the USFWS which culminated in an agreed upon path forward for delisting in Wyoming. The agreement established 10 breeding pairs and 100 wolves as the minimum threshold Wyoming would manage for outside of Yellowstone National Park and the Wind River Reservation. The state also agreed to provide a "flex" zone where management would encourage wolf movement to other sub-populations to help factilitate genetic interchange. Wyoming also agreed to manage for a buffer above this threshold through an addendum to their wolf management plan. At this time,

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the wolf population in Wyoming was at least 328 wolves with 27 breeding pairs. In September of 2012 the USFWS issued a final delisting rule and Wyoming took over management of its wolf population for the second time.

All three states managed wolves well above the minimum recovery criteria. State fish and wildlife management agencies conducted biological monitoring to track population trends, assess genetic interchange and ensure that the populations remained far above minimum recovery levels. Additionally, all three states initiated well regulated hunting and managed wolves that caused damage to private property. Following 2 years of state management in Wyoming, the wolf population continued to thrive and remain far above recovery criteria. At the end of 2013, Wyoming's population was at least 306 wolves in 43 packs with 23 documented breeding pairs. Wolves were legally harvested in areas defined by both legal statuses and populations continued to thrive.

In 2012 following delisting in Wyoming, environmental litigants filed suit again challenging the USFWS decision. On September 23, 2014 (7 days prior to the opening of the annual hunting season) a Washington D.C. Federal District Court Judge vacated the USFWS rule delisting wolves in Wyoming. The court found no fault in the Wyoming's dual status management scheme or their genetic connectivity analysis. The court concluded the population was recovered, but that Wyoming's "nonbinding and unenforceable representations" to manage for a population above 100 wolves and 10 breeding pairs was not adequate. This conclusion by the court regarding the enforceability of a commitment to manage above recovery criteria was the basis of the court's decision to vacate.

The USFWS appealed this decision to the Washington, D.C. Circuit in 2015. In March of 2017 the appellant court overturned the District Court decision which effectively returned state management to the state of Wyoming. The Wyoming Game and Fish Department has now reinitiated wolf management activities for the third time and the Wyoming Game and Fish Commission will consider new regulations today.

Wyoming citizens have been extremely patient while the USFWS and the courts have wrestled with the status of a recovered population of wildlife within Wyoming's borders for over 15 years. Their patience is waning quickly and the citizens of the state are ready for predictability and commitments that ensure state management into the future.

Wyoming has contributed in spades to the recovery of this species and has managed gray wolves using sound scientific principles at those times when the state had authority to do so. The state has made significant commitments to maintaining a healthy, viable and sustainable population of gray wolves into the future both through its actions and the adoption of effective and responsible regulatory mechanisms.

The state has demonstrated skill and competence in managing gray wolves in an adaptive manner over the two years when the state had management authority. During the period from October of 2012 to September of 2014, Wyoming's wolf population thrived and remained far above recovery criteria. In fact, wolf populations and the number of breeding pairs occupying suitable.

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habitats remained over 70% above the minimum requirements of the ESA recovery plan criteria of 100 wolves and 10 breeding pairs. Management included biological monitoring, regulated hunting and livestock damage control actions.

Wyoming citizens invested in wolf recovery then and now by compensating livestock producers who experienced significant losses to wolf depredation. This compensation program existed while wolves were listed and will continue into the foreseeable future. Last year Wyoming livestock producers were compensated \$390,000 (increase of \$80,000 from previous year) for cattle and sheep losses attributed to wolves. Wyoming is home to a diversity of wildlife species including many that cause damage to private property such as elk, mule deer, Canada geese, mountain lions, black bears, grizzly bears and antelope. Thirty seven percent of all damage compensation in the state last year was caused by gray wolves.

During periods of time when the state had management authority, a primary management goal was directed at reducing human conflict and also the number wolves that were required to be removed in agency action. During the two years when Wyoming managed the population, there were an average of 35 wolves removed by the agency consequential to livestock damage. Last year federal managers removed at least 113 wolves in control actions in response to livestock depredation.

The provisions of this bill protecting the USFWS delisting rule from judicial review provides the state with needed predictability while still protecting and ensuring accountability for maintenance of a recovered wolf population. Regardless of the mechanism, any measure that ensures state management predictably into the future provides the most pragmatic and reasonable solution for both the gray wolf population and Wyoming's citizens. As currently written, this Act preserves the responsibility for the USFWS to re-list Wyoming's gray wolf population if it becomes threatened or endangered in the future. The ESA mandates USFWS evaluation of all potential emerging threats or changing science and requires specific actions if recovery is not maintained. This ESA requirement is not affected by the current draft of this bill.

Also germane to the question of how to ensure a delisting rule that will persevere, and the relationship between that question and this bill, is the fact that in recent history delisting of a gray wolf population lasted only when directed by Congress. In Idaho and Montana where delisting was achieved through congressional action, state management remains intact today and the 5 year post-delisting monitoring requirement of the ESA has expired. Both states continue to provide effective adaptive management and a fully recovered gray wolf population despite the fact there no longer exists any federal oversight other than the general provisions of the ESA that are relevant to all wildlife and all jurisdictions. There has never been a relisting of any species based on a biological or scientific assessment that a population again became threatened after it had recovered and been delisted.

Section 4. North American Wetlands Conservation Act

The Wyoming Game & Fish Department (Department) stands to enjoy continued benefits to its fish and wildlife resources with the reauthorization of the North American Wetlands Conservation Act (NAWCA). This Act provides critical funding to support the North American Waterfowl Management Plan. Through its implementing bodies, the joint ventures, this source of funding has been instrumental in our efforts to develop and implement an effective voluntary and incentive-based wetland conservation program in Wyoming. Our successes can largely be attributed to the availability of diverse funding sources and collaboration with the joint ventures supported under NAWCA. A summary of our conservation funding achievements is provided in the table at the end of this section. Recent research has also demonstrated sage-grouse distribution is strongly correlated with wetlands and mesic habitats (Donnelly et al. 2016). This dependency further underscores the importance of wetlands in Wyoming, and the importance of NAWCA in helping us to proactively conserve them. Moreover, approximately one-third of all endangered species are wetland obligates. Further, wetland losses may lead to additional listings under the Endangered Species Act, which can have a significant impact on economic interests. Examples of NAWCA projects that provide meaningful benefit to Wyoming include: the Upper Green River and the Pathfinder Wetland Partnership NAWCA grant(s).

The Nature Conservancy (TNC) compares the Upper Green River to the Serengeti in the plains of Africa, as it creates a "natural bottleneck where wildlife moves through ancient migratory pathways." The wetlands found here have been degraded over the years due to a variety of anthropogenic disturbances. The riparian wetlands and associated uplands surrounding the Upper Green River provide crucial habitat for migratory birds and other wildlife in the area. The \$1 million NAWCA project, awarded to the Wyoming Game and Fish Department in 2013, protected and enhanced 16,440 acres of critical habitat in the Pacific Flyway, benefitting flora and fauna in an important part of the State and country. Partners were able to match federal dollars by nearly \$3 million.

The Pathfinder Wetland Partnership, located in southeast Wyoming was awarded \$1 million in 2016. This project will protect and restore wetlands within a geographic footprint roughly the size of Indiana.

Nationwide, the NAWCA supports wetland habitat conservation which has proven to be vital for migratory birds and other wildlife. Also noteworthy, NAWCA funded efforts to conserve and restore wetlands strengthens the economy. Each year, NAWCA-funded conservation and restoration projects directly support 7,500 jobs; employing and supporting landowners, contractors, biologists, engineers, manufacturers and suppliers. In addition, wetland habitats create opportunities for recreational activities such as hunting, fishing, wildlife watching, and photography which generate billions of dollars in the U.S. economy every year. Lastly, wetlands absorb water from floods and provide a variety of natural services resulting in clean, plentiful water supplies.

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Wetland conservation funding accomplishments in Wyoming . (Grant awards do not include additional matching funds).

Fund Source	Dates	Project Name	Amount
Intermountain West Joint Venture Capacity Grants	2008	Shared NRCS Biologist Year 1, Pinedale	\$25,000
	2009	Shared NRCS Biologist Year 2, Pinedale	\$15,000
	2009	TNC Project Readiness Assessment	\$15,000
	2010	Shared NRCS Biologist Year 3, Pinedale	\$15,000
	2010	WREP Pilot, Bear River	\$15,000
	2011	Albany/Carbon CO Range Specialist Year 1	\$15,000
	2011	Green R. Partnership Initiative	\$15,000
	2012	Albany/Carbon CO Range Specialist Year 2	\$15,000
	2012	Arapaho NWR Outreach Coord., Laramie	\$15,000
	2013	Albany/Carbon CO Range Specialist Year 3	\$15,000
	2014	WY Wetland Conservation Specialist (Shared DU/NRCS) - Year 1	\$15,000
	2014	Circle B Land & Cattle Co. Conservation Planning	\$15,000
	2016	WY Wetland Conservation Specialist (Shared DU/NRCS) - Year 2	\$15,000
NAWCA Standard US Grants	1995	Green River Wetlands *	\$109,162
	2012	Upper Green River Conservation Easements & Wetland Projects *	\$1,000,000
	2016	Pathfinder Partnership *	\$1,000,000
NAWCA Small Grants 1997 W 2001 Lc 2008 W 2011 Pt	Cottonwood Cr. Riparian Protection/Enhancement *	\$4,608	
	1997	Wetland Creation/Beaver Introduction *	\$24,000
	2001	Lower Green River Wetland Restoration *	\$49,072
	2008	Wyoming North Platte Wetlands Initiative I *	\$75,000
	2011	Purple Sage Ranch Oxbow Restoration *	\$50,000
	2016	Ocean Lake Wetlands *	\$75,000
WY Dept. Environ. Qual. Section 319 funds	2008-2010	TNC Study: Geospatial assessment on the distribution, condition, and vulnerability of Wyoming's wellands	\$164,444
Wildlife Habitat Trust Fund	2009-2012	DU Table Mountain/Springer WHMA Water Study	\$40,000

EPA Wetland Program Development Grants	2011	Upper Green River Wetland Assessment	\$98,058
	2012-2013	Goshen & Laramie Plains Wetland Assessments	\$223,116
	2016	Development of Wetland Restoration Program for Wyoming	\$225,000
Ruby Pipeline Mitigation Funds through National Fish and Wildlife Foundation (NEWF) / Mountain West	2012	Cokeville NWR Habitat Protection	\$488,594
		North Cottonwood Ranch Easement	\$1,000,000
	2013	Ocean Lake WHMA Wetland Enhancement	\$85,000
Exxon/Mobile Settlement through NFWF	2011	Sublette CO Rimfire Ranch Project	\$40,000
Wyoming Wildlife and Natural Resource Trust Fund	2013	Table Mountain I Wetland Restoration	\$60,700
	2013	Table Mountain II Wetland Restoration	\$264,000
TOTAL DIRECT FUNDING (excludes match funds)			\$5,280,754

* Sources:

https://www.fws.gov/birds/grants.php

http://www.ducks.org/resources/media/Conservation/NAWCA/statefactsheets/

https://www.fws.gov/birdhabitat/grants/nawca/Sinall/Wyoming.shtm

http://www.ducks.org/conservation/gpr/wyoming/pathfinder-partnership-restoring-habitat

CTTATON:
Donnelly, J.P., D.E. Naugle, C.A. Hagen, and J.D. Maestas. 2016. Public lands and private waters: scarce mesic resources structure land tenure and sage-grouse distributions. Ecosphere 7(1):e01208.10.1002/ccs2.1208.

Section 2. Target Practice and Marksmanship

Wyoming has been deeply engaged in enhancing recreational shooting opportunities for all of its citizens. Wyoming Governor Matt Mead is leading a significant effort now to bring recreational shooting opportunities to communities across the state through the "Wyoming 100". The initiative is rooted in the idea that hunting, shooting and the firearms industry all have positive impacts on our country and state.

The firearms and ammunition industry create jobs-good paying jobs. Additionally, money spent on hunting, fishing and the recreational shooting sports directly contribute to funding wildlife conservation and management. The Pittman-Robertson Wildlife Restoration Act (PR Act) allocates about 11% of all spending on firearm and ammunition to state wildlife management agencies (\$371 million last year).

Hunting and recreational shooting sports also help to connect people with the outdoors. Participation is growing quickly and particularly by women. Recreational shooting sports engagement by women has increased by over 60% in the last decade. Women participation in hunting has also increased, dramatically in some areas

The provision of this bill that encourages federal partners to cooperate in the continued maintenance and development of shooting ranges on federal lands is in line with the state's goals with regards to recreational shooting activities. This bill enables and encourages states to purchase lands (through partnership or directly) for the purpose of building publicly accessible shooting ranges. Since access to ranges is the greatest impediment to first time participation, this bill has the potential to increase opportunity across the country.

Current law allows states to use PR Act dollars to fund up to 75% of our Hunter Education and Safety Programs. This includes the construction, operation, and maintenance of shooting ranges that are used by the public. This bill increase opportunities and flexibility for state game and fish management agencies by allowing the use of PR Act to match up to 90% of the costs to acquire lands for public shooting ranges and allows states the flexibility to provide up to 10% nonfederal match. This enhanced funding flexibility will greatly benefit our Wyoming 100 initiative and our hunting and recreational shooting sports citizens.

Section 12. National Fish Habitat Conservation Through Partnerships

The Department has been involved in fish habitat partnerships since the beginning of their existence. Former Wyoming Fisheries Chief Mike Stone was one of the original architects of the National Fish Habitat Action Plan in 2006. Wyoming, along with other state fish and wildlife management agencies, places significant value in working cooperatively to enhance habitats for fish and other wildlife and have a proven track record working with these types of initiatives.

The Western Native Trout Initiative (WNTI) was started under the Western Association of Fish and Wildlife Agencies before the existence of the National Fish Habitat Partnership (NFHAP), but was later included as a recognized partnership under the NFHAP umbrella. The Department has been involved with WNTI and Former Fisheries Chief Mike Stone was a founding organizer and one of the first steering committee members. The Department has helped with WNTI efforts including species assessments, project review and financial contributions. The Department along with 10 other western states provided funding for several years as a bridge to ensure continuation of WNTI when federal funding was uncertain. The partnership has provided \$172,960 to entities working on cutthroat trout restoration and has enhanced Wyoming abilities to restore native fish.

There are four fish habitat partnerships that geographically overlap Wyoming— Great Plains, Desert Fish, Reservoir Fish and the Western Native Trout Initiative (WNTI). In recent years, Department involvement has been primarily directed at the WNTI, however there has been some involvement with the Great Plains and Desert partnerships, primarily through meeting attendance. Over the past several years, interest gradually waned when it became apparent that additional federal funding, needed to leverage non-federal match, was unlikely. In addition, with limited funding spread across vast geographic areas and divided among many species, the likelihood of funding Wyoming projects was low. The Department has only applied for funding for one project from these sources and received a small amount several years ago from the Prante Fish Partnership for habitat work in the Caspet Region

From a Wyoming, western states and national perspectives, there are several potential positive outcomes with improved funding for the initiative and associated partnerships. When adequately funded in the past, these partnerships have provided many states increased capacity to enhance and develop fish habitat as well as restore native fish. Wyoming's continued involvement with WNTI will only be enhanced with additional focus and resources directed at the NFHAP. Wyoming and other western states participation and overall capacity to conduct this important work will only increase with additional funding allocated to these partnerships.

Section 9. Modification of Definition of Sport Fishing Equipment Under Toxic Substances Control Act

Lead has been used in fishing tackle for centuries because of its unique proporties (weight, density, pliability, etc.), availability, and low cost to manufacture. The ability to use fishing tackle made of lead is extremely important to anglers and the sport fishing industry across the nation in order provide manufacturing flexibility, the ability to utilize other metals in production, provide reliable tackle, and manage costs. In the state of Wyoming, angling and revenue derived from sport fishing have increased significantly over the past 5 years. Fishing is a common recreational activity and provides several million angler use days each year.

The impacts to fish and wildlife from lead ingestion are highly variable due to differences in species susceptibility, characteristics of the habitats, and exposure in the environment. Because of these differences, most solutions require unique management approaches tailored to the specific circumstances and situation. State fish and wildlife agencies have the primary trust responsibilities for the management and protection of fish and wildlife resources and are best equipped to individually implement management solutions to address specific issues.

State fish and wildlife agencies have the authority and responsibility to implement specific protections and incentives where population-level impacts to wildlife are substantiated. They also have the ability to utilize public education and voluntary or incentive-based programs where appropriate in lieu of regulation. These types of solutions are commonly used in wildlife management to address a wide range of problems, to fully leverage opportunities that exist to enhance wildlife management and are widely accepted by the public.

State fish and wildlife agencies are best to provide focused efforts based in the newest and best available science to inform management decisions. State wildlife managers also have a proven track record of effectively bringing anglers, conservationists, industry and a diverse set of stakeholders together to determine the most appropriate solutions to address fish and wildlife related challenges and opportunities.

In two relatively recent petitions requesting the Environmental Protection Agency ban the use of lead in fishing equipment, the federal government appropriately determined that this type of action was not warranted. On August 3, 2010, the Center for Biological Diversity, American Brid Conservancy, Association of Avian Vetermarian, Project Gutpile and Public Employees for Environmental Responsibility filed a petition under the Toxic Substances Control Act (TSCA)

section 21 requesting that EPA prohibit under TSCA section 6(a) the manufacture, processing, and distribution in commerce of (1) lead bullets and shot; and (2) lead fishing gear.

With respect to fishing gear, petitioners requested a nationwide, uniform ban on the manufacture, processing, and distribution in commerce of lead for use in all fishing gear, regardless of size, including sinkers, jigs and other tackle. On November 4, 2010, EPA denied this request because the petitioners had not demonstrated that the action requested was necessary to protect against an unreasonable risk of injury to health or the environment. In denying the petitioner's request, the EPA stated, "While lead tackle may still constitute the largest percentage of the fishing sinker market, over the last decade the availability of fishing sinkers made from other materials has expanded. New non-lead products have entered the market, and the market share of lead sinkers has decreased. With improvements in technology, changes in consumer preferences, state level restrictions, and increased market competition, the market for lead fishing sinkers is expected to continue to decrease while the market for substitutes such as limestone, steel, and tungsten fishing sinkers is expected to continue to increase."

The EPA also cited the Association of Fish and Wildlife Agencies:

"the exposure to certain migratory birds (primarily loons, and to a lesser extent, swans) and related impacts to populations of those birds is localized, and where impacts have been substantiated to be significant, state fish and wildlife agencies have acted to regulate the use of lead sinkers and jigs. In the northeast, five states have enacted restrictions (e.g., ban in certain bodies of water; ban on certain weights and sizes) on the use of lead fishing tackle where studies have identified lead toxicosis as a contributing factor to declining loon populations. Some states are also offering a fishing tackle exchange program (non-lead for lead products). States have thus demonstrated a responsible exercise of their authority to regulate or restrict lead fishing tackle under circumstances of exposure where it contributes to decline in loon populations."

On November 17, 2011, EPA received a petition from the Center for Biological Diversity, the Loon Lake Loon Association, and Project Gutpile (petitioners). The petitioners cited section 21 of the Toxic Substances Control Act (TSCA) and requested EPA to initiate a rulemaking under section 6(a) of TSCA applicable to fishing tackle containing lead (e.g., fishing weights, sinkers, ligs, and/or other fishing tackle), of various sizes and uses that are ingested by wildlife, resulting in lead exposure. After careful consideration, EPA denied the petition by letter dated February 14, 2012.

In denying the petitioners' request, EPA determined that the petitioners did not demonstrate that Federal action is necessary based, in part, on the fact that the petitioners' supporting data indicate that the issue of wildlife exposure to fishing tackle containing lead has a regional or local geographic context coupled with the fact that the states where risk of injury appears to be greatest (based on documented incidences) are largely the states that have taken action to address the risks posed by lead fishing tackle.

The most extensive information provided in the petition pertains to the ingestion by loons of fishing tackle containing lead and indicates that common loons are known to ingest lead objects more frequently than other species of water blids, sampled across the United States. For loons,

most of the documented cases of lead tackle ingestion cited in the petition are for the time period between 1987 and 2002 and are confined to northern states, all of which are located on or near the northern border of the United States. The USFWS report cited in the petition also indicates that loon populations are stable or increasing in all of these northern states where lead tackle ingestion by loons has been documented, with the exception of Washington.

The EPA further comments that a number of states have established regulations that ban or restrict the use of lead tackle. In addition, a number of other states have created state education and/or fishing tackle exchange programs. In light of the emergence and expansion of these programs and other activities over the past decade coupled with a paucity of data on bird mortality attributable to lead tackle ingestion during this same timeframe, the petition does not suffice to establish that a Federal action as requested by the petitioners is necessary to adequately protect wildlife. The Department supports this provision which reinforces the states' authority to regulate the use of fishing tackle and the management of fish and wildlife.

CONCLUSION AND SUMMARY

The HELP for Wildlife Act contains multiple components that strongly support state fish and wildlife agencies' abilities to exercise their responsibility to manage their fish and wildlife resources in trust for their citizens. This act provides direction, focus and resources to enhance and build capacity for states to manage and improve fish, wildlife and their habitat resources across the country. Lastly and very importantly, this Act ensures fish, wildlife and their habitats will continue to be a national priority for our leaders and the citizens of our country.

Thank you for the opportunity to testify today and to share the perspectives of the Department. I am happy to answer any questions.

Senate Environment and Public Works Committee Hearing entitled, "Legislative Hearing on S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act" July 19, 2017 Questions for the Record for Brian Nesvik

Chairman Barrasso:

1. Mr. Nesvik, can you speak in more detail as to how the North American Wetlands Conservation Act has been used to enhance wildlife habitat in Wyoming?

Wyoming contains proportionally less wetland habitat than most other states and the U.S. as a whole. Overall, wetlands and open water habitats cover approximately 2% of the State's surface (Dahl 1990, Wyoming Joint Ventures Steering Committee 2010). However 90% of our wildlife species use wetlands and riparian habitats daily or seasonally throughout their life cycles and about 70% of Wyoming bird species are considered wetland or riparian habitat obligates (Nieholoff 2003). Given their limited distribution and the extent to which our State's wildlife depend on them, wetlands are inordinately valuable features on Wyoming's landscape.

Multiple wetland conservation projects and initiatives in Wyoming have been funded directly and indirectly through the North American Wetlands Conservation Act (NAWCA). In recent years, Wyoming received two NAWCA standard U.S. Grants of \$1 million each. These include Upper Green River Wetlands (2012), and Pathfinder Wetland Partnership (2017). The Upper Green River grant, along with match funding from other partners, was awarded to secure permanent conservation easements on 14,896 acres of wetlands and 22,734 acres of upland habitat. In addition, 2,422 acres of riparian habitat were restored and enhanced at Seedskadee National Wildlife Refuge and over 28 acres of wetlands were restored or created on private lands. The riparian habitat restoration included reestablishment of a cottonwood tree gallery that had been impacted by altered flow regimes below Fontenelle Dam. Riparian woodlands along the Green River are breeding habitat for the western yellow-billed cuckoo, a species listed as threatened under the ESA. Upper Green was the first \$1 million standard NAWCA grant awarded exclusively in the state of Wyoming.

The Pathfinder Partnership standard NAWCA grant was awarded to complete several wetland restoration, enhancement, and protection projects in southeast Wyoming. Funded projects will restore and enhance more than 3,700 acres of wetland and riparian habitats. Most of the restoration projects are located on areas open to public recreation, including 1,889 acres on lands owned by the Wyoming Game and Fish Commission, 661 acres on lands owned by the City of Laramie, and 1,060 acres on Pathfinder National wildlife Refuge. Restoration and enhancements will be accomplished through improved water delivery and management, wetland infrastructure repair and rehabilitation, grazing management, invasive plant

removal, and direct wetland restoration. An additional 2,075 acres of riparian habitat along the Little Laramie River will be protected through conservation easements.

The NAWCA small grants program provides up to \$75,000 toward individual wetland conservation projects. Small grants are usually combined with funding from many other sources. Wyoming has received six small NAWCA grants totaling \$277,680 since 1996. In all, 1,458 acres of habitat have been restored or enhanced through projects funded in part by the small grants program. Examples of wetland enhancements have included repair and rehabilitation of water control infrastructure, wetland creation, invasive species removal, and wetland restoration through beaver reintroduction.

In total, Wyoming has received \$2,386,842 in direct funding from NAWCA, which has been matched by an additional \$6,698,800 in partner funding. These totals include an earlier Standard NAWCA grant of \$109,162 awarded in 1995. Sources: https://c3321060.ssl.cf0.rackcdn.com/conservation/nawca/factsheets/2017/wyoming.pdf

https://www.fws.gov/migratorybirds/pdf/grants/nawcaprojects160908.pdf

The North American Migratory Bird Joint Ventures grew out of the North American Waterfowl Management Plan. Joint Ventures are voluntary, cooperative, regional partnerships of private industry and private landowners working alongside federal and state agencies, non-profit organizations, tribes, academia, and other partners. The NAWCA is a principal source of funding for joint ventures to accomplish their work, and a major reason for their continued existence. Joint ventures have been widely accepted as the model for collaborative conservation in the 21st century. They use state-of-the-art science to ensure that diverse habitat is available to sustain migratory bird populations for the benefit of those species, other wildlife, and the public. Joint ventures extend the benefits of NAWCA by leveraging additional funding from many sources, and by providing added science and field capacity.

Since their inception joint ventures have evolved into an "all-bird" habitat conservation mission. For example, the Intermountian West Joint Venture (IWJV), which encompasses most of Wyoming, became involved with the Sage-Grouse Initiative (SGI) in 2010. This initiative is part of the "Working Lands for Wildlife" program led by the Natural Resource Conservation Service. By leveraging additional funding to support the SGI Strategic Watershed Action Team (SWAT), the IWJV has been instrumental at increasing science and field capacity to conserve sage-grouse habitats. The SGI-SWAT has placed 25+ natural resource specialist positions on the ground throughout 11 western states including Wyoming. These specialists work in an outreach capacity with landowners and agencies to address the following threats to sage-grouse: fire and invasive annual grasses; invasive conifers; exurban development; cultivation of grazing lands; mesic area loss and degradation; and fence collisions. The SGI has conserved or enhanced more than 4.4 million acres of sagehabitat predominantly on lands. private Sources: https://iwjv.org/project/sage-grouse-initiative-sgi

http://www.sagegrouseinitiative.com/wp-content/uploads/2015/02/NRCS_SGI_Report.pdf

Dependable and adequate annual NAWCA appropriations are vital to ensure the Joint Ventures effectively continue their role in collaborative efforts to conserve the nation's most important habitats on private and public lands. Those efforts include conserving habitats of many species that might otherwise become threatened or endangered.

References:

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 $\frac{https://wgfd.wyo.gov/Habitat/Habitat-Plans/Wyoming-Wetlands-Conservation-Strategy$

2. Mr. Nesvik, you state in your written testimony that "[h]unting and recreational shooting sports also help to connect people with the outdoors." You also stated, "[s]ince access to ranges is the greatest impediment to first time participation, this bill has the potential to increase opportunity across the country." Can you explain in more detail how this bill will increase access for folks to the outdoors in Wyoming and other states?

For several reasons, the development of new shooting ranges has several challenges. Firstly, finding suitable lands with appropriate topography situated geographically in a location where necessary safety standards can be met is difficult in some communities. Secondly, their development can be expensive. Also challenging is finding lands where important environmental standards are able to be met.

Some of the most suitable lands in our state are managed by the federal government. In particular, many BLM lands are situated in areas meet all of the suitability requirements. They are open and undeveloped with significant opportunity to provide safe and accessible shooting ranges. Some lands managed by the U.S. Forest Service and the Bureau of Reclamation have similar characteristics.

This bill enhances opportunity for these types of federal lands to be developed for shooting ranges in two ways. Firstly, it encourages state, private and federal collaboration for the purposes of developing shooting ranges which effectively opens up many new opportunities that don't exist today for building shooting ranges on federal lands. Secondly, this bill provides additional flexibility for the use of Pittman-Robertson Wildlife Restoration Act funds in the development of new shooting ranges.

Considering that 50% of Wyoming is public land, most of which is managed by the federal government, there are few Wyoming communities that would not benefit from new opportunities this bill would provide.

3. Mr. Nesvik, in your written testimony you discussed that Wyoming is a part of the Western Native Trout Initiative, which is a recognized partnership under the National Fish Habitat Action plan. Can you discuss this initiative in more detail and how this bill will help that initiative?

The Western Native Trout Initiative (WNTI) is a public-private Fish Habitat Partnership that works collaboratively across 12 western states to conserve, protect, restore and recover 21 native trout and char species. Formed in 2006 as an Initiative of the Western Association of Fish and Wildlife Agencies (WAFWA), WNTI is a collaborative, multi-state approach that requires the involvement of a wide range of partners - from public agencies to private individuals to conservation-minded organizations and corporations. WNTI has been recognized by the National Fish Habitat Partnership as a Fish Habitat Partnership since 2008. Covering over 1.75 million square miles of public and privately managed lands, WNTI and its partners combine science-based assessments with expert and local knowledge to establish joint priorities for native trout conservation at a landscape scale. WNTI provides a forum for partners to coordinate and invest their collective assets and capacity toward completing the highest-priority, native trout conservation efforts across the West. Proposed and led by local communities and resource agencies, these projects are funded and supported through WNTI's grant programs and in-kind contributions by our partners.

WNTI has partnered with 12 western state fish and wildlife agencies, 5 federal natural resource agencies, numerous Native American Tribes, Tront Unlimited, Orvis, Bass Pro Shops, Simms Fishing products, land trusts, local enthusiasts, the Federation of Fly Fishers, the Pacific States Marine Fisheries Commission, and numerous nonprofit partners to fund on-the-ground projects to benefit western native trout populations.

Since its inception in 2006, the Western Native Trout Initiative has directed almost \$5 million in federal National Fish Habitat Partnership fish habitat funds leveraged to \$19 million public and private matching dollars for 123 priority native trout conservation projects. With the collaboration and coordination of its partners, WNTI has removed 75 barriers to fish passage, reconnected or improved 1,033 miles of native trout habitat, and placed 29 protective fish barriers to conserve important native trout conservation populations.

In Wyoming, three native cutthroat trout occur: Bonneville cutthroat trout, Colorado River cutthroat trout, and Yellowstone cutthroat trout. Wyoming has been working cooperatively for many years with neighboring states (Colorado, Idaho, Montana and Utah in particular), that span the geographic range of these species. Cooperative plans and efforts include federal partners like the US Forest Service and US fish and Wildlife Service. Resulting conservation achievements have reduced threats and ensure persistence of these species.

WNTI funds have been applied to five projects in Wyoming to date. Two of these, "Restoring Colorado River cutthroat trout in the LaBarge drainage, WY" and "North Fork Little Snake River barrier for Colorado River Cutthroat trout" are part of major efforts to secure pure and important conservation populations while reducing threats from non-native trout. Two additional project efforts focused on tracking fish use to understand where partners could work with water users to euhance fish passage or curtail fish lost to diversions. Finally, a database has been funded to store information about cutthroat trout distribution.

While WNTI has certainly not been at the center of all native trout efforts and conservation actions would proceed without WNTI, the partnership serves as a catalyst for action and a thought leader for state-led fish habitat issues in the western U.S. WNTI's organizational structure and status as an initiative of WAFWA (Western Association of Fish and Wildlife Agencies) provides integrated relationships with western state and federal fish and wildlife agencies and interagency species-specific Game Management Unit (GMU) Teams, as well as WNTI's regional working groups and interagency species Recovery Teams that assist in identifying priority projects and data gaps. WNTI catalyzed and led efforts to complete the first-ever rangewide assessments for Westslope cutthroat trout, interior Redband trout and most recently Coastal cutthroat trout. WNTI also helped fund an interagency database for Colorado River cutthroat trout-a project that Wyoming Game and Fish participates in. The partnership also has an active and broad reaching Campaign for Western Native Trout that utilizes a web presence and effective social media to highlight the importance of native fish species, showcase habitat conservation work done by state and federal agencies, promote recreational fishing opportunities for these fish and increase fishing license sales. The partnership spurs discussion about regional priorities across the range of each species and, by providing funding for high quality and meaningful habitat restoration projects, it facilitates conservation.

In 2016, WNTI made a strategic shift to focus its increasingly limited federal resources on a subset of six trout species for the next six years – including all three cutthroat trout species native to Wyoming. This prioritization focus also commits WNTI to working to bring additional resources from private sector partners to support on the ground conservation projects for the prioritized trout species. Any high quality projects proposed to benefit these species would stand a good chance of receiving funding. For example, plans are being developed to reduce sediment from a road along Coal Creek, a tributary to the Thomas Fork in the Bear River

drainage of western Wyoming and this may be a prospect for funding. Such an effort would entail general road and culvert work and result in local construction jobs. Scores of other similar efforts are at different stages of planning and development in Wyoming and across the west and could benefit from WNTI funding.

There are extensive conservation needs for native trout across the west and collaboration is necessary through partnerships like WNTI to maximize conservation impacts and success. The proposed bill appears to offer at least level funding if not higher levels of project funding compared to historic levels. This will ensure the continuation of grants to benefit native trout conservation and potentially facilitate even more projects which would mean native trout conservation goals will be met sooner and more fully. This will mean that funds will be more readily available for projects like replacing narrow road culverts with fish-passage friendly crossings or building narrow, deep, shaded streams with habitat for all trout life stages.

Senator BARRASSO. Thank you very much for your testimony, Brian. Appreciate your being here.

Mr. Crow.

STATEMENT OF JEFF CROW, DIRECTOR, ARKANSAS GAME AND FISH COMMISSION

Mr. CROW. Good morning, Mr. Chairman and members of the Committee. I am Jeff Crow, Director of the Arkansas Game and Fish Commission.

Mr. Chairman, I ask for unanimous consent that my full statement be made part of the record.

Senator Barrasso. Without objection.

Mr. CROW. Thank you for allowing me the opportunity to testify on behalf of the State of Arkansas supporting the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act.

Arkansas' position as the nation's top producing rice growing State, as well as its reputation as a premier waterfowl hunting destination in the country, gives us a unique perspective concerning proposed amendments to the Migratory Bird Treaty Act. Waterfowl conservation is one of the more successful examples of coordination between State and Federal authorities.

It is this cooperation that has benefited wildlife in Arkansas and the people that enjoy that wildlife resource. Arkansas hunters consistently rank in the top three total duck harvest annually and lead the nation in mallard harvest each year. In a time when many States are experiencing declines in hunting participation, Arkansas duck hunter numbers have grown over the past decade, with approximately 100,000 individuals duck hunting in Arkansas each year, including Arkansas residents and visitors from all 50 States.

Outdoors related recreation generates more than \$4.9 million daily in Arkansas. Waterfowl hunting in Arkansas generated \$236.7 million in retail sales, supported 4,706 jobs, and provided \$29.1 million and \$23.9 million in State/local and Federal tax revenue, respectively. These significant economic contributions cannot be overlooked and provide much needed economic stability for our State.

Arkansas is the largest rice growing State, producing half the nation's rice. Arkansas grows rice on more than 1.2 million acres each year from 40 counties. Arkansas rice contributes over \$4 billion annually to the State's economy and employs more than 25,000 Arkansans

It is no secret that rice fields and ducks go hand in hand, but the amount of food available for migrating and wintering waterfowl in rice fields has been on the decline for several decades. Earlier harvests, more efficient harvesting, and fall tillage result in little waste grain left when most ducks arrive in mid-winter. The practice of encouraging a second or "ratoon," crop of rice after harvest offers a viable tactic to increase foraging value of rice fields to help waterfowl meet food and energy demands required for migration, winter survival, and breeding. Although traditionally practiced in the Louisiana and Texas Gulf Coast, ratooning rice is now possible thanks to the development of those new varieties of rice which mature to harvestable conditions much faster. However, a change in interpretation of the baiting laws relative to ratoon rice crops sev-

eral years ago resulted in uncertainty about the legality of flooding

and waterfowl hunting over ratoon rice crops.

Currently, the Federal interpretation on whether a field is baited or not includes a variety of possibilities which leads to confusion by both landowners/producers and hunters. Some criteria which are increasingly difficult to determine from a landowner perspective and measure from a law enforcement standpoint include how the crop plants got there, what has been done to the crop, and what will happen to it in the future.

The proposed bill affords the opportunity for enhanced Statelevel coordination between the USDA Cooperative Extension Service State offices and State fish and wildlife agencies when defining normal agricultural practices based on crop type and conditions. It is an activity that must occur at the State level to be implemented

correctly and successfully.

This bill would codify clearer definitions around issues of baiting, afford the opportunity for waterfowl hunting over ration rice and other crops that have not been manipulated, and allow conservation partners to educate producers and hunters about the value of agriculture to wintering waterfowl without compromising the legal

standing of those producers and hunters.

The bill language reauthorizing the North American Wetlands Conservation Act at \$50 million for the next 4 years is also a welcome addition. Competition for limited NAWCA funds has increased in recent years, and this proposed appropriation level would provide valuable, consistent funding for migratory bird habitat conservation in coming years. NAWCA is a long standing program that has been extremely effective in leveraging non-Federal funds to protect, restore, enhance, and manage wetland habitat for migratory birds and other wildlife.

Mr. Chairman, once again, in closing, I would like to say I appreciate the opportunity to testify in support of this legislation. I believe the changes proposed are essential to the increased participation in hunting and shooting sports, which in turn provides the mechanism for increased conservation of our nation's wildlife resources. I would be happy to answer any questions you may have about my testimony today and look forward to continuing our work together to preserve our natural resources for the next generation.

[The prepared statement of Mr. Crow follows:]



Jeff Crow Director Arkansas Game and Fish Commission

Mr. Crow is the Director of the Arkansas Game and Fish Commission (AGFC). He began his AGFC career in 1986 as a Wildlife Officer serving Jackson and Hot Spring counties.

In 1996 Mr. Crow accepted a position with the Arkansas State Police where he had assignments in highway patrol, criminal investigations, training, and SWAT. He retired from law enforcement in 2011.

In 2012 Mr. Crow returned to the AGFC as Colonel of the agency's Enforcement Division. In 2013, he was promoted to Deputy Director and in 2014 became the agency's Chief of Staff.

Mr. Crow also served 25 years on *active* duty and as a member of the *reserves* in the United States Marine Corps. A combat veteran of Operation Desert Storm and Operation Iraqi Freedom II, he retired in 2007 at the rank of Sergeant Major.

Mr. Crow holds an associate's degree in criminal justice from National Park College, a bachelor's degree in organizational management from John Brown University, and a master's degree in public administration from Arkansas State University.

STATEMENT OF JEFF CROW, DIRECTOR OF THE ARKANSAS GAME AND FISH COMMISSION

TO THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

CONCERNING THE HUNTING HERITAGE AND ENVIRONMENTAL LEGACY PRESERVATION FOR WILDLIFE ACT

Mr. Chairman, members of the committee, I am Jeff Crow, Director of the Arkansas Game and Fish Commission. Before becoming director in 2016, I was the agency's chief of staff, overseeing day-to-day operations for the Commission, for two years. Prior to these roles at the administrative level of the agency, I served the AGFC as the chief of law enforcement, sometimes working with Federal enforcement agents concerning our bedrock laws and regulations that help manage our migratory waterfowl.

Thank you for allowing me the opportunity to testify on behalf of the State of Arkansas, supporting the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act, including reauthorization of the North American Wetlands Conservation Act, the promotion of building public shooting ranges, the clarification of migratory bird-baiting regulations to coincide with USDA and state agricultural best practices, and many other important initiatives for the continued conservation of our nation's fish and wildlife.

To Reduce Landowner Liability for Baiting Migratory Game-birds if they Adhere to USDA and State Agricultural Best Practices

Arkansas' position as the nation's top-producing rice-growing state as well as its reputation as the premiere waterfowl-hunting destination in the country gives us a unique perspective concerning proposed amendments to the Migratory Bird Treaty Act.

Waterfowl conservation is one of the more successful examples of coordination between state and federal authorities. It is this cooperation that has benefitted wildlife in Arkansas and the people who enjoy that wildlife resource. Arkansas hunters consistently rank in the top three for total duck harvest and lead the nation in mallard harvest each year. In a time when many states are experiencing declines in hunting participation, Arkansas duck hunter numbers have grown over the past decade, with approximately 100,000 individuals duck hunting in Arkansas each year, including Arkansas resident hunters and guests from all 50 states.

Outdoors-related recreation generates more than \$4.9 million a day in Arkansas. According to the 2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation compiled by the U.S. Fish and Wildlife Service and U.S. Census Bureau, hunters, anglers and wildlife watchers spent more than \$1.8 billion on wildlife recreation in Arkansas in 2011. Waterfowl hunting in Arkansas generated \$236.7 million in retail sales, supported 4,706 jobs and provided \$29.1 million and \$23.9 million in state/local and federal tax revenue. These significant

economic contributions cannot be overlooked and provide much needed economic stability for our state.

Arkansas is the nation's largest rice-growing state, producing half the nation's rice and nearly nine billion pounds annually. Arkansas grows rice on more than 1.2 million acres each year from 40 counties, mainly in eastern Arkansas counties from Louisiana to Missouri. Arkansas rice contributes over \$4 billion annually to the state's economy and employs more than 25,000 Arkansans.

It's no secret that rice fields and ducks go hand-in-hand, but the amount of food available for migrating and wintering waterfowl in rice fields has been on the decline for several decades. Earlier harvests, more efficient harvesting and fall tillage result in little waste grain left when most ducks arrive in mid-winter. The practice of encouraging growth of a second, or "ratoon", crop of rice after harvest offers a viable tactic to increase foraging value of rice fields to help waterfowl meet food and energy demands required for migration, winter survival and successful breeding. Although traditionally practiced in the Louisiana and Texas Gulf Coast, ratooning rice is now possible thanks to the development of those new varieties of rice which mature to harvestable conditions much faster. However, a change in interpretation of baiting laws relative to ratoon rice crops several years ago resulted in uncertainty about the legality of flooding and waterfowl hunting over ratoon rice crops.

Currently, the federal interpretation on whether a field is baited or not includes a variety of possibilities which leads to confusion by both landowners/producers and hunters. Some of the criteria which are increasingly difficult to determine from a landowner perspective and measure from an enforcement standpoint include:

- how the crop plants got there (i.e., whether it was planted or it volunteered to regrow from seeds of an earlier planting);
- what has been done to the crop (i.e., whether it has been tended and prepared for harvest and sale, has already been harvested, or plowed under, or whether it is abandoned);
- what will happen to it in the future (i.e., whether it is already under a blanket of snow, and whether there is still a possibility of harvest).

The proposed bill affords the opportunity for enhanced state-level coordination between the USDA Cooperative Extension Service state offices and state fish and wildlife agencies when defining normal agricultural practices based on crop type and conditions. It is in an activity that must occur at the state level to be implemented correctly and successfully.

While I have described the unfortunate situations that sometimes occur with rice, there other difficult situations that could occur with corn or soybean production. In recent years, flooding from tropical storms have damaged these crops and producers have been required to "destroy" their crops by mechanical manipulation to receive their insurance payments. The language in this bill seeks to remedy this by reducing unintended liability for producers when dealing with crop insurance settlement issues following crop losses due to natural disaster. The bill language indicates that maintaining flooding could be a first option for "destroying" crops lost due to natural disaster, if deemed acceptable by the Federal Crop Insurance Corporation. This option

could provide important resources for wintering waterfowl, but cooperation is needed to ensure this practice does not expand beyond its intended scope. Thus, state agencies will continue to work with US Fish and Wildlife Service, Risk Management Agency, producers, and groups like Ducks Unlimited to ensure a positive outcome for producers, waterfowl, and our sportsmen. This bill would codify clearer definitions around the issue of baiting, afford the opportunity for waterfowl hunting over ration rice and other crops that have not been manipulated and allow conservation partners to educate producers and hunters about the value of agriculture to wintering waterfowl without compromising the legal standing of those producers and hunters.

To Reauthorize the North American Wetlands Conservation Act

The bill language reauthorizing the North American Wetlands Conservation Act (NAWCA) at \$50 million for the next four years is a welcome addition. Competition for limited NAWCA funds has increased in recent years, and this proposed appropriation level would provide valuable, consistent funding for migratory bird habitat conservation in coming years. NAWCA is a long-standing program that has been extremely effective in leveraging non-federal funds to protect, restore, enhance and manage wetland habitat for migratory birds and other wildlife.

Unanimously reauthorized by Congress in 2006, NAWCA provides federal cost-share funding to support the North American Waterfowl Management Plan. NAWCA is a landmark investment which, for over 20 years, has produced a number of economic and environmental benefits while conserving America's fish and wildlife resources. It is a private landowner-friendly, non-regulatory and incentive-based program. Every federal dollar granted under NAWCA has typically been tripled by partners like AGFC and Ducks Unlimited who invest their own capital and resources at the state and local levels. NAWCA projects have been implemented all over North America, present in all 50 states. NAWCA is invaluable to the conservation of continental wetlands which play a vital role in maintaining the quality of our environment. In addition to protecting wildlife habitat and improving water quality, this program creates jobs in the private sector through creation of water management infrastructure and by increasing tourism through enhanced outdoor recreation opportunities.

Thousands of acres of waterfowl habitat in Arkansas have been conserved through NAWCA and enjoyed by waterfowl and hunters. I made mention of our abundant rice fields that provide food for ducks. We are also blessed to have some of the last and best bottomland hardwood forests in the country. When these forests are flooded by the White and Cache Rivers, they provide habitat for over a million mallards. NAWCA has ensured that these forested wetlands remain in good condition. NAWCA has also restored new forests for the next generation of sportsmen and waterfowl enthusiasts. Projects like these can only occur through strengthening funding for this important program.

To Promote the Building and Expansion of Public Target Ranges

The plan "to facilitate the construction and expansion of public target ranges" is an exciting addition for an often overlooked group of sportsmen and sportswomen who support conservation

funding through the Pittman-Robertson Wildlife Restoration Act. The spending of recreational target shooters toward Pittman-Robertson-eligible purchases (firearms and ammunition) is nearly equal to that of hunters. According to a 2011 report by Southwick Associates, recreational shooters spent \$8.2 billion on Pittman-Robertson-eligible purchases (firearms and ammunition), while hunters spent \$8.4 billion. Generally, there is a growing interest in recreational target shooting, and state fish and wildlife agencies need flexibility that is provided in this legislation to meet the changing needs of our constituents and the expectations of the public.

The purpose of the act correlates with the AGFC's plan to construct shooting ranges in three of the most populated regions in Arkansas that currently do not have a public shooting range (Northeast Arkansas, Northwest Arkansas and the River Valley Region in Western Arkansas). Planned ranges would meet all criteria for the definitions set forth in the bill and would support not only current sportsmen and sportswomen, but also support the AGFC's increasingly popular youth shooting sports and archery programs, which expose tens of thousands of teenagers to proper firearms and archery safety and future enjoyment of the shooting sports. The increase of the federal match from 75 to 90 percent increases the ability for AGFC to provide the required non-federal match, and reduces the fiscal burden on a grant recipient (recent projects such as Warren, Batesville, and currently Jonesboro would benefit from this match).

Conclusion

Mr. Chairman, once again, I appreciate the opportunity to testify in support of this legislation. I believe the changes proposed are essential to the increased participation in hunting and shooting sports, which in turn provides the mechanism for increased conservation of our nation's wildlife resources. I will be happy to answer any questions you may have about my testimony today and look forward to continuing our work together to preserve our natural resources for the next generation.

Senator Barrasso. Well, thank you very much, Mr. Crow, for

traveling here from Arkansas and for your testimony today.

I would like to next turn to Mr. Dale Hall, who is the CEO of Ducks Unlimited and the former Director of the United States Fish and Wildlife Service.

Mr. Hall, thanks for joining us today.

STATEMENT OF DALE HALL, CEO, DUCKS UNLIMITED, AND FORMER DIRECTOR, U.S. FISH AND WILDLIFE SERVICE

Mr. HALL. Good morning, Mr. Chairman, members of the Committee. Thank you very much for having me here.

Mr. Chairman I request that my written comments be submitted to the record in their entirety.

Senator Barrasso. And they certainly will. Thank you.

Mr. HALL. Again, thank you for allowing me to be here to speak on behalf of Ducks Unlimited in support of the HELP Act. This bill is very important and has a lot of components in it that are impor-

tant to all of us in the conservation community.

NAWCA, the North American Wetlands Conservation Act, is certainly a big part of that, and it is near and dear to Ducks Unlimited's heart because we work a great deal in restoring those wetlands out there. Over our 80-year history across the continent, we have now restored over 14 million acres of wetlands, and a lot of those acres have been restored with the help of NAWCA funding in the last 30 years. It has been a real pleasure to work with this Committee in the past, and hopefully we are able to provide the information necessary to get this bill across the finish line.

NAWCA has accomplished success in all 50 States. The program has conserved more than 33.4 million acres in North America alone. NAWCA has conserved valuable wetlands across the continent, but we are still in need of additional work. Wetlands are still under threat across the continent, and while we have done a good job, the U.S. Fish and Wildlife Service has documented that wetland loss has dramatically accelerated by 140 percent since 2004. This non-regulatory approach to working with the landowners to get the job done is, we believe, the most effective way to help conserve those wetlands and move things forward.

NAWCA catalyzes conservation efforts and resource managers and partners from many sectors to use a variety of voluntary strategies to restore enhanced degraded habitat, as well as protect some of the remaining high quality habitat. Wildlife related recreation generates more than \$100 billion in our economy each year, and we believe the ripple effect of that would take it up into several hun-

dred billion dollars.

In the Chairman's State of Wyoming, 140,116 hunters created nearly 5,000 jobs, while 302,758 anglers generated more than \$476 million in retail sales. Eight NAWCA projects have been completed in Wyoming since the program's inception, and these projects have conserved 45,000 acres of critical wetland and wildlife habitat.

The Ranking Member's home State of Delaware currently has 10 NAWCA projects completed or underway, and these projects have conserved 10,800 acres of wetlands important to the State residents. Taking \$6.6 million of Federal funding leveraged another \$412 million in private and non-Federal funding in order to do these projects.

These results are not unique and have been seen all over the country, with more than 5,600 NAWCA partners. I want to emphasize that again. More than 5,600 NAWCA partners working to-

gether in a volunteer fashion to get this work done.

Our average at Ducks Unlimited in getting the matching funds the law requires one to one match—our history is that we get an average of \$3.2 of non-Federal funding for every \$1 of Federal funding. That is a pretty significant payoff for the American tax-

I would also like to emphasize the importance in this bill of the reauthorization of the National Fish and Wildlife Foundation. I have been, through my career, around to see NFWF grow and do all the wonderful things that it has been able to do, and we certainly support the reauthorization of the National Fish and Wildlife Foundation.

The Neotropical Migratory Bird Conservation Act, while only \$6.5 million, is critical to working with the international commu-

nity in getting things done.

Finally, my colleague here will speak to the Chesapeake Bay, but it is a very important area. Like the Gulf Coast, where more than a million acres have been lost and partners are working together to try to restore those wetlands, the Chesapeake Bay is another true jewel for the American people.

Again, I look forward to working with this Committee and answering any questions that I can to help get this bill approved. It is a good bill, it is a bipartisan bill, and it is a bill that is very much needed, so thank you very much for allowing me to be here. [The prepared statement of Mr. Hall follows:]



Dale Hall CEO Ducks Unlimited

Dale Hall has been the CEO of Ducks Unlimited since 2010. Prior to joining DU, Hall was the director of the U.S. Fish and Wildlife Service from 2005 to 2009.

During Hall's 31-year career with the U.S. Fish and Wildlife Service he served in numerous roles local, regional and national levels. As director, he was responsible for approximately 7,500 USFWS employees working out of the national headquarters and nine regional offices. Before joining the USFWS in 1978, Hall spent four years in the U.S. Air Force, where overseas assignments took him to Italy and the Philippines, and a year managing a commercial aquaculture operation in Mississippi.

Hall holds a master's degree in fisheries science and is the author of numerous published papers on wetlands, fisheries and ecology. He has also taught courses on wetlands identification and delineation. A native of Kentucky, Hall is a lifelong outdoors enthusiast who enjoys hunting and fishing.

STATEMENT OF H. DALE HALL, CHIEF EXECUTIVE OFFICER DUCKS UNLIMITED, INC.

BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, SUBCOMMITTEE ON WATER AND WILDLIFE

CONCERNING:

S. 1514, HUNTING HERITAGE AND ENVIRONMENTAL LEGACY PRESERVATION (HELP) FOR WILDLIFE ACT July 19, 2017

Mr. Chairman, members of the committee, my name is Dale Hall and I am the chief executive officer for Ducks Unlimited. Before assuming that role in 2010, I worked for the U.S. Fish and Wildlife Service for 31 years, including serving as its director from 2005 to 2009.

I appreciate the opportunity to testify on behalf of Ducks Unlimited regarding the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act, which includes the reauthorization of the North American Wetlands Conservation Act (NAWCA) and several other important provisions designed to improve the management of fish and wildlife habitat, and outdoor recreation including hunting and fishing. NAWCA has been an important and highly effective program that has protected and conserved migratory bird populations for nearly 30 years, and Ducks Unlimited fully supports the passage of these provisions within the bill. This program is a model of how the federal government can and should work with states and private partners.

Ducks Unlimited has been a strong proponent of waterfowl conservation for more than 80 years. Our mission is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl, and for the vast economic and natural infrastructure benefits these resources provide to other wildlife and the people who enjoy and value them. We work in Canada, Mexico, and every state in the United States. Since 1937, Ducks Unlimited has conserved more than 14 million acres of habitat important to waterfowl and other wildlife.

With more than one million members and supporters, Ducks Unlimited represents a significant conservation voice for birds and the landscapes that support them. Our work is science-based. We use reliable information from the disciplines of wetland ecology, waterfowl biology, hydrology, civil engineering, and landscape ecology to develop, implement and adapt waterfowl and wetland conservation actions. We collaborate with agencies, organizations, farmers and ranchers in the most important landscapes used throughout migratory birds' lifecycles, including breeding, migration and wintering habitats. These partnerships are essential for conservation, and we support legislation and policy that advances wetland conservation and related economic, natural infrastructure, wildlife and fish populations on behalf of Americans.

To Reauthorize the North American Wetlands Conservation Act

Ducks Unlimited is pleased to testify before the full U.S. Senate Committee on Environment and Public Works on the reauthorization of NAWCA. Since enactment, NAWCA has played an

invaluable role in North American wetlands conservation by stimulating local and regional partnerships targeted for conservation of wetlands, wetland-dependent fish and wildlife, and the benefits provided to Americans who enjoy clean water, reduced flooding, and a host of recreational opportunities such as hunting, fishing and trapping related to this critical part of the nation's natural infrastructure. NAWCA continues to be a popular and productive program for thousands of partners and produces results of substantial value to Americans. We commend Congress for its foresight in creating NAWCA in 1989, and for repeatedly ensuring its long-term success.

Since enactment, NAWCA has accomplished measurable success in all 50 states. The creation of the program more than 28 years ago was a bipartisan effort, and NAWCA continues to attract strong support in Congress and from administrations of both parties. This program has conserved more than 33.4 million acres across North America. Reauthorization of NAWCA is critical to build on this success and ensure the health of wetlands that provide clean water, reduce flooding, provide jobs through the recreational economy, and protect important energy infrastructure – especially in coastal regions. These important benefits to Americans are in addition to benefits to our nation's fish and wildlife resources. While often overlooked, the economic and ecological value of wetlands cannot be overstated, nor can the role of NAWCA in their conservation. NAWCA drives broad and diverse partnerships that are the source of more than \$3 of nonfederal leveraged match for each federal dollar invested. NAWCA is essential to wetland conservation and the related economic and natural capital outcomes so important to Americans.

Despite the ongoing success of NAWCA, for a variety of complex reasons, wetlands in the United States are disappearing. The lower 48 states have lost approximately 53 percent of their original wetlands. As just one example, wetlands accounted for approximately 2 million acres (3.2 percent) in Wyoming circa the 1780s. By the 1980s, Wyoming lost .75 million acres or approximately 38 percent of its wetlands primarily due to agricultural and urban development. Recent trend information indicates that wetland acreage in Wyoming has continued to decrease over the past 30 years. And while NAWCA has conserved valuable and important wetlands, the most recent nationwide study conducted by the U.S. Fish and Wildlife Service documented that wetland loss has dramatically accelerated by 140 percent since 2004, which includes a loss of 95% of wetlands in California alone. This is an alarming trend that, if it continues, weakens our natural infrastructure, our ability to buffer storm damages, and will contribute to poor water quality, increased flooding, and reduced water quantity. Wetland loss also places coastal oil and gas infrastructure and coastal cities at risk of greater impacts from storms, and reduces the number of jobs in the recreational sector of our economy (hunting, fishing, birding, eco-tourism, etc.).

NAWCA catalyzes conservation efforts by resource managers and partners from many sectors to use a variety of voluntary strategies to restore and enhance degraded habitat as well as protect some of the remaining high-quality habitat. The wetland conservation completed on both public and private lands, as noted, provides significant economic benefits and recreational opportunities for landowners and Americans that visit public outdoor recreational lands. Wildlife-related recreation generates more than \$100 billion of economic output annually. In many cases, this economic activity is vital to rural communities and the incomes of rural Americans. The restoration and protection of wetlands and associated habitats made possible by NAWCA have

many benefits for both people and wildlife. Scientific studies clearly demonstrate that wetlands not only act as filters to clean water but also recharge groundwater supplies. Wetlands also trap and hold precipitation and runoff, and act as buffers in coastal regions, lessening the damage from floods and hurricanes.

Some examples of the importance of NAWCA include accomplishments in Alaska, where 14 NAWCA projects have been completed or are under way. More than 65,000 acres of wetland and upland habitat have been conserved using these dollars, of which \$4.7 million came from the government, dollars that leveraged \$14.5 million from diverse partnerships often including state, corporate, foundation, and private partners.

In the Chairman's state of Wyoming, the economic benefits were also significant: 140,116 hunters created nearly 5,000 jobs, while 302,758 anglers generated more than \$476 million in retail sales. Eight NAWCA projects have been completed in Wyoming since the program's inception, and these projects have conserved 45,474 acres of critical wetlands and wildlife habitat. NAWCA funding of \$1,386,842 in Wyoming has stimulated partner contributions of \$4,098,836. An example of the benefits of these projects was the protection of Ocean Lake Wetlands through a \$75,000 grant awarded to improve hydrology of the wetlands, create appropriate plant community composition and structure, expand the area and diversity of wetland types on the property, and improve water quality associated with the wetlands on the tract. This project provides important habitat to a variety of migratory birds, including several species of waterfowl, wading birds, shorebirds and many other wetland-dependent species.

The wetlands also provide water quality and quantity conservation benefits in the state's semi-arid landscape and climate.

NAWCA's success is not confined only to large states. For example, the Ranking Member's home state of Delaware currently has 10 NAWCA projects completed or under way. These projects have conserved 10,803 acres of wetlands important to the state's residents. NAWCA funding of more than \$6.6 million there has leveraged partner contributions of more than \$12 million

These results are not unique and have been replicated all over the country with the help of more than 5,600 NAWCA partners. More than 2,644 voluntary habitat conservation projects have been delivered in North America, providing substantial economic and natural capital benefits to Americans. Partners include fish and wildlife agencies from all 50 states, hundreds of private landowners, several hundred conservation organizations, small businesses, corporations, Native American tribes and local governments.

In addition to being one of the federal government's most effective conservation programs, NAWCA is a model of fiscal responsibility, providing an excellent return on a relatively modest federal investment. The law requires every federal dollar put into the program to be matched by at least \$1 of non-federal money. On average, however, non-federal partner matches have averaged \$3.20 for every \$1 of federal money. The partner investment in NAWCA totals more than \$4 billion during the life of the program.

Undeniably, the benefits of NAWCA extend beyond waterfowl. Wetlands provide a home to more than 900 wildlife species at some point during the year. As Congress intended, the criteria for NAWCA projects include waterfowl as well as other wetland-associated migratory birds and threatened and endangered species. Under this guidance, NAWCA projects benefit an array of species, including commercially and recreationally important fish such as salmon.

NAWCA is vital for cooperative efforts to address landscape-level habitat challenges in key areas for waterfowl and other migratory birds, including inland wetland systems such as the Prairie Pothole Region of the Great Plains, the Lower Mississippi River Valley, and iconic coastal areas such as the Gulf Coast, Great Lakes, Pacific Northwest and Chesapeake Bay.

What began in 1989 as a way to implement the North American Waterfowl Management Plan, the agreement between the United States, Canada, and Mexico on managing waterfowl populations, has developed into a program with widespread support and success. NAWCA has stimulated hundreds of conservation partnerships that would not otherwise exist. The result is millions of acres of conserved wetlands and associated uplands that benefit our nation's water quality and supply, wildlife and fish populations, economy and ultimately – our people.

NAWCA is the most effective voluntary wetland restoration program in history. Ducks Unlimited and our more than one million members and supporters strongly support this legislation, and we urge the Congress to reauthorize it to continue NAWCA's benefits to all Americans.

Baiting of Migratory Game Birds

Ducks Unlimited supports an approach that would, in effect, allow normal agricultural practices to be determined through the concurrence of the state cooperative extension service and the state fish and wildlife agency, in consultation with the U.S. Department of the Interior. This approach ensures appropriate state-level conversations occur regarding agricultural practices (based on the crop type and conditions) and guarantees that U.S. Fish and Wildlife Service perspectives are considered. The process will encourage producers to grow ratoon rice (second crop rice) in the Mississippi Alluvial Valley (MAV) and along the Gulf Coast to improve winter waterfowl foraging habitat. And it should provide clarity to producers, landowners, hunters and law enforcement officials regarding hunting waterfowl over second-growth rice.

Gulf Coast Joint Venture (GCJV) conservation planning established population-based waterfowl habitat goals that depend on the presence of rice agriculture—in particular ratoon rice—on the landscape. Within rice-growing areas of coastal Louisiana, GCJV conservation planning assumes that rice agricultural habitat will support 41 percent of its midwinter waterfowl population objective. Across the border in Texas, 63 percent of the total midwinter population objective is assumed to rely on rice agricultural habitats. Stated another way, GCJV plans call for approximately 4.45 million ducks and geese wintering along the Gulf Coast to depend primarily on rice agricultural habitats, of which ratoon (harvested or unharvested) provides the most energy because of the timing of seed production and harvest. Flooded rice fields, in fact, provide an estimated 44 percent of food energy available to wintering waterfowl along the Gulf Coast, with coastal marsh responsible for the remainder. Notably, rice agriculture is equally important

to meeting conservation plan objectives for migratory birds in the Central Valley of California and in the Lower Mississippi Alluvial Valley region encompassing parts of Missouri, Arkansas, Tennessee, Mississippi and Louisiana.

Hunters, farmers, landowners and conservation law enforcement would all benefit from increased clarity regarding the definition of normal agricultural practices relative to ratoon rice. Presently, hunters who lease rice fields from producers pay \$5,000 to \$10,000 per field or blind. As noted previously, in the MAV, ratoon crops are increasingly common, and with the increasing length of growing seasons, ratoon crops are expected to increase in this landscape. If the producer has performed any rolling, disking, mowing, or other treatment of a ratoon rice field, it currently remains unclear whether that field may be legally hunted under existing Migratory Bird Treaty Act (MBTA) language. Hunting leases often are executed in the summer or early fall while ratoon crops may be developing, leading to concerns and questions as to whether even a small standing ratoon crop near a blind may be altered to facilitate waterfowl hunting.

Ducks Unlimited and conservation partners recognize that rice agriculture is an essential habitat type along the Gulf Coast and in the MAV to meet population-based habitat objectives. Prior to 1990, rice in the MAV provided substantial habitat benefits through provision of waste grain to wintering waterfowl. Changes in rice agriculture since 1990 have made rice fields significantly less valuable (about 71 percent less waste rice is present) as foraging habitat for waterfowl in the MAV. Developing ratoon crops, developing rice cultivars that readily ratoon, and accepting ratoon crops as part of producers' annual business plans would be a favorable development for producers, wintering waterfowl, and migratory shorebirds and wading birds. Producers would have an additional source of income via ratoon harvest and premium lease prices for optimal waterfowl habitat. Waterfowl would find about 2.3 to 5.9 times more waste rice in fields with availability timed to their traditional arrival in the MAV in November and December, much as it was in decades past when rice harvest was later in the calendar year. Finally, science has also shown that winter-impounded rice fields hold winter precipitation on fields resulting in significant improvements to water quality.

This language seeks to provide the clarity hunters, farmers, landowners and conservation law enforcement desire with respect to MBTA baiting regulations. Furthermore, and our rice industry partners agree, this bill provides clarity that ultimately may encourage rice variety development favoring ratoon crop traits. This would likely increase profit margins from both rice production and waterfowl hunting leases, and enable producers to provide premium habitat for waterfowl and other migratory birds that otherwise would not be on the landscape.

Chesapeake Bay

I'd also like to thank the Committee, and especially Senators Cardin and Capito, for their leadership to ensure that this bill includes provisions that will help Chesapeake Bay. The Chesapeake is North America's largest estuary and is considered an iconic national treasure.

The incredible efforts by federal, state and local governments combined with extraordinary efforts of non-profit organizations have had a positive impact on the Bay and its wildlife. The

Bay and its tributaries are getting cleaner, and this legislation recognizes that we must continue these efforts to bring the Bay back to its former productivity.

On the Eastern Shore of Maryland alone, we saw more than 812,000 migratory ducks, geese and swans wintering over in 2017. This number is higher than the five-year average and is a 22 percent increase over the previous winter. Submerged aquatic vegetation (SAV or underwater bay grasses) is critical habitat for various fish and wildlife species, which filters out pollutants and provides a critical food source for waterfowl. Last year, SAV covered more than 97,000 acres of Bay bottom – the most coverage, by a large margin, since the annual survey began in the early 1980s.

Decades of work are finally paying dividends in the Chesapeake, and this legislation ensures that progress will continue. The reauthorization of the Chesapeake Bay Program ensures that the science, data analysis, coordination, and restoration funding will continue, and the Chesapeake Gateways reauthorization helps to provide public access to these great natural resources. Public access is paramount to increasing local economic benefits as fishermen, hunters, boaters and others travel to the Bay to enjoy its recreational opportunities, and in doing so spend money at local restaurants, hotels, convenience stores, hunting and fishing supply stores and other business woven into the fabric of the region's economy.

In addition, the reauthorization of the National Fish and Wildlife Foundation (NFWF) is critical to the Chesapeake. NFWF administers two very important grant programs for the EPA in the Chesapeake – the Chesapeake Small Watershed Grants and Innovative Nutrient and Sediment Reduction Grants. NFWF does great work all over the country, but in the Chesapeake, they make a big impact. Since 2010, NFWF projects in the six Chesapeake Bay watershed states, and the District of Columbia, have restored 49 miles of in-stream habitat, 692 miles of riparian habitat, and 541 acres of wetlands – all of which work to improve the Bay's water quality and lead to increased productivity at the root of the local and regional economy.

Conclusion

Once again, I appreciate the opportunity to testify regarding this important legislation, including the reauthorization of NAWCA and the other important provisions I have discussed today. With your continued support of these programs, NAWCA will remain an essential voluntary tool to protect and conserve migratory bird populations, enable wetlands to provide important benefits to our nation's water quality and quantity, provide important contributions to our nation's economy, and serve as a model of how government can and should work.

I look forward to working with your committee and our partners as the HELP Act moves forward, and to continue to support the benefits the bill would provide to wildlife and the millions of people who enjoy, or make their livings, in the outdoors.

Mr. Chairman, I thank you again for the opportunity to testify today and I will be pleased to answer any questions you may have.

Senate Environment and Public Works Committee Hearing entitled, "Legislative Hearing on S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act" July 19, 2017 Ouestions for the Record for Dale Hall

Senator Wicker:

1. There is a request by the Mississippi and Atlantic Flyway Councils to modify the closing date of duck season from its current "floating date" of the "last Sunday in January" to a fixed date of January 31. Currently, closing dates for duck seasons range from January 25 to January 31, depending on the calendar structure each year. Does Ducks Unlimited support the request by the Mississippi and Atlantic Flyway Councils to modify the duck season framework as long as this proposal does not change total days in the field or bag limits unless specified by the Fish and Wildlife Service?

Ducks Unlimited is the world's leading wetland conservation organization with over a million members and supporters, many of which are waterfowl hunters. DU has great confidence in the Flyway Council process of setting waterfowl hunting regulations. For many years, states and the United States Fish and Wildlife Service (USFWS) have cooperated to develop regulations to appropriately and successfully manage waterfowl and other migratory bird populations to enable hunting opportunities. This cooperative effort seeks to thoughtfully balance applicable science and the desires of the states' sportsmen constituents. Recently, in keeping with the Flyway Council process, a proposal was put forth by the Mississippi and Allantic Flyways to modify the existing duck season framework dates to January 31. Given that available science suggests current rates of harvest do not significantly impact waterfowl populations, DU is comfortable and supportive of this proposal.

2. It is my understanding that no state will be required to change the end date of duck season. Do you believe that a state should be allowed to set their season dates according to the migration patterns of waterfowl and the desires of their sportsmen, as long as it does not negatively affect the waterfowl resource or other states?

At Ducks Unlimited, we believe the states should have flexibility to set dates that are within the season framework established via the annual dialogue between the Flyway Councils and the USFWS Regulations Committee, and that the latest season closing date should be no later than January 31, thereby remaining consistent with the long standing Adaptive Harvest Management process. This should accommodate the desires of hunters, and ensure that hunting seasons have minimal negative biological consequences to waterfowl populations as many species of waterfowl begin their migration north to breeding areas in late winter. The North American Waterfowl Management Plan (NAWMP) directly addresses the importance of people and the human dimensions of

waterfowl conservation, but also seeks to sustain waterfowl populations for future generations. I believe this approach will directly address the desires of many sportsmen and women and help maintain the number of hunters engaged in our rich waterfowl hunting heritage, while simultaneously keeping the NAWMP commitments to sustaining waterfowl populations and habitats.

Senator Barrasso. Thank you very much for your testimony, Mr. Hall. We are delighted to have you.

Ms. Coble.

STATEMENT OF KIM COBLE, VICE PRESIDENT, ENVIRON-MENTAL PROTECTION AND RESTORATION, THE CHESA-PEAKE BAY FOUNDATION

Ms. Coble. Chairman Barrasso, Ranking Member Carper, and distinguished members of the Environment and Public Works Committee, I am Kim Coble, Vice President of Environmental Protection and Restoration for the Chesapeake Bay Foundation. On behalf of our board, staff, and members, thank you for inviting me to participate in today's hearing to discuss the HELP for Wildlife bill. And thank you to the bill cosponsors on the Committee, Senator Barrasso, Senator Cardin, Senator Capito, Senator Boozman, for your leadership in introducing the bill.

At CBF we have over 240,000 members and are proud to count sportsmen and anglers among them. In fact, our founders were sportsmen and anglers, and we have found them to be great con-

servationists.

Today we are sitting in the middle of the Chesapeake Bay watershed, which feeds the great estuary in our nation. The Chesapeake watershed spans six States, 64,000 square miles, and encompasses over 3,600 species of plants and animals. We are surrounded by astonishing lands and waters that our extraordinary life depends on. These resources not only provide substantial ecological value, but they also provide tremendous economic value.

Data from the outdoors industry underscore how important these lands and waters are to sportsmen, anglers, and other outdoor lovers in the region. According to the Outdoors Industry Association, annual consumer spending on outdoor recreation is \$644 billion. In Maryland, West Virginia, and Delaware alone, the 2012 outdoor recreation economy generated a total of 206,000 direct jobs, \$21.1 billion in consumer spending, and provided \$5.9 billion in wages and salaries.

Given both the ecological and economic value of the Chesapeake ecosystem, it is easy to understand why the six Bay States have been working together under a formal voluntary agreement since 1983 to restore the Chesapeake Bay watershed. At that time, our States realized isolated local restoration work was not yielding the results that are needed, and a Federal partnership was critical to achieving these results.

Today, our States operate under the 2014 Chesapeake Bay Agreement. The first three goals of this agreement are to protect, restore, and enhance fisheries and vital habitats, and achieve the water quality necessary to support these living resources. These

three goals are at the heart of the programs put forward on the HELP for Wildlife Act.

The Chesapeake Bay Foundation strongly supports the conservation programs included in this bill. They are important to the sportsmen and anglers in our region, and to restoring the Chesapeake Bay through the 2014 Bay Agreement. They work together to support both local interests and the larger restoration of the cross-State ecosystem. The Chesapeake Bay Program reauthorized by this bill exists to help Bay States achieve their goals in the Bay Agreement. It facilitates the Federal partnership that is critical for protecting and restoring the multi-State Chesapeake ecosystem. The Chesapeake Bay Program has allowed States to set science based goals that address the needs of the entire ecosystem, but are also tailored to local habitats and values. The majority of program funding is invested through matching grants in local projects that directly help protect and restore wildlife and fisheries in their habitats.

This leads me to the National Fish and Wildlife Foundation, or NFWF. NFWF administers some of the grants that are established by the Chesapeake Bay Program through their Chesapeake Stewardship Fund. These matching grants incentivize local watershed protection and stewardship, but they must also help the States

meet their science based Bay Agreement goals.

Take wetlands, for example. States have set a goal to restore 85,000 acres of wetlands and enhance an additional 150,000 acres of wetlands by 2025. This Stewardship Fund can be invested in local stewardship projects that help reach that goal. In this way they achieve a win-win for local stakeholders and ecosystems.

Both NAWCA and the Neotropical Migratory Bird Conservation Act provide critical investment and support for local stakeholder projects and habitat restorations. As a midpoint for the Atlantic flyway, the Chesapeake is a critical area for migratory birds and

provides great systems for ecotourism and birders.

Moving to fish habitat, codifying the National Fish Habitat Partnership will support locally led Atlantic Fish Habitat Partnership, which CBF is proud to be a member of, and the Chesapeake Bay Gateways and Watertrails network and Grants Program supports local initiatives to connect outdoor lovers with natural resources by expanding the physical access to the Bay.

Programs included in this bill are very important to sportsmen and anglers in our region, and to the success of the 2014 Bay Agreement. They work together to support both local interest in restoration needs, and for this reason the Chesapeake Bay Foundation strongly supports the conservation programs included in the

HELP for Wildlife Act. Thank you.

[The prepared statement of Ms. Coble follows:]



Kim Coble Vice President, Environmental Protection & Restoration Chesapeake Bay Foundation Baltimore, Maryland

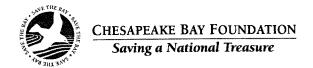
Ms. Coble joined the Chesapeake Bay Foundation (CBF) in 1992 as the Senior Scientist in the Foundation's Virginia office.

In 2003, Ms. Coble was named CBF's Maryland Executive Director, where she directed policy and managed a diverse team of scientists, land use specialists, lawyers, grassroots

coordinators and volunteers to protect and restore the Chesapeake Bay. In 2011, she became CBF's Vice President of Environmental Protection and Restoration. In this capacity, she directs all policy, advocacy, and restoration efforts throughout the watershed.

Ms. Coble currently serves on the boards of Agro-Ecology, Maryland Leadership Workshops and Restore America's Estuaries. She has also been a member of Leadership Maryland since 2004.

Ms. Coble holds a Bachelor of Arts Degree in biology from University of Puget Sound and a Master's of Science Public Health degree in environmental health and toxicology from University of Washington.



Statement of Kim Coble, Vice President, Chesapeake Bay Foundation Prepared for a hearing on S. 1514,

the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act,

United States Senate Committee on Environment and Public Works

July 19, 2017

Chairman Barrasso, Ranking Member Carper, and distinguished members of the Environment and Public Works Committee, I am Kim Coble, Vice President for Environmental Protection and Restoration for the Chesapeake Bay Foundation (CBF). On behalf of CBF's board, staff, and members, thank you for inviting me to participate in today's hearing.

Sportsmen and Anglers are some of the best conservationists. At CBF we have over 240,000 members and are proud to count many sportsmen and anglers among them. This year we are celebrating our 50th year. Sportsmen and anglers were among our founders. Restoring fish and wildlife habitat has been central to our work from Day One. Our members generously support our work on farms, along rivers and streams, and in the Bay, to plant underwater grasses and trees, build streamside buffers, and restore and build oyster reefs as well as our advocacy to restore and maintain our valuable fisheries.

In my testimony, I hope to show you why fish and wildlife habitat and restoration matters so much to our members and how the programs in this bill manage to deliver so much value.

Today, you are sitting in the middle of the Chesapeake Bay watershed, which feeds the greatest estuary in our nation. The Chesapeake Bay watershed spans 6 states and Washington D.C., over 64,000 square miles, and sustains more than 3,600 species of plants and animals. Imagine for a moment what this means. The hardwood forests of the Appalachian mountains to the saltwater marshes of the Chesapeake Bay provide food, protection and nesting areas to many species. Scores of healthy Bald Eagles feed and breed at the Conowingo Dam, shad spawn in our rivers in numbers we haven't seen in decades, stripers and migrating birds draw anglers and bird watchers from around the world to our contests and festivals. We are surrounded by astonishing lands and waters and the abundant and extraordinary life that depends on it.

Data from the outdoors industry underscore how important these lands and waters are to sportsmen, anglers and other outdoor lovers in our region. According to the Outdoor Industry Association, annual consumer spending on outdoor recreation is \$644 Billion. In Maryland, West Virginia and Delaware alone, the 2012 outdoor recreation economy generated a total of 206,000 direct jobs; \$21.1 Billion in consumer spending and provided in wages and salaries a total of \$5.9 B. In this context, it is easy to understand why the six Chesapeake Bay States have been working together under a formal voluntary agreement since 1983 to restore the Chesapeake Bay watershed. In fact, the first three goals of the 2014 Chesapeake Bay Agreement of which the governors of the six states signed, are to protect, restore and enhance fisheries and vital habitats, and achieve water quality necessary to support living resources.

Chesapeake Bay Foundation strongly supports the conservation programs included in the HELP for Wildlife Act. These programs work with our Sportsmen and angling communities to deliver highly valued conservation impact in alignment with the Chesapeake Bay Agreement and they help drive our robust outdoors economy. There is one point that I cannot overstate: Each program is an excellent steward of taxpayer investments. Each program leverages investments from local groups like the Chesapeake Bay Foundation and local and state government — investments that often more than *double* federal investments.

I will start with the Chesapeake Bay Program. This program provides critical support for the Chesapeake Bay Agreement through several conservation grant programs that invest in fisheries and habitat restoration. The majority of funds are invested in projects that support state goals and are matched dollar for dollar with local investments. For example, in FY16, \$29M was invested through three of the Bay Program grant programs and raised an additional \$29M in local conservation investments. This resulted in on the ground investment of \$58M. By increasing the authorized funding level for the Bay Program in this bill, it will be possible to leverage more local investments in fish and habitat conservation.

The National Fish and Wildlife Foundation (NFWF), also extended by this bill, administers two of the Chesapeake Bay Program conservation grant programs through their Chesapeake Stewardship Fund. Leaders at NFWF use science to drive their investments in land and water habitat conservation projects to ensure they achieve maximum impact across the landscape while supporting local priorities. One recent example is Chesapeake Bay Foundation's Virginia and Upper Potomac Farm Stewardship Program in Virginia, Maryland and West Virginia. By

working with farmers to adopt agricultural best management practices, such as rotational grazing, stream exclusion, and wetland and riparian buffer restoration, we help them improve water quality, increase productivity of farming operations, and enhance wildlife habitat – and help Bay States to meet their Chesapeake Bay Agreement goals. In this example, NFWF and NRCS invested \$398,740 which leveraged and additional \$311,222 to engage 64 landowners and reduce 3,960 pounds of nitrogen, 1,419 pounds of phosphorus and 169 tons of sediment from local rivers, streams and the bay.

Likewise, the National Fish Habitat Partnership supports locally-led fish habitat efforts. By codifying this partnership, this bill will be securing the federal partnership for this effort led by local stewards. The Chesapeake Bay is part of the Atlantic Coastal Fish Habitat Partnership, a 16 state collaborative effort to accelerate the conservation of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes. As a member of this partnership, CBF is proud to join resource managers, scientists and professionals representing 33 different state, federal, tribal, non-governmental and other entities. The Partnership stretches from Maine to the Florida Keys, and from the headwaters of coastally draining rivers to the edge of the continental shelf, with a focus in estuarine environments. In the Chesapeake Bay watershed, the Partnership supports stewardship activities that are helping to address regional habitat priorities, such as the fisheries and habitat goals of the Chesapeake Bay Agreement. For example, an important recent project on the James River in Virginia restored spawning habitat for Atlantic Sturgeon as well as American shad, herring, and striped bass, by installing hard substrate. It was driven by local project partners, working in collaboration with National Oceanic and Atmospheric Administration and US Fish and Wildlife Service.

The North American Wetlands Conservation Act (NAWCA) provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands conservation projects in the United States, Canada, and Mexico for the benefit of wetlandsassociated migratory birds and other wildlife. The program provides critical support for the Chesapeake Bay Agreement by leveraging local investment to help achieve the goal to restore, enhance and protect a network of land and water habitats to support fish and wildlife. By 2025, Bay states aim to create or reestablish 85,000 acres of tidal and nontidal wetlands and enhance the function of an additional 150,000 acres of degraded wetlands. CBF has partnered with Ducks Unlimited for years to implement NAWCA wetlands conservation projects in the Bay watershed. But to demonstrate the kind of leveraging the program can deliver, I want to describe a NAWCA-supported project in Anne Arundel County, Maryland. With a \$1M grant, the program leveraged an additional \$9.2M investment from the Conservation Fund and the Chesapeake Bay Foundation to acquire, restore and enhance 304 acres on a largely undeveloped peninsula on the western shore of the Chesapeake Bay with more than three miles of bay frontage. The Maryland Department of Resources holds a conservation easement on the property, which is a staging and wintering area for waterfowl, a valuable breeding and stopover site for songbirds, a rookery site for herons, and a nesting site for bald eagles. The land's tidal marshes, hardwood swamps, and woodlands provide critical habitat for 18 breeding and wintering species of concern and 12 migrant species of concern. The land will be permanently protected for wildlife.

In coordination with programs like NAWCA, the **Neotropical Migratory Bird Conservation Act**, supports habitat conservation along the entire flyway for neotropical birds that migrate through the watershed. The Chesapeake Bay is home to many national wildlife refuges. As a midway point on the Atlantic flyway, the Chesapeake Bay is a significant draw for birders and ecotourists, particularly on the Delmarva Peninsula. The Eastern Shore Birding and Wildlife Festival will hold its 25th event this year, drawing 43 percent of attendants from out of state.

And finally, the Chesapeake Bay Gateways and Watertrails network and Grants Program support local initiatives to connect outdoor lovers to the watershed's natural resources. Expanding physical access to the Bay and its tributaries through existing and new local, state and federal parks, refuges, reserves, trails and partner sites is a goal of the 2014 Chesapeake Bay Agreement and this program directly supports state and local efforts. The Chesapeake Bay Gateways and Watertrails network is a system of over 170 sites located within the watershed with varied cultural and natural sites on water and land. The program is valuable to our members and communities and we fully support it's extension.

I hope I have drawn a picture for you today of how much our members, our sportsmen and anglers and as a result, our local and state governments, value fish and wildlife and the critical federal partnership the programs in this bill provide. These programs directly support local programs and are aligned with and support the state-led Chesapeake Bay Agreement. The fact is, fish and wildlife know no state boundaries. For this reason, federal partnership through programs that work with our Sportsmen and angling communities, impact local priorities and

maintain our robust outdoors economy is very important and your leadership is greatly appreciated.

Question for the Record:

Chairman Barrasso:

1. Ms Coble, in your June 28, 2017 op-ed published in USA Today, you stated that the Chesapeake Bay Program "is the glue that holds the multistate restoration effort together." Section 10 of the HELP for Wildlife Act would reauthorize the Chesapeake Bay Program for five years starting in fiscal year 2018. How do you see the funding being used over that period to effectively further the goals of improving water quality and local economies in the Chesapeake Bay area?

Response for the Record:

As noted in the question posed, in my June 28, 2017 Op Ed published in USA Today, I stated that the Chesapeake Bay Program "is the glue that holds the multistate restoration effort together." The Chesapeake Bay Program, which would be reauthorized under Section 10 of the HELP for Wildlife Act, is established for the purpose of supporting the Chesapeake Bay Agreement, which was voluntarily signed in 2014 by the seven jurisdictions of the Chesapeake Bay Watershed -- Maryland, Virginia, Pennsylvania, Delaware, West Virginia, New York and the District of Columbia -- and the federal government.

None of the states can save the Bay alone. Science tells us the Bay is in fact a system, and it must be managed with a systems approach. That is exactly what the Bay Program provides. The watershed covers a 64,000 square mile, 7-jurisdiction area. Cross-state collaboration and coordination is critical. The Bay Program provides this, as well as other essential watershed-wide functions such as data collection, monitoring, modeling and reporting that states use to make management decisions and track their progress. Significantly, it also provides grant awards that drive significant local investment in the Bay Agreement activities.

From 2018 to 2023, Chesapeake Bay Program funding would continue to support the 2014 Bay Agreement. Fundamentally, the 2014 Chesapeake Bay Agreement envisions an environmentally and economically sustainable Chesapeake Bay Watershed. Partners are committed to

restoration success while maximizing economic benefits and many of the principles of the Agreement support this commitment. The Partners established many goals, one of which relates to Water Quality and they agreed upon a Management Strategy to achieve that goal. They have made unique commitments regarding how they will each support the Partnership in achieving this goal, and have developed unique long-term plans and two-year workplans to achieve their commitments. The Chesapeake Bay Program supports both the collaborative development and review of these plans as well as the in-state implementation of the Partners' unique workplans. While these plans are not yet written for the period 2018 to 2023, by examining how the Bay Program has consistently supported them to date, it is possible to predict how it will support them – and specifically the Water Quality Goal and local economy – in future years. Each of these elements is described in more detail below.

The Chesapeake Bay Agreement

In 1983, three Chesapeake Bay states, the District of Columbia and the federal government signed the first Chesapeake Bay Agreement, formed the Chesapeake Executive Council and established the Chesapeake Bay Program partnership to restore and protect the Chesapeake Bay. To support this program, Congress established the federal Chesapeake Bay Program, including the Chesapeake Bay Program Office and two federal assistance and grants programs. In 2014, this partnership expanded, as all seven watershed jurisdictions signed a new Chesapeake Bay Watershed Agreement and joined the Council. This new Agreement includes a Vision Statement, Goals and Outcomes, Management Strategies, and two-year workplans for each signatory.

The Bay Agreement envisions an environmentally and economically sustainable Chesapeake Bay Watershed. As stated in the 2014 Agreement:

"The Chesapeake Bay Program partners envision an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage and a diversity of engaged citizens."

Partners are committed to restoration success while maximizing economic benefits. As the Agreement states:

"Watershed restoration and protection have the potential to become integral drivers of the region's economy. To that end, the Partnership is committed to achieving restoration success while maximizing the economic benefits to local communities across the region. The signatories to this voluntary Agreement commit to achieving the restoration and protection of the Chesapeake Bay watershed and its living resources."

Many of the Principles of the Agreement support these commitments, including:

- Achieve Goals and Outcomes in a timely way and at the least possible cost to our citizens.
- Represent the interests of people throughout the watershed fairly and effectively, including a broad diversity of cultures, demographics and ages.
- Acknowledge, support and embrace local governments and other local entities in watershed restoration and protection activities.
- Adaptively manage at all levels of the Partnership to foster continuous improvement.
- · Seek consensus when making decisions.
- Use place-based approaches, where appropriate, that produce recognizable benefits to local communities while contributing to larger ecosystem goals.
- Engage citizens to increase the number and diversity of people who support and carry out
 the conservation and restoration activities necessary to achieve the Goals and Outcomes
 of the Agreement.

The 2014 Bay Agreement includes a Water Quality Goal which is supported by a Management Strategy and Outcomes. This goal is: To reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the Bay and its tributaries and protect human health. Partners have made unique commitments to achieve this goal and have submitted both long-term plans and two year workplans detailing how they will do so. In this way, the Partners themselves determine how they will maximize the economic benefits to their local communities, as described in the Agreement's vision statement.

Chesapeake Bay Program provides Programmatic and Funding support for Chesapeake Bay Agreement and Partners

The Chesapeake Bay Program, through the Bay Program Office in Annapolis, Maryland, provides programmatic support that fosters collaboration between watershed states and other federal agencies and coordinates and helps implement the science, research, modeling, support services, monitoring, data collection, and other activities essential to achieve the Partners' vision of an environmentally and economically sustainable Chesapeake Bay watershed. A majority of the Bay Program the budget goes towards grant programs which Congress established specifically to leverage significant additional funds to assist states and local partners in implementing the Bay Agreement. Future funding for the Program will maintain these activities.

Programmatic Support

The Chesapeake Bay Program currently supports the implementation of the Water Quality Management Strategy in the Chesapeake Bay Agreement. (Attachment: 2017 WIP, 2025 WIP and Water Quality Standards Attainment & Monitoring Outcomes Management Strategy, 2015-2025, v1). Future funding for the Program will support continued collaboration of the Partners that have committed to achieve this goal, i.e. Maryland, Virginia, DC, Pennsylvania, Delaware, West Virginia, New York, the Chesapeake Bay Commission, the US EPA, US Army Corps of Engineers, US Geographic Service, US Natural Resource Conservation Service, US Department of Defense, US Department of Transportation, as well as the implementation of Partners' individual workplans. (Attachment: Partner Commitments in Chesapeake Bay Watershed Agreement Workplans (April 29, 2016)). While the milestones and workplans for 2018 to 2023 have not been developed, the future programmatic support can be inferred from the current (2016-2017) 2-year plan. (Attachments: 2017 WIP, 2025 WIP and Water Quality Standards Attainment & Monitoring, Watershed Implementation Plans 2 Year Milestones). Key activities for 2016-2017 from this plan include:

- · Supporting Best Management Practice Verification.
- Supporting continued Best Management Practice implementation tracking and reporting
 on agricultural lands and in the urban stormwater sector, as well as other sectors (for
 example, through enhancing the next generation of decision support tools, managing and
 verifying implementation data.
- Guiding the development of jurisdictions' trading and offset programs.
- Supporting continued wastewater treatment plant and septic upgrades and enhancements.

- Continuing work to improve temporal and regional patterns in water quality criteria attainment in tidal and non-tidal waters.
- Coordinating the Chesapeake Bay Program non-tidal water quality network.
- Addressing gaps in monitoring programs through the Chesapeake Bay Program Monitoring Team with partners.
- Developing and applying new approaches for quantifying and explaining water quality trends in tidal waters.
- Explaining the drivers of water quality trends in the watershed.
- Providing information to enhance the Chesapeake Bay Program watershed models.
- Releasing the Phase 6 Watershed Model.
- Developing Phase III WIP expectations with Bay Jurisdictions.
- Collecting local land use data with Bay State and local Jurisdictions.

Funding Support, Local Impact

The Chesapeake Bay Agreement Partners are restoring the natural resources that make the Bay watershed an economic engine that supports significant economic activity. In addition, the Bay and its tributaries currently provide services such as flood protection, water supply, waste management and other benefits that have been valued at \$107 billion per year. This will increase by at least \$22 billion per year when the Water Quality strategies and restoration activities in Partners' workplans are implemented.¹

The grants programs administered by the Bay Program have been designed by Congress to be responsible stewards of taxpayer dollars. These grants programs constitute a majority of the program budget and are directly invested in local priorities in the Partners' two year workplans. Most of these programs leverage at least a one to one match of additional investments. In FY16, three of the grant programs invested a total of \$29 million to deliver a total of \$58 million on-the-ground local priority projects. Since 2008, \$183 million in federal funds have delivered

¹ Chesapeake Bay Foundation. 2014. The Economic Benefits of Saving the Chesapeake. http://www.chesapeakebay.net/channel_files/21411/finalbenefitsoftheblueprint_techreport_and_summary20141 002_sem.pdf

\$366 million of investments. Yet management costs are kept low. In FY16, program operations and support were 6.6% of their budget, or \$5.1 million.

The programs include State Implementation Grants, Water Quality Monitoring Grants, and Stewardship Grants. State Implementation Grants provide jurisdictions with support for implementing their management strategies. The cost-share requirement for this program is a 1:1 match, meaning the FY16 2016 investment of \$30.9M drove at least an additional \$30.9M investment, resulting in \$61.8M locally invested in implementing the management strategies. Water Quality Monitoring Grants provide jurisdictions with support for monitoring the Chesapeake Bay ecosystem. With a 1:1 cost-share requirement, the \$4.8M investment in FY16 delivered \$9.6M investment in this critical activity that benefits all partners. Stewardship Grants (including innovative nutrient and sediment reduction and small watershed grants) provide funding to local governments, nonprofit organizations, and individuals to protect and improve watersheds, while building citizen-based resource stewardship. With the cost-share requirement for this program, the \$12M investment in FY2016 delivered at least \$18M in local stewardship.

These grants directly support local investment and restoration projects in Partners' workplans that are rebuilding the natural resources that local industries and related local economies depend upon. The Chesapeake Bay Watershed's regional economy provides 8.3 million jobs and an annual income of almost \$400 billion according to the U.S. Census Bureau data from County Business Patterns. Many local industries depend on the robust natural resources and abundant clean water which will result from achieving the Bay Agreement goals, notably the commercial seafood, recreation and tourism, and real estate industries. By investing with local communities in local stormwater and agricultural projects, oyster and other habitat restoration projects, the Bay Program is helping Partners' direct investments towards building and securing the industries tied to these resources. For example, a 2008 NOAA report showed that the commercial seafood industry in Maryland and Virginia contributed \$3 billion and more than 41,000 jobs to the local economy. This industry is only as robust as the natural resource on which it relies.

Looking just at the oyster industry in Virginia, which benefits from Bay Program collaboration and investments in restoring oyster reefs and other habitat as well as improved water quality,

Virginia's oyster farmers sold \$16 million in oysters in 2015 according to the Virginia Institute of Marine Science. One local business that is now thriving is the Rappahannock Oyster Company. Established by a family that had been harvesting oysters since 1899 but had had to cease in 1991 due to poor oyster conditions, today they are back in business. In 2015, oyster harvests in the watershed exceeded one million bushels for the first time in thirty years -- a direct result of the Chesapeake Bay Agreement, in which Partners' committed to restore reefs and populations in ten rivers by 2025. Through Bay Program collaboration and targeted restoration investments, hundreds of acres of oyster reefs have been completed in Maryland and Virginia and other restoration projects that improve habitat and water quality have occurred.

Today, the Rappahannock Oyster Company is thriving. The company operates six restaurants – in California, South Carolina, Washington, D.C., and Virginia -- and ships their oysters worldwide, supplying both wholesale and retail customers. The local economy directly benefits from this business -- from those who grow and harvest the oysters, to wholesale distributors, to restaurant suppliers and employees, and many other elements of the economy to which they are connected. They also market the business as a tourist destination of its own, and encourage visitors not only to visit their businesses, but also to stay in local hotels and visit local sites and enjoy outdoors recreation.

Local economic success stories like the Rappahanock Oyster Company are by their nature unique. But across the watershed, improvements in water quality and related natural resource investments that Bay Program grants support are improving the entire ecosystem. At the Chesapeake Bay Foundation, our scientists are reporting improvements across all indicators: in water quality, habitat, and fisheries such as oysters. The National Fish and Wildlife Foundation reports that "from 1999 to 2016, the Chesapeake Bay Stewardship Fund awarded nearly 1,000 grants totaling more than \$100 million. These investments leveraged more than \$200 million in local matching resources to support a wide range of conservation projects throughout the Bay basin. In total, these grants have:

- · Reduced annual nitrogen pollution loading by an estimated 18.4 million pounds
- · Reduced annual phosphorus loading by an estimated 4.3 million pounds
- Reduced annual sediment loading by an estimated 7.8 million tons

- Restored more than 2,000 miles of streams
- Treated stormwater runoff from 11,320 acres of impervious surfaces
- Reached an estimated 2 million residents through outreach efforts
- Restored over 6,600 acres of wetlands and 1,670 miles of forested riparian buffers
- Installed over 320 miles of livestock exclusion stream fencing
- · Reconnected over 245 miles of rivers and streams for fish passage
- Established 279 acres of oyster reefs"²

As local restoration improvements accrue, we see business growing in the outdoors industry (which supports over 820,800 jobs and over \$13 billion in income annually), the commercial fishing industry, (which accounts for 7,952 jobs in the states of Delaware, Maryland and Virginia, according to the National Oceanic and Atmospheric Administration), the seafood industry, (which contributes to over 24,000 processing, wholesale and distribution and related jobs in Delaware, Maryland and Virginia), and many others. Continued funding for the Bay Program and the grants it administers will continue this positive trend.

Closing

By supporting collaboration and leveraging significant investments in state-identified priorities, the Bay Program supports the Partners' visions for how they will achieve their water quality goals while maximizing the economic benefits to their local communities. While the specific actions the Bay Program will take between 2018 and 2023 are not known, what we do know is the Bay Program has a track record of providing widely acknowledged, critical support for the 2014 Chesapeake Bay Agreement. Central to this Agreement is a vision for an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage and a diversity of engaged citizens. While the Bay Program itself does not determine how the Partners will achieve this vision of an environmentally and economically sustainable watershed, it is explicitly designed to support Partners in their pursuit of both. Throughout the watershed, improvements in water quality and natural resources are enhancing local economies — a positive trend that will be sustained by future funding for the Chesapeake Bay Program.

² National Fish and Wildlife Foundation, accessed 8/17/17, http://www.nfwf.org/chesapeake/Pages/home.aspx







Introduction

For the past 30 years, the Chesapeake Bay Program (CBP) partnership¹ has been committed to achieving and maintaining the water quality conditions necessary to support living resources throughout the Chesapeake Bay watershed. Building off these commitments and using the best scientific information available, the CBP partnership agreed to the nutrient and sediment allocations in the 2010 Chesapeake Bay Total Maximum Daily Load (Bay TMDL)², a historic and comprehensive pollution reduction effort in the Chesapeake Bay watershed. The Bay TMDL identifies the necessary pollution reductions of nitrogen, phosphorus and sediment across the seven Bay watershed jurisdictions of Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia to meet applicable water quality standards in the Bay and its tidal waters. Reducing pollution is critical to restoring the Chesapeake Bay watershed because clean water is the foundation for healthy fisheries, habitats, and communities across

¹ <u>www.chesapeakebay.net</u> ² EPA's Chesapeake Bay TMDL: <u>www.epa.gav/chesapeakebaytmdl</u>

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the region. All partners and source sectors³ must contribute substantial efforts to achieve the Bay TMDL

The Watershed Implementation Plans (WIPs), developed by the seven Bay watershed jurisdictions, provide a roadmap for how the jurisdictions, in partnership with federal and local governments, will achieve the Bay TMDL's nutrient and sediment allocations. As such, the WIPs collectively serve as the foundation of the management strategy for the water quality related outcomes. The jurisdictions are expected to develop WIPs over three Phases. Phase I and Phase II WIPs, developed and submitted to EPA in 2010 and 2012, respectively, describe actions and controls to be implemented by 2017 and 2025 to achieve applicable water quality standards. The Phase II WIPs build on the initial Phase I WIPs by providing more specific local actions. The Phase I and Phase II WIPs can be accessed here: www.epa.gov/chesapeakebaytmdl. As part of the accountability framework established in the Bay TMDL document, jurisdictions also establish short-term goals in the form of two-year milestones which are based on the WIPs and have been reported to EPA since 2011.

In 2018, the seven Bay watershed jurisdictions will develop Phase III WIPs that provide more information on what actions the jurisdictions intend to implement between 2018 and 2025. Based on a midpoint assessment of progress and scientific analyses that is currently underway through 2017, the Phase III WIPs will be developed so that by 2025 all practices are in place that are necessary to meet applicable water quality standards in the Bay and its tidal tributaries.

In conjunction with the implementation of the WIPs, the CBP partnership is currently engaged in an evaluation of water quality changes to explain progress toward meeting water quality standards and the Bay TMDL. This evaluation includes assessing changes in nutrients and sediment in the Bay watershed and analyzing water quality trends in the estuary and tidal tributaries. In addition, the CBP partnership will conduct selected assessments of factors affecting progress towards restoring water quality, habitat, fish and wildlife, and conserving lands, including the effects of management activities. Further incorporation and use of monitoring information to assess progress is critical to better understand how on the ground actions have an impact toward meeting the 2017 and 2025 WIP outcomes, particularly since monitoring assessments will ultimately determine when the jurisdictions' water quality standards are achieved.

II. Goal, Outcome and Baseline

 $This \ management \ strategy \ identifies \ approaches \ for \ achieving \ the \ following \ goal \ and \ outcomes:$



Water Quality Goal

Reduce pollutants to achieve water quality necessary to support the aquatic living resources of the Bay and its tributaries and protect human health.

 $^{^{3}}$ Section 4 of the Bay TMDL: wastewoter, agriculture, urban storm water, septic systems, forests and air

2017 WIP Outcome

By 2017, have practices and controls in place that are expected to achieve 60 percent of the nutrient and sediment pollution load reductions necessary to achieve applicable water quality standards compared to 2009 levels.

2025 WIP Outcome

By 2025, have all practices and controls installed to achieve the Bay's dissolved oxygen, water clarity/submerged aquatic vegetation and chlorophyll a standards as articulated in the Chesapeake Bay TMDL document.

Water Quality Stondards Attainment & Monitoring Outcome

Continually improve the capacity to monitor and assess the effects of management actions being undertaken to implement the Bay TMDL and improve water quality. Use the monitoring results to report annually to the public on progress made in attaining established Bay water quality standards and trends in reducing nutrients and sediment in the watershed.

Baseline and Current Condition

Background

In 2009, the Chesapeake Bay Executive Council established the CBP goal that all practices for a clean Chesapeake Bay be in place by 2025. The Bay TMDL document describes this goal, as well as the interim goal that practices be in place by 2017 to achieve 60 percent of the necessary reductions compared to 2009. The baseline for the 2017 goal are the 2009 estimates of nitrogen, phosphorus and sediment loads (in pounds per year) in the Chesapeake Bay watershed. These estimates were obtained from the CBP partnership's modeling tools that are calibrated to monitoring data and use implementation data collected from the seven Bay watershed jurisdictions. The year 2009 was established as the baseline year because it the last year for which pollution reduction progress was assessed prior to EPA establishing the Bay TMDL in 2010.

In 2012, the CBP partnership endorsed an integrated approach to assessing progress toward meeting the Bay TMDL nutrient and sediment reduction goals and attaining applicable water quality standards through using both modeling tools and monitoring data. CBP partners reaffirmed their continued support for monitoring networks, annual reporting of standards attainment, and nutrient and sediment trends in the watershed. For the past two years, CBP's Science, Technical Assessment and Reporting Team (STAR) has been focused on Building and Sustaining Integrated Networks (BASIN). BASIN is an effort to develop new approaches to expand and sustain the CBP monitoring activities to meet the needs of the CBP partnership.

The Chesapeake Bay's tidal waters are divided into 92 segments, and each segment has up to five designated aquatic life uses which equates to a total of 291 designated uses. The measure of success for this integrated approach is to meet all applicable nutrient- and sediment-related water quality standards in the tidal Chesapeake Bay necessary to protect the designated uses for those 92 segments.

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Progress to Date

The WIPs identify how the seven Bay watershed jurisdictions are putting measures in place by 2025 that are needed to restore the Bay, and by 2017 to achieve at least 60 percent of the necessary nitrogen, phosphorus and sediment reductions compared to 2009 levels.

As of 2013, based on the CBP partnership modeling tool estimates, practices are in place to achieve 27 percent of the nitrogen reductions, 43 percent of the phosphorus reductions and 37 percent of the sediment reductions (compared to 2009 levels) that are necessary to attain applicable water quality standards in the Bay4.

Attaining water quality standards is essential to other CBP goal areas including habitat and fisheries. Attaining the standards also provides substantial benefits for protection of human health, aesthetic and recreational uses. The "water quality standards attainment" outcome will require the monitoring of water quality conditions to assess progress towards achieving applicable water quality standards in Bay and tidal water restoration to support aquatic living resources

Through 2012, the CBP partnership found that 31 percent of the Bay and its tidal waters were attaining applicable water quality standards (i.e., 90 of 291 designated uses have been met). Seventy percent of the monitoring sites through 2012 showed long-term improvements in nitrogen and phosphorus. From 2003-2012, nitrogen conditions improved at about one half of monitoring sites, while phosphorus concentrations show little or no change at more than one half of such sites. Improvement for sediment concentrations is less than that for nutrients, with 28 percent of monitoring sites showing long-term improvement (since 1985) and 10 percent of sites from 2003-20125.

III. Participating Partners

The following partners have participated in the development of this strategy. A workplan to accompany this management strategy will be within one year after this document is finalized. It will identify specific partner commitments for implementing the strategy.

- District of Columbia
- Delaware
- Maryland
- New York
- Pennsylvania
- Virginia West Virginia
- U.S Environmental Protection Agency
- Chesapeake Bay Commission
- U.S. Geological Survey

⁴ http://www.chesapeakebay.net/documents/FINAL_WIP_Outcome_6-13-14_PDF.pdf
⁵ http://www.chesapeakebay.net/documents/FINAL_WQ_Stand_Attain_6-13-14_PDF.pdf

Local Engagement

The Bay TMDL document, which describes an accountability framework including the 2017 and 2025 WIP outcomes, was developed through a highly transparent and engaging process. The outreach effort included hundreds of meetings with interested groups; two rounds of public meetings, stakeholder sessions and media interviews in all Bay watershed jurisdictions in fall of 2009 and 2010; a dedicated EPA website; a series of monthly interactive webinars; notices published in the Federal Register; EPA response to all TMDL comments; and a close working relationship with CBP committees representing citizens, local governments, and the scientific community. It was at the discretion of the Bay watershed jurisdictions to hold their own public meetings and public comment period for their respective WIPs, as these were state-developed documents6.

A substantial portion of the nitrogen, phosphorus and sediment controls necessary to meet the Bay TMDL allocations is expected to be implemented at the local level by CBP partners including conservation districts, local governments, planning commissions, utilities and watershed associations. Outreach to a variety of local entities may help the CBP partners assess and determine the ideal scale at which implementation will be reflected in the CBP modeling tools and where appropriate, quantify local target loads within the WIPs. The CBP partnership recognizes that individual jurisdictions may pursue somewhat different approaches to this local outreach.

IV. Factors Influencing Success

The following are natural and human factors that influence the Partnership's ability to attain this

Implementation of Practices

1. Continuing to sustain the capacity of governments and the private sector to implement practices The state and local jurisdictions have described their capacity (funding, authorities, and sustainability) to implement nitrogen, phosphorus and sediment reduction practices several times over the past two decades. These include the tributary strategies developed during the 1990s and again in the mid-2000s, and more recently, in the Phase I and Phase II WIPs and two-year milestones, which also include strategies to build capacity in order to achieve pollutant reductions. Federal agencies and land holders have described their capacity (funding, authorities, and sustainability) to implement nitrogen, phosphorus and sediment reduction practices through the programs they administer or on the lands that they control as part of Executive Order 135087. These entities must continue to work towards sustaining adequate capacity necessary to complete the efforts.

⁶ <u>DE WIP; DC WIP; MD WIP; NY WIP; PA WIP; VA WIP; WV WIP</u>

⁷ <u>Executive Order 13508: http://www.whitehouse.gov/tbe_press_office/Executive-Order-Chesapeake-Boy-</u> Protection-and-Restoration

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2. Delivering the necessary financial capacity to implement practices and programs

Both understanding and addressing the financial capacity needs to implement the Phase I WIPs, the Phase II WIPs and two-year milestones is an integral component to achieving the water quality goals in the Bay TDML. The CBP partnership is focused on addressing these financial needs through: quantification of existing and potential funding gaps, and the identification of new revenue sources and financing to address these gaps; consideration of how costs might be reduced by more costeffectively reallocating nutrient and sediment reductions among source sectors; evaluation of BMP implementation and maintenance costs; and communication of funding needs to elected officials.

Improved Technical Information

Improving the identification of sources and their contributions to nitrogen, phosphorus and sediment pollutant loads

The sources and their respective contribution of loads listed in the Bay TMDL is currently represented through CBP partnership models*, USGS SPARROW models*, and supporting tidal and nontidal monitoring networks and research. As described in the Bay TMDL document (Chapter 4), the sources that are modeled by the CBP partnership are based on U.S. Census Bureau and USDA Census data, federal and state permitting data, satellite imagery and additional data submitted by the seven Bay watershed jurisdictions. As part of the Bay TMDL's midpoint assessment, the CBP partnership is currently incorporating additional/more recent local land use data, refining information on the transport of loads through the Bay watershed, and better predicting future impacts of population growth and climate change in the Bay watershed for incorporation into the modeling tools to improve implementation planning in Phase III.

2. Quantifying the reductions from pollution control practices and verifying their continued performance

The pollution reduction values associated with nitrogen, phosphorus and sediment controls that the CBP partnership has approved for use in the models are based on extensive literature reviews and expert panel recommendations. Through its technical source sector workgroups and expert panels, the Water Quality Goal Implementation Team¹⁰ (WQGiT) periodically refines these values based on new information and to take into account innovative practices. The CBP partnership is addressing the effectiveness and efficiency of practices by adopting principles to verify that reported practices are, indeed, in place and functioning as designed; further quantifying the effect of variations in watershed properties (such as different types of soils) on controls; quantifying changes in Best Management Practices (BMP) performance over time; and evaluating the potential future impacts of climate change on BMP performance.

In addition, the Chesapeake Bay basinwide BMP verification framework provides a structure by which the Bay Program partners will improve consistency through a collective analysis of the

⁸ CBP modeling tools: http://www.chesapeakebay.net/about/programs/watershed_implementation_plan_tools/ ⁹ USGS SPARROW model: A modeling tool for the regional interpretation of water quality monitoring data. http://water.usgs.gov/nawgo/sporrow/ ¹⁰ http://www.chesapeakebay.net/groups/group/Water_Quality_Goal_implementation_Team

effectiveness and efficiency of various BMPs. Verification will be viewed as a life cycle process, including initial inspection, follow up checks, and evaluation of BMP performance¹¹.

- 3. Enhancing the next generation of decision support tools (Phase 6)
 The CBP partnership is currently revising the watershed modeling system structure to enhance decision support and to improve accuracy, transparency and confidence. The Phase 6 suite of decision support tools will be refined in many ways, including the addition of simulation years, monitoring stations and updated BMP efficiencies.
- 4. Revisiting watershed model calibration methods with the goal of improving local watershed results Different calibration methods will be assessed for the calibration of flow, sediment and nutrients; a precipitation data set for the entire Phase 6 simulation period from 1985 to 2011 will be developed, applied and calibrated; new calibration stations allowed by the expansion of the simulation period will be applied and calibrated; and assessment in the changes that are due only to the change in the hydrology calibration will be quantified and documented.
- 5. Reviewing and updating historical implementation data that has been submitted by the jurisdictions to the CBP partnership, confirming that BMPs are still in place and ensuring that accurate information is included in the modeling tools Information on BMP implementation that is accurate as possible is integral to calibrating the Phase 6 Watershed Model; planning and reporting on future actions; using monitoring data to assess impacts of past efforts, since understanding the factors affecting observed trends in water quality requires a clear understanding of what actions have been implemented over time; and assessing the critical period of 1993-1995¹².

Response of Water Quality Conditions to Management Practices

Understanding the factors affecting the ecosystem response to pollutant load reductions to focus
management efforts and strategies

Based on the current science and the associated CBP modeling system, the CBP partnership has projected that implementing practices for reducing nitrogen, phosphorus and sediment loads should achieve applicable water quality standards in the Bay. Improved understanding of the following elements could further enhance decision-making for the Phase III WIPs: (1) the factors affecting the time it will take to see improvements (i.e., "lag times") between implementation of practices and responses in water quality; (2) factors in addition to nitrogen, phosphorus and sediment pollutant load reduction that affect response of DO, clarity, SAV and chlorophyll; (3) the relationships between water quality improvements and the recovery of habitat conditions for fish and shellfish populations; (4) how population changes and economic influences impact restoration activities; (5) the effects of climate change due to increased temperatures and sea level rise in the estuary; (6) how increases in plant and animal biomass in response to improved water quality improves the assimilative capacity of the system for nutrients and sediment; and (7) an improved understanding of uncertainty associated with model projections.

¹¹http://www.chesapeakebay.net/documents/Complete%20C8P%20BMP%20Verification%20Framwork%20with%2 0appendices.pdf

<u>Oappendices.pdf</u>

12 http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/FinalBayTMDL/AppendixGCriticalPeriodAnalysis_final.pdf

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2. Factoring in effects from continued climate change

EPA and other partners are developing the tools to quantify the effects of changes in watershed flows, storm intensity and changes in hypoxia due to increased temperatures and sea level rise in the estuary. Current efforts are to frame an initial future climate change scenario based on estimated 2050 conditions. The CBP partnership will need to decide if or when to incorporate these climate change considerations into the Phase III WIPS.

- 3. Assessing the implementation potential of filter feeders for nutrient and sediment reductions. Living resource restoration was not considered in the Bay TMDL because low filter feeder biomass was insufficient to influence water quality, and because of future biomass uncertainty due to harvest, disease and lack of habitat. Since then, significant oyster restoration has occurred and more is planned, as well as a recent resurgence of aquaculture in the Chesapeake Bay. The oyster model will be revised as necessary to incorporate aquaculture operations and additional oyster biomass brought about by restoration activities including sanctuaries.
- 4. Examining the impact the lower Susquehanna dams have on the pollutant loads to the Bay, including changes over time

The CBP partnership will work with the U.S. Army Corps of Engineers Lower Susquehanna River Watershed Assessment (LSRWA) study and the STAR midpoint assessment work plan for the assessment of trapping capacity behind dams, especially the Conowingo, as well as greater representation of local impoundments and reservoirs throughout the Phase 6 Watershed Model. The CBP partnership will need to address how to reduce the level of impairment in the Chesapeake Bay due to Conowingo.

 Conducting a detailed multi-year assessment of chlorophyll in the tidal James River using augmented monitoring and modeling approaches

The CBP partnership is working closely with the principal investigators of the James River chlorophyll-a criteria assessment to determine the criteria necessary in order to meet water quality standards in the James River. Criteria could change by becoming more stringent, less stringent or existing criteria is confirmed.

V. Current Efforts and Gaps

The Phase I and Phase II WIPs and two-year milestones include descriptions of efforts currently underway or planned to improve tracking, reporting, and assessing the effectiveness of implementation actions. In addition, the Bay watershed jurisdictions are in the process of developing new and revising existing BMP tracking, verification, and reporting protocols and programs. As the CBP tracks partners' progress toward goals for cleaner waters, verifying that practices are being implemented correctly and are reducing nutrient and sediment pollution as expected will be critical in measuring success. EPA, the Bay watershed jurisdictions, local governments, the private sector and nongovernmental organizations will use these data to inform accountability and adaptive decision-making, and redirect management actions and resources. Specific efforts include the use of the National Environmental Information Exchange Network (NEIEN) to seamlessly exchange information between existing federal, state or

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district databases and the suite of CBP decision support tools. Tracking data and models will be used, along with ambient monitoring data, to assess WIP and milestone commitments and progress.

The WIPs also evaluate the current legal, regulatory, programmatic, financial, staffing and technical capacity to deliver the implementation of reductions sufficient to achieve the target loads in the Bay TMDL. As part of their evaluation, the Bay watershed jurisdictions considered whether additional reductions could be achieved with existing capacity (funding, authorities and sustainability). The evaluation of existing capacity includes programs and rules, a comprehensive assessment of current point source permitting/treatment upgrade schedules and funding programs, nonpoint source control funding, existing permitting and incentive-based programs and regulations.

The jurisdictions and EPA, through the WiPs and evaluations of the WiPs, respectively, identified gaps between their current capacity and the capacity they estimate is necessary to fully attain the interim and final nutrient and sediment target loads for each of the 92 segments of the Bay TMDL. Such gaps that the jurisdictions continue to address include:

- Financial capacity to oversee and implement MS4 and other stormwater programs
- Financial, technical and regulatory capacity to deliver priority conservation practices to priority watersheds
- BMP tracking, verification and reporting programs

Necessary new capacity to address these capacity gaps and others includes additional incentives, new or enhanced state or local regulatory programs, market-based tools, technical or financial assistance and new legislative authorities. It also includes capacity from other federal agencies, local governments, the private sector and/or non-governmental organizations.

The Bay watershed jurisdictions are expected to discuss plans to work with federal, local, private sector and nonprofit partners to leverage capacity for achieving interim and final load targets. The WIPs identify contingency strategies in the event that actions by those partners, or by the jurisdictions, do not occur. For example, if an enhanced cost-share program does not yield adequate participation and compliance rates, a jurisdiction might pursue the development of enhanced authorities or new regulations to control loadings from that same source sector or another source sector.

The Bay watershed jurisdictions are now focused on implementation of management practices identified in their WIPs and two-year milestones. Federal agencies also are focused on implementing their Executive Order strategies and two-year milestones. Some of the WIP commitments and contingencies include:

- Committing to more stringent nitrogen and phosphorus limits at wastewater treatment plants, including on the James River in Virginia. (Virginia, New York, Delaware, District of Columbia)
- Pursuing state legislation to fund wastewater treatment plant upgrades, urban stormwater management and agricultural programs. (Maryland, Virginia, West Virginia)
- Implementing a progressive stormwater permit to reduce pollution. (District of Columbia)
- Conservation districts throughout the Bay watershed will conduct farm visits to inform farmers
 of their regulatory requirements and help farmers identify ways they can improve conservation
 methods on their properties. (Pennsylvania)

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- Investing in a Regional Agricultural Watershed Assessment Program to inspect farms and assist farmers in meeting their regulatory requirements for planning and installation of BMPs. (Pennsylvania)
- Committing to pollution reduction plans as part of the MS4 permitting process. (Pennsylvania)
- Considering implementation of mandatory programs for agriculture if pollution reductions fall behind schedule. (Delaware, Maryland, Virginia)

Additional policies, programs, or actions include:

- Enforceable or otherwise binding commitments that controls will be, or are already being, implemented and maintained.
- Permits or contracts with quantifiable limits and milestones that the jurisdictions can demonstrate are consistent with the Bay TMDL's wasteload and load allocations.
- Estimates of the necessary resources (funds, technical assistance, permit reviewers, inspectors) to support implementation and maintenance of practices.
- Documentation of historic participation and compliance rates associated with existing programs and practices and successful nutrient and sediment management efforts.

There are several current efforts to address the water quality standards attainment and monitoring outcome. The CBP oversees the tidal and nontidal monitoring networks, which are used to (1) assess in tidal waters relative to established water quality standards and (2) measure nitrogen, phosphorus and sediment in the watershed to help determine if practices are reducing loads to the Bay and in the watershed. The tidal monitoring network is a cooperative effort between EPA, MD and VA. The watershed monitoring is a partnership between USGS, EPA, and all seven Bay watershed jurisdictions. The primary monitoring gaps include (1) more frequent measures of dissolved oxygen to assess criteria attainment and (2) more localized monitoring in watershed areas to assess effects of BMPs. The CBP water quality monitoring is coordinated through STAR and more information on the networks and efforts to address the gaps are in the Management Approach and Monitoring Progress sections of this

VI. Management Approaches

The CBP partnership will work together to carry out the following actions and strategies to achieve the water quality goals. These approaches seek to address the factors affecting our ability to meet the goal and the gaps identified above.

Phase I WIPs, Phase II WIPs and Two-Year Milestones

The overall management approach needed for reducing nitrogen, phosphorus and sediment are provided in the Bay TMDL document, the Phase I and II WIPs, and the accountability framework, which is described in the Bay TMDL document and Executive Order 13508. The Bay watershed jurisdictions committed to meet the interim (2017) and final (2025) target loads for nutrients and sediment in the Bay through their respective WIPs. The Phase III WIPs will describe how the seven Bay watershed jurisdictions, in collaboration with local partners, will refine, as necessary, the actions and controls that will be implemented between 2018 and 2025 to meet their final load reduction targets. Attainment of

final target loads across the watershed is expected to result in the achievement of all applicable nutrient- and sediment-related water quality standards in the Bay and its tidal tributaries.

Chesapeake Bay TMDL Accountability Framework

The Bay TMDL is supported by a rigorous accountability framework to ensure cleanup commitments are established and met, including WIPs, short and long-term benchmarks (such as two-year milestones), a tracking and accountability system for jurisdictions' activities and federal contingency actions that may be employed if jurisdictions do not meet their milestone and WIP commitments. Federal agencies are directed by Executive Order 13508 to consult with the seven Bay watershed jurisdictions to ensure that federal actions to protect and restore the Chesapeake Bay are closely coordinated with those actions by state and local jurisdictions in the watershed. The federal agencies have developed an Executive Order Strategy to outline ways to accomplish that goal. EPA and other federal agencies will also continue to develop water quality two-year milestones. This includes USDA which will report in the biennial workplan on their plans and progress in applying new conservation practices in high priority watersheds.

Although the accountability framework is not part of the Bay TMDL, Sections 7 and 10 of the Bay TMDL document describe how the accountability framework helps provide reasonable assurance that the needed pollutant reductions will occur and how adaptive management can be used as a tool to implement those pollutant reductions within the accountability framework.

Overview of Accountability Process Watersines Explainment to Paris Sealing Country transfers Explainment to Paris Seal Politicis Seal Po

As part of its efforts to carry out the Bay TMDL accountability framework, EPA interacts with the jurisdictions directly and through the CBP's WQGIT and its associated source sector workgroups. The WQGIT workgroups are focused on supporting the reduction of nitrogen, phosphorus and sediment pollutant loads from key sources described in Section 4 of the Bay TMDL: wastewater, agriculture, urban storm water, septic systems, forests and air. EPA also works with the jurisdictions and the WQGIT on issues associated with two-year milestones, offsets and water quality trading. The WQGIT is supported by the CBP STAR team, which contains the modeling and monitoring workgroups, and other Goal Implementation Teams, as necessary. The CBP partnership's models are used to assist the jurisdictions

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in assessing different options for management practices in the formulation of their WIPs and two-year milestone commitments.

Enhancing Monitoring

To address the factors affecting achievement of the water quality outcomes, several efforts have been undertaken. The STAR team has set up a project to better measure and explain progress toward water quality improvements. This project will generate and improve understanding of the factors affecting system response (the Bay and its watershed) to implementation of management practices. STAR (under the CBP Modeling Workgroup) is also pursuing with the Scientific and Technical Advisory Committee (STAC) approaches to reduce uncertainties for models. Additional efforts to enhance monitoring are described in the Monitoring Progress section of this document.

Bay TMDL's 2017 Midpoint Assessment

There are several other programmatic, management and implementation efforts underway to help achieve attainment of the water quality outcomes. These efforts are being addressed under the Bay TMDL's 2017 midpoint assessment. The Bay TMDL document calls for an assessment in 2017 to review our progress toward meeting the nutrient and sediment pollutant load reductions identified in the 2010 Bay TMDL, Phase I and II WIPs and two-year milestones.

The midpoint assessment provides the partnership with the opportunity to step back and assess how the Bay TMDL and WIP implementation are making a difference, if it's all working as intended, and if there's a better way we can implement our priorities and achieve our goals. The ultimate goal is to make implementation more streamlined and the challenges to implementation more understandable for the CBP partnership as we move toward 2017 and 2025.

The WQGIT, STAR, the source sector workgroups and the Modeling Workgroup have developed work plans to guide their efforts under each of the midpoint assessment priorities. Those work plans can be accessed here: http://www.chesapeakebay.net/groups/groups/group/Water-Quality-Goal_Implementation_Team.

Approaches Targeted to Local Participation

- Much of the implementation of the pollution reduction practices, as articulated in the Bay TMDL and the WiPs, will be carried out at the local level. This includes municipalities, counties, soil and water conservation districts and local private sector groups and individuals. Therefore, management approaches should be designed to include timely dialogue with the responsible local agencies and other partners, taking into consideration funding and technical support required by these local partners.
- The CBP partnership is currently exploring how to express programmatic and implementation goals at the local level in the Phase 6 modeling tools (including CAST/MAST/VAST/BayFAST) as part of the midpoint assessment.
- The collection of refined land use and land cover data from the local jurisdictions for incorporation into the Phase 6 modeling tools is intended to improve the representation of urban, agricultural, federal and natural lands at the local scale.
- Recent investments by the CBP in Citizen Science will help inform management and decision-makers with monitoring assessments, including the effects of management activities. The

expansion of Citizen Science will provide key data for evaluating the work of the management strategies to understand the progress we are making, what gaps remain, and what steps are needed to fill those gaps.

Cross-Outcome Collaboration and Multiple Benefits

State and local jurisdictions could target the implementation of actions that not only result in water quality benefits, but address other impairments (e.g. bacteria or toxic contaminants), environmental problems (e.g. threatened or endangered species), safety concerns (e.g. flooding, infrastructure) and 2014 Agreement Outcomes (e.g. wetlands, forest buffers) as well. The CBP partnership is currently exploring the development of an optimization tool for TMDL implementation purposes, but this tool could potentially capture a broader range of ecosystem benefits beyond water quality to help inform decision making in our restoration efforts.

VII. Monitoring Progress

2017 WIP Outcome

Practices: Since 2010, the CBP partnership solicits BMP implementation data from the jurisdictions. The WQGIT Watershed Technical Workgroup is responsible for assisting jurisdictions in developing, understanding and submitting data through the NEIEN system. EPA's reporting system, the Bay Tracking and Accounting System, or BayTAS, is used to track progress toward meeting BayTMD allocations. WQGIT members have been actively involved in the development of BayTAS. ChesapeakeStat¹³ is a CBP partnership website that publicly shares information on indicators, strategies and funding including the BayTAS data, BMP implementation data reported through NEIEN and any other numerical data used for assessing progress towards CBP partnership water quality goals. The CBP partnership is working with the jurisdictions and federal partners to improve verification of reported nutrient and sediment controls. The WQGIT also adopted a protocol for reviewing the effectiveness of nutrient and sediment controls of BMPs, based on an evaluation by expert panels and a review of the best available literature and data. Expert panels evaluating the effectiveness of controls are underway in order to inform the CBP partnership as to whether it is appropriate/necessary to modify existing, or approve new, nutrient and sediment controls and how the implementation of those controls are accounted for by the CBP partnership modeling tools.

Modeled Loads: The CBP partners use a suite of computer models to project pollutant loads and flow. The CBP modeling framework is designed to address questions of how Chesapeake Bay water quality will respond to changes in watershed and airshed management actions, which can inform decision-making for reducing pollution and meeting applicable water quality standards. These modeling tools are also used to track and quantify nutrient and sediment loads as WIP implementation progresses. The estimated modeled loads, together with relevant monitoring data, will be used to track progress with achieving the 2017 (and 2025) WIP outcome. USGS and the modeling workgroup are currently developing techniques to better compare modeled nutrient and sediment load data with that of monitored loads.

¹³ http://stat.chesapeakebay.net/

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2025 WIP Outcome

Midpoint Assessment: In addition to assessing progress towards meeting the 2017 WIP outcome, the midpoint assessment will also include an evaluation of the current science to inform and improve the implementation strategies in the Phase III WIPs. The midpoint assessment includes the enhancement of the modeling tools by the CBP partners, led by the Modeling Workgroup, to incorporate the latest science. Specifically, the Modeling Workgroup is charged with revising the watershed modeling system structure to improve transparency, accuracy and confidence. Improved accuracy, in particular, encompasses the incorporation of more refined local land use data.

Water Quality Standards Attainment & Monitoring Outcome

The CBP has extensive tidal and nontidal monitoring networks, which are used to (1) measure nitrogen, phosphorus and sediment in the watershed; (2) assess conditions in tidal waters relative to established water quality standards; and (3) evaluate tidal habitat conditions and living resource populations and health.

In addition, two types of air deposition are monitored daily and tracked through the CBP models. The first is wet deposition, which occurs during precipitation events and contributes only to nitrogen loads during days of rain or snow. The other is dry deposition, which occurs continuously and is input at a constant rate daily into the Bay Watershed and Bay Water Quality models.

The CBP partnership also has a basinwide reporting process for tracking implementation of management practices. Many of these monitoring and assessment activities are coordinated through and provided by the CBP's STAR team and partner science entities. The CBP partnership, through STAC, conducted a review of its monitoring programs in 2009 to better align efforts with the implementation of the Bay TMDL and WIPs and plans for future evaluation to determine if changes in the monitoring programs are needed and to address the goal teams' needs. Findings from this 2009 review will be used to improve CBP model simulations to inform the development of the Bay jurisdictions' Phase III WIPs by 2018.

STAR is working with the WQGIT to develop an approach to integrate three key pieces of related water quality information to better assess and communicate progress toward the Bay TMDL and associated water quality standards including:

- Reductions of nitrogen, phosphorus and sediment by source, jurisdiction and overall load reduction associated with the implementation of BMPs. These load reductions are estimates from the CBP models based on BMP implementation data submitted by the jurisdictions.
- Changes of in-stream nitrogen, phosphorus and sediment concentrations and loads as estimated by flow-adjusted trends of nitrogen, phosphorus and sediment. These estimates show long-term (25 year) and shorter term (10 year) changes by normalizing the annual effects of streamflow variability. The normalized estimates are based on monitoring data collected as part of the CBP nontidal water quality monitoring program.
- Attainment of Chesapeake water quality standards for dissolved oxygen, chlorophyll-a, water clarity/SAV standards. Attainment of these standards is based primarily on results from the CBP tidal water quality monitoring program.

The WQGIT and STAR also are enhancing the monitoring and analysis to address the factors affecting annual loads, responses in living resources, and efforts underway to improve monitoring programs, including:

Water Quality Monitoring System understanding: The CBP partnership conducts annual monitoring of river flow to the Bay to help explain yearly changes in DO, clarity/SAV, and chlorophyll-a conditions. Living resources monitoring is used to assess changes in populations of lower trophic levels (SAV and invertebrates) and fisheries (crabs, oysters and selected finfish species) that are dependent on habitat conditions. The CBP nontidal water quality monitoring program monitors nutrient and sediment at 125 sites in the watershed to help document and understand the factors affecting the response to management practices. The WQGIT and STAR intend to:

- Enhance analysis of tidal monitoring data to assess progress toward water quality standards.
- Expand the small watershed monitoring network and assessment of data to better evaluate BMP efficiency.
- Monitor shallow groundwater to understand the effect of septic systems on water quality.
- Consider monitoring shallow groundwater to better understand contribution to surface-water loads and response time between BMP implementation and water quality improvements.
- Conduct an analysis of water quality changes to better understand and explain the factors affecting water quality response to BMPs and report findings. This analysis will evaluate how nutrient and sediment transport cause lag times between implementing practices and water quality changes. This analysis will build on the USGS report on lessons learned about water quality improvements (2014 New Insights report).

Monitored Loads and Trends: The CBP partners and USGS operate the River-Input Stations to monitor and help assess annual loads of nitrogen, phosphorus and sediment to the Bay which are used to explain changes in estuary water quality conditions. New techniques are being developed to improve comparison between the nitrogen, phosphorus and sediment load data collected from the monitoring stations to TMDL allocations, which were established using the modeling tools. These techniques will be implemented at additional sites in the CBP nontidal network where possible.

VIII. Assessing Progress

The CBP accountability framework provides the foundation to assess progress towards the Bay TMDL and associated water quality standards. The CBP partnership would be consulted on any proposed changes to the WIP Planning Targets, which provide for the watershed-wide distribution of load reductions. This is separate from any nitrogen-phosphorus and/or cross-basin exchanges within a state, which are the responsibility of that jurisdiction. Enhanced knowledge of management practices and their effects will be used primarily to refine individual jurisdiction strategies to achieve the 2017 and 2025 goals.

2017 WIP Outcome

EPA will assess the jurisdictions' progress toward reaching the Bay TMDL's ultimate nitrogen, phosphorus and sediment reduction goals at least blennially using the jurisdictions' two-year milestones commitments. Every two years, the jurisdictions are expected to identify and commit to

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implement specific pollutant-reduction controls and actions in each of their successive two-year milestone periods. Under the Executive Order, the federal government also has been committing to two-year milestones. EPA will measure progress towards achieving the 2017 and 2025 WIP outcomes annually by running implementation data collected from the jurisdictions through the CBP partnership's modeling tools.

When assessing two-year milestone commitments, EPA evaluates whether proposed actions, controls and practices would result in estimated loads at the jurisdiction scale that will put the jurisdiction on track towards meeting its 2017 and 2025 goals. EPA uses the reported BMP data and the Chesapeake Bay Watershed Model to assess the jurisdictions' progress towards meeting the target allocations. EPA also assesses the jurisdictions' and Federal Agencies' progress towards meeting its programmatic milestones (e.g., promulgation of new laws, implementation of regulations, policy development, permit issuance, compliance and enforcement commitments, etc.) at least biennially.

2025 WIP Outcome

As part of the midpoint assessment, EPA will be evaluating the progress towards meeting the 2017 and 2025 goals established in the Bay TMDL document. The CBP partnership will use this midpoint assessment of progress to determine if the 2017 WIP outcome in this management strategy has been achieved.

This midpoint assessment not only encompasses a review of the implementation of the jurisdictions' WIPs and milestones but also water quality monitoring, modeling and decision-support tools utilized by the CBP partnership. The intent is that this assessment will strengthen and enhance the partnership's decision support capabilities used to develop the implementation plans and strategies in Phase III for meeting our shared objective in restoring the Chesapeake Bay.

Water Quality Standards Attainment and Monitoring Outcome

The CBP partnership will enhance the analysis and explanation of monitoring information as part of the Bay TMDL's midpoint assessment. The CBP partners have endorsed (PSC, May 2012) an integrated approach that includes three primary pieces of information to measure progress toward water quality standards:

- Reporting of water quality management practices.
- Analyzing trends of nitrogen, phosphorus and sediment in the watershed.
- Assessing attainment of dissolved oxygen, chlorophyll and water clarity/SAV standards.

The integrated approach to quantify and explain water quality trends in the Bay and its watershed relies on monitoring information, enhanced BMP implementation data and use of several analytical tools (including statistical tools, CBP Watershed Model and estuary models, USGS SPARROW model and groundwater models). The following activities will be coordinated through the CBP STAR team and interaction with the WOGIT:

- Analyze water quality trends in the Bay and its watershed.
- Explain the factors affecting water quality trends in Bay and its watershed.
- Enhance CBP models using the improved understanding of trends.

■ Inform management strategies to improve water quality.

IX. Adaptively Managing

The Partnership will use the following approaches to ensure adaptive management:

In a dynamic environment like the Bay watershed, changes during the next 15 years are inevitable. It may be possible to accommodate those changes within the existing Bay TMDL framework without the need to revise it in whole, or in part. The CBP partnership has committed to take an adaptive management approach to the Bay TMDL and incorporate new scientific understandings into the implementation planning in two-year milestones and in Phase III following the midpoint assessment. Future adjustments to WIPs and two-year milestones based on changing conditions and the availability of new information is consistent with the CBP's concept of adaptive management.

The CBP partnership will continue to examine the following questions to address implementation challenges and opportunities, incorporate new data and scientific understandings and refine decision support tools and management strategies toward the achievement of the water quality outcomes in the 2014 Chesapeake Bay Watershed Agreement:

- What progress had been made in implementing practices for the Bay TMDL?
- What are the changes in water quality and progress toward applicable water quality standards?
- What are we learning about the factors affecting water quality changes to better implement practices?
- What refinements are needed in decision support tools, monitoring and science?
- How do we best consider the combined impacts of land change and climate variability (storm events and long-term change) on nutrient and sediment loading and implications for the Bay TMDI?

X. Biennial Workplan

Biennial workplans for each management strategy will be developed by April 2016. The 2017 WIP, 2025 WIP and Water Quality Standards Attainment & Monitoring Outcomes Workplan is expected to include the following information:

- Each key action
- Timeline for the action
- Expected outcome
- Partners responsible for each action
- Estimated resources

In 2008, the Chesapeake Executive Council charged the seven Bay watershed jurisdictions to develop a two-year milestone process for reducing their respective nitrogen, phosphorus and sediment contributions to the Chesapeake Bay and to track the pace of those reductions. Two-year milestones are short-term objectives under the Bay TMDL accountability framework used to assess progress towards restoration goals while allowing jurisdictions to flexibly adapt their WIPs to meet those goals. The two-year milestones will serve as the biennial workplan for this management strategy as they represent key

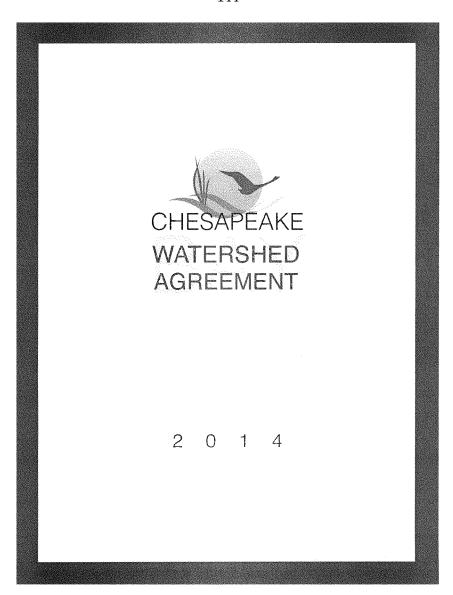
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check-in points on the way to having all pollution reduction measures in place by 2025 to restore the Bay and its tidal waters, with controls in place by 2017 that would achieve 60 percent of the necessary reductions

The Bay jurisdictions' 2014-2015 milestones are expected to reduce phosphorus by nearly 2.4 million pounds and decrease sediment by more than 1.1 billion pounds by the end of 2015, compared to the 2009 baseline. The jurisdictions' 2014-2015 milestones are expected to reduce nitrogen by nearly 25 million pounds, but an additional reduction of nearly 6 million pounds is needed to remain on track to meet the 2017 target¹⁴. The Bay jurisdictions' two-year milestones and EPA's evaluations of these commitments and assessment of progress can be accessed here:

http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/RestorationUnderway.html. This management strategy will be updated as these evaluations occur.

¹⁴ http://stat.chesapeakebay.net/?q=node/130&quicktabs_10=3



VISION

The Chesapeake Bay Program partners envision an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage and a diversity of engaged citizens and stakeholders.

PREAMBLE

The Chesapeake Bay watershed is one of the most extraordinary places in America, spanning six states and the District of Columbia. As the nation's largest and most productive estuary, the Chesapeake Bay and its vast network of more than 180,000 miles of streams, creeks and rivers, holds tremendous ecological, cultural, economic, historic and recreational value for the nearly 18 million people who live, work and play in the region.

To restore and protect this national treasure, the Chesapeake Bay Program partnership (the "Partnership") was formed in 1983 when the Governors of Maryland, Virginia Pennsylvania the Mayor of the District of Columbia, the Chair of the Chesapeake Bay Commission and the Administrator of the Environmental Protection Agency signed the first Chesapeake Bay agreement. That initial agreement recognized the "historical decline of living resources" in the Chesapeake Bay and committed to a cooperative approach to "fully address the extent." complexity and sources of pollutants entering the Bay." For more than 30 years, this regional Partnership has become recognized as one of the nation's premier estuarine restoration efforts, implementing policies, engaging in scientific investigation and coordinating actions among the states, the District of Columbia and the federal government.

The Chesapeake Bay Program partners have made much progress in that time, but there is more to downespecially in the face of continued challenges such as changes in population, loss of farm and forest lands and changing environmental conditions. Through the 2014 Chesapeake Bay Watershed Agreement (the "Agreement"), the Partnership recommits to the Bay watershed restoration effort based in and guided by science and the lessons learned from our experiences.

One of the most important lessons the partners have learned from the past three decades is that although watershed-wide partnerships can help to coordinate and catalyze progress, implementation happens locally. Local governments are key partners in our work, as are individual citizens, businesses, watershed groups and other non-governmental organizations. Working together to engage, empower and facilitate these partners will leverage resources and ensure better outcomes.

The Partnership's experience with watershed restoration and protection efforts has shown that measurable results, coupled with firm accountability, yield the most significant results. The Partnership stands ready to embrace new ideas, technologies and policies that will help meet its goals. The Partnership is committed to improving verification and transparency of its actions to strengthen and increase public confidence in its efforts.

The 1983 Agreement laid the foundation for a cooperative program that included four jurisdictions along with the Chesapeake Bay Commission and the federal government. This new Agreement includes the seven jurisdictions in the watershed, bringing New York, West Virginia and Delaware on board with the original signatories and making them full partners in the Chesapeake Bay Program and the Chesapeake Executive Council. Due in part to a 2009 Presidential Executive Order, numerous federal agencies have also reaffirmed and augmented their longstanding and shared commitment to restoring and protecting the Chesapeake Bay.

This Chesapeake Bay Watershed Agreement acknowledges that the Partnership cannot address every issue at once and that progress must be made in a strategic manner, focusing on efforts that will achieve the most cost-effective results. Watershed restoration and protection have the potential to become integral drivers of the region's economy. To that end, the Partnership is committed to achieving restoration success while maximizing the economic benefits to local communities across the region. The signatories to this voluntary Agreement commit to achieving the restoration and protection of the Chesapeake Bay watershed and its living resources.

Chesapeake Bay Watershed Agreemen

PRINCIPLES

The following principles are an overarching framework by which the Chesapeake Bay Program commits to operate. They encompass the partners' collective, core values and are intended to help guide us in our work as the Partnership develops policy and takes actions to achieve this Agreement's Goals and Outcomes.

THE PARTNERSHIP WILL:

- Collaborate to achieve the Goals and Outcomes of this Agreement.
- Achieve Goals and Outcomes in a timely way and at the least possible cost to our citizens.
- Represent the interests of people throughout the watershed fairly and effectively, including a broad diversity of cultures, demographics and ages.
- Operate with transparency in program decisions, policies, actions and reporting on progress to strengthen public confidence in our efforts.
- Use science-based decision-making and seek out innovative technologies and approaches to support sound management decisions in a changing system.
- Maintain a coordinated watershed-wide monitoring and research program to support decision-making and track progress and the effectiveness of management actions.
- Acknowledge, support and embrace local governments and other local entities in watershed restoration and protection activities.

- Anticipate changing conditions, including long-term trends in sea level, temperature, precipitation, land use and other variables.
- Adaptively manage at all levels of the Partnership to foster continuous improvement.
- · Seek consensus when making decisions.
- Use place-based approaches, where appropriate, that produce recognizable benefits to local communities while contributing to larger ecosystem goals.
- Engage citizens to increase the number and diversity of people who support and carry out the conservation and restoration activities necessary to achieve the Goals and Outcomes of the Agreement.
- Explore using social science to better understand and measure how human behavior can drive natural resource use, management and decision-making.
- Promote environmental justice through the meaningful involvement and fair treatment of all people, regardless of race, color, national origin or income, in the implementation of this

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The commitments contained in this section are the Goals and Outcomes that the signatories will work on collectively to advance restoration and protection of the Chesapeake Bay ecosystem and its watershed. The Goals articulate the desired high-level aspects of the partners' Vision. The Outcomes related to each Goal are specific, time-bound, measureable targets that directly contribute to achieving that Goal.

The Management Strategies further described in the next section of this Agreement articulate the actions necessary to achieve the Goals and Outcomes. This work will require effort from many, including all levels of government, academic institutions, non-governmental organizations, watershed groups, businesses and individual citizens. Local government will continue to play a unique and critical role in helping the Partnership realize this shared Vision for the Chesapeake Bay. Signatories will participate in achieving the Outcomes of this Agreement in the manner described in the "Management Strategies Development and Implementation" section.

While the Goals and Outcomes are described by separate topic areas, the signatories recognize that they are interrelated. Improvements in habitat and water quality lead to healthier living resources. Environmentally literate citizens are more engaged stewards of the Chesapeake Bay's healthy watersheds. Better water quality means swimmable, fishable waters for Bay residents and visitors. Increased public access to the Bay inspires people to care for critical landscapes and honor the region's heritage and culture. Healthy fish and shellfish populations support a vibrant economy for a spectrum of fishing-related industries. The signatories recognize that all aspects of the ecosystem are connected and that these Goals and Outcomes support the health and the protection of the entire Bay watershed.

As the signatories identify new opportunities and concerns, Goals or Outcomes may be adopted or modified. Any changes or additions to Goals will be approved by the Executive Council. The Principals' Staff Committee will approve changes or additions to Outcomes, although significant changes or additions will be raised to the Executive Council for approval. Proposed changes to Goals and Outcomes or the addition of new ones will be open for public input before being finalized. Final changes or additions will be available on the Chesapeake Bay Program's weightig.

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SUSTAINABLE FISHERIES

Habitat loss, poor water quality, non-native and invasive species, toxics and fishing pressure continue to threaten the sustainability of the Chesapeake Bay's fisheries. Sustaining fish and shellfish populations contributes to a strong economy and maritime culture and supports a healthy ecosystem for all Bay watershed residents.



GOAL: Protect, restore and enhance finfish, shellfish and other living resources, their habitats and ecological relationships to sustain all fisheries and provide for a balanced ecosystem in the watershed and Bay.

Blue Crab Abundance Outcome 0

Maintain a sustainable blue crab population based on the current 2012 target of 215 million adult females. Refine population targets through 2025 based on best available science.

Blue Crab Management Outcome



Manage for a stable and productive crab fishery including working with the industry, recreational crabbers and other stakeholders to improve commercial and recreational harvest accountability. By 2018, evaluate the establishment of a Bay-wide, allocation-based management framework with annual levels set by the jurisdictions for the purpose of accounting for and adjusting harvest by each jurisdiction.

Oyster Outcome



Continually increase finfish and shellfish habitat and water quality benefits from restored oyster populations. Restore native oyster habitat and populations in 10 tributaries by 2025 and ensure their protection.

Forage Fish Outcome



Continually improve the Partnership's capacity to understand the role of forage fish populations in the Chesapeake Bay. By 2016, develop a strategy for assessing the forage fish base available as food for predatory species in the Chesapeake Bay.

Fish Habitat Outcome



Continually improve effectiveness of fish habitat conservation and restoration efforts by identifying and characterizing critical spawning, nursery and forage areas within the Bay and tributaries for important fish and shellfish, and use existing and new tools to integrate information and conduct assessments to inform restoration and conservation efforts.

VITAL HABITATS

Increasing needs for land and resources have resulted in fragmentation and degradation of many habitats across the watershed while also challenging the health of many Bay watershed species. Conserving healthy habitats and restoring the connectivity and function of degraded habitats is essential to the long-term resilience and sustainability of the ecosystem and the region's quality of life.



GOAL: Restore, enhance and protect a network of land and water habitats to support fish and wildlife, and to afford other public benefits, including water quality, recreational uses and scenic value across the watershed.

Wetlands Continually increase the capacity of wetlands to provide water Outcome quality and habitat benefits throughout the watershed. Create or reestablish 85,000 acres of tidal and non-tidal wetlands and enhance the function of an additional 150,000 acres of degraded wetlands by 2025. These activities may occur in any land use (including urban) but primarily occur in agricultural or natural landscapes Black Duck By 2025, restore, enhance and preserve wetland habitats that support a wintering population of 100,000 black ducks, a species representative of the health of tidal marshes across the watershed. Refine population targets through 2025 based on best available science. Continually improve stream health and function throughout the watershed. Improve health and function of ten percent of stream Stream Health Outcome miles above the 2008 baseline for the Chesapeake Bay watershed. Brook Trout Restore and sustain naturally reproducing brook trout populations in Chesapeake headwater streams with an eight percent increase in

occupied habitat by 2025.

VITAL HABITATS (CONTINUED)



GOAL: Restore, enhance and protect a network of land and water habitats to support fish and wildlife, and to afford other public benefits, including water quality, recreational uses and scenic value across the watershed.

Fish Passage Outcome



Continually increase available habitat to support sustainable migratory fish populations in Chesapeake Bay freshwater rivers and streams. By 2025, restore historical fish migratory routes by opening 1,000 additional stream miles, with restoration success indicated by the consistent presence of alewife, blueback herring, American shad, hickory shad, American eel and brook trout, to be monitored in accordance with available agency resources and collaboratively developed methods.

Submerged Aquatic Vegetation (SAV)



Sustain and increase the habitat benefits of SAV (underwater grasses) in the Chesapeake Bay. Achieve and sustain the ultimate outcome of 185,000 acres of SAV Bay-wide necessary for a restored Bay. Progress toward this ultimate outcome will be measured against a target of 90,000 acres by 2017 and 130,000 acres by 2025.

Forest Buffer Outcome



Continually increase the capacity of forest buffers to provide water quality and habitat benefits throughout the watershed. Restore 900 miles per year of riparian forest buffer and conserve existing buffers until at least 70 percent of riparian areas throughout the watershed are forested.

Tree Canopy Outcome



Continually increase urban tree canopy capacity to provide air quality, water quality and habitat benefits throughout the watershed. Expand urban tree canopy by 2,400 acres by 2025.

WATER QUALITY

Restoring the Bay's waters is critical to overall watershed restoration because clean water is the foundation for healthy fisheries, habitats and communities across the region. However excess amounts of nitrogen, phosphorus and sediment in the Bay and its tributaries have caused many sections of the Bay to be listed as "impaired" under the Clean Water Act. The Chesapeake Bay Total Maximum Daily Load (TMDL) is driving nutrient and sediment reductions as described in the Watershed Implementation Plans (WIPs), adopted by the states and the District of Columbia, and establishes the foundation for water quality improvements embodied in this Agreement. These plans set nutrient and sediment reduction targets for various sources—stormwater, agriculture, air deposition, wastewater and septic systems.



GOAL: Reduce pollutants to achieve the water quality necessary to support the aquatic living resources of the Bay and its tributaries and protect human health.

2017 Watershed Implementation Plans (WIP) Outcome

By 2017, have practices and controls in place that are expected to achieve 60 percent of the nutrient and sediment pollution load reductions necessary to achieve applicable water quality standards compared to 2009 levels.

2025 WIP Outcome

Bay's dissolved oxygen, water clarity/submerged aquatic vegetation and chlorophyll a standards as articulated in the Chesapeake Bay

Water Quality. Standards Attainment and Monitoring Outcome

Continually improve the capacity to monitor and assess the effects of management actions being undertaken to implement the Bay TMDL and improve water quality. Use the monitoring results to report annually to the public on progress made in attaining established Bay water quality standards and trends in reducing nutrients and sediment in the watershed.

TOXIC CONTAMINANTS

Toxic contaminants harm fish and wildlife in the Bay and its watershed and create risks to human health that limit the amount of fish that people can eat. Reducing the impacts of toxic contaminants is critical to improve the health of fish and wildlife, thereby improving their recreational value for citizens.



GOAL: Ensure that the Bay and its rivers are free of effects of toxic contaminants on living resources and human health.

Toxic Contaminants Research Outcome



Continually increase our understanding of the impacts and mitigation options for toxic contaminants. Develop a research agenda and further characterize the occurrence, concentrations, sources and effects of mercury, PCBs and other contaminants of emerging and widespread concern. In addition, identify which best management practices might provide multiple benefits of reducing nutrient and sediment pollution as well as toxic contaminants in waterways.

Toxic Contaminants
Policy and Prevention
Outcome



Continually improve practices and controls that reduce and prevent the effects of toxic contaminants below levels that harm aquatic systems and humans. Build on existing programs to reduce the amount and effects of PCBs in the Bay and watershed. Use research findings to evaluate the implementation of additional policies, programs and practices for other contaminants that need to be further reduced or eliminated.

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HEALTHY WATERSHEDS

Many small watersheds in the Bay region are currently healthy but also at risk of degradation as the demand for local lands and resources increases. Promoting the long-term conservation and protection of healthy watershed systems through stakeholder engagement, collaboration and education is critical to the health of the larger ecosystem.



GOAL: Sustain state-identified healthy waters and watersheds recognized for their high quality and/or high ecological value.

Healthy Watersheds Outcome



100 percent of state-identified currently healthy waters and watersheds remain healthy.

~

STEWARDSHIP

The long-term success of the Chesapeake Bay restoration effort will depend on local leadership—and local action that depends primarily on a strong citizen stewardship. More than 600 local conservation and watershed organizations in our region are educating and empowering citizens to restore and protect their local streams and rivers. Tens of thousands of local citizen volunteers continue to donate their time and talent to our shared goals. Building a larger, broader, and more diverse constituency of stewards is vital to achieving many of the Goals and Outcomes outlined in this Agreement.



GOAL: Increase the number and the diversity of local citizen stewards and local governments that actively support and carry out the conservation and restoration activities that achieve healthy local streams, rivers and a vibrant Chesapeake Bay.

Citizen Stewardship Outcome



Increase the number and diversity of trained and mobilized citizen volunteers with the knowledge and skills needed to enhance the health of their local watersheds.

Local Leadership Outcome



Continually increase the knowledge and capacity of local officials on issues related to water resources and in the implementation of economic and policy incentives that will support local conservation actions.

Diversity Outcome



Identify minority stakeholder groups that are not currently represented in the leadership, decision-making and implementation of conservation and restoration activities and create meaningful opportunities and programs to recruit and engage them in the Partnership's efforts.

10

LAND CONSERVATION

The landscapes around the Bay and its tributaries are ecologically, culturally, historically and recreationally valuable to the people and communities of the region. Stimulating, renewing and expanding commitments to conserve priority lands for use and enjoyment is an integral part of furthering the watershed's identity and spirit.



GOAL: Conserve landscapes treasured by citizens in order to maintain water quality and habitat; sustain working forests, farms and maritime communities; and conserve lands of cultural, indigenous and community value.

Protected Lands Outcome



By 2025, protect an additional two million acres of lands throughout the watershed—currently identified as high conservation priorities at the federal, state or local level—including 225,000 acres of wetlands and 695,000 acres of forest land of highest value for maintaining water quality. (2010 baseline year)

Land Use Methods and Metrics Development Outcome



Continually improve the knowledge of land conversion and the associated impacts throughout the watershed. By 2016, develop a Chesapeake Bay watershed-wide methodology and local level metrics for characterizing the rate of farmland, forest and wetland conversion, measuring the extent and rate of change in impervious surface coverage and quantifying the potential impacts of land conversion to water quality, healthy watersheds and communities. Launch a public awareness campaign to share this information with citizens, local governments, elected officials and stakeholders.

Land Use Options Evaluation Outcome



By the end of 2017, with the direct involvement of local governments or their representatives, evaluate policy options, incentives and planning tools that could assist them in continually improving their capacity to reduce the rate of conversion of agricultural lands, forests and wetlands as well as the rate of changing landscapes from more natural lands that soak up pollutants to those that are paved over, hardscaped or otherwise impervious. Strategies should be developed for supporting local governments' and others' efforts in reducing these rates by 2025 and beyond.

Chesapeake Bay Watershed Agreement

PUBLIC ACCESS

Physical access to the Bay and its tributaries is very limited, with real consequences for quality of life, local economies and long-term conservation. Increasing public access to local waterways for fishing, swimming, boating and other activities fosters a shared sense of responsibility and increased stewardship that supports Bay watershed restoration goals.



GOAL: Expand public access to the Bay and its tributaries through existing and new local, state and federal parks, refuges, reserves, trails and partner sites.

Public Access Site Development Outcome



By 2025, add 300 new public access sites, with a strong emphasis on providing opportunities for boating, swimming and fishing, where feasible. (2010 baseline year)

ENVIRONMENTAL LITERACY

The well-being of the Chesapeake Bay watershed will soon rest in the hands of its youngest citizens—the more than three million students in kindergarten through twelfth grade. Establishing strong, targeted environmental education programs now provides a vital foundation for these future watershed stewards.



GOAL: Enable every student in the region to graduate with the knowledge and skills to act responsibly to protect and restore their local watershed.

Student Outcome



Continually increase students' age-appropriate understanding of the watershed through participation in teacher-supported, meaningful watershed educational experiences and rigorous, inquiry-based instruction, with a target of at least one meaningful watershed educational experience in elementary, middle and high school depending on available resources.

Schools Outcome



Continually increase the number of schools in the region that reduce the impact of their buildings and grounds on their local watershed, environment and human health through best practices, including student-led protection and restoration projects.

Environmental Literacy Planning Outcome

Sustainable



Each participating Bay jurisdiction should develop a comprehensive and systemic approach to environmental literacy for all students in the region that includes policies, practices and voluntary metrics that support the environmental fiteracy Goals and Outcomes of this Agreement.

CLIMATE RESILIENCY

Changing climatic and sea level conditions may alter the Bay ecosystem and human activities, requiring adjustment to policies, programs and projects to successfully achieve our restoration and protection goals for the Chesapeake Bay and its watershed. This challenge requires careful monitoring and assessment of these impacts and application of this knowledge to policies, programs and projects.



GOAL: Increase the resiliency of the Chesapeake Bay watershed, including its living resources, habitats, public infrastructure and communities, to withstand adverse impacts from changing environmental and climate conditions.

Monitoring and Assessment Outcome

14



Continually monitor and assess the trends and likely impacts of changing climatic and sea level conditions on the Chesapeake Bay ecosystem, including the effectiveness of restoration and protection policities, programs and projects.

Adaptation Outcome



Continually pursue, design and construct restoration and protection projects to enhance the resiliency of Bay and aquatic ecosystems from the impacts of coastal erosion, coastal flooding, more intense and more frequent storms and sea level rise.

MANAGEMENT STRATEGIES

DEVELOPMENT AND IMPLEMENTATION

Within one year of the signing of the Chesapeake Bay Watershed Agreement, the Chesapeake Bay Program's Goal Implementation Teams will develop Management Strategies for the Outcomes that support this Agreement's goals. These strategies will outline the means for accomplishing each Outcome as well as monitoring, assessing and reporting progress and coordinating actions among partners and stakeholders as necessary. Where appropriate, Management Strategies should describe how local governments, nonprofit and private partners will be engaged; where actions, tools or technical support are needed to empower local governments and others to do their part; and what steps will be taken to facilitate greater local participation in achieving the Outcome

Participation in Management Strategies or participating in the achievement of Outcomes is expected to vary by signatory based on differing priorities across the watershed. This participation may include sharing knowledge, data or information, educating citizens or members, working on future legislation and developing or implementing programs or practices. Management Strategies, which are aimed at implementing outcomes, will identify participating signatories and other stakeholders, including local governments and nonprofit organizations, and will be implemented in two-year periods.

The signatories and other partners shall thereafter update and/or modify such commitments every two years. Specific Management Strategies will be developed in consultation with stakeholders, organizations and other agencies and will include a period for public input and review prior to final adoption. The Principals' Staff Committee will report on adoption of Management Strategies at the next Executive Council meeting and report on implementation of Management Strategies every two years.

Management Strategies may address multiple Outcomes if deemed appropriate. Goal Implementation Teams will re-evaluate biennially and update strategies as necessary, with attention to changing environmental and economic conditions. Partners may identify policy changes to address these conditions and minimize obstacles to achieve the Outcomes.

Stakeholder input will be incorporated into the development and reevaluation of each of the strategies. The Chesapeake Bay Program will make these strategies and reports on progress available to the public in a transparent manner on its websites and through public meetings of the appropriate Goal Implementation Teams and Management Board.

The Goal Implementation Teams will submit the Management Strategies to the Partnership's Management Board for review. If the Management Board determines that any strategy or plan developed prior to the signing of this Agreement meets the requirements of a Management Strategy as defined above, no new strategy needs to be developed. This includes, but is not limited to, the strategies and plans for implementing the Chesapeake Bay TMDL.

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AFFIRMATION

As Chesapeake Bay Program Partners, we recognize the need to accelerate implementation of actions necessary to achieve the Goals and Outcomes outlined herein and realize our shared Vision of a healthy and vibrant Chesapeake Bay watershed.

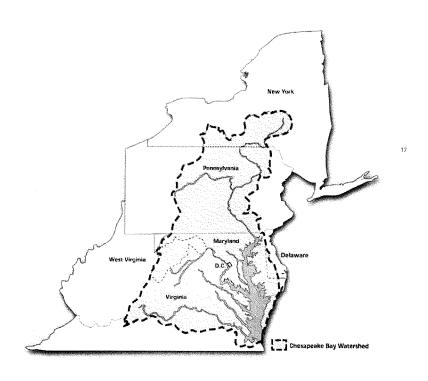
As Chesapeake Bay Program Partners, we acknowledge that this Agreement is voluntary and subject to the availability of appropriated funds. This Agreement is not a contract or an assistance agreement. We also understand that this Agreement does not pre-empt, supersede or override any other law or regulation applicable to each signatory.

We, the undersigned members of the Chesapeake Executive Council, re-affirm our commitment to support the Goals of this Agreement and to work cooperatively in its implementation. We agree to work both independently and collaboratively toward the Goals and Outcomes of this Agreement and to implement specific Management Strategies to achieve them. Every citizen of this great watershed is invited to join with the Partnership, uniting as a region and embracing the actions that will lead to success.

		Date: June 16, 2014
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Chesapeake Bay Watershed Agreement





Partner Commitments in Chesapeake Bay Watershed Agreement Work Plans

(April 29, 2016)

The table below reflects for each Chespeake Bay Program (GB) signatory partner: (1) their commitment to participate in implementation of specific management strategies (MS) between now and 2025 flet column for each partner, nanked "MS") and (2) those MS work plans in which they have specific commitments during the two-year period 2006-2011 (GR) to clum, marked "WP"). Note the absence of a checkmark ("I for a work plan means only that specific commitments were not identified for the 2016-2013 workplans; commitments may be addeed during this period or may be included in their benefit work plans to recognized in the 2014 Chespeake Bay Watershed Agreement, participation in Management Strategies and Work Plans, or participating in the achievement of Montring on Nurse legislation and developing or implementing programs or practices.

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Outcome: 2017 WiP, 2025 WIP and Water Quality Standards Attainment and Monitoring Outcomes

Goal: Water Ouali

Outcome: 2017 WIP, 2025 WIP and Water Quality Standards Attainment and Monitoring

Long term Target: 100% by 2025

2 year Target: 60% by 2017

Management Approach 1: Phase I WIPs, Phase II WIPs, and Two-year Milestones

As the CBP partnership discussed during the development of the 2014 Watershed Agreement, the Water Quality Management Strategy reflects the Watershed Implementation Plans, and this work plan reflects the two-year milestones. Below, please find links to each of the Chesapeake Bay jurisdictions' draft 2016/2017 two-year programmatic milestones.

Delaware: http://www.dnrec.delaware.gtv/swc/wa/Documents/ChesapeakePhaseIIWIP/f/fillestones/DE_DRAFT_Programmatic_Milestones_2017.pdf

District of Columbia: http://doee.dc.gov/publication/two-year-milestones-region-iii-and-chesapeake-bay-program

Maryland: http://www.mde.state.md.us/projuans/Water/TMDL/TMDLimplementation/Pages/MD_Milestone_Goals_2015-2017.aspx

New York: http://www.dec.ny.gov/docs/water_ijdf/nvdraff17ms.pdf

Pennsylvania: http://www.dep.state.ps.us/river/iwo/chesbay/dors/2016-2017FPAProgrammaticMilestonesPA2-8-16.pdf

 Virginia:
 http://www.ega.gov/sites/production/files/2016-02/documents/2016-2017_va_orogrammatic_milestone_goals.pdf

 West Virginia:
 http://www.wvca.us/bay/files/bay_documents/1265_W/W202016W202017%202%20vear%20milestones.pdf

Federal: http://executiveorder.cnesapeakepav.net/file.axd?file=2016%2f1%2f2016+2017+Federal+WQ+milestones+01+1516+edit.pdf

Key Action** Description of work/protect Define each major action ster on that are with the triffy specific program that will be used to achieve action.	Action	Participating Entity Identify responsible portner for each step	Geographic Location	Timeline Gentify completion date (month & year) for each step)	Factors Influencing and/or Gap identify related factor or gap in Management Strategy
	Approve each Bay jurisdictions' Best Management Practice verification program contained within the Clean Water Act Section 117 grant quality Assurance Project Plan	EPA	Chesapeake Bay Watershed and Jurisdictions		Continue to sustain the capacity of the governments and the private sector to implement practices.

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	Continually improve Verification Program and document changes in annual Verification QAPP updates	VA	Chesapeake Bay Watershed and Jurisdictions		Delivering the necessary financial capacity to implement practices and programs
	Implement agricultural BMP verification pilot project to test three different verification techniques.	w	West Virginia	2016-2017	
	Implement agriculture BMP verification training program for staff	w	West Virginia	2016-2017	3. Quantifying the reductions from pollution control practices and verifying for their continued performance.
1. BMP Verification	Conduct BMP verirification training for MS4s	w	West Virginia	2016/2017	
	Test and implement enhanced tracking and verification program for urban stormwater	w	West Virginia	2016-2017	
	DOEE has committed to revise and clean up the District's historic record of BMP implementation to aid in the recalibration of the revised CBPO watershed model. The first revision was submitted in October 2015. DOEE will revise and update the submission as needed based on CBPO feedback and validation reports.	DOEE	District of Columbia	2016	

DOEE will perform a one-time fiMP verification effort to update inspection and maintenance records and populate DOEE's new stormwater database.	DOEE	District of Columbia	2016	
NRCS will continue to support voluntary actions by farmers and landowners to improve water quality by providing financial and technical assistance from the Environmental Quality incentives Program (EQIP), Regional Conservation Partnership Program (EQP), Agricultural Management Assistance (AMA) Program, Agricultural Conservation Essement Program (ACEP), Conservation Stewardship Program (CSP), and Coservation Technical Assistance (CTA) funds.	USDA	Chesapeake Bay Watershed and Jurisdictions		1. Continue to sustain the capacity of the governments and the private sector to implement practices.
Pilot first incremental releases of Conservation Desktop that will enable resource inventory, integrate resource concerns, and integrate resource assessment and analysis tools in order to improve efficiency in conservation planning process.	USDA	Chesapeake Bay Watershed and Jurisdictions	100000000000000000000000000000000000000	Delivering the necessary financial capacity to implement practices and programs

	Support the development and implementation of agricultural certainty programs in Bay watershed states.	USDA and State Agencies	Chesapeake Bay Watershed and Jurisdictions	2016/2017
	Coordinate lessons learned with Chesapeake Bay Program patriers on the CEAP Chesapeake cropland studies (Part 1, Part 2, and the plans for Part 3 study) to discuss their utility for learning about the effectiveness of nutrient management on Chesapeake cropland and opportunities to fine-tune nutrient management to achieve the greatest water quality benefits.	NRCS	Chesapeake Bay Watershed and Jurisdictions	2016/2017
	USDA will develop pilot strategies to ensure that federal, state, and NGO conservation programs creat mutually reinforcing incentives for producers to install and maintain riparian forest buffers	USDA	Chesapeake Bay Watershed and Jurisdictions	2016/2017
support for continued	Conduct animal feeding operation (AFO) reviews in on Bay sub-watershed	EPA	Chesapeake Bay Sub- Watershed	2016

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eporting on agricultural lands	Complete review of four CAFO permits and associated Nutrient Management Plans for each Bay jurisdiction	ЕРА	Chesapeake Bay Watershed and Jurisdictions	2016	
	Institute Phosphorus Management Tool: 1) Conduct a two year study (2015- 2016) "PMT On-Farm Economic Analysis Project" to better understand outcomes and impacts of requirements. 2) Collect information to track operations according to the appropriate Tier that will govern PMT implementation schedule.	MD Dept of Ag	MD		Regulation took effect June 8, 2015, restricting all farms with phosphorus FIV levels over 500 from applying manure.
	Maintain Maryland historic level of Cover Crop acreage sign-up participation and certification	MD Dept of Ag	МД	2016/2017	
	Implement two rounds of Dairy Acceleration Program to cost-share farm business planning and CMMP development/updates for dairy farms with fewer than 300 cows	NY	NY	2016-2017	

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	Implement two rounds of NYS Agricultural Nonpoint Source Abatement and Control Program (AgNPS) for BMP implementation and two years of AEM Base Program for technical assistance by SWCDs		NY	2015-2017	
	Continue to expand funding for implementation of the Virginia Agricultural Cost-Share program	VA	Virginia	2016/2016	
	Continue implementation of Resource Management Program (Virginia's Agricultural certainty program)	VA	Virginia	2016/2017	
	Continue implementation, tracking and reporting of BMPs for agriculture.	wv	West Virginia	2016/2017	
3. Provide support for continued BMP implementation, tracking and reporting in the urban stormwater sector	Propose draft District of Columbia MS4 permit for comment	EPA	District of Columbia	Proposition and Company of the Compa	Continue to sustain the capacity of the governments and the private sector to implement practices.

Meet quarterly with Federal Agencies and the District of Columbia Department of Energy and Environment (DOEE) as part of the 2013 Memorandum of Understanding among EPA, DoD, NPS, and GSA regarding Federal Agency Stormwater Management in the District of Columbia.	PS, GSA, DoD-Navy, GSA, EPA	District of Columbia	2016/2017	Delivering the necessary financia capacity to implement practices an programs
Reissue Construction General Permit (applicable to to operators in the District of Columbia and the Federal operators in Delaware)	EPA	Delaware and District of Columbia	2017	
Conduct oversight review and comment, per NPDES Memorandum of understanding, on draft state MS4 permits: to ensure consistency with the Bay TMDL allocations and the level of pollutant reduction called for in state WIPs; and to ensure permits contain enforceable performance measures.	EPA	Chesapeake Bay Watershed and Jurisdictions	2016/2017	

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Provide assistance to Virginia Department of Environmental Quality to review and comment on select TMDL action plans submitted by MS4 jurisdictions to evaluate if they have a schedule for implementing the necessary structural and non-structural controls and a final date to achieve the applicable waste load allocations.	EPA	Virginia	2016/2017	
Regulatory agency to receive, review, approve and report out on Maryland Phase MS4 Financial Assurance Plans	MD Dept of Environment	Maryland	2016	
Continue to expand funding for implementation of stormwater BMPs through the Virginia Stormwater Local Assistance Fund and Virginia Conservation Assistance Program.	Virginia	Virginia	2016/2017	
Issue all remaining Phase I MS4 permits.	Virginia	Virginia	2016	

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Continue to comply with EISA Section 438 in accordance with DoD Policy. DoD will identify and share lessons learned, including stormwater benefits, costs, technical feasibility challenges, best management practices and the derived benefits.	POD	DOD installations, where applicable	2016/2017
Work with federal agencies to acquire and report BMP implementation information (as outlined in the federal stormwater MOU)	DOEE	District of Columbia	2016/2017
Inspect all District of Columbia Municipal Separate Storm Sewer System (MS4) outfalls once within the MS4 5- year permit cycle.	DOEE	District of Columbia	2016/2017
Investigate all reported illicit discharges, spills, or releases to the MS4 or District Waters within 5 business days.	DOEE	District of Columbia	2016/2017

2016/2017	2017	2007	2017
District of Columbia	District of Columbia	District of Columbia	District of Columbia
BOGE	DOEE	9300	DOEE
Conduct a long term strategic investigation to identify, eliminate, and remediate pollution sources in the Hickey Run Sewershed to mitigate	portugant uscrtages to rneety run, within the Dirtiet covered by the National Polition Dischage Elemento System (VPDES) Multi-Sector General Portui (MSGP) according to the EPo-Approved NPDES Compliance Administry Strategy.	Assure compliance by all facilities decured critical ounces of stormwater poblusion, including MPDES permitted facilities, for the protection of water quality flrough outreach and education, compliance assistance, and or formal enforcement actions.	Conduct an inspection of all industrial, connected, institutional, nunctional, and federal inculties deemed tritted sources for a monitor of the connected tritted sources for a monitor of the connected tritted sources (NSA Seementi voide.

Reduce or eliminate illicit connections and illicit discharges for the protection of water quality through outreach and education, compliance assistance and/or formal enforcement actions.	DOEE	District of Columbia	2016/2017	
Continue implementation, tracking and reporting of BMPs for urban stormwater	wv	West Virginia	2016-2017	
Issue final "baseline demonstration" technical memorandum setting forth EPA expectations for the Bay jurisdictions' offset and trading programs.	EPA	Chesapeake Bay Watershed and Jurisdictions	March 2016	
Issue draft "MS4 and construction mitigation" technical memoranda setting forth EPA expectations for the Bay jurisdictions of set and trading programs and explore means for addressing "interstate trading" considerations.	EPA	Chesapeake Bay Watershed and Jurisdictions	2016	
Conduct update of previous 2012 trading and offset assessments for all jurisdictions	EPA	Chesapeake Bay Watershed and Jurisdictions	March 2016	

	Conduct final sector load growth evaluation	EPA	Chesapeake Bay Watershed and Jurisdictions		
4. Guide development of jurisdictions' trading and offset programs			Chesapeake Bay Watershed	2016/2017	Delivering the necessary financial capacity to implement practices and
	Update and cosolidate Maryland nutrient trading policy	Maryland Departments of Agriculture and Environment	Maryland	2016	programs
	Regulations that establish the requirements and standards for the generation and certification of nutrient and sediment credits on agricultural land.	Maryland Department of Agriculture	Maryland	2016	
	Maintain offsets tracking and accountability system	wv	West Virginia	2016-2017	
	Consider, and if appropriate, approve offsets on a case-by-case basis.	wv	West Virginia	2016-2017	

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Complete development of Regulations for the Certification of Non-Point Source Nutrient Credits	Virginia	Vriginia	2016	
Propose draft Blue Plains NPDES permit for comment	EPA	Chesapeake Bay Watershed	2016/2017	Continue to sustain the capacity of the governments and the private sector to implement practices.
Upgrade Major WWTPs to Enhanced Nutrient Removal (ENR) with State grant/loan support. A cumulative total of 63 to be upgraded out of 67 total goal.	Maryland Department of Environment	Maryland	2016/2017	
Upgrade minor WWTPs to ENR with State grant/loan support. A cumulative total of 8 minor WWTPs will have completed construction (3 WWTPs are currently in operation).	Maryland Department of Environment		2016/2017	
Amend and reissue the General VPDES Watershed Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia	Virginia	Virginia's Chesapeake Bay Watershed		Delivering the necessary financial capacity to implement practices and programs

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	Fully fund Virginia Water Quality Improvement Fund point source grant obligations for improvements to watewater treatment plaints.	Virginia	Virginia	2016/2017	
5. Continue with Wastewater Treatment Plant & Septic upgrades and enhancements	Compliance with total nitrogen effluent limit.	DC Water	District of Columbia	2016/2017	
	Clean Rivers Project Long Term Control Plan submitted to EPA for approval.	DC Water	District of Columbia	2016	
	DC Water has submitted an application for the renewal of Blue Plains NPDES permit. EPA's permit review for Blue Plains will take into consideration CSO loads (particularly for phosphorus and sediment) to ensure they remain within caps established by the Chesapeake Bay TMDL.	DC Water and EPA	District of Columbia	2016	

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	2016/2017	West Virginia	wv	Finalize significant wastewater treatment plant upgrades so that all are compliant with TMDL wasteload allocations	
	2016/2017	DOD installations, where applicable	DOD	Report annual compliance on wastewater National Pollutant Discharge Elimination System (NPDES) permits and report any installed Enhanced Nutrient Removal (ENR) upgrades at DoD wastewater treatment facilities.	
Continue to sustain the capacity of the governments and the private sector to implement practices.	2016-2017	NY	NY	Continue to implement enhanced oversight of facilities in the Chesapeake Bay watershed that are regulated by NY SPDES permits	
	2016/2017	Virginia	Virginia	Implement compliance monitoring plans for all permitted activities.	
	2016/2017	District of Columbia	DOEE	DOEE will submit an application to EPA Region 3 to renew the District's MS4 permit	oversight across all sectors

	DOTE published the drift consolidated Volve, for published comment in 2015 DOTE is developing a response to comments and revised TNDL IP, and will implement the TMDL IP upon EPA approval.	DOÉE	District of Columbia	2016/2017	
7. Provide guidance and tools to support continued BMP implementation, tracking and reporting across all source sectors.	Deliver final Phase III WIP Stakeholder Assessment Report to the CBP partnership to help inform the Phase III WIP expectations development process.	RPA	Chesapeake Bay Watershed and Jurisdictions	2016	2016 decision support tools (Phase 6)
	Provide final Phase III WIP expectations to the jurisdictions	ЕРА	Chesapeake Bay Watershed and Jurisdictions	June 2017	Beviewing and updating historical implementation data that has been submitted by the jurisdictions to the CBP June 2017 partnership, confirming that BMPs are still in place and ensuring that accurate information is included in the modeling tools.
	identify and map all federal landholdings in the Chesapeake Bay Watershed using Federal Facilities Editor Tool in order to Inform the CBP Phase 6.	EPA, USGS, federal agency partners	All federal landholdings in the Chesapeake Bay Watershed	2016	3. Delivering the necessary financial 2016 capacity to implement practices and programs.

2012	2016/2017	2016/2017
All federal handholdings in the Chespeake Bay Watershed	Chesapeake Bay Watershed and Jurisdictions	DoO landhoidings in the Chesapeake Bay Watershed
Multiple Federal Agencies	EPA	gog
All Federal agencies with Federal lands and facilities which received 2017 and 2025 pollution reduction targets from 12 And the last purisdictions are to ensure that practices are in place to acheve an equivalent 60% reduction by the end of 2017 as described in the 2015 Protocod for Setting 3 regies. Planning BMPs and Reporting Progress Planning BMPs and Reporting Progress for Federal Facilities and Lands.	Ensure BayFAST is enhanced to improve the usability of the roal by the users and its functionality in supporting annual progress reporting.	Continue to participate in jurisdictions. Wil processes by providing installating installating jurisdiction information and disseminating jurisdiction information throughout DoD to support effective implementation of future Phase III WIP expectations

Develop digital land use and boundary data for USACE properties in the Chesapeake Bay watershed.		USACE landholdings in the Chesapeake Bay Watershed	2016/2017
Assess existing and future BMPs for USACE properties in the Chesapeake Bay Watershed	USACE	USACE landholdings in the Chesapeake Bay Watershed	2016/2017
Provide financial support to Bay jurisdictions, as authorized, through EPA's assistance programs including CWA Section 319, CWA 117 CBIG and CBRAP		Chesapeake Bay Watershed and Jurisdictions	2016/2017
Provide financial support to localities and other entities through the innovative Nutrient and Sediment Reduction Grants and the Small Watershed Grants, as authorized.		Chesapeake Bay Watershed and Jurisdictions	2016/2017

DoD will support to the extent practicable the 'Protocol for Setting Targets, Planning BMPs, and Reporting Progress for Federal Facilities and Lands' and identify approaches to track reductions from regulated and non- regulated land uses. DoD installations will continue to project future BMPs and use BayFAST or other reporting mechanisms for implementation planning.		DoD installations where applicable	2016/2017
Continue to participate in jurisdictions' WIP processes by providing installation information and disseminating jurisdiction information throughout DoD to support effective implementation of future Phase III WIP expectations.	lana	DoD installations where applicable	2016/2017
Report Annual BMP implementation progress by December 1st each year for simulation through the Chesapeake Bay Watershed Model. Results used to assess progress toward achieving Milestones and 2017 60% reduction goal.	Bay Jurisdictions	Chesapeake Bay Watershed and Jurisdictions	2016/2017

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Key Action** Description of waterproject, Define each major action the own is own row likewidy sweeth program that will be used to action a point.	Performance Target(s) Sentify incremental seps to achieve Key Across	Participating Entity Identify responsible parties for each step.	Geographic Location	Timeline spentify completion date (month 2 year) for each step)	Factors influencing and/or Gap (sentify- peaced factor or gap in Monagement Strategy
	Summarize patterns in water-quality criteria attainment over time in tidal waters from 1985-2014	CBP Monitoring Team; UMCES	Tidal water areas of the Chesapeake Bay Watershed	June, 2016	Understanding the factors affecting the ecosystem response to pollutant load reductions to focus management efforts and strategies
Continue work to improve temporal and regional patterns in water quality criteria statismment in tidal and non-tidal waters.	Provide an update describing temporal and regional patterns in water quality standards attainment of dissolved oxygen, water clarity/SAV and chlorophylli	CBP Monitoring Team; UMCES	Chesapeake Bay Watershed and jurisdictions	December, 2016	2. Factoring in effects from from continued climate change
	Publish a new Ambient Water Quality Criteria Technical Addendum that provides updated guidance on water quality standards attainment assessment methods for the tidal bay jurisdictions	CBP Monitoring Team; USGS	Tidal water areas of the Chesapeake Bay Watershed Jurisdictions	December, 2016	3. Examining the impact the lower Susquehanna dams have on the pollutant loads to the Bay, including changes over time

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	Implement new process for quantifying trends in tidal water-quality parameters. The new process incorporates advances in methods to provide more information on trends in water-quality patterns over time.	UMCES/EPA, MD DNR, VADEQ	Tidal water areas of the Chesapeake Bay Watershed	Annually in 2016/2017			
Conduct Lower Susquehanna River Integrated Sediment and		Water quality results attained from 2 of the 6 high flow events assessed in April 2015 will be submitted to the CBP to be included in the 2017 CB Mid Point Assessment			2017		
	Monitor any high flow event of greater than 100,000 cfs at Conowinge Dam occurring before May 30, 2016	MD DNR, UMCES, USGS,	Lower Susquehanna	On/before May 30, 2016	Examining the impact the lower Susquehanna dams have on the pollutant		
Nutrient Monitoring Program	Develop atternative monitoring plans to gather sufficient information to inform Conowingo impacts on Bay water quality standards now that it has reached "dynamic equilibrium" in the event than less that 6 high flow events occur before May 30, 2016	with Exelon	River, Conowingo Dam	On/before May 30, 2016		189	

	The partners in the network will collect nutrient and sediment samples from over 125 sites throughout the watershed.	USGS, EPA, MD DNR, VA DEQ, DEREC, WV DNR, PA, DC, DC, NY, SRBC		2016-2017	Understanding the factors affecting the ecosystem response to pollutant load reductions to focus management efforts and strategies
3. Coordinate the CBP non-tidal water-quality network	The USGS will work with the partners to compile quality assure the information to update loads and trends.	USGS, EPA, MD DNR, VA DEQ, DEREC, WV DNR, PA, DC, DC, NY, SRBC	Non-tidal water areas of the Chesapeake Bay watershed		Improving the identification of sources and their contributions to nitrogen, phosphorus and sediment pollutant loads
	USGS will completely update the reporting of loads to the Bay and trends of nutrients and sediment loads in the watershed; revised products will be prepared to communicate these results.	usgs		2016	

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	Expand upon the water quality-focused Building Environmental Intelligence report to a new process to address additional monitoring needs associated with the 2014 Chesapeake Bay Agreement. Integrate the role of Citizen Science to address gaps in water quality-related monitoring and assessment needs. Work with partners and Management Board to consider and attempt to implement recommendations.	CRP Monitoring Tager	Chesapeake Bay Watershed and jurisdictions		
Addressing gaps in monitoring programs	Coordinate and integrate Citizens Monitoring effort funded by the Chesapeake Bay Program. Develop high quality citizens monitoring programs to assess water quality standards. Target areas where implementation will potentially show progress;	Alliance for the Chesapeake	Chesapeake Bay Watershed and Jurisdictions	2016-2017	Delivering the necessary financial capacity to implement practices and programs

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Provide information to enhance the CBP watershed models. Results of these studies will be used to prepare and calibrate the Phase 6 model in 2016. (USGS, working with CBP modeling team)	Enhance the CBP watershed model using USGS measured loads for calibration as well as SPARROW model, groundwater models and other science findings.	USGS	Chesapeake Bay Watershed and Jurisdictions	2016	Enhancing the next generation of decision support tools
	Examine the impact of Susquehanna reservoirs on changes in nutrient and sediment transport to Chesapeake Bay.		Susquehanna reservoirs and Chesapeake Bay Watershed and jurisdictions	- - - - -	3. Examining the impact the lower Susquehanna dams have on the pollutant loads to the Bay including changes over time.
	Incorporate data inputs, such as BMP efficiencies and land use/land cover	Modeling Workgroup, WQGIT, WQGIT Workgroups	n/a	Oct. 2015 - October 2016	
Release beta and final version of the Phase 6 Watershed Model	Conduct STAC peer reviews	STAC, Modeling Workgroup	n/a	Winter/Spring 2016	improved Technical Information; Response of Water Quality Conditions to Management Practices
	Run key scenarios and refine modeling tools as appropriate	Modeling Workgroup, Bay jurisdictions, CBPO Modeling Team	n/a	January 2016 - September 2016	
	Release Phase III WIP Stakeholder Assessment	Institute of Environmental Negotiation; WQGIT; Bay	0/5	December 2015 /	
S. Develop Phase III WIP Expectations	Develop Phase III WIP Action Plan	Jurisdictions	11/4	January 2016	Implementation of Practices; Technical Information; Response of Water Quality

	Provide Phase III WIP Expectations	EPA; PSC; MB; WQGIT; WQGIT Workgroups; Bay Jurisdictions	n/a	Jun. 2017	Conditions to Management Practices	
6. Collection of Local Land Use Data	Outreach to local Bay jurisdictions	Land Use Workgroup	n/a	2013 - 2016		
	Establish contract with Chesapeake Conservancy	Chesapeake Conservancy; PSC	n/a	Fall 2015 - Spring 2016		
	Rolling partnership review of land use data	Bay state and local jurisdictions; Land Use Workgroup	n/a	August 2015 - July 2016	Improved Technical Information	
	Improving National Wetlands Inventory Data	FWS; PADEP	n/a (although priority for PA)	November 2015 - May 2016		
	Incorporation of data into Phase 6 modeling tools	Land Use Workgroup; Modeling Workgroup	n/a	May 2015 - September 2016		

^{**}Note: As a member of the Chesapeake Executive Council and a signatory to the Chesapeake Bay Watershed Agreement, the Chesapeake Bay Commission (CBC) functions as the legislative arm of the Chesapeake Bay Program warking within Maryland, Pennsylvania and Virginia and at the federal level to identify specific Bay management concerns requiring intergovernmental coordination

Definitions:

EPA U.S. Environmental Protection Agency

DE ONREC Delaware Department of Natutral Resources and Environmental Control

DOEE District of Columbia Department of Energy and Environment

MDE Maryland Department of the Environment

MDE Maryland Department of the Environment
MD DNR Maryland Department of Natural Resources

NYS DEC New York State Department of Environmental Control PA DEP Pennsylvania Department of Environmental Protection VA DEQ Virginia Department of Environmental Quality WV DEP West Virginia Department of Environmental Protection

USGS U.S. Geological Survey

FWS U.S. Fish and Wildlife Service

UMCES University of Maryland Center for Environmental Science

JHU Johns Hopkins University

NOAA National Oceanic and Atmospheric Administration

USDA U.S. Department of Agriculture
NRCS National Resource Conservation Service

DOD U.S. Department of Defense
USACE U.S. Army Corps of Engineers
DOT Department of Transportation
SRBC Susquehanna River Basin Commission
CBP Chesapeake Bay Program Partnership
CBPO Chesapeake Bay Program Office
WAGIT Water Quality Goal Implementation Team

STAC Scientifical and Technical Advisory Committee

MB Chesapeake Bay Program's Management Board

PSC Chesapeake Bay Program's Principles' Staff Committee

WIP Watershed Implementation Plan
TMDL Total Maximum Daily Load

Senator Inhofe [presiding]. Thank you, Ms. Coble. Mr. Vucetich.

STATEMENT OF JOHN VUCETICH, PH.D., ASSOCIATE PRO-FESSOR, SCHOOL OF FOREST RESOURCES AND ENVIRON-MENTAL SCIENCE, MICHIGAN TECHNOLOGICAL UNIVERSITY

Mr. VUCETICH. Committee, thank you for this opportunity to testify. I appreciate it greatly. I am a professor of wildlife management from Michigan Technological University and have been study-

ing wolf ecology and management for the past 20 years.

My professional understanding of the HELP for Wildlife Act is that it is a Trojan horse and should be opposed or amended. It contains some important positive provisions, but its most important effect, I believe, would be to undermine the Endangered Species Act and to subvert wolf conservation.

Wolves are understood by science to be valuable to our ecosystems. Most Americans also recognize that wildlife, including wolves, possess value in their own right, and should be treated fairly and with respect. Sociological evidence is clear that the public support for wolves and wolf conservation is strong. Public support for the Endangered Species Act is also high among both liberal and conservative constituents.

Nevertheless, some citizens and special interests express concern that conserving wolves comes at too high a price. They raise disquiet about human safety, protecting livestock, and unfair competition with hunters for deer.

I address each of those topics in detail in my written testimony,

and here I can summarize the main findings.

First, and with respect to human safety, wolves, very simply, are not a threat to human safety. This fact is robustly supported by scientists in academia and in government. False impressions to the contrary are fostered by those who fabricate stories, made up stories about wolves and the threats that they cause to humans.

Second, and with respect to livestock, government statistics plainly indicate that wolves are not a threat to the livestock industry. Wolves can certainly be a concern and a problem for some individual livestock owners, and we have an important obligation to attend to those challenges. Fortunately, there are effective tools available to deal with those problems. They include non-lethal control and financial compensation. And when those programs need to be improved, they should be so improved.

The economic impact on livestock is more than likely made up greatly by wolves' effect on over-abundant deer populations. Overabundant deer in the Great Lakes region is detrimental to forestry, it is detrimental to crops, it is detrimental to private property and human safety. In each of the three States in the Great Lakes region, about a dozen people are killed every year when their automobiles strike deer, and injuries number in the many hundreds.

Wolf delisting is also motivated by very few people with an intense interest to hunt wolves. Their voices have been greatly amplified by State agencies. Their expressed motivation is to promote deer hunting; however, the best scientific evidence indicates that hunter success is influenced by factors aside from wolves, and State agencies from the Great Lakes region report that deer hunting is quite successful both in terms of number of deer harvested and hunter satisfaction.

So these concerns, human safety, livestock, and deer, they tend to be grossly exaggerated. And to the limited extent that the con-

cerns are genuine, they are readily accommodated.

The concerns about wolf hunting go further. First, plans for wolf hunting are at odds with sound science, especially in the State of Wisconsin, where hunting would be intense enough to impair the ecological value of wolves. This is one of the values that is explicitly expressed in the finding section of the ESA, a value to be protected.

Another concern about hunting pertains to America's hunting heritage and the widely acknowledged decline in hunting participation. Because few Americans participate in hunting, the success, the future success of hunting in America depends on the attitudes of non-hunters. Most non-hunters support hunting when it is motivated by obtaining meat; and most Americans, most non-hunters, oppose hunting when it is motivated by hatred for the animal, when it is motivated by obtaining a trophy, especially by cruel methods such as traps and neck snares. These are the important motivations and methods of wolf hunting. Pressing for this kind of hunting will unquestionably harm America's hunting heritage in the whole.

A few assert that wolves demonstrate shortcomings in the Endangered Species Act. However, with a 99 percent success rate, the Endangered Species Act has been extremely effective at preventing the extinction of listed species. Moreover, there is solid sociological evidence to indicate that most people do not believe the Endangered Species Act is overly protective. Finally, the Endangered Species Act allows for ample flexibility about how it is that agencies and their collaborators go about recovering species.

What the ESA requires is better implementation, and implementation is impaired when Congress intervenes on decisions pertaining to individual species, it is impaired when Congress intervenes on judicial review of ESA decisions, and when Congress fails to provide adequate funding for the Endangered Species Act. Adequate implementation also depends on sound science playing its

proper role, a condition that is not always realized.

So this is a summary of the shortcomings as I see them for the HELP for Wildlife Act as they pertain, in particular, to the Endangered Species Act and wolf conservation.

Thank you for the opportunity.

[The prepared statement of Mr. Vucetich follows:]



John A. Vucetich

PhD, Forest Science, Michigan Technological University BS, Biology, Michigan Technological University

John Vucetich is an associate professor of animal ecology at Michigan Technological University, where he teaches courses in Population Ecology and Environmental Ethics. He is co-director of the Isle Royale Wolf-Moose Project, the longest continuous study of any predator-prey system in the world. He is also co-director of the Conservation Ethics Group. He has authored more than 75 scholarly

<u>publications</u> on a range of topics, including wolf-prey ecology, extinction risk, population genetics, and environmental philosophy. His also writes for general audiences in venues that include the *New York Times* and *The Ecologist*.

John's contributions to the wolf-moose project have been officially recognized by the United States Senate. Many of his other contributions on topics including the interpreting of the Endangered Species Act, his opposition to the misuse of science in efforts to justify wolf hunting, advocacy by scientists, and the impact of global change on attitudes about conservation, the neglect of ethics in discourse on sustainability, and the conflict between conservation and animal welfare ñ have captured the attention of peers, the general public, and governments around the world.

John was fictionalized as the main character in Nevada Barr's Winter Study, a novel based on his winter field research, that appeared in the top-ten of the New York Best-Sellers list for hard-cover fiction. When not working he is either sailing or thinking about sailing.

Testimony of

PROFESSOR JOHN A. VUCETICH, PH.D., SCHOOL OF FOREST RESOURCES AND ENVIRONMENTAL SCIENCE, MICHIGAN TECHNOLOGICAL UNIVERSITY javuceti@mtu.edu

before the

U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

on

The H.E.L.P. for Wildlife Act. 17 July 2017

About the witness: I am a professor in the School of Forest Resources and Environmental Science, Michigan Technological University. I have held a faculty position with Michigan Technological University since 1996. My scholarly expertise is population biology, most frequently examining wolves and their prey. I am also a scholar for certain topics pertaining to the human dimensions of conservation. I have authored or co-authored more than 80 peer-reviewed articles over the past two decades related to these and other subject areas, and have given more than 50 invited talks in the past 12 years.

I have been studying wolves for about 25 years. My predation ecology research includes but is not limited to how predator populations affect their prey and how prey affect predators. The majority of my wolf-related scholarship has been in Isle Royale National Park, located in Michigan and surrounded by Lake Superior. I have been working on the Isle Royale wolf-moose project since the early 1990s, and have been leading the project since 2001. It is the longest running wolf study in the world and the longest study of any predator-prey system in the world. Further details are offered in my CV, which was submitted with this testimony.

§1. SUMMARY.

As written, The HELP for Wildlife Act is a Trojan horse and should be opposed or amended. It includes some positive provisions, but its most important effect would be to undermine the Endangered Species Act and subvert the conservation of wolves.

Wolves are valuable to ecosystems and most people recognize that wildlife – including wolves – possess value in their own right (For details, please see §7 of this document). Public support for wolves and wolf conservation, in particular, is very high (§2). Public support for the U. S. Endangered Species Act (ESA) is also high - among both liberal and conservative constituents (§2).

Some citizens and special interests express concern that conserving wolves comes at too high a price – raising disquiet about human safety (§3), protecting livestock (§4), unfair competition with hunters for deer (§5). These concerns have been grossly exaggerated. To the very limited extent that the concerns are genuine, they are readily accommodated.

Each of these claims are detailed, demonstrated, and documented in the subsequent sections of this document. In summary:

- Sociological evidence indicates that more than 80% of Americans are either positive or neutral about wolves. Fewer than 10% are very opposed. Sociological evidence also indicate that these positive views have been increasing over the past several decades. Impressions to the contrary rise, for example, from biased media coverage and state agencies who end up hearing the concerns of a few detractors but not the overwhelming majority who are supportive (§2).
- Wolves very simply are not a threat to human safety. This fact is robustly supported by
 experts and scientists from academia, federal government, and state governments. The
 false impression that wolves are a threat to human safety is fostered by those who fabricate
 or exaggerate the threat that wolves represent and thereby exploit a public that is easily
 and overly impressed by certain kinds of fear (§3).
- Government statistics plainly indicate that wolves are not a threat to the livestock industry.
 Wolves can be a problem for a small number of individual livestock owners. We have an
 important obligation to attend those problems. Fortunately, effective tools are available to
 accommodate that concern including and especially various forms of financial
 compensation and nonlethal control. Where there is a need to improve these programs,
 they should be so improved (§4).
- Overabundant deer are detrimental to human safety (vehicle collisions), private property, agriculture and forestry. There is considerable evidence that deer are overabundant in numerous places where wolves had recently been intensively harvested or where wolves once lived but no longer live. Whatever affect wolves might have on deer would be an overall benefit – including overall benefits to agriculture (§4).
- Wolf delisting is also motivated by very few people with an intense interest to hunt wolves.
 Their voices have been greatly amplified by state agencies. Their expressed motivation is to promote deer hunting and hunting, in general. The best scientific evidence from wildlife biologists indicates that hunter success is influenced by factors aside from wolves.

Plans for wolf hunting in all three Great Lakes states are at odds with sound science. Moreover, wolf hunting in Minnesota and Wisconsin would be intense enough to place at considerable risk the ecological value of wolves – one of the values to be protected according to the ESA.

Participation in hunting is widely understood to be in long term decline. This cultural shift – not wolves – is the main threat to hunting. Because few participate in hunting now and in the future, the success of hunting depends on the attitudes of non-hunters. Moreover, most non-hunters are supportive of hunting when obtaining meat is the motivation for hunting. And a large majority of Americans oppose hunting when the motivation is hatred for the animal or obtaining a trophy, especially by cruel methods such as traps or neck snares. These are important motivations and methods of wolf hunting. Advocates of hunting who press this kind of hunting will, undoubtedly, be harming the American hunting heritage. (§5)

A few, vocal people assert that wolves demonstrate shortcomings in the U. S. Endangered Species Act (ESA). However, with a 99% success rate, the ESA has been extremely effective at preventing the extinction of listed species. Moreover, sociological evidence indicates that most people do not believe the ESA is overly protective. Finally, the ESA allows for ample flexibility in *how* various endangered species are recovered. What the ESA requires is better implementation. Adequate implementation of the ESA is impaired when Congress:

- (i) intervenes on decisions pertaining to individual species,
- (ii) intervenes on judicial review of decisions made by the executive branch, and
- (iii) fails to provide adequate funding for the ESA.

Adequate implementation also depends on allowing sound science to play its proper role in decision-making – a condition that is not always realized. The ESA does not require statutory revision (§6).

Delisting wolves at this time is bad for wolf conservation. Delisting wolves in the manner it is and has been pursued is deeply damaging to the ESA. Finally, the manner in which states have been (and plan to) manage wolves will have significant adverse impacts on America's hunting heritage. The reasons provided in this testimony indicate how anti-wildlife provisions of the HELP for Wildlife Act are inconsistent with the values of the American public and why those provisions should be removed.

§2. PUBLIC SUPPORT FOR WOLF CONSERVATION AND THE ESA IS HIGH.

2.1 Americans' attitudes toward large carnivores, including wolves, are largely positive. Those attitudes have also become increasingly positive over the past four decades, and only 10% of Americans have significantly negative attitudes about wolves (George et al. 2016; See also Suppl. Material #1).

- 2.2. What accounts for the false impression of low tolerance for wolves?
 - 2.3.1. Some sociological studies suggest that attitudes towards wolves have become more negative over time; these studies tend to focus on hunters and rural residents living within wolves' range (e.g. Treves et al. 2013, Ericsson & Heberlein 2003). While it is important to address these attitudes (see below), they are not representative of the interests of most Americans.
 - 2.3.2. Other research indicates that biased media coverage gives the impression of low and deteriorating tolerance for wolves. For example, Houston et al. (2010) examined

North American news coverage about wolves over a 10-year time period (1999-2008). Of the 6,000 stories they analyzed, 72% of the news media represented negative attitudes about wolves. They also found that these negative expressions had increased significantly over time. The concern is that media coverage does not accurately represent Americans' attitudes (see George et al. 2016).

2.3.3. In 2003 the Utah Division of Wildlife Resources hosted a series of scoping meetings concerning wolf management. About 80% of the 900 people who attended those meeting identified 'do not allow wolves in Utah' as a management priority. At the same time (i.e., in 2003), a systematic study of attitudes toward wolves found that 74% of Utahans exhibited positive attitudes toward wolves.

This case illustrates that state agencies can get the false impression of low support for wolves on the basis of their contact with the public. The concern is that agencies' contact with the public is not always representative of the public's attitude on the whole, or even of those who care about wildlife conservation issues. This circumstance is regrettable, but understandable, given that scoping meetings, for example, are often attended disproportionately by stakeholders who are especially upset about an issue. This case and these circumstances are detailed in Bruskotter et al. (2007).

2.4. Psychological research indicates that intolerance for wolves (and other large carnivores) may originate from negative emotional reactions toward these species (Slagle et al. 2012) that are at gross odds with scientific knowledge about these species (Johannson et al. 2012). Other sociological research makes the case that negative attitudes about wolves are associated, less so with the negative impact of wolves, and more so with "deep-rooted social identity" (Naughton-Treves et al. 2003; see also Heberlein 2012).

While it is important to ameliorate the adverse impacts of wolves for those few individuals who are actually impacted, doing so is not likely to cause those individuals to have more positive attitudes, as was demonstrated by Naughton-Treves et al. (2003).

2.5. Existing data indicate that public support for the ESA is widespread and strong. A sociological study concludes that most Americans (84%) are supportive of the ESA (Czech & Krausman 1997). That study also indicated that 49% of respondents believed that ESA should be strengthened. And, only 16% believed it should be revoked or weakened.

Recent polling data give the same positive impression. One poll indicates that approximately 80 to 90% of Americans are supportive of the ESA (Harris Interactive 2011). Another poll indicates that support for the ESA transcends political ideology. That is, support for the ESA by self-identified liberals, moderates, and conservatives is 96%, 94%, and 82%, respectively (Tulchin Research 2015).

§3. WOLVES ARE NOT A THREAT TO HUMAN SAFETY

3.1. Except in the very rarest of circumstances, wolves are not a threat to human safety. Incidents of wolves harming people are incredibly rare. Wolves generally avoid people and in almost all cases people have nothing to fear from wolves in the wild.

In the 21st century, only two known deaths have been attributed to wild wolves in all of North America. There have been no deaths from wolves in the conterminous United States. Far more Americans are killed by bees or dogs than by wolves. Far more Americans are killed in deer-car collisions. Our overall response to any threat to human safety should be, in part, commensurate with the risk of that threat.

On the extraordinarily rare occasions when a wolf has appeared to be even potentially problematic, the appropriate agency (state or federal) has moved swiftly to address any possible threat. For example, in May 2015, the Mexican Wolf Interagency Field Team lethally removed a wolf that was exhibiting unusual activity near residents and populations in Catron County, New Mexico.

- 3.2. The false impression that wolves are a threat to human safety is fostered by the interaction between (i) a public that is easily and overly impressed by certain kinds of fear and (ii) those who fabricate or exaggerate the threat that wolves represent. The seriousness of these exaggerations is illustrated with two examples from Michigan:
 - 3.2.1. A state Senator from Michigan conveyed a "horrifying and fictional" account of wolves threatening humans. That account was included in a 2011 resolution urging the U.S. Congress to remove ESA protections for gray wolves in Michigan. Later the Senator conceded that the account was not true. This case is documented in Oosting (2013).
 - 3.2.2. Adam Bump, an official from the Michigan Department of Natural Resources, "misspoke" when he was interviewed by Michigan Radio (a National Public Radio affiliate) in May 2013. Bump apparently said to the interviewer: "You have wolves showing up in backyards, wolves showing up on porches, wolves staring at people through their sliding glass door while they're pounding on it exhibiting no fear." Later, Bump conceded that this did not happen. This case is documented in Barnes (2013).

§4. AGRICULTURAL CONCERNS.

- 4.1. According to a 2011 USDA report on cattle death loss, wolf depredation represents less than half of one percent of all losses (USDA 2011). For context, about half of all losses are health-related (e.g., digestive problems, respiratory problems, metabolic problems). Losses due to dogs are almost three times as common as wolf-related losses. Losses due to poisoning and theft are six times as common as wolf-related losses. These statistics are similar within each of the states inhabited by wolves, i.e., MI, MN, WI, MT, ID, WY, WA, AZ and NM. Wolves are not a threat to the livestock industry.
- 4.2. At the same time, the threat to livestock has been exaggerated. In some cases, the exaggerations are fueled by state agencies. In particular, the government of Michigan raised disquiet about what it portrayed as a high and rising number of depredations (wolves killing cattle) in 2012. Subsequently, a FOIA request and investigative journalism determined that most of the livestock losses were attributed to a single livestock owner, who was later charged with violating animal welfare laws. The depredations were very likely attributable to livestock owner's poor husbandry of his livestock. This case is documented in Vucetich et al. 2017.

4.3. Lethal and non-lethal control

- 4.3.1. Scientific evidence indicates that lethal control may be less effective than is commonly supposed (reviewed in Treves et al. 2016).
- 4.3.2. Lethal control is also a source of public controversy, as it is shunned by some stakeholders. A critical component of meeting the challenges represented by lethal control (both the establishment of lethal control policy and the aftermath that can follow some instances of lethal control) is a robust multi-stakeholder committee, such as the Wolf Advisory Group in the state of Washington. The establishment and maintenance of such bodies is effortful, but also very important.

4.3.3. Non-lethal methods are often effective for preventing depredation and avoid conflict before considering lethal control. There is a suite of nonlethal methods and strategies that have been effectively used. These include: nonlethal predator deterrents such as livestock guarding dogs, fencing and fladry; increasing human presence on the landscape through range riders; use of scare tactics and alarms; best management practices for livestock and land such as changing grazing strategies and removing carcasses.

Those tools have been used effectively, for example, in a community-based project in the Wood River Valley of Idaho – an area with between 10,000 to 22,000 sheep grazing per year. During the first 7 years of the project (which began in 2007) fewer than five sheep were killed per year.

- 4.4. In certain instances, wolves do indeed compete with the interests of *individual livestock owners*. Those instances are important. The American people share a burden to assist in these instances. To this end, the states, the Fish and Wildlife Service, the Department of Agriculture and non-profit organizations all have programs to assist ranchers financially or with tools and management techniques to reduce conflicts with wolves. Several varieties of these programs exist, focusing variously on: compensation for livestock losses; cost-share and technical assistance for the use of nonlethal tools that reduce conflict; and incentive payments such as payment for presence. Programs such as these are widely understood to be essential for realizing vital aspects of carnivore conservation (e.g., Dickman et al. 2011, Vucetich & Macdonald 2017). Where there is a need to improve these programs, they should be so improved. With such programs in place, concerns about wolves and livestock are very reasonably accommodated.
- 4.5. Deer represent important context about the threat that wildlife can represent to human safety, private property, and agricultural interests. For example, in Michigan, deer kill eight humans and injury another 1300 in deer-vehicle collisions each year. Deer ruin private property through more than 100 deer-vehicle collisions each day. Deer also cause significant damage to two important sectors of agriculture crop production and forestry. There are also rising concerns about chronic wasting disease in deer. Whatever effect wolves might have on deer would be an overall benefit.

§5. WOLF HUNTING DAMAGES AMERICA'S HUNTING HERITAGE

5.1. Our treatment of wolf hunting is importantly connected to hunting in general. This connection begins by acknowledging a widely-appreciated circumstance, that participation in hunting has been declining for several decades. The demographic forces behind that decline are expected to continue into the foreseeable future. Those trends are of great concern to state wildlife agencies and advocates of hunting. These groups are searching for ways to reverse those trends.

While participation in hunting is low and declining, support for hunting by non-hunters is high. However, that support depends on the reason that is offered for why hunting takes place. For example, 85% of Americans support hunting when motivated by the acquisition of meat. But only about 26% of Americans support hunting motivated by the acquisition of a trophy. For details, see Duda and Jones (2008).

Another important motivation to hunt wolves is hatred of wolves. In the past, hatred has motivated programs designed to eliminate certain populations of wildlife. But, never before

in the history of America's hunting heritage has hatred been an acceptable or ethical basis for hunting.

Support for hunting by non-hunters also depends on the methods used for hunting. Traps and neck snares are used to hunt wolves. Both methods are widely considered cruelty to animals.

Because motivation for hunting affects support for hunting by non-hunters and because the motivations for wolf hunting are weak, wolf hunting is liable to harm the honor of America's hunting tradition. We should not be surprised to see that wolf hunting works against interests to promote hunting in a society with waning participation in hunting. Congress, the Fish and Wildlife Service, and state wildlife agencies could be effective agents for better promoting our American hunting heritage, but the HELP for Wildlife Act does not serve this interest.

5.2. Other concerns about wolf hunting:

- 5.2.1. The Findings section of the ESA (Sec 2.(a)(3)) indicates that species are valuable to the Nation and its people, in part, for their "ecological" value. The primary ecological value of wolves is largely associated with their influence on deer populations, including preventing deer from becoming overabundant. Overabundant deer (and elk in some regions of the American west) are detrimental to human safety, private property, agriculture and forestry. There is considerable evidence that deer (and elk in many regions of the western U.S.) are overabundant in numerous places where wolves are intensively harvested or where wolves once lived but no longer live (e.g., McShea et al. 1997, Bradford and Todd 2008; Dickson 2015). The ecological value of wolves is impaired if they are hunted too intensively. Wisconsin and Minnesota had been implementing hunts that were intense enough to very likely impair the ecological value of wolves.
- 5.2.2. An important prospect for wolves achieving recovery is through dispersal and range expansion from areas where wolf populations are already established. The concern is that range expansion is, at least, significantly curtailed by intensive hunting of wolves.
- 5.2.3 Wolf hunting is motivated, in part, by state game and fish agencies' interest to satisfy deer hunters. This motivation may be sensible when all of the following conditions hold: (i) wolves cause deer abundance to decline, (ii) wolf hunting (as implemented) results in a significant increase in deer abundance without impairing the health and functioning of the wolf population, (iii) increased deer abundance will translate to hunters' satisfaction with their hunting experience, and (iv) interests to increase deer abundance outweigh interest to decrease deer abundance. In many cases, it is far from reasonably certain that all of these conditions hold.

Put simply, wolves do not represent significant competition with hunters for deer. Hunter success is influenced by factors aside from wolves, such as winter severity.

- 5.2.4. Some argue that wolf hunting is important for building tolerance for wolves. However, sociological evidence suggests that tolerance is not built by legal killing of wolves (e.g., Treves et al. 2013, Browne-Nunez et al. 2015, Hogberg et al. 2015).
- 5.2.5. Michigan's government promoted wolf hunting through egregious misuse of science and distain for basic principles of democracy. Voting records indicate, in part, that citizens are aware of and do not support such abuses in the service of wolf hunting. These circumstances are detailed in Vucetich et al. 2017.

5.2.6. After a couple years of intense hunting in Minnesota it was determined that the wolf population declined by 25% (between 2008 and 2013). Moreover, the declined caught state officials by surprise, because the population had not been adequately monitored and because state officials misjudged the effects of intense harvesting.

§6. LEGAL CONCERNS

The Fish and Wildlife Service (FWS) delisted gray wolves in the Western Great Lakes in December 2011. The decision was challenged in federal court. In December 2014, the court rejected the FWS's delisting decision and ordered the FWS to restore ESA protections for gray wolves in the Western Great Lakes. An important basis for the court's decision was that a DPS cannot be designated for the purpose of delisting. Details of the court's opinion in this case and other related cases indicate that the root concern is considerably broader.

The broader pattern of court decisions indicate that the ESA requires a species to be well-distributed throughout its historic range. That view is also well supported by conservation scholarship (e.g., Vucetich et al. 2006, Tadano 2007, Enzler & Bruskotter 2009, Geenwald 2009, Kamel 2010, Carroll et al. 2010, and Bruskotter et al. 2014, and references therein). Wolves inhabit about 15% of their historic range within the conterminous United States (Suppl. Materials #2). That circumstance is a key reason for why wolves in the Western Great Lakes wolves should not be delisted. Addressing this concern would require the FWS to:

- (i) Develop policy on "significant portion of range" that is consistent with the ESA. I believe the courts will eventually decide that the current Fish and Wildlife Service policy on this topic is inconsistent with the ESA. ("Significant portion of its range" is a key phrase in the legal definition of endangered species.)
- (ii) Develop a robust national plan for wolf conservation and recovery.

In 2011, wolves in Montana and Idaho were delisted by an act of Congress, i.e., a Congressional rider to the "Department of Defense and Full-Year Continuing Appropriations Act." That action compromised important opportunities for critical concerns and challenges to be worked out and addressed by key stakeholders (e.g., Fish and Wildlife Service, state-governments, NGOs, etc.). Congressional delisting did not ameliorate the concerns and challenges associated with the ESA or wolf conservation.

§7. WOLF CONSERVATION IS VITAL TO AMERICA'S NATURAL HERITAGE.

The health of many of our nation's ecosystems depends on the presence of healthy, functioning wolf populations (see Suppl. Material #3 for a pictorial summary). Wolves are important for a second reason. That is, wolves are important for what they represent. When we Americans talk about wolves we are speaking simultaneously about both the four-legged creature and a creature that represents our understanding for how we ought to relate to nature. If the bald eagle is sacred as a symbol of our national spirit, then wolves are sacred as a symbol of our relationship with nature on the whole.

America's natural heritage is a certain kind of relationship between humans and nature. To reflect on Americans' understanding of that relationship, think for a moment about the Golden Rule, treat others as you would consent to be treated in the same position. What if that ideal applied not only to humans, but also to wildlife? That ideal would mean that we value wildlife – including wolves – not only for how they might advance human wellbeing, but also because they have a value in their own right. That belief means we embrace an obligation to treat wildlife – including wolves – fairly and with respect. Those obligations can be embraced while at the very same time embracing concern for and accommodating the genuine interests

of those affected by coexisting with wolves. Sociological evidence is clear that Americans embrace these beliefs by a wide margin (Vucetich et al. 2015; Bruskotter et al. 2017). The HELP for wildlife Act does not honor these American values.

§8. CONCLUSION

Our relationship with wolves is a bellweather for our relationship with nature and the nation's natural resources. For similar reasons, our treatment of wolves through the U.S. Endangered Species Act, 1973 (ESA) is also a bellweather for how we will treat the ESA in general and for the hundreds of species whose well-being depends on ESA protection.

For those two reasons, we must get it right by discovering a healthy relationship with wolves. We will be defined, in part, by the kind of relationship we forge with wolves <u>and</u> the fair treatment of our fellow citizens who are impacted by wolves in a genuinely negative manner. Those relationships, whatever they may be, will say much about the kind of people that we are.

Opportunities to work through some important challenges of conservation are impaired if and when Congress intervenes by making decisions about individual species in the context of the ESA. Such intervention can seem like an expedited solution, but its larger effect is to inhibit progress on the broader issues. Congress, the Fish and Wildlife Service, state wildlife agencies, and NGOs can all do better to provide stronger leadership on these issues.

The American people are supportive of this work and we are more than able to handle this work. The values and will-power of the American people, on the whole, support the ESA and wolf conservation. We are also a sufficiently resourceful and generous people to fairly redress the concerns and negative attitudes held by a small segment of Americans.

HELP for Wildlife Act is a Trojan horse and should be opposed. It includes some positive provisions, but its most important effect would be to undermine the Endangered Species Act and subvert the conservation of wolves.

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SUPPLEMENTARY MATERIAL #1.

The figure below, referenced in section 2 of this document, is taken from George et al. (2016).

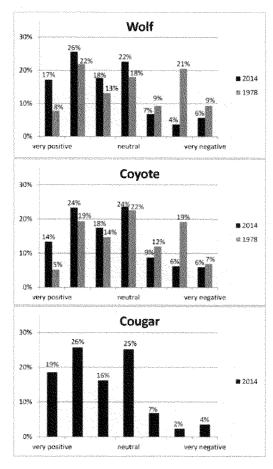
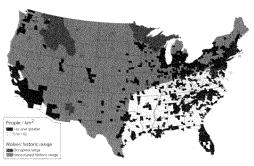


Fig. 1. U.S. Resident's attitudes toward mammalian carnivores: 1978 (n=3107) & 2014 (n=1270). No data for cougar preference were collected in 1978. "Least liked species includes neutral or midpoint (4) on a 1 (strongly like) to 7 (strongly dislike) scale.

SUPPLEMENTARY MATERIAL #2. A SERIES OF THREE ANNOTATED MAPS.

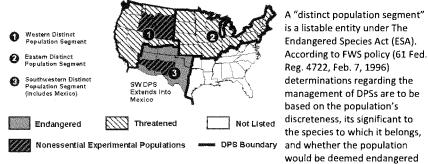
Map 1. Approximate Range (Historic & Current) Of Gray Wolves In The Conterminous United States.



Before human persecution, gray wolves occupied most of the conterminous United States (blue regions on the map). Currently, gray wolves occupy about 15% of their former range (purple regions on the map). The map is taken from Bruskotter et al. (2014) which explains how it would be feasible for wolves to inhabit more geographic range than they currently do. The blackened counties represent areas

where wolves and humans would likely not coexist well, owing to higher human population density. (Note: This map overestimates the size of areas where human population density exceeds 142 people/km².)

Map 2. Distinct Population Segments Of Gray Wolves Established By The United States Fish And Wildlife Service On April 1, 2003.

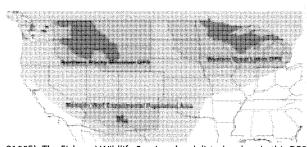


or threatened if treated as a species.

The DPS provision offers flexibility in recovering species that occupy large geographic ranges. For example, if gray wolves living in the Eastern DPS had reached recovery, but wolves in the southwest DPS had not reached recovery, then wolves in the Eastern DPS could be removed from the list of endangered species and wolves from the southwest DPS could continue receiving the ESA protection necessary for recovery. The DPS policy can also enhance FWS's ability "to address local issues (without the need to list, recover, and consult rangewide) [and] result in a more effective program." *Id.*

The DPSs represented on the map above depict the gray wolves' historic range. The dark hatched areas within the Western DPS and the Southwestern DPS on the map represent areas in which FWS manages gray wolves as non-essential, experimental populations under section 10(j) of the ESA. That provision authorizes the release of an endangered or threatened species or subspecies outside their current range "if the Secretary determines that such release will further the conservation of such species." Section 10(j)(B). Moreover, species managed under Section 10(j) do not receive the full protection otherwise provided by the ESA. For example, an experimental population deemed "not essential to the continued existence of the species," and which is not located within the National Refuge or National Park systems, is treated as a species proposed for listing and the FWS may not designated critical habitat for that population. Section 10(j)(C)(i)-(ii).

Map 3. Revised Distinct Population Segments Of Wolves Established By The United States Fish And Wildlife Service.



The Northern Rocky Mountain DPS was created in April 2009 (74 FR 15123). Except for the state of Wyoming, gray wolves are delisted in this DPS.

The Western Great Lakes DPS was created in December 2011 (76 FR

81665). The Fish and Wildlife Service also delisted wolves in this DPS in December 2011. Three years later, in December 2014, a federal court ordered the Fish and Wildlife Service to reinstate full ESA protection for wolves living in this DPS.

The most recent census of the wild Mexican wolf population living in Arizona and New Mexico, conducted in December of 2015, found only 97 individuals. Mexican wolves are listed as a subspecies. The Fish and Wildlife Service has been actively working on a recovery plan for Mexican wolves for the past 15 years.

Red wolves are not represented on this map, but are discussed in section 3 of this testimony.

SUPPLEMENTARY MATERIAL #3.

The figure below, referenced in section 7 of this document, is taken from Ripple et al. 2014, which was published in *Science*. The figure represents a conceptual summary of 12 scientific publications, and is a conceptual representation of what is known about how wolves influence the health of ecosystems.

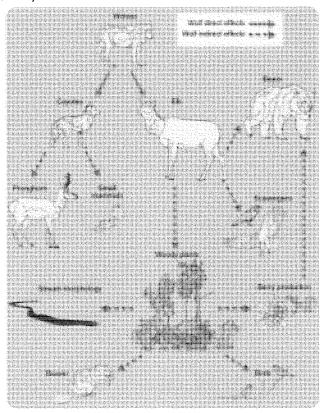


Fig. 4. Conceptual diagram showing direct (solid tines) and indirect (dashed tines) effects of gray wolf reintroduction into the Greater Yellowstone ecosystem. Wolf direct effects have been documented for elk (96) and coyetes (97), whereas ardirect effects have been shown for prosphorum (98), small mammals (99), woody plants (100), stream morphology (34), beaver (55), birds (101), berry production (63), scarenges (53), and bears (56, 63). This is a simplified diagram, and not all species and troophic interactions are shown. For example, the diagram does not address any potential top-down effects of pumes, bears, and golden eagles (Aquila chryscetos), which are all part of the Yellowstone predator guild where screenile or adult elk are prey.

Senator Inhofe. Thank you, Mr. Vucetich.

Our Chairman will be coming back, Senator Barrasso. He is voting right now, and as soon as he gets back I am going to run and

vote, so I am going to kill some time while we are waiting.

Let me ask you a couple questions. First of all, confession is good for the soul, Dale. I didn't chew out, because I never do that, but I admonished my staff because they didn't let me introduce you. I always thought you were from Oklahoma. Then she looked it up,

and you are not; you are from Tennessee; is that right?

Well, anyway, you have come. This Partnership Act has really been great, and during the last couple administrations we have been able to successfully—in fact, when you were Director, you came out to Oklahoma; you talked to the landowners out there in western Oklahoma on our farmlands, our ranch lands. Somehow there is this notion that the landowners and the sportsmen somehow don't care that much about the land, about preserving it, about the environmental benefits, and we find this to be completely wrong.

In fact, when you were out there, and Dan Ashe, I think it was, found the same thing, and the Government had learned from them how to preserve and take care of the conservation concerns and all

that. Has that been your experience?

Mr. Hall. Yes, sir, it sure has. In my 40 years or so working in conservation, and at least 30 of those directly with people that own the land, we need to understand something that is very basic. In this country, 65 to 70 percent of all fish and wildlife habitat is in private ownership, and it is there because they care. It is there because they have been good land stewards and because they have wanted to have as much diversity and health on their lands as possible.

And I have never found a farmer or a rancher or a forest owner, or anyone else, that didn't truly love the land, and I think it is really unfortunate that anyone would make disparaging remarks such as these landowners don't care. That is simply not the truth. They do care, and they are America's first and foremost stewards of the resource.

Senator INHOFE. Well, you know, I have heard that statement,

and that is very disturbing.

Ms. Coble, do you generally agree with that, that the landowners and sportsmen are first in line in trying to preserve the conservation?

Ms. Coble. Yes, very much so. Our experience in working with farmers across the watershed have been that they are very open and willing and able to make improvements on their land and take care of it. As I mentioned in my testimony, we look at these land-owners as the first conservationists, and it is a very strong ethic that we find throughout the watershed.

Senator Inhofe. And I would say also, in your particular job, you depend on landowners, on the private sector to provide a lot of the funding and a lot of the resources necessary to have that conservation

Ms. COBLE. The funding for the Bay restoration comes from many sources, and private landowners are one of those, yes.

Senator Inhofe. Sure.

Do you agree with that, Mr. Crow? How are things in Arkansas? Mr. Crow. Yes, sir. In Arkansas, 90 percent of our land is privately owned. We feel a tremendous responsibility to those landowners to help them understand how they play a role in conservation and marking the state of the state o

tion and working with them.

One particular example that we have right now is our quail restoration effort. We are reaching out to landowners all across the State to develop some focal areas to restore our quail habitat back to its former glory. So we are getting a lot of support for that, and I am really encouraged, as we visit with landowners, the level of interest that they have, whether hunters or not, in participating in conservation.

Senator Inhofe. Oklahoma and Arkansas, we are about half-hog in Oklahoma, and I have to tell you that while I am very familiar—three of my kids graduated from Arkansas, so we are very familiar with it—with the ducks and the geese particularly. However, we compete on almost an even basis in the north central part of Oklahoma. As you know, we have flyways there that are almost unmatched. But generally speaking, they are the ones that really do want to have all the pristine and protection of the economy.

How about in Wyoming?

Mr. NESVIK. Well, thank you, Senator. Wyoming is very similar to what some of the other witnesses have testified to here. About 50 percent of our State is private land. Simply put, we would not enjoy the abundance nor the diversity of wildlife species that we have in our State without private lands, and many times those private lands are some of the most productive lands and are oftentimes used by wildlife.

And I guess, second, the second part of your question with regards to sportsmen, that is one of the values that we really value in Wyoming. Oftentimes, our best conservation efforts come as a consequence of sportsmen and landowners and others that love wildlife coming together to try to develop these projects, and nearly every single provision in this bill has some component of it that requires partnerships with private landowners and sportsmen.

Senator INHOFE. And you know, of course, Senator Barrasso being the Chairman of this Committee, he has been very interested and the prime mover of this bill, which, by the way, we had some kind of a goof up because I was to be one of the original cosponsors,

too. And he has now returned, so I am going to go vote.

Senator Barrasso, welcome back.

Senator Barrasso [presiding]. Well, thank you very much, Chairman Inhofe, for your continued incredible leadership of this Committee.

As I mentioned to the others, there will be people coming in and out, but I would like to start, if I could, Brian, with you with questioning.

Could you just talk about how important it is in terms of outdoor recreation for the State of Wyoming in terms of our economy, and then will this HELP for Wildlife Act improve these opportunities?

Mr. Nesvik. Well, thank you, Mr. Chairman. The short answer to your question is absolutely. As you and many of the esteemed members of this panel here today are well aware, habitat is the lifeblood of wildlife and also wide open spaces which provide oppor-

tunities for a variety of different outdoor activities like fishing, camping, outdoor photography, hiking, horseback riding, boating, hunting, wildlife viewing.

All of these activities—and there are many, many others—are a major part of our State's economy; they work symbiotically with the economy and are very important with regards to the provisions

dealing with shooting ranges.

In our State, as I think you are well aware, Governor Matt Mead has made providing shooting opportunities for all of its citizens a high priority. He strongly believes that outdoor activities connect people with the outdoors, and that is important, and that is an important part of our values and our culture in our State. So the provisions in this bill that encourage partnership with Federal land management agencies is very much in alignment with our economy and also with our culture.

With regard to the provisions on allowing States to make decisions on the use of lead tackle, that is another very important component of our State's recreation and economy. Fishing is a big part of what a lot of our folks spend their extra time doing, so having that ability is also important.

Then, last, I think the regulatory certainty that comes with the provisions on the migratory bird baiting is another component that is helpful for both landowners, farmers, and also hunters, alike.

Senator Barrasso. Thank you.

Mr. Hall, the HELP for Wildlife Act extends the authorization of appropriations for the North American Wetlands Conservation Act for 5 years. Your written testimony talks about the projects you mentioned in Wyoming that have been funded by the Act. You mentioned the protection of ocean lake wetlands in Wyoming, a \$75,000 grant. I think you stated it "provides important habitat to a variety of migratory birds, including several species of waterfowl, shorebirds, many other wetland-dependent species."

Could you provide more examples as to how the North American Wetland Conservation Act has been used to enhance wildlife habi-

tat in other States?

Mr. Hall. Thank you, Mr. Chairman. I welcome that question because many people believe, unfortunately, that the North American Wetlands Conservation Act is the North American Waterfowl Conservation Act. It is the North American Wetlands Conservation Act. And when we do a project, and we do it at Ducks Unlimited alone, we average about 500 projects a year of one form or another. And by the Fish and Wildlife Service's estimate, those projects, each one benefits up to 900 species.

I want to say that again. Between 700 and 900 species are benefited by these wetlands projects because, first of all, all wildlife needs water. So, if nothing else, it is a watering place for many of these. But these wetlands create the whole ecosystem, the food chain all the way from the micro invertebrates up through the top

predators.

So throughout the nation these kinds of projects are benefiting all the people. They purify water; they help to hold back flood damage by storing water. Along the coastlines wetlands are known to—if a hurricane is traveling over emergent marsh, for every 2.7 miles

that it travels over emergent marsh, the storm surge is reduced by 1 foot.

There are many, many benefits that come from creating these wetlands projects.

Senator BARRASSO. Thank you.

Mr. Nesvik, May 1st, 2017, U.S. Fish and Wildlife issued a final ruling, again delisting the gray wolf in Wyoming under the Endangered Species Act pursuant to a mandate by the U.S. Court of Appeals for the District of Columbia. This puts the management of the gray wolf where it should have been all along, under the control of Wyoming, not Washington.

In the words of the U.S. Fish and Wildlife Service, "The Court's decision recognizes the recovered status of gray wolves and affirms the Service's determination that the State's regulatory mechanisms

are sufficient for conserving wolves under its authority."

Talk about what kind of actions you are going to take to protect the gray wolves in Wyoming under your authority and to maintain adequate numbers needed to maintain that healthy population.

Mr. Nesvik. Certainly, Mr. Chairman. Excellent question. I will start by just saying very simply implementation of Wyoming's wolf management plan is the short answer to your question. Our Governor, our elected legislature, our Wyoming Game and Fish Commission, all of our elected leaders in the State and appointed leaders have pledged support and commitment to manage for healthy and viable populations of wolves in our State into the future.

As I have stated in my testimony, during those brief 2 years when we did have the opportunity to manage wolves, we did it with a tremendous track record; we did it informed by science in an adaptive manner and with the public involved, the public for whose wildlife we manage as participants. Specifically, our plan calls for management of wolves and the number of breeding pairs above the minimum requirements of the Fish and Wildlife Service; it requires an adaptive approach, meaning that as the science changes, conditions on the ground change, so does the management; it requires focused monitoring through the use of telemetry collars and classification flights. When Wyoming had this authority before, we collared over 70 wolves to make sure that we were very closely monitoring the status of the population.

Our plan requires the monitoring of genetic interchange; it requires us to provide and facilitate a zone, a flex zone where wolves can move back and forth between subpopulations; it calls for tightly regulated hunting seasons; it requires, just like we do with every other species, to provide law enforcement and to ensure that these regulations related to wolf management are enforced; and it also requires citizen involvement.

So I think with all of those things, proven track record, commitments by elected leaders, I think demonstrates clearly that we are ready again, for the third time, to take over wolf management and do an excellent job at it.

Senator BARRASSO. Thank you.

Senator Boozman.

Senator BOOZMAN. Thank you, Mr. Chairman.

Director Crow, under the Migratory Bird Treaty Act, there are substantial fines for those who bait and hunt migratory birds over presently undefined baited areas. The problem is that farming practices carried out to produce a marketable crop in Arkansas, and recommended by the applicable State agency under the Department of Agriculture, are often in conflict with the baiting prohibition.

As head of the Arkansas State wildlife agency, can you provide this Committee with your observations on the confusion that has resulted from the contradiction? Do you believe section 3 of the HELP for Wildlife Act would resolve this situation? Also, it is not only the farmers, but it is the hunters that certainly don't want to put their reputation on the line, their freedom. So, again, could you comment on that?

Mr. CROW. Yes, sir, Senator Boozman. We actually had a situation in 2012, we had a drought that resulted in an early harvest of a lot of our rice crops, and then an early summer rain that produced kind of an unintended ratoon rice crop. Our local cooperative extension service advised our producers to either roll or plow those crops and to return those nutrients to the soil, which would clearly fall within the parameters of normal agricultural practice. However, the interpretation from the Fish and Wildlife Service maintained that those fields would be baited and that hunters would not be allowed to hunt waterfowl over them.

This created a lot of confusion, and it caused a lot of difficulties for our producers and our farmers. I do believe that section 3 will be very helpful in terms of consistency and clarification for our hunters and for our producers and landowners. I think the biggest component of that is the local input; it is the consideration, what is the normal agricultural practice being pushed out at that State level, and I think that would be very helpful not only for our producers, but for our hunters.

Senator BOOZMAN. In your testimony, one of the things that you highlighted was the importance of enhanced State level coordination between USDA and the cooperative extension service and State agencies. Why do you feel that enhanced State level coordination is so important when defining normal agricultural practices?

Mr. Crow. I believe that it is critically important because it is not a one size fits all type of determination. I mean, what is normal practice in McCurtain County, Oklahoma may not be the same as in Lee County, Arkansas, or Bossier Parish, Louisiana. There is a divergence of practices that are conducted at the local level.

Hunting and fishing is a regulated activity, and there are a lot of regulations, and I think it is incumbent upon conservation organizations to make sure that those that have regulatory responsibilities to make sure that those regulations are not confusing, they are not difficult for our hunters to understand, or for our producers or for landowners.

These are potential barriers for participation in hunting activities, and I think at a time in our nation when we struggle to encourage people to participate in conservation through hunting, that ambiguous and difficult regulations can be a barrier to that. So I think it is extremely important.

Senator BOOZMAN. Let's talk a little bit about NAWCA. Currently, Arkansas has 17 completed or underway projects. Our State has been able to use \$11.7 million in NAWCA funding, along with

another \$41.7 million in partner contributions, to conserve a total of 77,089 acres of wildlife habitat. Would Arkansas be able to con-

serve that much wildlife without the NAWCA program?

Mr. CROW. No, sir. There would be no way that we could maintain that level of work absent the assistance that comes to us through the NAWCA program. The beauty of this program is it is private landowner friendly, it is non-regulatory, and it is an incen-

tive based program.

I think it is interesting to note, and worthy to note, that the contribution, the in kind contributions almost triple, through whether it be our agency or organizations like Ducks Unlimited that contribute to these programs is absolutely essential for what we are doing in wetland conservation to have this program.

Senator BOOZMAN. So really great public-private partnerships.

Mr. Crow. Absolutely.

Senator BOOZMAN. Very good. Thank you, Mr. Chairman. Senator Barrasso. Thank you.

Senator Inhofe.

Senator Inhofe. Thank you. I know I asked quite a few questions while we were waiting for our Chairman to get back from vot-

ing, but I have a couple more.

By the way, in your absence, I told Mr. Crow about our competition between Arkansas and Oklahoma in our hunting and fishing wildlife, and what I was starting to say when Senator Barrasso came back in, after I was praising him for what he has done with this bill, I just said they also have another Senator there, and he is really big into fish and wildlife. In fact, the criticism that we get from his staff is that he goes off to commitments around the State, he keeps his fly rod in his trunk, and if he gets over a stream, he will stop there and fish for 2 or 3 hours and completely miss his meeting. So he is another one who is interested in this.

I had just a couple questions.

Mr. Vucetich, you had made a couple comments. One was that fewer Americans are hunting now. I don't know where you get that. Was Oklahoma included in that study?

Mr. Vucetich. No, this is understood to occur throughout the nation, and in particular in the Midwest, where my comments were mostly focused on. But I don't believe there is much dispute about the notion that participation in hunting is generally on the decline.

Senator Inhofe. Come to Oklahoma; you may find that is not the case.

You did make a statement, talking about the wolf, that they are not treated fairly and with respect. I was writing down what you

I would like to kind of get another view on that, if you would have one, Mr. Nesvik.

Mr. Nesvik. Thank you, Senator. I guess I would respectfully disagree with that statement. I don't believe that that is the case. Certainly, in my State and in my workings with other States in the West, I don't believe that that is the case. I think that the management plans and the attitudes and the participation by sportsmen in the past have reflected this is just another opportunity for another species.

We are very fortunate to have a diversity and abundance of species in our State. It is another species of wildlife that people have an opportunity to participate in their management, whether that be through active management or through being able to have wild-life viewing opportunities. So I don't agree with that statement.

Senator INHOFE. All right, well, those are the only two questions

I had.

Senator Barrasso. Thank you, Senator Inhofe.

Senator Carper.

Senator CARPER. Again, we appreciate your presence, your testimony, and your willingness to respond to our questions. There are a number of other committees that are meeting right now, and I think there are probably hearings that maybe normally would be in the afternoon have been moved to the morning. So don't view the presence or the absence of members here as not caring a great deal about these issues.

I think, Mr. Crow, I heard during the introduction or your comments, I think the Marine Corps was mentioned. Is that true?

Mr. Crow. Yes, sir, that is correct.

Senator CARPER. And your name was linked to the term Marine Corps. What is the connection, sergeant major?

Mr. Crow. I am sorry?

Senator CARPER. What is the connection with you and the Marine Corps?

Mr. Crow. I retired from the Marine Corps in 2007.

Senator CARPER. And I just want to thank you.

Mr. CROW. Yes, sir.

Senator CARPER. And say semper fi.

Mr. CROW. Thank you, as well.

Senator Carper. OK, Navy salutes Marine Corps. Different uniforms, same team.

Let me just start with John Vucetich. Does anyone ever mispronounce your name?

Mr. VUCETICH. I am pretty easy about how it is pronounced, so, no.

Senator CARPER. I expect a lot of people call you John.

Mr. VUCETICH. Yes.

Senator CARPER. We have heard today that some stakeholders and wildlife managers are frustrated with the lengthy process associated with recovering and delisting the gray wolf. In your view, is the process too long? And do you think that a longer road to recovery within the bounds of the Endangered Species Act might be ap-

propriate?

Mr. VUCETICH. When we think about how long it has taken to come this far with wolves, over the last 15 years they have been kind of center stage, especially for the Fish and Wildlife Service, I think it is important to keep in mind two issues. One is that wolves are symbols of nature for many Americans; they are symbols of all of the things that many of us love about nature, and they are symbols for all the things that many of us hate about nature. So what that means is that when we have conversations about wolves, we are having conversations about our relationship with nature on the whole.

Sometimes that is infused with a distracting amount of emotion. Nevertheless, they are a proxy for our attitudes overall. That, I think, demands that we be cautious and take the time necessary to go through this, because our understanding of our relationship with nature is not something that we will just settle on some day and be done discussing; it is an ongoing sort of thing.

To be a little bit more specific, many of the issues pertaining to wolves in the Endangered Species Act has to do with the legal aspect of the definition of significant portion of range. Without going into the legal details of it, what it amounts to is that we, as an American people, still don't know what it means to be an endangered species.

How much does a species have to be impaired by us humans for us to say that is no longer good enough? That is what is at the heart of the issue about wolves with the Endangered Species Act. It is an extremely basic question that affects our understanding of the Endangered Species Act overall. It is a very difficult question.

Fish and Wildlife Service has had a very hard time trying to answer it, in part because it is a hard question. What I think they need from Congress is encouragement and leadership on answering it. And when delisting riders, like the one we are speaking about today, are accompanied with a bill that doesn't help the Fish and Wildlife Service focus on solving the problem, it kind of gets them off the hook.

Senator CARPER. Good. Thank you.

A question for Kim Coble. We applaud your efforts and those of others who have worked with you to facilitate and support the restoration of the Chesapeake Bay to good health, but would we be able to restore, protect, preserve the Bay if the Chesapeake Bay program did not exist? Specifically, would the Bayside States of Maryland and Virginia be able to entice more distant States like Delaware, like Pennsylvania, like West Virginia and New York to reduce the flow of pollutants from their States and otherwise help them to protect the Chesapeake from upstream threats?

Ms. COBLE. Thank you, Senator Carper. No. The Federal partnership is critical to the Bay restoration effort, and that has been borne out over decades of work. When you have six States, you have DC, you have many different governments, different funding programs, different perspective, different politics. To have an umbrella of the Federal partnership allows for better coordination, it allows for better dialogue, it allows for better science, and it allows

for a better outcome for the whole effort.

Senator Carper. All right. I think you may have begun to answer this question, but how does this program, the Chesapeake Bay program, overcome the difficulties that downstream States

have in working with their upstream counterparts?

Ms. Coble. It is an interesting question about the relationship of downstream versus upstream, because we are all part of the watershed. So New York is the furthest State upstream than Pennsylvania. Each State has a role to play in the Bay clean up in that all their rivers and streams that feed it are part of it. So when Pennsylvania invests dollars and effort to improve their own water quality, they are also improving the health of the Bay.

Now, Maryland and Virginia, being the downstream States, obviously want to ensure that Pennsylvania does everything it can, and this is again where the Federal partnership becomes key. Virginia and Maryland can work much more closely in assuring Pennsylvania has resources it needs, has the political will it needs to get the job done because the Federal partners are at the table as well.

Senator CARPER. OK, thanks so much. Senator BARRASSO. Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman. I appreciate that the Committee is holding this hearing to scrutinize the HELP for Wildlife Act. While this bill includes several important beneficial conservation provisions that I support, I am concerned about other parts of the bill that would have some very negative impacts on the Endangered Species Act and the regulation of toxic chemicals. I am concerned that the TSCA provision in section 9 of this bill is a solution in search of a problem that would tie the hands of the EPA from ever regulating the components of sports fishing equipment.

This provision is unnecessary and does nothing to change the status quo for recreational fishermen. The EPA is not currently seeking to regulate sports fishing equipment under TSCA at the Federal level. However, it would be shortsighted for us to prevent future TSCA regulation permanently should the science warrant a

change in the future.

I am also concerned that this bill would legislate a delisting of gray wolves from the Endangered Species Act and prevent judicial review. Listing decisions should be based on science, and not politics.

On that topic, I would like to ask the witnesses a few questions. Mr. Nesvik, you have raised concerns about livestock populations that have been impacted, wolf depredation. On average, how many cattle and sheep are killed by wolves each year in Wyoming?

Mr. NESVIK. Thank you, Senator. The number of cattle and sheep that are killed annually that is attributed to wolf depredation fluctuates widely. Last year was a record year, and I can get back to you with specific numbers, but I can tell you it was in the hundreds, over 200 cattle that were attributed to wolf depredations.

Senator GILLIBRAND. And how does that number compare to

other predators like coyotes, mountain lions, and bears?

Mr. NESVIK. So in Wyoming we also investigate and compensate landowners who have damages that are a consequence of grizzly bears, mountain lions, and black bears. And in total, of all of the different species that cause damage across our State, not only to cattle or sheep, but also to standing crops or to agricultural operations, wolves account for about 37 percent of that total amount of damage to livestock producers and also farmers.

Senator GILLIBRAND. Dr. Vucetich, is wolf delisting necessary to protect livestock from wolf attacks, and are there effective methods for protecting livestock that can be used by farmers, ranchers, and

government agencies today?

Mr. VUCETICH. Yes, there are effective methods for protecting livestock. They include non-lethal control, there would be some instances where lethal control is appropriate, and also for financial compensation for these losses are appropriate.

Senator GILLIBRAND. For Ms. Coble, as you know, New York State is part of the Chesapeake Bay watershed, and New York State receives approximately \$2.7 million through the Chesapeake Bay Watershed Program for conservation projects. What types of projects are funded in New York to conserve the Chesapeake Bay, and is there more that can be done to help New York meet its con-

servation goals for the Chesapeake Bay?

Ms. Coble. Thank you, Senator. Generally speaking, New York is one of the six States that feed into the Chesapeake Bay watershed and therefore have goals to reduce the pollution coming down the Susquehanna from New York. The resources for New York, I can get you the specifics from it, but there are pollution reducing programs specifically for agricultural purposes, agricultural farms, as well as for stormwater runoff. So I don't have the dollar figures right handy.

Senator GILLIBRAND. Will you submit that for the record?

Ms. Coble. Yes, ma'am.

Senator GILLIBRAND. Thank you all for being here today, and thank you for testifying.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you so very much, Senator Gillibrand. Senator Booker.

Senator BOOKER. Thank you, Mr. Chairman.

Some of my comments want to pick up where Senator Gillibrand was, but as we consider this bill, what is astonishing to me is that we just have to acknowledge that we are in the midst of a global extinction crisis on the planet Earth of stunning proportion. It is estimated that we have now lost more than half of all wildlife on the planet Earth in the last five decades, and the fact that we are not talking about this in the context of the severity of this mass extinction that we are under right now is chilling to me. This should be an issue for Congress, and it should be an issue for public.

One in six species on the planet Earth are threatened with extinction in this century alone, and that is why the Endangered Species act, which has saved 99 percent of the wildlife under its protection from extinction, is such an incredibly important law, and it is why the ESA decisions must be based on science, without interference from Congress.

So, Mr. Vucetich, I just want to focus some questions on you, if I may, in follow up to Senator Gillibrand.

So section 7 of the bill that we are discussing would delist gray wolves in the western Lakes for endangered species, and you know, obviously, in 2014 the District Court here in Washington struck down the exact same efforts to delist the wolves. As you know, wolves in the United States currently inhabit only 15 percent of their historic range. So we have savagely—by 85 percent—cut their range.

You specifically have written a lot of the scholarly literature on the Endangered Species Act, so, based on your expertise, can you just explain whether the western Great Lakes wolves have met the

ESA's requirements for delisting?

Mr. Vucetich. No, they haven't, and the main reason is because, as you mentioned, wolves in the lower 48 have only been recovered to 15 percent of their former range, and the Endangered Species Act uses language that is shrouded in this phase "significant portion of range."

What the courts have indicated in about a dozen court cases over about a 10-year period is that that phrase means that the Endangered Species Act says that recovery requires the species be rel-

atively widely distributed throughout its former range.

There are some difficulties and challenges in understanding exactly what "widely distributed" means, but there doesn't seem to be much dispute that 15 percent doesn't qualify. That is what the great concern is with these court cases. That is why every time the Fish and Wildlife Service proposes to delist under our meager conditions for wolves, the courts have struck them down, because it violates that particular principle of the Endangered Species Act.

Senator BOOKER. Thank you very much. And we do know the data about the damage to livestock. This is not an issue at question. Right now, less than one-half of 1 percent of livestock losses are attributable to wolves. Less than one-half of 1 percent. Concerns, nevertheless, have been raised about their negative economic

impacts.

Is there a way to think about the economic impacts of wolves that considers the broader ecological benefits that wolves provide

and the sort of cost-benefit analysis?

Mr. VUCETICH. Yes, yes, absolutely. As you mentioned, there is a great deal of focus on the negative impact of wolves economically, and it is mostly focused on livestock. To cite two particular examples, in Wisconsin and Minnesota, they spend in the neighborhood of \$150,000 or \$200,000 a year compensating for that. Those losses absolutely need to be weighed against the benefit of wolves. And I am talking about relatively hard core economic benefits.

One of the great troubles in the Great Lakes are over-abundant deer populations. Over-abundant deer are damaging to forestry. In particular, when there are too many deer, hemlock can't grow, white pine can't grow, several other species. If wolves are allowed to do what they do, they would better over-abundant deer populations and it would give a very different impression of the economic cost.

There is also a human life issue, too, because, again, about a dozen people are killed a year in each of these States when their cars hit deer. So there is a sense of maybe putting human life in front of livestock, if you would expand it that way.

Senator BOOKER. Absolutely. So just in a sheer balance sheet analysis to taxpayers around the United States of America, the

ESA makes economic sense.

But let's continue for a second. If the bill written becomes law, Great Lakes wolves would lose all of their Federal protections, and management of wolves would be turned over to the States. Between 2012 and 2014 Great Lakes wolves enjoyed those protections. But during the time State wildlife managers permitted some incredibly cruel methods to kill hundreds of wolves, and these include savage cable neck snares; steel jawed leg hold traps, which affect other wildlife, even our pets, these savage things that I have worked in a bipartisan way to try to ban from our national wildlife refuges; pack trailing of hounds.

So, in your opinion, do you think these methods are considered

as "fair chase" wolf hunting methods?

Mr. VUCETICH. No, they are not fair. One of the things that I think is important about wildlife management, about hunting programs in particular, is that we don't just simply hunt things; we hunt things for a reason, and the reason has to be a good reason, and then the methods have to be appropriate along with that. And there is pretty good reason to think that a lot of wolf hunting is motivated by hatred for wolves, and never in our American hunting heritage have we ever hunted something because we hated it. This is the first time in our history that we have decided to do that.

The other thing, just one more example, again, the example in Michigan, the plan for hunting wolves was all focused on reducing livestock depredations. It is important to reduce livestock depredations, but hunting is an absolutely silly way to do it; it doesn't make any sense with the science. So, once again we are hunting and killing wolves for reasons that doesn't make sense, and in that

sense it is not fair or respectful to wolves.

Senator BOOKER. I am just going to push one final question. Arguments in favor of wolf conservation tend to focus exclusively on the benefits that wolves provide to humans, and whether those benefits outweigh any negative impacts on us. This strikes me as sort of a limited view. So much of this analysis is done on a limited view, including that economic analysis we mentioned before.

So my final question is, is there a broader perspective that we should be considering when discussing wolf conservation and management that takes into account how residents of the Great Lakes

States and other public folks perceive wolves?

Mr. Vucetich. Absolutely. There is good sociological evidence that indicates something like 80 to 90 percent of Americans say that wildlife have value beyond their economic value and beyond any value to humans. In other words, 80 to 90 percent of Americans believe that wildlife, including wolves, have value for its own sake. This is across demographic categories; men, women, wealthy people, middle class people, liberals, conservatives. It is a very, very widespread belief.

When you believe that something has value in its own right, that is the trigger for saying that it needs to be treated fairly and with respect, and I cited just a moment ago some important examples

how wolves are not treated that way.

Senator BOOKER. Sir, thank you very much for your testimony, even though you have an over-abundance of hair.

Mr. Chairman, can I, for the record—

Senator Barrasso. Be added as a cosponsor, did you say?

[Laughter.]

Senator BOOKER. Cosponsor of the requirement that all witnesses shave their heads, I would be very happy for that. This guy makes me feel really insecure.

Mr. VUCETICH. We can find a compromise, maybe.

Senator BOOKER. OK. We can meet midway.

But there is a book that I did with my Booker Book Club, sir, which I think you might be a member of, I am not sure. We did a book called The Sixth Extinction by Elizabeth Kolbert. It is a devastating book that talks about the mass extinction going on in

the United States of America. May I enter that book into the record?

Senator Barrasso. Without objection.

Senator BOOKER. Thank you very much.

Senator Barrasso. Thank you.

[The referenced information is available in Committee files.]

Senator Barrasso. Mr. Nesvik, you know what is interesting? In your written testimony you discuss the North American Wetlands Conservation Act, the reauthorization that is in this HELP for Wildlife Act, and you make a point that about one-third of all endangered species are wetlands related species. So is it safe to say that reauthorization of this program in this bill is actually going to help protect many endangered species? And can you maybe elaborate on that a little bit on that?

Mr. NESVIK. Absolutely, Mr. Chairman. I think that one of the important tenets of wildlife conservation is the fact that water is absolutely important to all living things on the planet. I think that is understood by most. But healthy wetlands are an indicator of overall ecosystem health, and Mr. Hall did an excellent job of talking about some of the details that really give rise to that analysis and that conclusion.

There are, as I stated in my testimony and as you just reiterated, a wide, wide range of endangered species that are what we call wetland obligates, species like the Kendall Warm Springs dace. That is a species that is only found in one particular spot in the Upper Green River Basin of Wyoming, and that is where we conducted a \$1 million NAWCA project, specifically in that particular area.

The Wyoming toad is another wetland obligate endangered species that relies heavily on wetlands, to name a couple Wyoming species.

Other species include the whooping crane, the southwestern willow flycatcher, piping plover, least tern, Yuma clapper rail in the southwest, the desert pupfish. I bet you have never heard of that one, Mr. Chairman. And a variety of plants as well, just to name a very few.

Senator Barrasso. Great. Thank you very much.

Senator Cardin.

Senator CARDIN. Mr. Chairman, first of all, thank you for keeping the hearing open, as I was tardy getting back from the floor. I appreciate that. I very much appreciate your leadership on this bill, as I said as I was introducing Kim Coble.

This bill is important for many reasons, and I appreciate each of the witnesses' testimony as to various parts of it. I am obviously very much interested in the impact that this legislation has on the Chesapeake Bay, and I say that because we have heard from the OMB director that it is important to have authorized programs, Mr. Chairman. I agree with that. We are the authorizing Committee. It is important for us to speak.

And we have been funding the Chesapeake Bay effort with that authorization for many, many years, and under the Chairman's leadership we now have the opportunity to have an authorized program, which gives it a much stronger standing. It has had strong

standing in Congress; it has been supported in Congress. But hav-

ing authorization puts it in a much stronger position.

We have also had challenges, and this is not alone, in regards to attacks on continuation of the funding of the program. And this puts us in a much stronger position when you have an authorization.

What was particularly important—and Kim, you have commented about this—the Chesapeake Bay program is a modest program as far as Federal funds, \$73 million. It is a relatively small amount of the total resources that goes into cleaning up the Chesapeake Bay. The largest amount of resources, by the way, come from local governments, State governments, more so than the Federal Government, just so we understand that the taxpayer support is more local than it is Federal. And we take pride in that.

But the Federal partnerships are very important, and the Chesapeake Bay program provides the glue, as Kim testified, to make sure that we are living up to everyone's obligations. It really keeps all the stakeholders focused that there is an overseer that makes sure that we do what we say we are going to do, and that provides the operations and the grants to make sure that that in fact takes

place.

There are many parts to the Chesapeake Bay program. Several are included in this legislation. We have already talked about the National Fish and Wildlife Foundation; we have talked about the National Fish Habitat partnership, the National American Wetlands Conservation Act, the Chesapeake Bay Gateways and Watertrails Network and Grant programs, all those feed in to the support of the Chesapeake Bay. And I could mention the Revolving Fund for wastewater and clean water, which very much fits into it. I could mention the farm bill with the Regional Conservation Partnership Program.

So there are a lot of pieces that fit into the Chesapeake Bay, and I say that because it is the largest estuary in our hemisphere; it has been declared by Presidents as a national treasure. Kim mentioned the number of species that are included in the Bay, the economic impact of the Bay, the quality of life, the iconic nature, that so many people live in the watershed. Why? Because they love the Chesapeake Bay, and it grows every year, presenting additional

challenges.

So today's hearing on many parts of the Chesapeake Bay program is really a very, very important ingredient on the continued efforts that have been made now for close to 40 years, going back to Harry Hughes as Governor of Maryland when I was in the State legislature.

So, Kim, I just want to give you one last chance to sort of comment as to the importance of the Chesapeake Bay program itself, that \$73 million that is currently being appropriated and which here is authorized at \$90 million, how important that is to the overall effort.

Ms. COBLE. Thank you, Senator Cardin, and also, thank you for your leadership for decades on the Bay. I am not sure we would be where we are today without you, so thank you.

Senator CARDIN. I just would point out Senator Mathias started the efforts, the great Republican Senator from Maryland; Senator Sarbanes continued that effort, and I have his seat. Of course, my colleague, Senator Mikulski, has been a great champion; and on the other side of the aisle John Sarbanes has been one of our great

leaders. But I thank you for those comments.

Ms. Coble. Probably the best point I can make regarding this is to actually talk about the health of the Bay, and what we have seen is that it is recovering. I never really thought that, really, in my career I would see the improvement in water quality, the improvement in habitat, and the improvement in the industries that are supported by it that we have seen over the last couple of years. Underwater grasses are rebounding; the famous blue crab is coming back; oysters are doing better; striped bass are coming back.

Every other year we do a State of the Bay Report where we give numeric indicators. We gave the highest rating to the health of the Bay this last year that we have ever give, at 34, and it is very exciting to see that this Chesapeake Bay program, the Bay Agreement that is governing the clean up and the restoration of our

land, is working.

It is a true sign of success, and it is a model, I think, for across the country. It will not work without Federal leadership. It will not work without the Chesapeake Bay program and the other programs in this bill. And as you said, Senator Cardin, it is a modest amount, but it is a critical amount. That oversight and umbrella is the glue that holds the whole thing together. So it is with great support for those programs in this bill that we are here to testify in support of it.

Senator CARDIN. Mr. Chairman, let me say in conclusion I also want to mention support for the neotropical bird, which includes, as I am sure the Chairman knows, the Baltimore Oriole, which is a neotropical bird. And we love the Baltimore Orioles, and they

won last night, Mr. Carper, 12 to 1. Just want you to know.

Senator Barrasso. Let the record reflect. We would also like to introduce for the record, ask unanimous consent for a number of different submissions of articles, letters, and testimonies in support of the legislation. Without objection.

Thank you.

[The referenced information appears earlier in the printed hearing.]

Senator Barrasso. Senator Carper.

Senator Carper. As Senator Cardin prepares to leave, let me just point out I am just grateful that his moment for victory on behalf of his Orioles did not occur at the expense of my Detroit Tigers. To be continued.

Ms. Coble, one thing about your testimony that strikes me is that the far broader purpose of the Chesapeake Bay program to address issues that are also highly relevant in this bill before us, restoration, preservation of critical habitats, notably, wetlands and other fishery and wildlife habitat.

I just want to take maybe a minute, if you will, to elaborate on this broader mission of the program beyond water quality and talk about the partnerships that broader mission entails among Federal agencies, among States, nonprofits and business. Who is involved

in all these issues in all these efforts?

Ms. Coble. Thank you, Senator Carper. Senator CARPER. Briefly, if you would.

Ms. Coble. We have often said what happens on the land has more impact than what is happening in the water, because the Chesapeake Bay watershed landmass is so enormous, 64,000 square miles. The habitat that is within that watershed is integral. All my colleagues at the table here have talked about the importance and interplay between the animals, the species that live in it and the quality of that; the need for that habitat; the bird flyway on the Delmarva peninsula is critical; the wetlands serving it. So all of those habitats are important for our wildlife, important for anglers and sportsmen, and important for water quality.

Senator CARPER. All right, thanks.

I was privileged to be Governor of our State from 1993 to 2001, and it was at a time when I think you said there was a score, if you will, for the restoration of the Bay gave a 34, said it is the best it has been for quite a while. From 1993 to 2001 the prospect was not so encouraging.

One of the things that we found out, what we are doing in Delaware, we raise a lot of chickens in my State, your State too, but in Sussex County, Delaware, we raise more chickens than any

county in America, and they create a lot of chicken manure.

What we were doing is stacking up the chicken manure, cleaning our houses and stacking it up in farm fields, and waiting until somewhere down the line to be able to use it as a fertilizer for the nitrogen and phosphorous content. And the rains would come, wash the nutrients into ditches and creeks and streams, and eventually

rivers and eventually into the Chesapeake Bay.

I remember gathering a lot of farmers in my State together in southern Delaware and some folks from environmental communities, from the Department of Natural Resources, Environmental Control, including the fellow sitting right behind me, Christophe Tulou; he used to be our secretary. We talked about the Golden Rule, and I said to the farmers, how would you feel, how would we feel if folks over in Maryland were somehow polluting whether it is the air or the water that comes over and diminishes our ability to make a living? How would we feel about that? And we all agreed that would not be a good thing.

And we tried to figure out how to actually be guided by the Golden Rule, we know about love thy neighbor. We came up with this Nutrient Management Commission. It was farmer led, and the final result was every farm where they had poultry litter and they spread the nutrients on farm fields, they had to have a nutrient plan and how to do that. They had to be essentially trained to do

that and certified to do that.

And we have had that in place now for almost 20 years, and it has worked. It has worked. Again, it involved the efforts of environmentalists and our regulatory agency in the State, but it was really the farmers, who are and can be some of our best environmentalists, who were right there at the vanguard. And I am very, very proud of what we have accomplished, and at the end of the day, to be a much better neighbor to Maryland, and we have been for a long, long time.

We applaud all of you here today, whether you served in the Army, the Marines or not, we are grateful for your service and sharing your information with us, and I look forward to working with you going forward. Thank you so much.

Senator Barrasso. Thank you so much, Senator Carper.

Just before I bring this to a close, Brian, a quick question or two. My recollection is the introduction of wolves into Yellowstone, Bruce Babbitt, Bill Clinton was President. The number was like 30, and the idea was to get to 100 as a stable number, and we have been there for over 15 years.

My recollection in this Committee, Dan Ashe, who was President Obama's head of Fish and Wildlife, said Wyoming has done everything that we have asked them to do; they are a stable population. And I have read somewhere that the number of wolves that have expanded beyond Yellowstone, where they were "supposed to stay," is now 1,700 in Montana, Idaho, Wyoming. You are seeing them in Oregon, California. Are those roughly the accurate numbers, so the wolves have kind of expanded significantly?

Mr. NESVIK. Mr. Chairman, your numbers are approximate, and they are correct. Idaho hasn't actually done a population estimate in a couple years, but Montana and Wyoming have, and you are exactly right. The wolf population in the northern Rocky Moun-

tains have done quite well and have expanded.

Senator Barrasso. And then take a look at this map. We talk about the traditional area of habitat for the gray wolf, which is in gray. Wasn't it just about most of the United States at one point or another was the traditional habitat for the gray wolf, including all of New York and the northern half of New Jersey? Is this an accurate assessment of what had happened over the time?

Mr. NESVIK. Yes, Mr. Chairman, that is my understanding of kind of the historical occupied habitat of wolves back in pre-settle-

ment.

Senator BARRASSO. So, John, in your written testimony, when you say that wolves inhabit about 15 percent of the historic range, I think this is truly the case, you can see from the chart of all of the places where they were, are you advocating that this return is something that could be feasible?

Mr. VUCETICH. No, I am not advocating for that, nor has anyone else who has worked on this issue of significant portion of range. I think what is disturbing to many folks who are focused on this issue is that 15 percent wouldn't seem, prima facie, to satisfy that notion of, and I am using words a little less technically, kind of widely distributed, or significant portion of range, as the law states. They are concerned that that number doesn't meet the mark.

There is also pretty plain awareness that wolves can do well in other places. Not all of those places, but definitely other places. Places that folks have talked about are the Northeast, Pacific Northwest, the southern Rockies, which is kind of Colorado and northern New Mexico.

And I don't know that here is the place to go into the very fine details about that, but just that there are those places that people have made the case that wolves could do well there. Senator Barrasso. And I think we have tried to reflect that with the green, which, at the bottom, if you could maybe hold this up a little bit, where we say potential habitat.

Mr. VUCETICH. Yes.

Senator BARRASSO. In green. And then currently occupied habitat in the red, and then the gray all of the location.

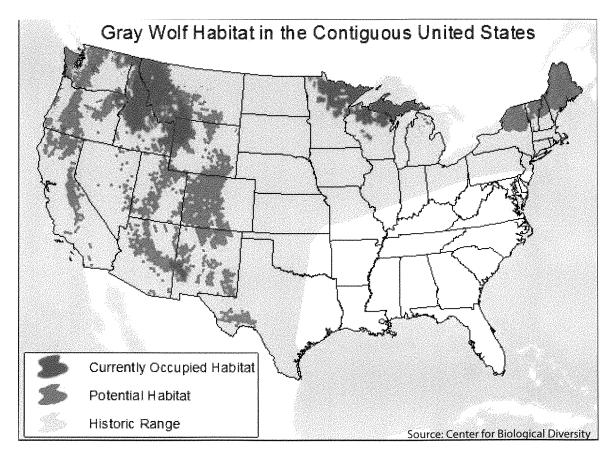
So anything final?

Any final comment, Brian, you would like to make on all of this? Mr. Nesvik. So, Mr. Chairman, I guess the one thing I would conclude with is that our experience in Wyoming has been that gray wolves is a species that does not coexist well with human activity. They require large expanses of undisturbed habitat in order to do well. We have that in Wyoming, and that is where we have focused our wolf management plan, is in those areas where it is both biologically and socially suitable habitat for wolves.

In most of the rest of the State wolves find themselves in conflict very quickly when they expand to those other areas. The areas you highlight on that map are places where there are some larger open expanses, but wolves travel. We have seen wolves travel 25, 30 miles in a day, and wolves eat meat. That is a scientific fact. So it is very difficult to find those large expanses of range where wolves can exist where they don't conflict with livestock operations. But I do believe this, and I will conclude with this, Mr. Chair-

But I do believe this, and I will conclude with this, Mr. Chairman, that we have demonstrated and have fully committed to do both things, mitigate livestock conflicts and also manage for a viable, healthy, and fully recovered wolf population in the State of Wyoming in the future.

[The referenced information follows:]



Senator Barrasso. Well, I want to thank all of you today. Members may submit follow up written questions which may happen for the record. The hearing record will be open for 2 weeks.

I want to thank all the witnesses for your time and testimony today.

The hearing is adjourned.

[Whereupon, at 11:43 a.m. the Committee was adjourned.]

[Additional material submitted for the record follows:]

115TH CONGRESS 1ST SESSION

S. 1514

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2017

Jr. BARRASSO (for himself, Mr. CARDIN, Mr. BOOZMAN, Ms. KLOBUCHAR, MR. Johnson, Mrs. Captro, and Ms. Baldwin) introduced the following bill; which was MQ. EnZi, read twice and referred to the Committee on Environment and Public MR. King

A BILL

To amend certain Acts to reauthorize those Acts and to increase protections for wildlife, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Hunting Heritage and
- 5 Environmental Legacy Preservation for Wildlife Act" or
- 6 the "HELP for Wildlife Act".
- 7 SEC. 2. TARGET PRACTICE AND MARKSMANSHIP.
- 8 (a) PURPOSE. The purpose of this section is to fa
- 9 cilitate the construction and espansion of public target

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1	ranges, including ranges on Federal land managed by the
2	Forest Service and the Bureau of Land Management.
3	(b) Definition of Public Target Range.—In
4	this section, the term "public target range" means a spe-
5	eific location that—
6	(1) is identified by a governmental agency for
7	recreational shooting;
8	(2) is open to the public;
9	(3) may be supervised; and
10	(4) may accommodate archery or rifle, pistol, or
11	shotgun shooting.
12	(c) Amendments to Pittman-Robertson Wild-
13	LIFE RESTORATION ACT.—
14	(1) DEFINITIONS.—Section 2 of the Pittman-
15	Robertson Wildlife Restoration Act (16 U.S.C.
16	669a) is amended—
17	(A) by redesignating paragraphs (2)
18	through (8) as paragraphs (3) through (9), re-
19	spectively; and
20	(B) by inserting after paragraph (1) the
21	following:
22	"(2) the term 'public target range' means a
23	specific location that—
24	"(A) is identified by a governmental agen-
25	cy for recreational shooting;

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1	"(B) is open to the public;
2	"(C) may be supervised; and
3	"(D) may accommodate archery or rifle,
4	pistol, or shotgun shooting;".
5	(2) EXPENDITURES FOR MANAGEMENT OF
6	WILDLIFE AREAS AND RESOURCES.—Section 8(b) of
7	the Pittman-Robertson Wildlife Restoration Act (16
8	U.S.C. 669g(b)) is amended—
9	(A) by striking "(b) Each State" and in-
10	serting the following:
11	"(b) Expenditures for Management of Wild-
12	LIFE AREAS AND RESOURCES.—
13	"(1) IN GENERAL.—Except as provided in para-
14	graph (2), each State";
15	(B) in paragraph (1) (as so designated), in
16	the first sentence, by striking "construction, op-
17	eration," and inserting "operation";
18	(C) in the second sentence, by striking
19	"The non-Federal share" and inserting the fol-
20	lowing:
21	"(3) Non-federal share.—The non-federal
22	share";
23	(D) in the third sentence, by striking "The
24	Secretary" and inserting the following:
25	"(4) REGULATIONS.—The Secretary"; and

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1	(E) by inserting after paragraph (1) (as
2	designated by subparagraph (A)) the following
3	"(2) EXCEPTION.—Notwithstanding the limita-
4	tion described in paragraph (1), a State may pay up
5	to 90 percent of the cost of acquiring land for, ex-
6	panding, or constructing a public target range.".
7	(3) FIREARM AND BOW HUNTER EDUCATION
8	AND SAFETY PROGRAM GRANTS.—Section 10 of the
9	Pittman-Robertson Wildlife Restoration Act (16
0	U.S.C. 669h-1) is amended—
1	(A) in subsection (a), by adding at the end
12	the following:
13	"(3) Allocation of additional amounts.—
4	Of the amount apportioned to a State for any fisca
15	year under section 4(b), the State may elect to allo
16	cate not more than 10 percent, to be combined with
17	the amount apportioned to the State under para
18	graph (1) for that fiscal year, for acquiring land for
19	expanding, or constructing a public target range."
20	(B) by striking subsection (b) and insert
21	ing the following:
22	"(b) Cost Sharing.—
23	"(1) In general.—Except as provided in para
24	graph (2), the Federal share of the cost of any activ

ity carried out using a grant under this section shall

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i	not exceed 75 percent of the total cost of the activ-
2	ity.
3	"(2) Public target range construction or
4	EXPANSION.—The Federal share of the cost of ac-
5	quiring land for, expanding, or constructing a public
6	target range in a State on Federal or non-Federal
7	land pursuant to this section or section 8(b) shall
8	not exceed 90 percent of the cost of the activity.";
9	and
10	(C) in subsection (c)(1)—
11	(i) by striking "Amounts made" and
12	inserting the following:
13	"(A) IN GENERAL.—Except as provided in
14	subparagraph (B), amounts made"; and
15	(ii) by adding at the end the fol-
16	lowing:
17	"(B) EXCEPTION.—Amounts provided for
18	acquiring land for, constructing, or expanding a
19	public target range shall remain available for
20	expenditure and obligation during the 5-fiscal-
21	year period beginning on October 1 of the first
22	fiscal year for which the amounts are made
23	available.".
24	(d) Sense of Congress Regarding Coopera-
25	TION —It is the sense of Congress that consistent with

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1	applicable laws (including regulations), the Chief of the
2	Forest Service and the Director of the Bureau of Land
3	Management should cooperate with State and local au-
4	thorities and other entities to carry out waste removal and
5	other activities on any Federal land used as a public target $% \left(1\right) =\left(1\right) \left(1\right) $
6	range to encourage continued use of that land for target
7	practice or marksmanship training.
8	SEC. 3. BAITING OF MIGRATORY GAME BIRDS.
9	Section 3 of the Migratory Bird Treaty Act (16
10	U.S.C. 704) is amended by striking subsection (b) and in-
11	serting the following:
12	"(b) Prohibition of Baiting.—
13	"(1) Definitions.—In this subsection:
14	"(A) BAITED AREA.—
15	"(i) IN GENERAL.—The term 'baited
16	area' means—
17	"(I) any area on which salt,
18	grain, or other feed has been placed,
19	exposed, deposited, distributed, or
20	scattered, if the salt, grain, or feed
21	could lure or attract migratory game
22	birds; and
23	"(II) in the case of waterfowl,
24	cranes (family Gruidae), and coots
25	(family Rallidae), a standing,

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1	unharvested crop that has been ma-
2	nipulated through activities such as
3	mowing, discing, or rolling, unless the
4	activities are normal agricultural prac-
5	tices.
6	"(ii) EXCLUSIONS.—An area shall not
7	be considered to be a 'baited area' if the
8	area—
9	"(I) has been treated with a nor-
10	mal agricultural practice;
11	"(II) has standing crops that
12	have not been manipulated; or
13	"(III) has standing crops that
14	have been or are flooded.
15	"(B) BAITING.—The term 'baiting' means
16	the direct or indirect placing, exposing, depos-
17	iting, distributing, or scattering of salt, grain,
18	or other feed that could lure or attract migra-
19	tory game birds to, on, or over any areas on
20	which a hunter is attempting to take migratory
21	game birds.
22	"(C) MIGRATORY GAME BIRD.—The term
23	'migratory game bird' means migratory bird
24	species—

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1	"(i) that are within the taxonomic
2	families of Anatidae, Columbidae, Gruidae,
3	Rallidae, and Scolopacidae; and
4	"(ii) for which open seasons are pre-
5	scribed by the Secretary of the Interior.
6	"(D) NORMAL AGRICULTURAL PRAC-
7	TICE.—
8	"(i) IN GENERAL.—The term 'normal
9	agricultural practice' means any practice in
10	1 annual growing season that—
11	"(I) is carried out in order to
12	produce a marketable crop, including
13	planting, harvest, post-harvest, or soil
14	conservation practices; and
15	``(II) is recommended for the
16	successful harvest of a given crop by
17	the applicable State office of the Co-
18	operative Extension System of the De-
19	partment of Agriculture, in consulta-
20	tion with, and if requested, the con-
21	currence of, the head of the applicable
22	State department of fish and wildlife.
23	"(ii) Inclusions.—
24	"(I) IN GENERAL.—Subject to
25	subclause (II), the term 'normal agri-

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1	cultural practice' includes the destruc-
2	tion of a crop in accordance with
3	practices required by the Federal
4	Crop Insurance Corporation for agri-
5	cultural producers to obtain crop in-
6	surance under the Federal Crop In-
7	surance Act (7 U.S.C. 1501 et seq.)
8	on land on which a crop during the
9	current or immediately preceding crop
10	year was not harvestable due to a nat-
11	ural disaster (including any hurricane,
12	storm, tornado, flood, high water,
13	wind-driven water, tidal wave, tsu-
14	nami, earthquake, volcanic eruption,
15	landslide, mudslide, drought, fire,
16	snowstorm, or other catastrophe that
17	is declared a major disaster by the
18	President in accordance with section
19	401 of the Robert T. Stafford Dis-
20 .	aster Relief and Emergency Assist-
21	ance Act (42 U.S.C. 5170)).
22	"(II) LIMITATIONS.—The term
23	'normal agricultural practice' only in-
24	cludes a crop described in subclause
25	(I) that has been destroyed or manip-

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1	ulated through activities that include
2	(but are not limited to) mowing,
3	discing, or rolling if the Federal Crop
4	Insurance Corporation certifies that
5	flooding was not an acceptable method
6	of destruction to obtain crop insur-
7	ance under the Federal Crop Insur-
8	ance Act (7 U.S.C. 1501 et seq.).
9	"(E) WATERFOWL.—The term 'waterfowl'
10	means native species of the family Anatidae.
11	"(2) PROHIBITION.—It shall be unlawful for
12	any person—
13	"(A) to take any migratory game bird by
14	baiting or on or over any baited area, if the
15	person knows or reasonably should know that
16	the area is a baited area; or
17	"(B) to place or direct the placement of
18	bait on or adjacent to an area for the purpose
19	of eausing, inducing, or allowing any person to
20	take or attempt to take any migratory game
21	bird by baiting or on or over the baited area.
22	"(3) REGULATIONS.—The Secretary of the In-
23	terior may promulgate regulations to implement this
24	subsection.

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1	"(4) REPORTS.—Annually, the Secretary of Ag-
2	riculture shall submit to the Secretary of the Inte-
3	rior a report that describes any changes to normal
4	agricultural practices across the range of crops
5	grown by agricultural producers in each region of
6	the United States in which the recommendations are
7	provided to agricultural producers.".
8	SEC. 4. NORTH AMERICAN WETLANDS CONSERVATION ACT.
9	(a) REAL PROPERTY.—Section 6(a)(3) of the North
10	American Wetlands Conservation Act (16 U.S.C.
11	4405(a)(3)) is amended—
12	(1) by striking "(3) in lieu of" and inserting
13	the following:
14	"(3) Provision of funds or conveyance of
15	REAL PROPERTY INTEREST.—
16	"(A) IN GENERAL.—In lieu of";
17	(2) in the second sentence, by striking "The
18	Secretary shall" and inserting the following:
19	"(B) DETERMINATION.—The Secretary
20	shall''; and
21	(3) by striking the third sentence and inserting
22	the following:
23	"(C) REAL PROPERTY.—Any real property
24	interest conveyed under this paragraph shall be

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1	subject to terms and conditions that ensure
2	that
3	"(i) the real property interest will be
4	administered for the long-term conserva-
5	tion and management of the wetland eco-
6	system and the fish and wildlife dependent
7	on that ecosystem;
8	"(ii) the grantor of a real property in-
9	terest has been provided with information
10	relating to all available conservation op-
11	tions, including conservation options that
12	involve the conveyance of a real property
13	interest for a limited period of time; and
14	"(iii) the provision of the information
15	described in clause (ii) has been docu-
16	mented.".
17	(b) AUTHORIZATION OF APPROPRIATIONS.—Section
18	7(e) of the North American Wetlands Conservation Act
19	(16 U.S.C. 4406(e)) is amended—
20	(1) in paragraph (4), by striking "and";
21	(2) in paragraph (5), by striking the period at
22	the end and inserting "; and"; and
23	(3) by adding at the end the following:
24	"(6) \$50,000,000 for each of fiscal years 2018

through 2022.".

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1	SEC. 5. NATIONAL FISH AND WILDLIFE FOUNDATION ES-
2	TABLISHMENT ACT.
3	(a) BOARD OF DIRECTORS OF FOUNDATION.—
4	(1) IN GENERAL.—Section 3 of the National
5	Fish and Wildlife Foundation Establishment Act (16
6	U.S.C. 3702) is amended—
7	(A) in subsection (b)—
8	(i) by striking paragraph (2) and in-
9	serting the following:
10	"(2) IN GENERAL.—After consulting with the
11	Secretary of Commerce and considering the rec-
12	ommendations submitted by the Board, the Sec-
13	retary of the Interior shall appoint 28 Directors
14	who, to the maximum extent practicable, shall
15	"(A) be knowledgeable and experienced in
16	matters relating to the conservation of fish,
17	wildlife, or other natural resources; and
18	"(B) represent a balance of expertise in
19	ocean, coastal, freshwater, and terrestrial re-
20	source conservation."; and
21	(ii) by striking paragraph (3) and in-
22	serting the following:
23	"(3) TERMS.—Each Director (other than a Di-
24	rector described in paragraph (1)) shall be appointed
25	for a term of 6 years."; and
26	(B) in subsection (g)(2)—

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1	(i) in subparagraph (A), by striking
2	"(A) Officers and employees may not be
3	appointed until the Foundation has suffi-
4	cient funds to pay them for their service.
5	Officers" and inserting the following:
6	"(A) IN GENERAL.—Officers"; and
7	(ii) by striking subparagraph (B) and
8	inserting the following:
9	"(B) EXECUTIVE DIRECTOR.—The Foun-
10	dation shall have an Executive Director who
11	shall be—
12	"(i) appointed by, and serve at the di-
13	rection of, the Board as the chief executive
14	officer of the Foundation; and
15	"(ii) knowledgeable and experienced in
16	matters relating to fish and wildlife con-
17	servation.".
18	(2) CONFORMING AMENDMENT.—Section
19	4(a)(1)(B) of the North American Wetlands Con-
20	servation Act (16 U.S.C. 4403(a)(1)(B)) is amended
21	by striking "Secretary of the Board" and inserting
22	"Executive Director of the Board".
23	(b) RIGHTS AND OBLIGATIONS OF FOUNDATION.—
24	Section 4 of the National Fish and Wildlife Foundation
25	Establishment Act (16 U.S.C. 3703) is amended—

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	19
1	(1) in subsection (c)—
2	(A) by striking "(c) Powers.—To carry
3	out its purposes under" and inserting the fol-
4	lowing:
. 5	"(e) Powers.—
6	"(1) In General.—To carry out the purposes
7	described in";
8	(B) by redesignating paragraphs (1)
9	through (11) as subparagraphs (A) through
10	(K), respectively, and indenting appropriately;
11	(C) in subparagraph (D) (as redesignated
12	by subparagraph (B)), by striking "that are in-
13	sured by an agency or instrumentality of the
14	United States" and inserting "at 1 or more fi-
15	nancial institutions that are members of the
16	Federal Deposit Insurance Corporation or the
17	Securities Investment Protection Corporation";
18	(D) in subparagraph (E) (as redesignated
19	by subparagraph (B)), by striking "paragraph
20	(3) or (4)" and inserting "subparagraph (C) or
21	(D)";
22	(E) in subparagraph (J) (as redesignated
23	by subparagraph (B)), by striking "and" at the

end;

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1	(F) by striking subparagraph (K) (as re-
2	designated by subparagraph (B)) and inserting
3	the following:
4	"(K) to receive and administer restitution
5	and community service payments, amounts for
6	mitigation of impacts to natural resources, and
7	other amounts arising from legal, regulatory, or
8	administrative proceedings, subject to the con-
9	dition that the amounts are received or admin-
10	istered for purposes that further the conserva-
11	tion and management of fish, wildlife, plants,
12	and other natural resources; and
13	"(L) to do acts necessary to carry out the
14	purposes of the Foundation."; and
15	(G) by striking the undesignated matter at
16	the end and inserting the following:
17	"(2) Treatment of real property.—
18	"(A) IN GENERAL.—For purposes of this
19	Act, an interest in real property shall be treated
20	as including easements or other rights for pres-
21	ervation, conservation, protection, or enhance-
22	ment by and for the public of natural, scenic,
23	historic, scientific, educational, inspirational, or
24	recreational resources.

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1	"(B) ENCUMBERED REAL PROPERTY.—A
2	gift, devise, or bequest may be accepted by the
3	Foundation even though the gift, devise, or be-
4	quest is encumbered, restricted, or subject to
5	beneficial interests of private persons if any
6	current or future interest in the gift, devise, or
7	bequest is for the benefit of the Foundation.
8	"(3) SAVINGS CLAUSE.—The acceptance and
9	administration of amounts by the Foundation under
10	paragraph (1)(K) does not alter, supersede, or limit
11	any regulatory or statutory requirement associated
12	with those amounts.";
13	(2) by striking subsections (f) and (g); and
14	(3) by redesignating subsections (h) and (i) as
15	subsections (f) and (g), respectively.
16	(c) AUTHORIZATION OF APPROPRIATIONS.—Section
17	10 of the National Fish and Wildlife Foundation Estab-
18	lishment Act (16 U.S.C. 3709) is amended—
19	(1) in subsection (a), by striking paragraph (1)
20	and inserting the following:
21	"(1) IN GENERAL.—There are authorized to be
22	appropriated to carry out this Act for each of fiscal
23	years 2018 through 2022—
24	"(A) \$15,000,000 to the Secretary of the
25	Interior;

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1	"(B) \$5,000,000 to the Secretary of Agri-
2	culture; and
3	"(C) \$5,000,000 to the Secretary of Com-
4	merce.";
5	(2) in subsection (b)—
6	(A) by striking paragraph (1) and insert-
7	ing the following:
8	"(1) Amounts from federal agencies.—
9	"(A) In General.—In addition to the
10	amounts authorized to be appropriated under
11	subsection (a), Federal departments, agencies,
12	or instrumentalities are authorized to provide
13	funds to the Foundation through Federal finan-
14	cial assistance grants and cooperative agree-
15	ments, subject to the condition that the
16	amounts are used for purposes that further the
17	conservation and management of fish, wildlife,
18	plants, and other natural resources in accord-
19	ance with this Act.
20	"(B) ADVANCES.—Federal departments,
21	agencies, or instrumentalities may advance
22	amounts described in subparagraph (A) to the
23	Foundation in a lump sum without regard to
24	when the expenses for which the amounts are

used are incurred.

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1	"(C) MANAGEMENT FEES.—The Founda-
2	tion may assess and collect fees for the manage-
3	ment of amounts received under this para-
4	graph.";
5	(B) in paragraph (2)—
6	(i) in the paragraph heading, by strik-
7	ing "FUNDS" and inserting "AMOUNTS";
8	(ii) by striking "shall be used" and in-
9	serting "may be used"; and
10	(iii) by striking "and State and local
11	government agencies" and inserting ",
12	State and local government agencies, and
13	other entities"; and
14	(C) by adding at the end the following:
15	"(3) Administration of amounts.—
16	"(A) IN GENERAL.—In entering into con-
17	tracts, agreements, or other partnerships pursu-
18	ant to this Act, a Federal department, agency,
19	or instrumentality shall have discretion to waive
20	any competitive process applicable to the de-

partment, agency, or instrumentality for enter-

ing into contracts, agreements, or partnerships

with the Foundation if the purpose of the waiv-

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1	"(i) to address an environmental
2	emergency resulting from a natural or
3	other disaster; or
4	"(ii) as determined by the head of the
5	applicable Federal department, agency, or
6	instrumentality, to reduce administrative
7	expenses and expedite the conservation and
8	management of fish, wildlife, plants, and
9	other natural resources.
10	"(B) REPORTS.—The Foundation shall in-
11	clude in the annual report submitted under sec-
12	tion 7(b) a description of any use of the author-
13	ity under subparagraph (A) by a Federal de-
14	partment, agency, or instrumentality in that fis-
15	cal year."; and
16	(3) by adding at the end the following:
17	"(d) Use of Gifts, Devises, or Bequests of
18	Money or Other Property.—Any gifts, devises, or be-
19	quests of amounts or other property, or any other amounts
20	or other property, transferred to, deposited with, or other-
21	wise in the possession of the Foundation pursuant to this
22	Act, may be made available by the Foundation to Federal
23	departments, agencies, or instrumentalities and may be
24	accepted and expended (or the disposition of the amounts
25	or property directed), without further appropriation, by

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- 1 those Federal departments, agencies, or instrumentalities,
- 2 subject to the condition that the amounts or property be
- 3 used for purposes that further the conservation and man-
- 4 agement of fish, wildlife, plants, and other natural re-
- 5 sources.".
- 6 (d) LIMITATION ON AUTHORITY.—Section 11 of the
- 7 National Fish and Wildlife Foundation Establishment Act
- 8 (16 U.S.C. 3710) is amended by inserting "exclusive" be-
- 9 fore "authority".
- 10 SEC. 6. REAUTHORIZATION OF NEOTROPICAL MIGRATORY
- 11 BIRD CONSERVATION ACT.
- 12 Section 10 of the Neotropical Migratory Bird Con-
- 13 servation Act (16 U.S.C. 6109) is amended to read as fol-
- 14 lows:
- 15 "SEC. 10. AUTHORIZATION OF APPROPRIATIONS.
- 16 "(a) IN GENERAL.—There is authorized to be appro-
- 17 priated to carry out this Act \$6,500,000 for each of fiscal
- 18 years 2018 through 2022.
- 19 "(b) USE OF FUNDS.—Of the amounts made avail-
- 20 able under subsection (a) for each fiscal year, not less than
- 21 75 percent shall be expended for projects carried out at
- 22 a location outside of the United States.".

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1	SEC. 7. REISSUANCE OF FINAL RULE REGARDING GRAY
2	WOLVES IN WESTERN GREAT LAKES.
3	Before the end of the 60-day period beginning on the
4	date of enactment of this Act, the Secretary of the Interior
5	shall reissue the final rule published on December 28,
6	2011 (76 Fed. Reg. 81666), without regard to any other
7	provision of statute or regulation that applies to issuance
8	of such rule. Such reissuance shall not be subject to judi-
9	cial review.
10	SEC. 8. REISSUANCE OF FINAL RULE REGARDING GRAY
11	WOLVES IN WYOMING.
12	The final rule published on September 10, 2012 (77
13	Fed. Reg. 55530) that was reinstated on March 3, 2017,
14	by the decision of the U.S. Court of Appeals for the Dis-
15	trict of Columbia (No. 14 -5300) and further republished
16	on May 1, 2017 (82 Fed. Reg. 20284–85) that reinstates
17	the removal of Federal protections for the gray wolf in
18	Wyoming under the Endangered Species Act of 1973, as
19	amended, shall not be subject to judicial review.
20	SEC. 9. MODIFICATION OF DEFINITION OF SPORT FISHING
21	EQUIPMENT UNDER TOXIC SUBSTANCES
22	CONTROL ACT.
23	Section 3(2)(B) of the Toxic Substances Control Act
24	(15 U.S.C. 2602(2)(B)) is amended—
25	(1) in clause (v), by striking "and" at the end;

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1	(2) in clause (vi) by striking the period at the
2	end and inserting ", and"; and
3	(3) by inserting after clause (vi) the following
4	"(vii) any sport fishing equipment (as such
5	term is defined in section 4162(a) of the Internal
6	Revenue Code of 1986) the sale of which is subject
7	to the tax imposed by section 4161(a) of such Code
8	(determined without regard to any exemptions from
9	such tax provided by section 4162 or 4221 or any
10	other provision of such Code), and sport fishing
11	equipment components.".
12	SEC. 10. REAUTHORIZATION OF CHESAPEAKE BAY PRO-
13	GRAM.
14	Section 117 of the Federal Water Pollution Control
15	Act (33 U.S.C. 1267) is amended by striking subsection
16	(j) and inserting the following:
17	"(j) AUTHORIZATION OF APPROPRIATIONS.—There
18	is authorized to be appropriated to carry out this section
19	\$90,000,000 for each of fiscal years 2018 through 2022."
20	SEC. 11. REAUTHORIZATION OF CHESAPEAKE BAY INITIA
21	TIVE ACT OF 1998.
22	Section 502(c) of the Chesapeake Bay Initiative Act
23	of 1998 (Public Law 105–312; 112 Stat. 2963; 129 Stat.
24	0.500 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	2579) is amended by striking "2017" and inserting
25	2579) is amended by striking "2017" and inserting "2023".

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1	SEC. 12. NATIONAL FISH HABITAT CONSERVATION
2	THROUGH PARTNERSHIPS.
3	(a) PURPOSE.—The purpose of this section is to en-
4	courage partnerships among public agencies and other in-
5	terested parties to promote fish conservation—
6	(1) to achieve measurable habitat conservation
7	results through strategic actions of Fish Habitat
8	Partnerships that lead to better fish habitat condi-
9	tions and increased fishing opportunities by—
10	(A) improving ecological conditions;
11	(B) restoring natural processes; or
12	(C) preventing the decline of intact and
13	healthy systems;
14	(2) to establish a consensus set of national con-
15	servation strategies as a framework to guide future
16	actions and investment by Fish Habitat Partner-
17	ships;
18	(3) to broaden the community of support for
19	fish habitat conservation by—
20	(A) increasing fishing opportunities;
21	(B) fostering the participation of local
22	communities, especially young people in local
23	communities, in conservation activities; and
24	(C) raising public awareness of the role
25	healthy fish habitat play in the quality of life

and economic well-being of local communities;

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(4) to fill gaps in the National Fish Habitat As-

2	sessment and the associated database of the Na-
3	tional Fish Habitat Assessment—
4	(A) to empower strategic conservation ac-
5	tions supported by broadly available scientific
6	information; and
7	(B) to integrate socioeconomic data in the
8	analysis to improve the lives of humans in a
9	manner consistent with fish habitat conserva-
10	tion goals; and
11	(5) to communicate to the public and conserva-
12	tion partners—
13	(A) the conservation outcomes produced
14	collectively by Fish Habitat Partnerships; and
15	(B) new opportunities and voluntary ap-
16	proaches for conserving fish habitat.
17	(b) DEFINITIONS.—In this section:
18	(1) Appropriate congressional commit-
19	TEES.—The term "appropriate congressional com-
20	mittees" means—
21	(A) the Committee on Commerce, Science,
22	and Transportation and the Committee on En-
23	vironment and Public Works of the Senate; and
24	(B) the Committee on Natural Resources
25	of the House of Representatives.

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1	(2) BOARD.—The term "Board" means the Na-
2	tional Fish Habitat Board established by subsection
3	(c)(1)(A).
4	(3) DIRECTOR.—The term "Director" means
5	the Director of the United States Fish and Wildlife
6	Service.
7	(4) EPA ASSISTANT ADMINISTRATOR.—The
8	term "EPA Assistant Administrator" means the As-
9	sistant Administrator for Water of the Environ-
10	mental Protection Agency.
11	(5) INDIAN TRIBE.—The term "Indian tribe"
12	has the meaning given the term in section 4 of the
13	Indian Self-Determination and Education Assistance
14	Act (25 U.S.C. 5304).
15	(6) NOAA ASSISTANT ADMINISTRATOR.—The
16	term "NOAA Assistant Administrator" means the
17	Assistant Administrator for Fisheries of the Na-
18	tional Oceanic and Atmospheric Administration.
19	(7) PARTNERSIIIP.—The term "Partnership"
20	means a self-governed entity designated by Congress
21	as a Fish Habitat Partnership under subsection
22	(d)(6) after a recommendation by the Board under
23	subsection $(d)(1)$.

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1	(8) REAL PROPERTY INTEREST.—The term
2	"real property interest" means an ownership interest
3	in—-
4	(A) land; or
5	(B) water (including water rights).
6	(9) SECRETARY.—The term "Secretary" means
7	the Secretary of the Interior.
8	(10) STATE.—The term "State" means each of
9	the several States.
10	(11) STATE AGENCY.—The term "State agen-
11	cy" means—
12	(A) the fish and wildlife agency of a State;
13	and
14	(B) any department or division of a de-
15	partment or agency of a State that manages in
16	the public trust the inland or marine fishery re-
17	sources or sustains the habitat for those fishery
18	resources of the State pursuant to State law or
19	the constitution of the State.
20	(e) NATIONAL FISH HABITAT BOARD.—
21	(1) ESTABLISHMENT.—
22	(A) FISH HABITAT BOARD.—There is es-
72	tablished a heard to be known as the "National

Fish Habitat Board", whose duties are—

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1	(i) to promote, oversee, and coordinate
2	the implementation of this section;
3	(ii) to establish national goals and pri-
4	orities for fish habitat conservation;
5	(iii) to recommend to Congress enti-
6	ties for designation as Partnerships; and
7	(iv) to review and make recommenda-
8	tions regarding fish habitat conservation
9	projects.
10	(B) MEMBERSHIP.—The Board shall be
11	composed of 25 members, of whom-
12	(i) I shall be a representative of the
13	Department of the Interior;
14	(ii) 1 shall be a representative of the
15	United States Geological Survey;
16	(iii) 1 shall be a representative of the
17	Department of Commerce;
18	(iv) 1 shall be a representative of the
19	Department of Agriculture;
20	(v) 1 shall be a representative of the
21	Association of Fish and Wildlife Agencies;
22	(vi) 4 shall be representatives of State
23	agencies, 1 of whom shall be nominated by
24	a regional association of fish and wildlife
25	agencies from each of the Northeast.

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1	Southeast, Midwest, and Western regions
2	of the United States;
3	(vii) I shall be a representative of ei-
4	ther—
5	(I) Indian tribes in the State of
6	Alaska; or
7	(II) Indian tribes in States other
8	than the State of Alaska;
9	(viii) 1 shall be a representative of ei-
10	ther—
11	(I) the Regional Fishery Manage-
12	ment Councils established under sec-
13	tion 302 of the Magnuson-Stevens
14	Fishery Conservation and Manage-
15	ment Act (16 U.S.C. 1852); or
16	(II) a representative of the Ma-
17	rine Fisheries Commissions, which is
18	composed of—
19	(aa) the Atlantic States Ma-
20	rine Fisheries Commission;
21	(bb) the Gulf States Marine
22	Fisheries Commission; and
23	(cc) the Pacific States Ma-
24	rine Fisheries Commission;

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1	(ix) 1 shall be a representative of the
2	Sportfishing and Boating Partnership
3	Council;
4	(x) 7 shall be representatives selected
5	from each of-
6	(I) the recreational sportfishing
7	industry;
8	(II) the commercial fishing in-
9	dustry;
10	(III) marine recreational anglers;
11	(IV) freshwater recreational an-
12	glers;
13	(V) habitat conservation organi-
14	zations; and
15	(VI) science-based fishery organi-
16	zations;
17	(xi) 1 shall be a representative of a
18	national private landowner organization;
19	(xii) 1 shall be a representative of an
20	agricultural production organization;
21	(xiii) 1 shall be a representative of
22	local government interests involved in fish
23	habitat restoration;

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1	(xiv) 2 shall be representatives from
2	different sectors of corporate industries,
3	which may include—
4	(I) natural resource commodity
5	interests, such as petroleum or min-
6	eral extraction;
7	(II) natural resource user indus-
8	tries; and
9	(III) industries with an interest
10	in fish and fish habitat conservation;
11	and
12	(xv) 1 shall be a leadership private
13	sector or landowner representative of an
14	active partnership.
15	(C) COMPENSATION.—A member of the
16	Board shall serve without compensation.
17	(D) TRAVEL EXPENSES.—A member of the
18	Board may be allowed travel expenses, includ-
19	ing per diem in lieu of subsistence, at rates au-
20	thorized for an employee of an agency under
21	subchapter I of chapter 57 of title 5, United
22	States Code, while away from the home or reg-
23	ular place of business of the member in the per-
24	formance of the duties of the Board.
25	(2) APPOINTMENT AND TERMS.—

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1	(A) IN GENERAL.—Except as otherwise
2	provided in this subsection, a member of the
3	Board described in any of clauses (vi) through
4	(xiv) of paragraph (1)(B) shall serve for a term
5	of 3 years.
6	(B) INITIAL BOARD MEMBERSHIP.—
7	(i) IN GENERAL.—The initial Board
8	will consist of representatives as described
9	in clauses (i) through (vi) of paragraph
10	(1)(B).
11	(ii) REMAINING MEMBERS.—Not later
12	than 60 days after the date of enactment
13	of this Act, the representatives of the ini-
14	tial Board pursuant to clause (i) shall ap-
15	point the remaining members of the Board
16	described in clauses (viii) through (xiv) of
17	paragraph (1)(B).
18	(iii) Tribal representatives.—Not
19	later than 60 days after the enactment of
20	this Act, the Secretary shall provide to the
21	Board a recommendation of not fewer than
22	3 tribal representatives, from which the
23	Board shall appoint 1 representative pur-
24	suant to clause (vii) of paragraph (1)(B).

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1	(C) TRANSITIONAL TERMS.—Of the mem-
2	bers described in paragraph (1)(B)(x) initially
3	appointed to the Board—
4	(i) 2 shall be appointed for a term of
5	1 year;
6	(ii) 2 shall be appointed for a term of
7	2 years; and
8	(iii) 3 shall be appointed for a term of
9	3 years.
10	(D) VACANCIES.—
11	(i) IN GENERAL.—A vacancy of a
12	member of the Board described in any of
13	clauses (viii) through (xiv) of paragraph
14	(1)(B) shall be filled by an appointment
15	made by the remaining members of the
16	Board.
17	(ii) TRIBAL REPRESENTATIVES.—Fol-
18	lowing a vacancy of a member of the
19	Board described in clause (vii) of para-
20	graph (1)(B), the Secretary shall rec-
21	ommend to the Board a list of not fewer
22	than 3 tribal representatives, from which
23	the remaining members of the Board shall
24	appoint a representative to fill the vacancy

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1	(E) CONTINUATION OF SERVICE.—An indi-
2	vidual whose term of service as a member of the
3	Board expires may continue to serve on the
4	Board until a successor is appointed.
5	(F) REMOVAL.—If a member of the Board
6	described in any of clauses (viii) through (xiv)
7	of paragraph (1)(B) misses 3 consecutive regu-
8	larly scheduled Board meetings, the members of
9	the Board may—
10	(i) vote to remove that member; and
11	(ii) appoint another individual in ac-
12	cordance with subparagraph (D).
13	(3) Chairperson.—
14	(A) IN GENERAL.—The representative of
15	the Association of Fish and Wildlife Agencies
16	appointed pursuant to paragraph $(1)(B)(v)$
17	shall serve as Chairperson of the Board.
18	(B) TERM.—The Chairperson of the Board
19	shall serve for a term of 3 years.
20	(4) MEETINGS.—
21	(A) IN GENERAL.—The Board shall
22	meet
23	(i) at the call of the Chairperson; but
24	(ii) not less frequently than twice each
25	calendar year.

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1	(B) PUBLIC ACCESS.—All meetings of the
2	Board shall be open to the public.
3	(5) Procedures.—
4	(A) IN GENERAL.—The Board shall estab-
5	lish procedures to carry out the business of the
6	Board, including—
7	(i) a requirement that a quorum of
8	the members of the Board be present to
9	transact business;
10	(ii) a requirement that no rec-
11	ommendations may be adopted by the
12	Board, except by the vote of 2/3 of all mem-
13	bers;
14	(iii) procedures for establishing na-
15	tional goals and priorities for fish habitat
16	conservation for the purposes of this sec-
17	tion;
18	(iv) procedures for designating Part-
19	nerships under subsection (d); and
20	(v) procedures for reviewing, evalu-
21	ating, and making recommendations re-
22	garding fish habitat conservation projects.
23	(B) QUORUM.—A majority of the members
24	of the Board shall constitute a quorum.
25	(d) Fish Habitat Partnerships.—

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i	(1) AUTHORITY TO RECOMMEND.—The Board
2	may recommend to Congress the designation of Fish
3	Habitat Partnerships in accordance with this sub-
4	section.
5	(2) Purposes.—The purposes of a Partnership
6	shall be—
7	(A) to work with other regional habitat
8	conservation programs to promote cooperation
9	and coordination to enhance fish and fish habi-
10	tats;
11	(B) to engage local and regional commu-
12	nities to build support for fish habitat conserva-
13	tion;
14	(C) to involve diverse groups of public and
15	private partners;
16	(D) to develop collaboratively a strategic
17	vision and achievable implementation plan that
18	is scientifically sound;
19	(E) to leverage funding from sources that
20	support local and regional partnerships;
21	(F) to use adaptive management prin-
22	ciples, including evaluation of project success
23	and functionality;
24	(G) to develop appropriate local or regional
25	habitat evaluation and assessment measures

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1	and criteria that are compatible with national
2	habitat condition measures; and
3	(H) to implement local and regional pri-
4	ority projects that improve conditions for fish
5	and fish habitat.
6	(3) CRITERIA FOR DESIGNATION.—An entity
7	seeking to be designated by Congress as a Partner-
8	ship shall—
9	(A) submit to the Board an application at
10	such time, in such manner, and containing such
11	information as the Board may reasonably re-
12	quire; and
13	(B) demonstrate to the Board that the en-
14	tity has—
15	(i) a focus on promoting the health of
16	important fish and fish habitats;
17	(ii) an ability to coordinate the imple-
18	mentation of priority projects that support
19	the goals and national priorities set by the
20	Board that are within the Partnership
21	boundary;
22	(iii) a self-governance structure that
23	supports the implementation of strategic
24	priorities for fish habitat;

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1	(iv) the ability to develop local and re-
2	gional relationships with a broad range of
3	entities to further strategic priorities for
4	fish and fish habitat;
5	(v) a strategic plan that details re-
6	quired investments for fish habitat con-
7	servation that addresses the strategic fish
8	habitat priorities of the Partnership and
9	supports and meets the strategic priorities
10	of the Board;
11	(vi) the ability to develop and imple-
12	ment fish habitat conservation projects
13	that address strategic priorities of the
14	Partnership and the Board; and
15	(vii) the ability to develop fish habitat
16	conservation priorities based on sound
17	science and data, the ability to measure
18	the effectiveness of fish habitat projects of
19	the Partnership, and a clear plan as to
20	how Partnership science and data compo-
21	nents will be integrated with the overall
22	Board science and data effort.
23	(4) REQUIREMENTS FOR RECOMMENDATION TO
24	CONGRESS.—The Board may recommend to Con-
25	gress for designation an application for a Partner-

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l	snip submitted under paragraph (3)(A) if the Board
2	determines that the applicant—
3	(A) meets the criteria described in para
4	graph (3)(B);
5	(B) identifies representatives to provide
6	support and technical assistance to the Partner
7	ship from a diverse group of public and private
8	partners, which may include State or local gov-
9	ernments, nonprofit entities, Indian tribes, and
10	private individuals, that are focused on con-
11	servation of fish habitats to achieve results
12	across jurisdictional boundaries on public and
13	private land;
14	(C) is organized to promote the health or
15	important fish species and important fish habi-
16	tats, including reservoirs, natural lakes, coasta
17	and marine environments, and estuaries;
18	(D) identifies strategic fish and fish habi-
19	tat priorities for the Partnership area in the
20	form of geographical focus areas or key
21	stressors or impairments to facilitate strategic
22	planning and decisionmaking;
23	(E) is able to address issues and priorities
24	on a nationally significant scale;
25	(F) includes a governance structure that-

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1	(i) reflects the range of all partners;
2	and
3	(ii) promotes joint strategic planning
4	and decisionmaking by the applicant;
5	(G) demonstrates completion of, or signifi-
6	cant progress toward the development of, a
7	strategic plan to address the decline in fish pop-
8	ulations, rather than simply treating symptoms,
9	in accordance with the goals and national prior-
10	ities established by the Board; aud
11	(H) promotes collaboration in developing a
12	strategic vision and implementation program
13	that is scientifically sound and achievable.
14	(5) Report to congress.—
15	(A) IN GENERAL.—Not later than Feb-
16	ruary 1 of the first fiscal year beginning after
17	the date of enactment of this Act and each Feb-
18	ruary 1 thereafter, the Board shall develop and
19	submit to the appropriate congressional com-
20	mittees an annual report, to be entitled "Report
21	to Congress on Future Fish Habitat Partner-
22	ships and Modifications", that—
23	(i) identifies any entity that—
24	(I) meets the requirements de-
25	scribed in paragraph (4); and

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1	(II) the Board recommends for
2	designation as a Partnership;
3	(ii) describes any proposed modifica-
4	tions to a Partnership previously des-
5	ignated by Congress under paragraph (6);
6	(iii) with respect to each entity rec-
7	ommended for designation as a Partner-
8	ship, describes, to the maximum extent
9	practicable—
10	(I) the purpose of the rec-
11	ommended Partnership; and
12	(II) how the recommended Part-
13	nership fulfills the requirements de-
14	scribed in paragraph (4).
15	(B) PUBLIC AVAILABILITY; NOTIFICA-
16	TION.—The Board shall—
17	(i) make the report publicly available,
18	including on the Internet; and
19	(ii) provide to the appropriate con-
20	gressional committees and the State agen-
21	cy of any State included in a recommended
22	Partnership area written notification of the
23	public availability of the report.

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(6	DESIGNATION	OR	MODIFICATION	OF	PART-

NERSHIP.—Congress shall have the sole authority to designate or modify a Partnership.

(7) Existing partnerships.—

- (A) DESIGNATION REVIEW.—Not later than 5 years after the date of enactment of this Act, any fish habitat partnership receiving Federal funds as of the date of enactment of this Act shall be subject to a designation review by Congress in which Congress shall have the opportunity to designate the partnership under paragraph (6).
- (B) INELIGIBILITY FOR FEDERAL FUNDS.—A partnership referred to in subparagraph (A) that Congress does not designate as described in that subparagraph shall be ineligible to receive Federal funds under this section.

(e) FISH HABITAT CONSERVATION PROJECTS.—

(1) Submission to Board.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this section.

1	(2) RECOMMENDATIONS BY BOARD.—Not later
2	than July 1 of each calendar year, the Board shall
3	submit to the Secretary a priority list of fish habitat
4	conservation projects that includes the description,
5	including estimated costs, of each project that the
6	Board recommends that the Secretary approve and
7	fund under this section for the following fiscal year.
8	(3) CRITERIA FOR PROJECT SELECTION.—The
9	Board shall select each fish habitat conservation
10	project to be recommended to the Secretary under
11	paragraph (2) after taking into consideration, at a
12	minimum, the following information:
13	(A) A recommendation of the Partnership
14	that is, or will be, participating actively in im-
15	plementing the fish habitat conservation
16	project.
17	(B) The capabilities and experience of
18	project proponents to implement successfully
19	the proposed project.
20	(C) The extent to which the fish habitat
21	conservation project —
22	(i) fulfills a local or regional priority
23	that is directly linked to the strategic plan
24	of the Partnership and is consistent with
25	the purpose of this section;

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1	(ii) addresses the national priorities
2	established by the Board;
3	(iii) is supported by the findings of
4	the Habitat Assessment of the Partnership
5	or the Board, and aligns or is compatible
6	with other conservation plans;
7	(iv) identifies appropriate monitoring
8	and evaluation measures and criteria that
9	are compatible with national measures;
10	(v) provides a well-defined budget
11	linked to deliverables and outcomes;
12	(vi) leverages other funds to imple-
13	ment the project;
14	(vii) addresses the causes and proc-
15	esses behind the decline of fish or fish
16	habitats; and
17	(viii) includes an outreach or edu-
18	cation component that includes the local or
19	regional community.
20	(D) The availability of sufficient non-Fed-
21	eral funds to match Federal contributions for
22	the fish habitat conservation project, as re-
23	quired by paragraph (5);
24	(E) The extent to which the local or re-
25	gional fish habitat conservation project—

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1	(i) will increase fish populations in a
2	manner that leads to recreational fishing
3	opportunities for the public;
4	(ii) will be carried out through a coop-
5	erative agreement among Federal, State,
6	and local governments, Indian tribes, and
7	private entities;
8	(iii) increases public access to land or
9	water for fish and wildlife-dependent rec-
10	reational opportunities;
11	(iv) advances the conservation of fish
12	and wildlife species that have been identi-
13	fied by the States as species of greatest
14	conservation need;
15	(v) where appropriate, advances the
16	conservation of fish and fish habitats
17	under the Magnuson-Stevens Fishery Con-
18	servation and Management Act (16 U.S.C.
19	1801 et seq.) and other relevant Federal
20	law and State wildlife action plans; and
21	(vi) promotes strong and healthy fish
22	habitats so that desired biological commu-
23	nities are able to persist and adapt.
24	(F) The substantiality of the character and
25	design of the fish habitat conservation project.

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1	(4) Limitations.—
2	(A) REQUIREMENTS FOR EVALUATION.—
3	No fish habitat conservation project may be
4	recommended by the Board under paragraph
5	(2) or provided financial assistance under this
6	section unless the fish habitat conservation
7	project includes an evaluation plan designed
8	using applicable Board guidance—
9	(i) to appropriately assess the biologi-
10	cal, ecological, or other results of the habi-
11	tat protection, restoration, or enhancement
12	activities carried out using the assistance;
13	(ii) to reflect appropriate changes to
14	the fish habitat conservation project if the
15	assessment substantiates that the fish
16	habitat conservation project objectives are
17	not being met;
18	(iii) to identify improvements to exist-
19	ing fish populations, recreational fishing
20	opportunities and the overall economic ben-
21	efits for the local community of the fish
22	habitat conservation project; and
23	(iv) to require the submission to the
24	Board of a report describing the findings

of the assessment.

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1	(B) Acquisition authorities.—
2	(i) IN GENERAL.—A State, local gov-
3	ernment, or other non-Federal entity is eli-
4	gible to receive funds for the acquisition of
5	real property from willing sellers under
6	this section if the acquisition ensures 1
7	of—
8	(I) public access for compatible
9	fish and wildlife-dependent recreation;
10	or
11	(II) a scientifically based, direct
12	enhancement to the health of fish and
13	fish populations, as determined by the
14	Board.
15	(ii) STATE AGENCY APPROVAL.—
16	(I) IN GENERAL.—All real prop-
17	erty interest acquisition projects fund-
18	ed under this section are required to
19	be approved by the State agency in
20	the State in which the project is oc-
21	curring.
22	(II) PROIIIBITION.—The Board
23	may not recommend, and the Sec-
24	retary may not provide any funding
25	for, any real property interest acquisi-

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1	tion that has not been approved by
2	the State agency.
3	(iii) Assessment of other au-
4	THORITIES.—The Fish Habitat Partner-
5	ship shall conduct a project assessment,
6	submitted with the funding request and
7	approved by the Board, to demonstrate all
8	other Federal, State, and local authorities
9	for the acquisition of real property have
10	been exhausted.
11	(iv) RESTRICTIONS.—A real property
12	interest may not be acquired pursuant to a
13	fish habitat conservation project by a
14	State, local government, or other non-Fed-
15	eral entity, unless—
16	(I) the owner of the real property
17	authorizes the State, local govern-
18	ment, or other non-Federal entity to
19	acquire the real property; and
20	(II) the Secretary and the Board
21	determine that the State, local govern-
22	ment, or other non-Federal entity
23	would benefit from undertaking the
24	management of the real property
25	being acquired because that is in ac-

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1	cordance with the goals of a partner-
2	ship.
3	(5) Non-federal contributions.—
4	(A) IN GENERAL.—Except as provided in
5	subparagraph (B), no fish habitat conservation
6	project may be recommended by the Board
7	under paragraph (2) or provided financial as-
8	sistance under this section unless at least 50
9	percent of the cost of the fish habitat conserva-
10	tion project will be funded with non-Federal
11	funds.
12	(B) NON-FEDERAL SHARE.—The non-Fed-
13	eral share of the cost of a fish habitat conserva-
14	tion project—
15	(i) may not be derived from another
16	Federal grant program; but
17	(ii) may include in-kind contributions
18	and cash.
19	(C) Special rule for indian tribes.—
20	Notwithstanding subparagraph (A) or any other
21	provision of law, any funds made available to
22	an Indian tribe pursuant to this section may be
23	considered to be non-Federal funds for the pur-
24	pose of subparagraph (A).
25	(6) Approval.—

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(A) IN GENERAL.—Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under paragraph (2), subject to the limitations of paragraph (4), and based, to the maximum extent practicable, on the criteria described in paragraph (3), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(B) Funding.—If the Secretary approves

- (B) FUNDING.—If the Secretary approves a fish habitat conservation project under subparagraph (A), the Secretary shall use amounts made available to carry out this section to provide funds to carry out the fish habitat conservation project.
- (C) NOTIFICATION.—If the Secretary rejects any fish habitat conservation project recommended by the Board under paragraph (2), not later than 180 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Sec-

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1	retary rejected the fish habitat conservation
2	project.
3	(f) TECHNICAL AND SCIENTIFIC ASSISTANCE.—
4	(1) IN GENERAL.—The Director, the NOAA
5	Assistant Administrator, the EPA Assistant Admin-
6	istrator, and the Director of the United States Geo-
7	logical Survey, in coordination with the Forest Serv-
8	ice and other appropriate Federal departments and
9	agencies, may provide scientific and technical assist-
10	ance to the Partnerships, participants in fish habitat
11	conservation projects, and the Board.
12	(2) INCLUSIONS.—Scientific and technical as-
13	sistance provided pursuant to paragraph (1) may in-
14	clude—
15	(A) providing technical and scientific as-
16	sistance to States, Indian tribes, regions, local
17	communities, and nongovernmental organiza-
18	tions in the development and implementation of
19	Partnerships;
20	(B) providing technical and scientific as-
21	sistance to Partnerships for habitat assessment,
22	strategic planning, and prioritization;
23	(C) supporting the development and imple-
24	mentation of fish habitat conservation projects

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1	that are identified as high priorities by Partner
2	ships and the Board;
3	(D) supporting and providing recommenda
4	tions regarding the development of science
5	based monitoring and assessment approaches
6	for implementation through Partnerships;
7	(E) supporting and providing recommenda
8	tions for a national fish habitat assessment;
9	(F) ensuring the availability of experts to
10	assist in conducting scientifically based evalua
11	tion and reporting of the results of fish habita
12	conservation projects; and
13	(G) providing resources to secure state
14	agency scientific and technical assistance to
15	support Partnerships, participants in fish habi
16	tat conservation projects, and the Board.
17	(g) COORDINATION WITH STATES AND INDIAN
18	TRIBES.—The Secretary shall provide a notice to, and co
19	operate with, the appropriate State agency or tribal agen-
20	cy, as applicable, of each State and Indian tribe within
21	the boundaries of which an activity is planned to be car
22	ried out pursuant to this section, including notification
23	by not later than 30 days before the date on which the
24	activity is implemented

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53 1 (h) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and 2 every 5 years thereafter, the Director, in cooperation with 3 the NOAA Assistant Administrator, the EPA Assistant Administrator, the Director of the United States Geologi-5 cal Survey, and the heads of other appropriate Federal 7 departments and agencies (including at a minimum, those agencies represented on the Board) shall develop an inter-9 agency operational plan that describes-10 (1) the functional, operational, technical, sci-11 entific, and general staff, administrative, and mate-12 rial needs for the implementation of this section; and 13 (2) any interagency agreements between or 14 among Federal departments and agencies to address 15 those needs. 16 (i) ACCOUNTABILITY AND REPORTING.— 17 (1) Reporting.— (A) IN GENERAL.—Not later than 5 years 18 19 after the date of enactment of this Act, and 20 every 5 years thereafter, the Board shall submit 21 to the appropriate congressional committees a 22 report describing the progress of this section. 23 (B) CONTENTS.—Each report submitted

under subparagraph (A) shall include—

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1	(i) an estimate of the number of
2	acres, stream miles, or acre-feet, or other
3	suitable measures of fish habitat, that was
4	maintained or improved by partnerships of
5	Federal, State, or local governments, In-
6	dian tribes, or other entities in the United
7	States during the 5-year period ending on
8	the date of submission of the report;
9	(ii) a description of the public access
10	to fish habitats established or improved
11	during that 5-year period;
12	(iii) a description of the improved op-
13	portunities for public recreational fishing;
14	and
15	(iv) an assessment of the status of
16	fish habitat conservation projects carried
17	out with funds provided under this section
18	during that period, disaggregated by year,
19	including—
20	(I) a description of the fish habi-
21	tat conservation projects rec-
22	ommended by the Board under sub-
23	section (e)(2);
24	(II) a description of each fish

habitat conservation project approved

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1	by the Secretary under subsection
2	(e)(6), in order of priority for funding;
3	(III) a justification for—
4	(aa) the approval of each
5	fish habitat conservation project;
6	and
7	(bb) the order of priority for
8	funding of each fish habitat con-
9	servation project;
10	(IV) a justification for any rejec-
11	tion of a fish habitat conservation
12	project recommended by the Board
13	under subsection (e)(2) that was
14	based on a factor other than the cri-
15	teria described in subsection (e)(3);
16	and
17	(V) an accounting of expendi-
18	tures by Federal, State, or local gov-
19	ernments, Indian tribes, or other enti-
20	ties to carry out fish habitat conserva-
21	tion projects.
22	(2) STATUS AND TRENDS REPORT.—Not later
23	than December 31, 2018, and every 5 years there-
24	after, the Board shall submit to the appropriate con-
25	gressional committees a report that includes—

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1	(A) a status of all Partnerships designated
2	under this section;
3	(B) a description of the status of fish habi-
4	tats in the United States as identified by estab-
5	lished Partnerships; and
6	(C) enhancements or reductions in public
7	access as a result of—
8	(i) the activities of the Partnerships;
9	or
10	(ii) any other activities carried out
11	pursuant to this section.
12	(j) Effect of Section.—
13	(1) WATER RIGHTS Nothing in this section-
14	(A) establishes any express or implied re-
15	served water right in the United States for any
16	purpose;
17	(B) affects any water right in existence on
18	the date of enactment of this Act;
19	(C) preempts or affects any State water
20	law or interstate compact governing water; or
21	(D) affects any Federal or State law in ex-
22	istence on the date of enactment of the Act re-
23	garding water quality or water quantity.
24	(2) Authority to acquire water rights or
25	RIGHTS TO PROPERTY Under this section only a

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State, local government, or other non-Federal entity

2	may acquire, under State law, water rights or right
3	to property.
4	(3) STATE AUTHORITY.—Nothing in this sec
5	tion—
6	(A) affects the authority, jurisdiction, or
7	responsibility of a State to manage, control, or
8	regulate fish and wildlife under the laws and
9	regulations of the State; or
10	(B) authorizes the Secretary to control or
11	regulate within a State the fishing or hunting
12	of fish and wildlife.
13	(4) EFFECT ON INDIAN TRIBES.—Nothing in
14	this section abrogates, abridges, affects, modifies,
15	supersedes, or alters any right of an Indian tribe
16	recognized by treaty or any other means, includ-
17	ing
18	(A) an agreement between the Indian tribe
19	and the United States;
20	(B) Federal law (including regulations);
21	(C) an Executive order; or
22	(D) a judicial decree.
23	(5) Adjudication of water rights.—Noth-
24	ing in this section diminishes or affects the ability
25	of the Secretary to join an adjudication of rights to

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I	the use of water pursuant to subsection (a), (b), or
2	(c) of section 208 of the Department of Justice Ap
3	propriation Act, 1953 (43 U.S.C. 666).
4	(6) DEPARTMENT OF COMMERCE AUTHOR
5	ITYNothing in this section affects the authority
6	jurisdiction, or responsibility of the Department of
7	Commerce to manage, control, or regulate fish or
8	fish habitats under the Magnuson-Stevens Fishery
9	Conservation and Management Act (16 U.S.C. 1801
10	et seq.).
11	(7) EFFECT ON OTHER AUTHORITIES.—
12	(A) PRIVATE PROPERTY PROTECTION.—
13	Nothing in this section permits the use of funds
14	made available to carry out this section to ac-
15	quire real property or a real property interest
16	without the written consent of each owner of
17	the real property or real property interest.
18	(B) MITIGATION.—Nothing in this section
19	permits the use of funds made available to
20	carry out this section for fish and wildlife miti-
21	gation purposes under—
22	(i) the Federal Water Pollution Con-
23	trol Act (33 U.S.C. 1251 et seq.);
24	(ii) the Fish and Wildlife Coordina-
25	tion Act (16 U.S.C. 661 et seq.);

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1	(iii) the Water Resources Develop-
2	ment Act of 1986 (Public Law 99-662;
3	100 Stat. 4082); or
4	(iv) any other Federal law or court
5	settlement.
6	(C) CLEAN WATER ACT.—Nothing in this
7	section affects any provision of the Federal
8	Water Pollution Control Act (33 U.S.C. 1251 et
9	seq.), including any definition in that Act.
10	(k) Nonapplicability of Federal Advisory
11	COMMITTEE ACT.—The Federal Advisory Committee Act
12	(5 U.S.C. App.) shall not apply to—
13	(1) the Board; or
14	(2) any Partnership.
15	(l) Funding.—
16	(1) AUTHORIZATION OF APPROPRIATIONS.—
17	(A) FISH HABITAT CONSERVATION
18	PROJECTS.—There is authorized to be appro-
19	priated to the Secretary \$7,200,000 for each of
20	fiscal years 2018 through 2022 to provide
21	funds for fish habitat conservation projects ap-
22	proved under subsection (e)(6), of which 5 per-
23	cent shall be made available for each fiscal year
24	for projects carried out by Indian tribes.

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1	(B) ADMINISTRATIVE AND PLANNING EX-
2	PENSES.—There is authorized to be appro-
3	priated to the Secretary for each of fiscal years
4	2018 through 2022 an amount equal to 5 per-
5	cent of the amount appropriated for the appli-
6	cable fiscal year pursuant to subparagraph
7	(A)—
8	(i) for administrative and planning ex-
9	penses; and
10	(ii) to carry out subsection (i).
11	(C) TECHNICAL AND SCIENTIFIC ASSIST-
12	ANCE.—There is authorized to be appropriated
13	for each of fiscal years 2018 through 2022 to
14	carry out, and provide technical and scientific
15	assistance under, subsection (f)—
16	(i) \$500,000 to the Secretary for use
17	by the United States Fish and Wildlife
18	Service;
19	(ii) \$500,000 to the NOAA Assistant
20	Administrator for use by the National Oce-
21	anic and Atmospheric Administration;
22	(iii) \$500,000 to the EPA Assistant
23	Administrator for use by the Environ-
24	mental Protection Agency; and

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1	(iv) \$500,000 to the Secretary for use
2	by the United States Geological Survey.
3	(2) AGREEMENTS AND GRANTS.—The Secretary
4	may—
5	(A) on the recommendation of the Board,
6	and notwithstanding sections 6304 and 6305 of
7	title 31, United States Code, and the Federal
8	Financial Assistance Management Improvement
9	Act of 1999 (31 U.S.C. 6101 note; Public Law
10	106-107), enter into a grant agreement, coop-
11	erative agreement, or contract with a Partner-
12	ship or other entity for a fish habitat conserva-
13	tion project or restoration or enhancement
14	project;
15	(B) apply for, accept, and use a grant
16	from any individual or entity to carry out the
17	purposes of this section; and
18	(C) make funds available to any Federal
19	department or agency for use by that depart-
20	ment or agency to provide grants for any fish
21	habitat protection project, restoration project,
22	or enhancement project that the Secretary de-
23	termines to be consistent with this section.
24	(3) Donations.—
25	(A) IN GENERAL.—The Secretary may—

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1	(i) enter into an agreement with any
2	organization described in section 501(c)(3)
3	of the Internal Revenue Code of 1986 that
4	is exempt from taxation under section
5	501(a) of that Code to solicit private dona-
6	tions to carry out the purposes of this sec-
7	tion; and
8	(ii) accept donations of funds, prop-
9	erty, and services to carry out the purposes
10	of this section.
11	(B) TREATMENT.—A donation accepted
12	under this section—
13	(i) shall be considered to be a gift or
14	bequest to, or otherwise for the use of, the
15	United States; and
16	(ii) may be—
17	(I) used directly by the Sec-
18	retary; or
19	(II) provided to another Federal
20	department or agency through an
21	interagency agreement.
22	(m) PROHIBITION AGAINST IMPLEMENTATION OF
23	REGULATORY AUTHORITY BY FEDERAL AGENCIES .—
24	Any Partnership designated under this section—

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1	(1) shall be for the sole purpose of promoting
2	fish conservation; and

latory authority of any Federal agency.

(2) shall not be used to implement any regu-

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July 18, 2017

An Open Letter to Members of Congress and the White House from Scientists and Scholars on Federal Wolf Delisting and Congressional intervention on Individual Species in the Context of the U.S. Endangered Species Act

We, the undersigned scientists and scholars, urge Congress to refrain from delisting gray wolves (*Canis lupus*) in the Western Great Lakes and Wyoming. In particular, we urge you to oppose H.R. 424 and S. 164, S. 1514 and H.R. 2406. Gray wolves should be protected by the. Endangered Species Act, 1973 (ESA) until the legal requirements for delisting them are met. All listings and delistings decisions should be undertaken by the U.S. Fish and Wildlife Service (FWS), consistent with the best available scientific data, and pursuant to a robust administrative process that considers input from all stakeholders and experts.

Over the past four decades, we have made incredible progress toward the recovery of wolves. Today, approximately 5500 wolves inhabit about 15% of their historic range within the contiguous United States. While we have made substantial progress toward recovery, the job is not done. Important work remains. In particular, the ESA requires that a species be recovered throughout a larger portion of its historic range than has currently been achieved.¹

The American people are supportive of wolf conservation and the ESA^2 and we are more than able to handle the work entailed by completing wolf recovery. The essential issues surrounding wolves – livestock losses³, interests pertaining to deer and elk hunting⁴, perceived threats to human safety⁵, and legal/political issues⁶ – are all quite manageable.

Congressional delisting of wolves should be avoided because it would be an inappropriate shortcut. Our treatment of wolves through the ESA is a herald for how we will treat the ESA in general and for the hundreds of species whose well-being depends on ESA protection. Opportunities to work through some important challenges of conservation are cut off if and when Congress intervenes by making decisions about individual species in the context of the ESA. Such intervention can seem like an expedited solution, but its larger effect is to inhibit progress on the broader issues of conservation and ESA implementation.

In recent years, Congress has increasingly made efforts to influence the management of individual species in the context of the ESA. These efforts have been motivated by local and special interests. As such, they eviscerate the essential purpose of federal governance and the ESA, which is to conserve species insomuch as doing so is a national interest. This concern is reinforced by broad public support for wolves and the ESA that transcends political orientation.⁷

¹ See Appendix 1 for an explanation of the legal meaning of recovery under the ESA. The appendices attached to this letter are adapted from testimony provided by Professor John Vucetich for a hearing on wolves held by the oversight subcommittee of the House Committee on Natural Resources. That hearing was held on 21 Oct 2016.

² See Appendix 2 for details about the public's strong support for wolves and the ESA.

³ See Appendix 3 for details about wolves not being a threat to the livestock industry and about how individual livestock owners can capably reduce or eliminate losses.

⁴ See Appendix 4 for details about how wolves do not compromise the interests of deer and elk hunters.

⁵ See Appendix 5 for details about wolves not being a threat to human safety.

⁶ See Appendix 6 for details about legal/political concerns.

⁷ See Appendix 7 for details about American support for the ESA.

We urge Congress to refrain from intervening with respect to the management of any particular species in the context of the ESA.

With respect to wolf recovery, the two most important actions that could be taken to promote wolf recovery are for the FWS to develop: (i) a policy on "significant portion of range" that is consistent with the ESA, and (ii) a robust national plan for wolf conservation and recovery.

We must get wolf recovery right by developing a healthy relationship with wolves, recognizing the important role they play in our ecosystems and refraining from unjustified persecution. Our actions will be judged by future generations of Americans for the kind of relationship we forge with wolves and the fair treatment of our fellow citizens who are impacted by wolves in a genuinely negative manner. Those relationships, whatever they may be, will say much about the kind of people we are. The American people are supportive of this work and we are more than able to accomplish it.

Sincerely,

John Vucetich, Ph.D.
Professor
School of Forest Resources and
Environmental Science
Michigan Technological University
Houghton, Michigan

Jeremy Bruskotter, Ph.D. Associate Professor School of Environment and Natural Resources Ohio State University Columbus, Ohio Adrian Treves, Ph.D. Associate Professor Environmental Studies University of Wisconsin Madison, Wisconsin

Michael Paul Nelson, Ph.D. Ruth H. Spaniol Chair of Renewable Resources and Professor of Environmental Philosophy and Ethics Depart. of Forest Ecosystems and Society Oregon State University Corvallis, Oregon W Scott Armbruster, Ph.D. Research Scientist Institute of Arctic Biology University of Alaska Fairbanks Fairbanks, Alaska

David M. Armstrong, Ph.D. Professor Emeritus Ecology & Evolutionary Biology University of Colorado-Boulder

Richard Baker, Ph.D. Professor Emeritus, Department of Earth and Environmental Science University of Iowa Iowa City, Iowa

Jonathan Balcombe, Ph.D.
Director of Animal Sentience
Humane Society Institute for Science and
Policy
Washington, District of Columbia

Marc Bekoff, Ph.D. Professor Emeritus Ecology and Evolutionary Biology University of Colorado Boulder, Colorado

Bradley Bergstrom, Ph.D. Professor, Department of Biology Valdosta State University Valdosta, Georgia

Robert L. Beschta, PhD Emeritus Professor Forest Ecosystems and Society Oregon State University Corvallis, OR 97331

W. Alice Boyle, Ph.D. Assistant Professor Division of Biology Kansas State University Manhattan, Kansas Joseph K. Bump, Ph.D. Assistant Professor School of Forest Resources and Environmental Science Michigan Technological University

Robin Carey, B.S. Conservation Conservator Children's Zoo at Celebration Square 1730 S. Washington Ave. Saginaw, Michigan

Guillaume Chapron, Ph.D. Associate Professor, Department of Ecology Swedish University of Agricultural Sciences Riddarhyttan, Sweden

Peter Chesson, PhD Professor, Department of Ecology and Evolutionary Biology University of Arizona Tucson, Arizona

John J. Cox, Ph. D.
Assistant Professor
Wildlife Ecology & Conservation Biology
Certified Wildlife Biologist
University of Kentucky
Department of Forestry
Lexington, Kentucky

Brooke Crowley, Ph.D.
Assistant Professor, Departments of
Geology and Anthropology
University of Cincinnati
Cincinnati, Ohio

Megan M. Draheim, Ph.D. Virginia Tech Center for Leadership in Global Sustainability Faulty, Master of Natural Resource Management Program Arlington, Virginia William J. Etges, Ph.D.
Professor
Program in Ecology and Evolutionary
Biology
Department of Biological Sciences
University of Arkansas
Fayetteville, Arkansas

Robert Evans, M.S. Wildlife Biologist US Forest Service, retired Iron River, Michigan

Tracy S. Feldman, Ph.D.
Assistant Professor, Department of Natural and Life Sciences, St. Andrews University, a branch of Webber International University Laurinburg, North Carolina

Johannes Foufopoulos, Ph.D. Associate Professor School of Natural Resources & Environment University of Michigan Ann Arbor, Michigan

Bob Gillespie, Ph.D. Agriculture and Natural Resources Program Wenatchee Valley College Wenatchee, Washington

Anthony J. Giordano, Ph.D.
President & Chief Conservation Officer
S.P.E.C.I.E.S.
The Society for the Preservation of
Endangered Carnivores
& their International Ecology Study
Ventura, California

Jane Goodall, PhD, DBE Founder, the Jane Goodall Institute & UN Messenger of Peace

Shawnee A. Gowan, B.S. Graduate Student Institute of Arctic Biology University of Alaska Fairbanks Fairbanks, Alaska. John W. Grandy, PhD Executive Director The Pegasus Foundation and The Pettus Crowe Foundation Washington, DC 20037

Gregory F. Grether, Ph.D.
Professor and Vice Chair
Department of Ecology & Evolntionary
Biology
University of California
Los Angeles, California

R. Dale Guthrie, Ph.D. Professor Emeritus Mammalogy and Paleontology University of Alaska Fairbanks, Alaska

Craig Harris, Ph.D. Associate Professor Department of Sociology Michigan State University East Lansing, Michigan

John Harte, Ph.D. Professor of Ecosystem Sciences University of California Berkeley, California

Philip Hedrick, Ph.D. Ullman Professor of Conservation Biology Arizona State University Tempe, Arizona

Rodney L. Honeycutt, Ph.D. University Professor and Divisional Dean Pepperdine University Natural Science Division Malibu, California

Rick Hopkins, Ph.D. Principal and Senior Conservation Biologist Live Oak Associates, Inc. San Jose, California

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Timmothy Kaminski, M.S. Montana Cooperative Wildlife Research Unit University of Montana Livingston, Montana

Ken Keefover-Ring, Ph.D. Assistant Professor, Departments of Botany and Geography University of Wisconsin-Madison Madison, Wisconsin

Marian Kaehler, Ph.D. Professor of Biology Luther College Decorah, Iowa

Barbara J. King, Ph.D. Emerita Professor of Anthropology College of William and Mary Williamsburg, VA

Alex Krevitz, M.A. Biologist and Founder Kunak Ltd. Coarsegold, California

Jennifer Leonard, Ph.D. Tenured Researcher Department of Integrative Ecology Estación Biológica de Doñana, CSIC Seville, Spain

Yan B. Linhart, Ph.D. Professor Emeritus, Department of Ecology and Evolutionary Biology University of Colorado Boulder, Colorado

Sandro Lovari, Ph.D. Professor, Department of Life Sciences University of Siena Siena, Italy William Lynn, Ph.D. Research Scientist, George Perkins Marsh Institute Clark University Worcester, Massachusetts

Malcolm R. MacPherson, Ph.D. Retired scientist Member SCB & AAAS Santa Fe, New Mexico

Susan K. McConnell, Ph.D.
Susan B. Ford Professor and
Howard Hughes Medical Institute Professor
Department of Biology
Stanford University
Stanford, California

Wayne McCrory, Hons. B.S. Zoology Registered Professional Biologist Research Scientist and Consultant Valhalla Wilderness Society New Denver, British Columbia, Canada

Molly McDermott, M.S. Candidate Institute of Arctic Biology University of Alaska Fairbanks Fairbanks, Alaska

Lori Marino, Ph.D. Executive Director The Kimmela Center for Animal Advocacy Kanab, Utah

J.P. Michaud, Ph.D. Professor Kansas State University Agricultural Research Center-Hays Hays, Kansas

Philip Myers, Ph.D. Professor Emeritus, Dept. Ecology and Evolutionary Biology University of Michigan Ann Arbor, Michigan Charles R. Neal, B.S., Ecology (Retired) U.S. Department of Interior Cody, Wyoming

Reed F. Noss, Ph.D. Provost's Distinguished Research Professor Department of Biology University of Central Florida Orlando, Florida

Ronald M. Nowak, Ph.D. Office of Endangered Species, US Fish & Wildlife Service (retired) Falls Church, Virginia

Mary O'Brien, Ph.D. Utah Forests Program Grand Canyon Trust

Steffen Oppel, Ph.D.
Senior Conservation Scientist, RSPB Centre for Conservation Science
Royal Society for the Protection of Birds
Cambridge, United Kingdom

David Parsons, M.S. Wildlife Biologist US Fish and Wildlife Service (Retired) Albuquerque, New Mexico

Mark S. Peterson, PhD Professor Emeritus Editor-in-Chief, Gulf and Caribbean Research School of Ocean Science and Technology Division of Coastal Sciences University of Southern Mississippi Ocean Springs, Mississippi

Eric R. Pianka Integrative Biology The University of Texas at Austin Austin, Texas Andrej Podlutsky, PhD Associate Professor of Molecular Biology, Department of Biology and Wildlife University of Alaska Fairbanks Fairbanks, Alaska

Richard Reading, Ph.D. Associate Research Professor Department of Biology University of Denver Denver, Colorado

Brett R. Riddle, Ph.D. Professor School of Life Sciences University of Nevada Las Vegas Las Vegas, Nevada

William J. Ripple, Ph.D. Distinguished Professor of Ecology Oregon State University Corvallis, Oregon

Andrew Rowan, Ph.D. The Humane Society International Washington, DC

Sahotra Sarkar, Ph.D.
Professor
Department of Philosophy
Department of Integrative Biology
University of Texas at Austin
Austin, Texas

George B. Schaller, Ph.D. Senior Conservationist Wildlife Conservation Society Bronx Park, New York

Heidi H. Schmidt, M.S. Botanist Missouri Botanical Garden Saint Louis, Missouri Andrew Schnabel PhD Professor Department of Biological Sciences Indiana University South Bend South Bend, Indiana

Steve Sheffield, Ph.D. Professor of Biology Bowie State University Bowie, Maryland

Judy Stamps Professor Emeritus Dept of Evolution and Ecology University of California, Davis, Davis, California

Heather Stricker, M.S.
Wildlife Biologist
Research Associate
College of Natural Resources
University of Wisconsin- Stevens Point

P. Roger Sweets, Ph.D. Associate Professor of Ecology Chair of Biology University of Indianapolis Indianapolis, Indiana

Teresa M. Telecky, Ph.D. Director, Wildlife Department Humane Society International Washington, District of Columbia

John Terborgh, PhD James B. Duke Professor Emeritus Nicholas School of the Environment and Earth Sciences Duke University Durham, North Carolina Margaret K. Thayer, Ph.D. Curator Emeritus, Life Sciences Field Museum of Natural History Chicago, Illinois

Richard R. Vance, Ph.D. Professor Emeritus Department of Ecology and Evolutionary Biology University of California at Los Angeles

Sacha Vignieri, Ph.D. Senior Editor, *Science* Washington, District of Columbia

Jonathan G. Way, Ph.D. Eastern Coyote/Coywolf Research Osterville, Massachusetts

Matthew T. Weirauch, Ph.D. Assistant Professor, Department of Cincinnati Children's Hospital, University of Cincinnati Cincinnati, Ohio

Robert Wielgus, Ph.D.
Professor and Director
Large Carnivore Conservation Lab
School of Environment
Washington State University
Pullman, Washington

Diana Wolf, Ph.D. Associate Professor Department of Biology and Wildlife Institute of Arctic Biology University of Alaska Fairbanks Fairbanks, Alaska

Appendix 1. Legal requirements for delisting as provided by the Endangered Species Act (1973)

A species should not be delisted until it is recovered. A species is recovered when it no longer fits the legal definition of an endangered species, i.e., when it is not "in danger of extinction throughout all or a significant portion of its range" and when the species is unlikely to fit the definition in the foreseeable future. The quoted text is the legal definition of an endangered species as specified in the Endangered Species Act (ESA). That legal definition means that the ESA has at least some restorative mandate beyond ensuring that a species is merely not "at risk of extinction." Recovery requires a species to be broadly distributed throughout portions of its historic range.

Those views of recovery are well supported by considerable scholarship (e.g., Vucetich et al. 2006, Tadano 2007, Enzler & Bruskotter 2009, Geenwald 2009, Kamel 2010, Carroll et al. 2010, and Bruskotter et al. 2014, Nelson et al. 2016, and references therein), congressional intent (HR Report 412, 93rd Congress, 1973), the history of endangered species legislation in the United States (see the section entitled "Why Focus on Significant Portion of Range?" Vucetich et al. 2006), the Findings section of the ESA (see second from last paragraph of Nelson et al. 2016), and are consistent with numerous decisions made by several federal courts (e.g., Enzler and Bruskotter 2009).

By this view of recovery, wolves in the conterminous United States are not recovered and should not be delisted because wolves occupy only about 15% of their former range.

Some have argued that this view of recovery requires a species to occupy all of its former range. The explanation offered above indicates this plainly not true. Moreover, no one working to better understand the legal meaning of recovery has ever suggested this to be the case. For additional discussion on this point see Nelson et al. (2016).

The FWS recently argued, in a proposed rule, that wolves should be delisted because they currently occupy all of the range that they can possibly occupy (78 Fed. Reg. 35,664). There are two concerns with this position. First, the inability to achieve recovery is not a reason to delist. Second, abundant evidence indicates that wolves could feasibly occupy portions of their former range that they do not currently occupy. For details, see <u>Bruskotter et al. (2014)</u>.

The Director of the FWS seems to suggest, in a letter to the editor of the *New York Times* (Sept 4th, 2014) that limited resources available to the FWS are a reason to delist wolves and that delisting wolves would allow the FWS to focus resources on other species in greater need of attention. Limited resources is not an adequate reason to delist a species prior to its being recovered. If limited resources prevent the FWS from actively recovering a species, that species should remain protected by the ESA until the FWS has sufficient resources to actively recover that species. For details, see <u>Nelson and Vucetich (2014)</u>.

No less important than the legal meaning of endangerment, is that recovery requires the existence of adequate regulatory mechanisms (Sec. 4(a)(1)(D) of the ESA). There are significant concerns that such mechanisms are not in place. These concerns are reflected, in part, by two federal courts decisions, one pertaining to Minnesota and Wyoming. Related concerns have been raised for wolves in Wisconsin. 9

⁸ HSUS et al. v. Jewell et al. 2014. U.S. District Court, D.C. (1:13-cv- 00186-BAH Document 52) and Defenders of Wildlife et al. v. Jewell et al. U.S. District Court, D.C (Civil Action No. 12-1833 (ABJ)).

⁹ Dr. Adrian Treves of University of Wisconsin and colleagues sent an open letter to the FWS in 2014, describing concerns about use of the best available science in the State of Wisconsin's post-delisting monitoring report on gray wolves.

http://faculty.nelson.wisc.edu/treves/reports/Letter%20to%20USFWS/Response_to_Acting_Director_Wooley_USFWS.pdf

Appendix 2. The public is supportive of wolves and the Endangered Species Act

Americans' attitudes toward large carnivores, including wolves, are largely positive. Recent research indicates that attitudes toward wolves have become increasingly positive over the past four decades (George et al. 2016). In fact, three in five Americans hold a positive attitude towards wolves only one in ten Americans have significantly negative attitudes about wolves (George et al. 2016). Even those living in wolf range have a largely positive attitude about wolves. For example, only 18% of non-tribal residents living within the geographic range of wolves in Wisconsin had a very unfavorable view of wolves (Shelley et al. 2011).

Despite widespread positive attitudes about wolves, some have a false impression that the public has a low tolerance for wolves. There are at least three explanations for this misimpression. First, some sociological studies suggest that attitudes toward wolves have become more negative over time; however, these studies tend to focus on hunters, those familiar with hunting, and rural residents living within wolves' range (e.g. Treves et al. 2013, Ericsson & Heberlein 2003). While it is important to address these attitudes (see below), they are not representative of the interests of most Americans.

Second, other research indicates that biased media coverage gives the impression of low and deteriorating tolerance for wolves. For example, Houston et al. (2010) examined North American news coverage about wolves over a 10-year time period (1999-2008). They found 72% of ~30,000 paragraphs they analyzed, represented wolves negatively. They also found that these negative expressions had increased significantly over time. Yet, media's coverage of wolves does not accurately represent Americans' attitudes, and such media bias could lead to distorted perceptions of public opinion (see George et al. 2016).

Third, the perceptions of wildlife professionals working for state agencies may be distorted by interactions with individuals who are not representative of the broader public or even the interest groups to which they belong. An example serves to illustrate: In 2003 the Utah Division of Wildlife Resources hosted a series of scoping meetings concerning wolf management. About 80% of the $\sim\!900$ people who attended those meeting identified "do not allow wolves in Utah" as a management priority. At the same time (i.e., in 2003), a systematic study of attitudes toward wolves found that 74% of Utahans exhibited positive attitudes toward wolves.

This case illustrates that state agencies can get the false impression of low support for wolves on the basis of such interactions. The concern is that agencies' contact with the public is not always representative of the public's attitude on the whole, or even of those who care about wildlife conservation issues. This circumstance is regrettable, but understandable, given that scoping meetings, for example, are often attended disproportionately by stakeholders who are especially upset about an issue. This case and these circumstances are detailed in Bruskotter et al. (2007).

With respect to the small segment of Americans with negative attitudes about wolves and other carnivores, there is value in understanding the details of those attitudes. Psychological research indicates that intolerance for wolves (and other large carnivores) may originate from negative emotional reactions toward these species, and perceptions of wolves' impacts that are grossly at odds with scientific knowledge about these species (Slagle et al. 2012, Johannson et al. 2012).

¹⁰ A poll of attitudes about wolves was conducted by the state of Montana in 2012. The plurality of respondents in that poll expressed being very intolerant of wolves (Montana Fish, Wildlife & Parks 2012). Methodological details of that poll have not, to our knowledge, been subjected to scientific peer-review. A concern with that poll is that the results are an artifact of disproportionate or misrepresentative sampling.

Other sociological research makes the case that poor attitudes about wolves are associated, less so with the perceived negative impact of wolves, and more so with "deep-rooted social identity" (Naughton-Treves et al. 2003; see also Heberlein 2012).

While it is important to ameliorate the financial losses caused by wolves for those few individuals whose animals are actually harmed, doing so is not likely to cause those individuals to have more positive attitudes, as was suggested by Naughton-Treves et al. (2003) and demonstrated longitudinally by Treves et al. 2013, Browne-Nunez et al. 2015, and Hogberg et al. 2015.

A basic principle of wildlife management is that it be based on sound science. For that reason, it would be poor governance to manage a wildlife population on the basis of attitudes about wildlife that are profoundly untethered from scientific knowledge about wildlife. The proper role of government in a case like this is to work to ease the misperceptions of that small segment of Americans.

Unfortunately, there are notable examples of state governments working to fuel hatred of wolves and inflame tensions between interest groups. For example, days after Congress delisted wolves in Idaho and Montana, the Governor of Idaho declared wolves to be a "disaster emergency" (Zuckerman 2011). That phrasing, "disaster emergency," is usually reserved for truly tragic events such as eatastrophic hurricanes and tornadoes.

The values and will-power of the American people, on the whole, support the ESA and wolf conservation. We are also a sufficiently resourceful and generous people, committed to fairly redressing the concerns and negative attitudes held by a small segment of Americans.

Appendix 3. Wolves and livestock

According to a 2011 USDA report on cattle death loss, wolf depredation represents less than half of one percent of all losses (USDA 2011). For context, about half of all losses are health-related (e.g., digestive problems, respiratory problems, metabolic problems). Losses due to dogs are almost three times as common as wolf-related losses. Criminal losses, due to poisoning and theft, are six times as common as wolf-related losses. These statistics are similar within each of the states inhabited by wolves, i.e., MI, MN, WI, MT, ID, WY, WA, OR, AZ and NM. Wolves are not a threat to the livestock industry in any state or region of the country.

One response to the facts described just above is to argue that no industry of any kind should accept losses on the order of 0.5%. That response would represent a basic misunderstanding of the circumstance. The circumstance is: Of the lost cattle, about 0.5% are attributable to wolves. Of existing head of cattle, some 92 million head, wolves kill approximately one hundredth of one percent – tantamount to a rounding error.

An industry interested in managing its losses would tend to focus on larger, higher-ranking sources of loss. Of the 20 categories of loss tracked by the USDA, wolves are the 6th least important. For example, even domestic dogs and vultures are each more important sources of loss.

Disturbing images of wolf-killed livestock are sometimes presented as evidence for the failure of efforts to manage wolf-livestock conflicts. This is analogous to presenting emotion-laden images of a car accident as evidence that the nation's transportation system is, on the whole, a failure. A car wreck and a lost head of livestock are certainly both unfortunate events, but neither is evidence of widespread or systematic failure.

In certain instances, wolves compete with the interests of *individual livestock owners*. Those instances are important. The American people share a burden to assist in these instances. To this end, the states, the FWS, the Department of Agriculture and non-profit organizations all have programs to assist ranchers financially or with tools and management techniques to reduce conflicts with wolves (e.g., range riders, moving female livestock to give birth in safer locations, cleaning up stillborn young, electric fencing, electrified fladry or guard animals). Several varieties of these programs exist, focusing variously on: compensation for livestock losses; costshare and technical assistance for the use of nonlethal tools that reduce conflict; and incentive payments such as payment for presence of live wolves. These programs are very beneficial. Where there is a need to improve these programs, they should be so improved.

Related to this concern, the legalized killing of carnivores to prevent livestock loss does not have a strong record of effectiveness (Treves et al. 2016). Most studies on the topic conclude that the killing has no positive effect and in some cases a counter-productive effect. Two studies of lethal control offer a countervailing sense. One of these studies concluded that lethal control had a slight effect in reducing depredation (Herfindal et al. 2005) and the other reported a significant reduction (Bradley et al. 2015). The concern is that those results are not reliable because both studies are associated with non-trivial methodological shortcomings (Treves et al. 2016).

Treves et al. (2016) also reviewed studies aimed at assessing the efficacy of non-lethal control. Of the studies reviewed, only two were robustly designed (i.e., random assignment of treatments) and thereby capable of providing reliable inference. One of these studies involved livestock-guarding dogs and the other involved "fladry," a visual deterrent. In both studies the non-lethal control method resulted in reduced depredation.

Appendix 4. Wolves, deer, and elk.

Wolves are not negatively impacting the health or vitality of any deer or elk population. Several considerations indicate that concerns over the impact of wolves on deer and elk hunting are overstated:

- 1) Healthy wolf populations are vital to the health of ecosystems inhabited by ungulates¹¹, as summarized by the image to the right which is taken from Ripple et al. 2014, which was published in *Science*. The figure represents a conceptual summary of 12 scientific publications, and is a conceptual representation of what is known about how wolves influence the health of ecosystems.
- 2) Ungulates are widely acknowledged even by scientists working for state wildlife agencies to be overabundant in many portions of current and historic wolf range. Overabundant ungulate populations are widely understood to be of significant detriment to agriculture, forestry, private property, and human safety (deer-vehicle collisions).
- 3) Ungulate hunting is successful in all states where wolves live. For example, in 2015 Idaho experienced record high harvest of white-tailed deer and the highest harvest of elk since 1996. The high numbers were not attributed to the state's control of wolf predation, but instead to a series

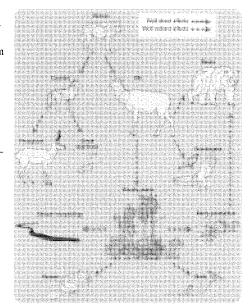


Fig. 4. Conceptual diagram showing direct (solid time) and indirect flashed lines) effects or gain well relaboration into the Grater Victorius one exception. Well direct christs have been documented for els (96) and coxetic (97), whereas indirect effects have been for prosphoral 98), except paints (100), these morphology (54), between (55) and bees (55), either (100), been respective (101), been expected (101), been expected

of mild winters (Idaho Fish and Game 2016). Moreover, hunters' dissatisfaction with ungulate harvest, where it occurs, is likely connected less with any discernable effect of wolves and more with ill-informed perceptions of how wolves impact ungulate populations, lack of trust in state wildlife agencies, and unrealistic expectations concerning the harvest levels. It would be valuable for state wildlife agencies to tend those likely sources of dissatisfaction.

- In many places where ungulates are less abundant, poor habitat is believed to be the limiting factor, not wolf predation.
- 5) It is normal and healthy for ungulate populations to fluctuate in response to many factors the most important factors being winter severity, habitat quality, and human hunting. It is a deeply unrealistic expectation to think that ungulate abundance would not fluctuate over time.

¹¹ The word "ungulate" is a generic term that refers, in this case, to deer or elk.

Moreover, observing a decline in ungulate abundance is <u>not</u> evidence that wolf predation is the cause of decline. For example, during a Congressional oversight hearing held on Sept 21, Rep. Benishek seemed to suggest that wolf predation was the reason the Michigan Department of Natural Resources has allowed for fewer opportunities to hunt antlerless deer in Upper Michigan in recent years. However, the Michigan Department of Natural Resources indicates those decisions were a response to a string of severe winters that were the primary cause of recent decline in deer abundance (MI-DNR 2016). Three of the last four winters in Upper Michigan have been severe.

- 6) Wolf predation is a relatively small source of ungulate mortality. For example, information provided by the Wisconsin DNR indicates that hunters kill approximately nine times as many deer than do wolves, vehicle-deer collisions kill approximately the same number of deer as do wolves, starvation in a typical winter kills nearly four times more deer than do wolves. In many cases wolves are killing deer that are less fit and vulnerable to starvation. In the absence of wolves, more deer would likely die of starvation (Wisconsin Department of Natural Resources 2009). Finally, poachers and hunters who do not retrieve the deer they shoot likely kill considerably more deer than do wolves.
- 7) Finally, the views of Carter Niemeyer seem appropriate. Mr. Niemeyer is an avid hunter and served for six years as the wolf recovery coordinator for the U.S. Fish & Wildlife Service. He was also a long-time trapper with USDA Wildlife Services, and involved with both lethal and non-lethal control of wolves. Mr. Niemeyer stated in an interview with Outdoor Idaho: "...I don't think [wolves are] any excuse for not being a successful hunter. There's tremendous numbers of game animals available to sportsman and with a little effort and sleuth, you still have great potential to collect a wild animal from hunting. I don't know what the excuse was before wolves, but it has become the main excuse now for unsuccessful hunters. I mean, there are just so many other issues involved in why hunters are not successful, but the wolf is a lame excuse."

¹² This assumes that wounding losses are about 10% of the harvest and that rates of poaching are on the order of 4%. Those rates of wounding loss and poaching are consistent with peer-reviewed literature (e.g., Unsworth et al. 1993, Van Deelen et al. 1997, Nixon et al. 2001, Mayer et al. 2002, Grovenburg et al. 2011, McCorquodale et al. 2011). By those rates (10% and 4%), these sources of deer death are approximately 40-50% more than what wolves kill, when considered in conjunction with information presented in Wisconsin DNR (2009).

Appendix 5. Wolves and human safety

Except in the very rarest of circumstances, wolves are not a threat to human safety. Incidents of wolves harming people are incredibly rare. Wolves generally avoid people and in almost all cases people have nothing to fear from wolves in the wild.

In the 21st century, only two known deaths have been attributed to wild wolves in all of North America. There have been no deaths from wolves in the conterminous United States. Far more Americans are killed by bees or dogs than by wolves. Far more Americans are injured or killed in deer-vehicle collisions (U.S. Dept of Transportation). Our overall response to any threat to human safety should be, in part, commensurate with the risk of that threat. Moreover, it should be acknowledged that large carnivores are, on the whole, beneficial to human safety by helping to reduce the number of deer-vehicle collisions (Gilbert et al. 2016).

On the extraordinarily rare occasions when a wolf has appeared to be even potentially problematic, the appropriate agency (state or federal) has moved swiftly to address any possible threat. For example, in May 2015, the Mexican Wolf Interagency Field Team lethally removed a wolf that was exhibiting unusual activity near residents and populations in Catron County, New Mexico.

The false impression that wolves are a threat to human safety is fostered by the interaction between (i) a public that is easily and overly impressed by certain kinds of fear and (ii) those who fabricate or exaggerate the threat that wolves represent. The seriousness of these exaggerations is illustrated with two examples from Michigan:

- -- A state Senator conveyed a "horrifying and fictional" account of wolves threatening humans. That account was included in a 2011 resolution urging the U.S. Congress to remove ESA protections for gray wolves in Michigan. Later the Senator conceded that the account was not true. See Oosting (2013) for details.
- -- Adam Bump, an official from the Michigan Department of Natural Resources, "misspoke" when he was interviewed by Michigan Radio (a National Public Radio affiliate) in May 2013. Bump apparently said to the interviewer: "You have wolves showing up in backyards, wolves showing up on porches, wolves staring at people through their sliding glass door while they're pounding on it exhibiting no fear." Later, Bump conceded that this did not happen. See Barnes (2013) for details.

Appendix 6. Legal/Political Concerns

Some advocates for premature delisting of gray wolves argue that the only reason gray wolves are still protected by the ESA is that special interests have manipulated federal courts. The only reason that the FWS has failed to convince the courts that gray wolves ought to be delisted is because the FWS has failed to follow the legal requirements of the ESA. This conclusion is supported not only by the rationale presented by federal judges. See Appendix 1 for details.

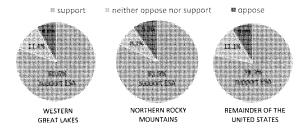
State governments have been asserting that life would be much better if the federal government allowed states to manage wolves. Idaho and Montana demonstrate that life is not appreciably better when wolves are managed by the states. Controversies about wolf management are as inflamed in those states as they were before delisting.

Appendix 7. Public Support for the Endangered Species Act

No less important than positive attitudes about wolves are attitudes about the Endangered Species Act (ESA). Existing data indicate that public support for the ESA is widespread and strong. An earlier, sociological study concluded that four of every five Americans are supportive of the ESA (Czech & Krausman 1997). That study also indicated that 49% of respondents believed that ESA should be strengthened. In contrast, only 16% believed it should be revoked or weakened.

Some advocates of delisting wolves are concerned that continuing to protect wolves under the ESA will erode public support for the ESA. However, recent polling suggests that attitudes toward the ESA have remained positive over the past two decades. In particular, one poll, conducted in 2015, indicates that approximately four of every five Americans are supportive of the ESA (Harris Interactive 2011). Another recent poll indicates that support for the ESA transcends political ideology. That is, support for the ESA by self-identified liberals, moderates, and conservatives is 96%, 94%, and 82%, respectively (Tulchin Research 2015). Finally, data collected in 2014 by the research firm GfK indicates that attitudes toward the ESA similarly positive in wolf recovery areas and the remainder of the country (see figure below, J.T. Bruskotter, unpublished data).

Support for the Endangered Species Act (ESA) by region.



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July 24, 2017

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

The Honorable Thomas R. Carper Ranking Member, Senate Committee on Environment and Public Works 456 Dirksen Senate Office Building Washington, D.C. 20510

Re: Protect iconic wolves for all Americans and prevent toxicity to wildlife and habitats from lead poisoning

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of The Humane Society of the United States (HSUS), the nation's largest and most effective animal advocacy organization, and our members and supporters nationwide, I write to express our strong opposition to the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act, S. 1514, which delists wolves in three western Great Lakes states and Wyoming and contains other provisions harmful to wildlife. The legislation would allow the iconic gray wolf to be killed in large numbers by some of the cruelest methods including trapping and hounding, prevents the Environmental Protection Agency from regulating toxic lead fishing equipment, and codifies exemptions allowing migratory birds to be shot over vast tracts of agricultural lands.

Wolves are a beloved and valued American icon.

In numerous polls, studies, and surveys, including in wolf-occupied states, the American public - by overwhelming majorities - have stated their appreciation for wildlife-including gray wolves (Canis lupus).

- Wolf- and grizzly bear-watching tourism drive over \$1 billion in revenues to the Northern Rockies States of Idaho, Montana, and Wyoming, and create 17,600
 - Grand Teton National Park: "In 2016, 3.3 Million park visitors spent an estimated \$597.3 Million in local gateway regions while visiting Grand Teton National Park. These expenditures supported a total of 9.4 Thousand jobs, \$274.7 Million in labor income, \$439.4 Million in value added, and \$779.5 Million in economic output in local gateway economies surrounding Grand
 - Yellowstone National Park: "In 2016, 4.3 Million park visitors spent an estimated \$524.3 Million in local gateway regions while visiting Yellowstone National Park. These expenditures supported a total of 8.2 Thousand jobs, \$238.5 Million in labor income, \$383.9 Million in value added, and \$680.4

Million in economic output in local gateway economies surrounding Yellowstone National Park."iii

- In the November 2014 election, Michigan citizens soundly rejected two laws authorizing trophy wolf hunts.
- In 2014, a Wisconsin Department of Natural Resources survey of almost 9,000
 Wisconsinites that was heavily weighted to rural residents found that most are proud that
 Wisconsin is home to wolves, and most do not want them hunted or trapped, because of
 their enormous ecological and intrinsic values.*
- 4. In Minnesota, a comprehensive survey found: "Minnesotans clearly value wolves. Public opinion surveys and attitudes demonstrated during development of the state's wolf management plan show people view the animal as ecologically important, scientifically fascinating, aesthetically attractive, recreationally appealing, and significant for future generations. Only a small minority fear and dislike wolves or believe Minnesota would be a more desirable place without this apex predator." Minnesota DNR's 2012 public wolf survey asked, "Do you support hunting and trapping for wolves in Minnesota?" 79 percent answered, "No." A 2013 poll found that a majority of Minnesota voters opposed the use of traps, snares, and bait to hunt and kill wolves."

Wolves without federal protections are subjected to excessive and inhumane trophy hunting and trapping methods.

Public opinion surveys reveal that the vast majority of Americans do not want wolves shot and killed for sport or for their fur, and that's precisely what delisting will produce. viii

States have authorized the use of particularly harst methods for killing wolves: strangling cable neck snares; cruel steel-jawed leg-hold traps; fetid and toxic baits; and hounding with packs of radio-collared trailing hounds.

Today, Brian Nesvik, Chief Game Warden for Wyoming Game and Fish, told the Senate Committee on Environment and Public Works that Wyoming's wolves require vast spaces and that the state has already accommodated that need. What Mr. Nesvik failed to mention was that those spaces are located on Grand Teton and Yellowstone National Parks and the Wind River Indian Reservation, home to the Eastern Shoshone and Northern Arapahoe Tribes.

In the remaining 80 percent of Wyoming, outside of those national parks and Indian Reservations, the state's wolves will be killed without bag limits, seasons, or age limits (including mothers at the den and their pups), and using any manner of take Wyoming decms legal. This means wolves in 80 percent of the state (half of which, or 25 million acres, are federal public lands), will be brutally killed—even driven to exhaustion over dozens of miles by snow machines and other off-road vehicles until they are shot.

A few trophy hunters and trappers have even taken to social media to show themselves subjecting wolves to horrific abuse, including deliberate torture. These activities are contrary to

the values of the vast majority of Americans, who want all animals, including our apex carnivores, treated respectfully and humanely. $^{\rm si}$

Wolves create trophic cascades, which benefit innumerable species.

These well-documented ecosystems services are myriad and invaluable. xii Wolves and all apex carnivores significantly influence biological diversity and ecosystem function, and their presence even affects soil nutrients, soil microbes, and plant quality because decomposing carcasses of prey enrich soils. xiii

Wolves are not resilient to human persecution.

Wolves are highly susceptible to persecution. NIV Large-bodied carnivores populate vast areas at sparse densities. They invest in few offspring, providing extended parental care to their young and limiting female reproduction. Social stability further promotes large carnivores' resiliency. NIV Human persecution strikes at these animals' social structure, harming their persistence. NIV The effect of human persecution is "super additive," meaning that hunter kill rates on large carnivores has a multiplier effect on the ultimate increase in total mortality over what would occur in nature due to breeder loss, social disruption, and their indirect effects including increased infanticide and decreased recruitment of their young. NIV Hunting wolves may detrimentally affect the fitness of individuals, change the evolutionary potential of packs, and increase the risk for local population extinction.

Biologists suggest that now more than ever, wolves need greater federal protections against destruction. Xix The U.S. Congress has a public trust obligation to conserve wolves for all Americans and to ensure their long-term conservation. Xix

Federal agencies need flexibility to protect wildlife from toxic lead.

S.1514 prevents the Environmental Protection Agency from limiting toxic chemicals, such as lead in fishing equipment. Like mercury and arsenic, lead is a known toxin and consequently has been removed from most consumer products such as paint, gasoline, plumbing, and children's toys. However, millions of pounds of lead fishing tackle are lost in aquatic environments each year. Nat This lead is often ingested by water and wading birds such as loons, whooping cranes, gulls, swans, geese, egrets, and herons, putting them at risk of lead poisoning. It takes only a minuscule amount of lead to poison animals, causing immense suffering before death.

Some states have enacted lead fishing tackle restrictions: Maine, Massachusetts, New Hampshire, New York, Vermont, and Washington have all banned the use or sale of some lead fishing tackle, primarily to protect loons. Lead poisoning from fishing tackle accounts for up to 50 percent of adult loon mortality. Nati The use of lead-based fishing tackle and lead ammunition continues largely unabated in states without restrictions.

Contrary to what S.1514 calls for, management decisions by federal agencies on toxic substances such as lead should be based on the best available scientific evidence. Regulatory agencies

should be allowed to evaluate and consider actions to protect wildlife and the environment from these chemicals.

Hunting birds over bait is contrary to the principles of fair-chase hunting.

The bill seeks to amend the Migratory Bird Treaty Act (MBTA) by providing a statutory definition of "baited area" and express statutory exclusions from what constitutes a "baited area." While current regulations, 50 C.F.R. § 20.21(i), already allow the taking of migratory birds over certain agricultural areas, by rephrasing these exemptions and redefining what constitutes a "baited area," this bill threatens to broaden the areas exempted under the MBTA.

For example, one of the areas that is not considered a "baited area" under the statute is one that "has been treated with a normal agricultural practice." However, the statute does not set a timeline for when an area should have received that treatment. Does this exclusion from liability apply to any field, so long as that field at some point in the past was treated with a normal agricultural practice? The bill offers a definition of "normal agricultural practice," but the definition does not clear this up.

This type of statutory language, as well as language used to characterize other exemptions from the Act's take prohibition, does not help wildlife, but rather threatens to expand judicial interpretations of hunting and other bird killing activity that is allowable under the law, despite being at cross purposes with it. For example, the bill proposes to also exclude from the definition of "baited area" all areas that "have standing crops that have not been manipulated." This language is not in the current regulations (50 C.F.R. § 20.21(i)), and can be read to exempt taking migratory game birds over virtually any area with a crop growing on it, regardless of the purpose for which the bait was deposited.

Amending the Migratory Bird Treaty Act to make it more likely that many more birds will be unnecessarily killed does not help wildlife. Moreover, these broadly-phrased agricultural exemptions are unnecessary because under current law, the Fish and Wildlife Service already issues depredation permits on a regular basis to kill birds to reduce crop damage.

Conclusion

The HSUS strongly opposes any plans that would delist wolves, limit the Environmental Protection Agency from regulating toxic chemicals such as lead, or allow the baiting of migratory bird species.

Sincerely,

Wayne Pacelle,

President and Chief Executive Officer
The Humane Society of the United States

Endnotes

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