

**H.R. 764, “TRUST THE SCIENCE ACT”; H.R.
886, “SAVE OUR SEAS 2.0 AMENDMENTS
ACT”; H.R. 1245, “GRIZZLY BEAR STATE
MANAGEMENT ACT OF 2023”; AND H.R.
1419, “COMPREHENSIVE GRIZZLY BEAR
MANAGEMENT ACT OF 2023”**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON WATER, WILDLIFE AND
FISHERIES

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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LEGISLATIVE HEARING ON H.R. 764, TO REQUIRE THE SECRETARY OF THE INTERIOR TO REISSUE REGULATIONS REMOVING THE GRAY WOLF FROM THE LIST OF ENDANGERED AND THREATENED WILDLIFE UNDER THE ENDANGERED SPECIES ACT OF 1973, “TRUST THE SCIENCE ACT”; H.R. 886, TO AMEND THE SAVE OUR SEAS 2.0 ACT TO IMPROVE THE ADMINISTRATION OF THE MARINE DEBRIS FOUNDATION, TO AMEND THE MARINE DEBRIS ACT TO IMPROVE THE ADMINISTRATION OF THE MARINE DEBRIS PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND FOR OTHER PURPOSES, “SAVE OUR SEAS 2.0 AMENDMENTS ACT”; H.R. 1245, TO DIRECT THE SECRETARY OF THE INTERIOR TO REISSUE A FINAL RULE RELATING TO REMOVING THE GREATER YELLOWSTONE ECOSYSTEM POPULATION OF GRIZZLY BEARS FROM THE FEDERAL LIST OF ENDANGERED AND THREATENED WILDLIFE, AND FOR OTHER PURPOSES, “GRIZZLY BEAR STATE MANAGEMENT ACT OF 2023”; AND H.R. 1419, TO DIRECT THE SECRETARY OF THE INTERIOR TO ISSUE A NEW RULE REMOVING THE NORTHERN CONTINENTAL DIVIDE ECOSYSTEM POPULATION OF GRIZZLY BEARS FROM THE FEDERAL LIST OF ENDANGERED AND THREATENED WILDLIFE, “COMPREHENSIVE GRIZZLY BEAR MANAGEMENT ACT OF 2023”

**Thursday, March 23, 2023
U.S. House of Representatives
Subcommittee on Water, Wildlife and Fisheries
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:17 a.m., in Room 1324, Longworth House Office Building, Hon. Cliff Bentz [Chairman of the Subcommittee] presiding.

Present: Representatives Bentz, LaMalfa, Boebert, Luna, Duarte, Hageman; Huffman, Peltola, Hoyle, Magaziner, Porter, and Grijalva.

Also present: Representatives Rosendale, Stauber, Tiffany, Zinke; Beyer, and Bonamici.

Mr. BENTZ. The Subcommittee on Water, Wildlife, and Fisheries will come to order.

Good morning, everyone. I want to welcome our witnesses, Members, and our guests in the audience to today’s hearing.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member.

I ask unanimous consent that the gentleman from Wisconsin, Mr. Tiffany; the gentleman from Minnesota, Mr. Stauber; the gentleman from Montana, Mr. Rosendale; the gentlelady from

Oregon, Ms. Bonamici; the gentleman from Virginia, Mr. Beyer; and the gentleman from Montana, Mr. Zinke, be allowed to participate in today's hearing.

Without objection, so ordered.

I, therefore, ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with the Committee Rule 3(o).

Without objection, so ordered.

We are here today to consider four bills: H.R. 764, the Trust the Science Act, sponsored by Representative Boebert; H.R. 886, the Save Our Seas 2.0 Amendments Act, sponsored by Representative Bonamici; H.R. 1245, the Grizzly Bear State Management Act, sponsored by Representative Hageman; and H.R. 1419, the Comprehensive Grizzly Bear Management Act, sponsored by Representative Rosendale.

I will now make my opening statement on these bills.

**STATEMENT OF THE HON. CLIFF BENTZ, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF OREGON**

Mr. BENTZ. The purpose today is to call out and review and, hopefully, improve the Endangered Species Act, now 50 years old. Some might say that it is perfect and doesn't need to be changed. Nothing could be further from the truth. And a law, no matter how old—in this case, 50 years—certainly can be improved. We have had all kinds of evidence to suggest how the bills that we are going to be reviewing today will suggest several approaches to improving the Act.

Those who might suggest that this law is perfect need look no further than my state of Oregon to see failures of that law. The simplest failure to call out is the spotted owl misdesignation, if you will, in my state, which caused the loss of at least 32,000 jobs in the timber industry—some would say more—and serious damage to many local communities. After the damage was done, it was determined that, of course, it wasn't the timber business that was harming the spotted owl significantly, it was the barred owl that was an invasive species that was harming the spotted owl. But too late for the 32,000 that lost their jobs.

The same type of description can apply and does apply to the spotted frog, which is in Jefferson County and Deschutes County, a little bit—in my district, a little bit in Crook County. And we have some folks visiting from all those thousands of miles away today here in our hearing, in the back row, and I am very happy to welcome them here. They are extraordinarily concerned about the impact that the spotted frog will have on their ability to continue to irrigate hundreds, if not thousands, of acres of land that are producing some of the most important seed crops in the United States.

And this type of damage based upon a science that is questionable, and application, is all too prevalent in the use of the Endangered Species Act. So, again, those who would say that this law is perfect are wrong.

And I want to repeat. Any law can be improved, and that is what we are about. This is the first hearing that we will hold on the ESA, but certainly not the last. We will have discussions about how

to make this law work better. And I am sure we are going to hear a lot about how we are trying to repeal it, gut it, destroy it. That is not the case. What we are trying to do is make this law work better.

One of the parts of the discussion has to be the cost of implementation of this bill. For example, the spotted frog, it is estimated—by one of the agencies in charge of trying to figure out what to do with it, that it is going to cost well over \$2 billion to save the spotted frog. Now, I have nothing against the spotted frog, but it is one species of somewhere between 3 million and 30 million species. I looked it up last night to see how many there were. And of course, 97 percent of those are invertebrate. But the other 3 percent are those that this bill focuses most upon.

The question is how much money can this nation spend on recovering these species? The spotted frog, I want to say \$2.9 billion, but I could be off on those numbers. How much can we afford to spend? And that issue will also be coming up in these discussions.

No conversation, if you are from Oregon, is complete without talking about the Klamath. The Klamath is down adjacent to California, and it is a challenged river in many respects, because much of its water goes to Southern California. So, the challenge there is how do we appropriately balance the farmers that live upstream from the stretch of river that has salmon in it, and how do we balance the use of water that goes into a lake that has the suckerfish in it, both endangered. And that balance seems to be sadly missing.

What our Committee is going to focus upon is the inappropriate allocation of cost to communities in rural Oregon. And I will just say you don't see too many wolves wandering around in downtown LA; you don't see too many grizzly bears in downtown New York. So, it is easy for folks in those spaces to suggest changes to areas, or restrictions to areas, or damage to areas that are far from their homes. And we will be talking about that also.

It is my hope that these conversations will lead to improvements in this Act, and I look forward to the conversations today and, of course, look forward to what the witnesses have to say.

With that, I want to turn the opening statement opportunity over to the Ranking Member, Congressman Huffman.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. I thank the Chairman, and I want to thank our witnesses who have traveled a long way to testify here today. Welcome.

We have four bills before us today, one of which I support, H.R. 886 by Representative Bonamici, the Save Our Seas 2.0 Amendments Act, a bipartisan bill that would amend the Marine Debris Program and Foundation. But the rest of the agenda, I have to say, is a hot mess of extreme anti-science, anti-tribe, anti-wildlife bills.

I don't think anyone would claim that the ESA or any other law is perfect, but improving these laws seems to be a euphemism with some of our friends across the aisle, because so far every so-called improvement proposal I have seen involves weakening, and

gutting, and reducing protections, as if we have too many of these threatening endangered species.

So, look, this is the 50th anniversary of the Endangered Species Act. It has been tremendously successful for 50 years. We have been working to recover endangered and threatened species. We have kept 99 percent of these species from going extinct, and we have recovered beloved iconic species like the bald eagle and the humpback whale. Thank you, Endangered Species Act.

Unfortunately, the Republican Majority wants to celebrate this anniversary by undermining a law that 80 percent of Americans support. In fact, there was a recent election in Colorado that the whole nation was watching. It was super close, came down to the wire at the last minute. Of course, I am talking about the election that resulted in the people of Colorado voting by 50.9 percent to 49.1 percent to restore protection for gray wolves. The gray wolves are more popular than some of the politicians that want to delist them.

Unfortunately, the Republican bills in this hearing target the grizzly bear and gray wolf, two very iconic species in the American West with deep cultural and spiritual significance to Tribal Nations and the American people.

And the sheer hubris of these bills is impressive. The idea that we, as Members of Congress sitting here in Washington, are more qualified than scientists and experts at the top of their field to make delisting decisions for the Endangered Species Act, and then to lock those in by insulating them from judicial review, that is incredibly extreme.

Every one of us in this room probably has an opinion on these matters. But in many ways, and certainly under the law, our opinions shouldn't matter. Congress has no business listing or delisting species. These bills ignore science, rather than trust it. They bypass science. They also ignore concerns of tribes. They prohibit judicial review. Enacting these bills would indeed undermine the successful recovery of these species and the rule of law.

So, look, if we care about the law, there actually is a science-based process for delisting species. Population size is just one of many factors. The Fish and Wildlife Service must also assess other factors, including whether the species has met recovery goals across a significant part of its range, habitat destruction, disease, predation, the status of regulatory and recovery efforts by the states, and other factors.

And, importantly, the Fish and Wildlife Service must consult with tribes. These bills would legislatively delist the species we are talking about—the gray wolf and grizzly bear, turn over management to the states, lock it in without judicial review, and completely bypass tribal consultation.

We don't have to guess what these states will do. We saw it play out in the months after the Trump administration delisted the wolf and the greater Yellowstone grizzly. What happened then?

Well, Idaho authorized the killing of 90 percent of their 1,500 wolves; Montana approved a statewide harvest quota of 450 wolves, 40 percent of the state's population, until an unprecedented number of Yellowstone wolves were killed. Wisconsin allowed the killing of 30 percent of its wolves in one hunting season. In August

2021, 17 killings of gray wolf pups, some as young as 1 week old, occurred, threatening future populations. Idaho and Montana went back to the old bounty system, paying hunters for wolf kills, and authorizing trapping, snaring, night vision equipment, baiting, motorized vehicles, and dogs to track and kill.

Grizzlies are a similar story. Following the 2017 Trump administration delisting, Wyoming and Idaho proposed trophy hunting seasons, and the proposal would have allowed hunters to kill bears just outside of Yellowstone and Grand Teton National Park. Some of these states want to manage wolves and grizzlies like Buffalo Bill managed bison.

I am out of time, Mr. Chairman, but I think you know how I feel about these bills. I look forward to hearing from our witnesses, and I do have a few unanimous consent requests that I would like to make as we close out.

I would like unanimous consent to enter into the record a letter from the Director of Fish and Wildlife Service, Martha Williams, to the Director of Montana Fish, Wildlife, and Parks, expressing concern over state laws which conflict with the ESA and threaten delisting of the grizzly bear; and a letter from eight tribal organizations to Secretary of the Interior Deb Haaland, reminding the Department of the Interior of its tribal trust responsibilities; and then finally, a letter from the Northern Cheyenne Tribal Administration emphasizing the spiritual and cultural significance of grizzly bears, and opposing H.R. 1245 and H.R. 1419.

Mr. BENTZ. Without objection, so ordered.

[The information follows:]

**United States Department of the Interior
FISH AND WILDLIFE SERVICE
Washington, D.C.**

Director Hank Worsech
Montana Fish, Wildlife and Parks
P.O. Box 200701
Helena, Montana 59620-0801

Dear Director Worsech:

The U.S. Fish and Wildlife Service (Service) and Montana Fish, Wildlife and Parks (MFWP) share common goals to provide for the stewardship of wildlife and contribute to the quality of life for the citizens of Montana and the United States. As part of those goals, we have been working together on grizzly bear conservation and recovery for many decades and look forward to working with you in the continued recovery of this species.

However, Montana Senate Bill 98 (SB 98) conflicts with the Endangered Species Act (ESA) and is inconsistent with commitments made by the State of Montana on how grizzly bears would be managed if they were to be delisted. We are also concerned that other recently passed legislation targeting wolves and black bears has the potential to increase grizzly bear mortality and human safety. These legislative actions, collectively or individually, relate to the ESA requirement that we consider "the inadequacy of existing regulatory mechanisms" when we determine whether to list or delist a species or population (Sec 4(a)(1)(D)).

SB 98 amended Montana Code to legalize the taking of a grizzly bear in the act of depredating on livestock. This is contrary to our existing 4(d) rule (50 C.F.R. § 17.40), that allows for the taking of a grizzly bear only "in self-defense or in defense of others." Further, per the 4(d) rule, "nuisance bears shall only be taken by authorized state, federal, or tribal agencies." The amended state law could lead members of the public to wrongly believe that killing a grizzly bear when it is killing or threatening to kill livestock is legal, when in fact it is illegal under the

ESA and individuals taking a bear under these circumstances would be subject to possible civil and criminal penalties. To bring Montana code into alignment with federal regulations, the language that allows the taking of a grizzly bear to protect livestock would need to be removed from the law or language would need to be added to the law to clarify that the taking of a grizzly bear by a private individual to protect livestock would only be lawful after the grizzly bear has been delisted federally.

Montana has committed to comply with population standards and objectives in the Conservation Strategy for the Grizzly Bear in the Northern Continental Divide Conservation Ecosystem (NCDE) upon delisting, as outlined in Administrative Rule of Montana 12.9.1403 (2018), which functions as the primary regulatory mechanism assuring that this population would remain secure without the protections afforded by the ESA once delisted. However, the amendment to 87-6-106 brought about by SB 98 is inconsistent with these commitments because there is no population trigger for halting discretionary mortality provided for in the amendment to 87-6-106, and there is no method to notify Montana citizens that the mortality threshold has been met and that taking of grizzly bears should stop except in self-defense or in defense of others. To anticipate compliance with the terms of any future delisting, Montana law ought to provide a mechanism to end this type of mortality when the mortality threshold for any sex or age class (as set forth in ARM 12.9.1403) has been met.

We are also concerned that other recently passed legislation allowing wolf snaring and trapping and allowing the use of dogs to pursue black bears in occupied grizzly bear range will invite conflicts between hunters and grizzly bears, including potential injuries and mortalities for grizzly bears and risks to human safety. The current 2023 Montana legislative session presents a good opportunity to address these issues.

In addition, the Service has submitted comments on the draft MFWP Grizzly Bear Management Plan, and we look forward to addressing any concerns we may have once you have reviewed those comments.

As I know we both appreciate, there are many instances of good coordination between the Service and MFWP. These include the Service funding to USDA Wildlife Services to address grizzly bear conflicts with livestock producers in Montana as well as adding additional Service grizzly bear conflict specialists to address human/grizzly bear conflicts. I hope that Montana will also continue to look for resources to address human/grizzly bear conflicts.

Finally, I hope that MFWP would continue to work with the Montana Department of Transportation to identify funding through the Federal Highway Administration for wildlife crossings that could be so helpful along the I-90 corridor and elsewhere.

If you have additional questions or require further clarification on this topic, please contact Matt Hogan at matt_hogan@fws.gov.

Sincerely,

MARTHA WILLIAMS,
Director

September 13, 2021

Hon. Deb Haaland, Secretary
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Haaland:

The federal government's trust responsibility toward sovereign Indian nations dates back to the very beginning of the country. First acknowledged as early as 1831 in the trio of Supreme Court cases known as the "Marshall Trilogy," it was the Court's holding in *Worcester v. Georgia* in 1832 that laid the foundations for tribal sovereignty. This foundation has survived several eras in federal Indian policy. From termination and relocation to allotment and assimilation. We are now living in the era of self-determination, yet recent actions reminds us that we have much work to do.

In recent years, the federal government often has failed in its treaty and trust responsibility and its regulatory framework to engage in meaningful consultation with tribal nations. Time and again, the federal government has taken actions

anathema to sovereign tribal nations, and the delisting of the gray wolf is an example.

We are well aware that you fully understand that as a land-based people, the rocks and soil that form our landscapes, and the plants and animals that live upon them, are central to our belief systems and make up the fabric that ties our communities together. Rather than respecting our way of life and honoring the hundreds of treaties, without any tribal input, the government has authorized oil drilling and mining, encouraged forest loggings, and decimated wildlife populations—ignoring the significance of land and animals to tribal communities. Most recently, and without engaging in the required consultation with Indian Country, the Trump administration delisted the gray wolf from the endangered species list, putting the wolf's tenuous recovery at risk. Not only did the federal government further erode tribal sovereignty by not consulting with Indian Country, this action by the federal government ignores our collective voices—Native voices—by failing to give any thought to our interests, sacred ceremonies, and cultures. Tribes should have the opportunity to participate in developing and implementing culturally sensitive wolf population management programs. By allowing tribes a seat at the table, through meaningful consultation, such solutions are possible.

Given the immediate threat facing the gray wolf as the result of states enacting anti-wolf policies that present a real potential of decimating wolf populations, we write to desperately urge you to **immediately act upon the emergency petition** filed on May 26, 2021, to relist the gray wolf as endangered or threatened under the Endangered Species Act (ESA). Just as important, we also call on you to exercise existing authority to list the gray wolf as such on an emergency basis. Emergency listing is a temporary measure that ensures immediate protection and expires 240 days following the publication date. **This 240-day pause will allow the federal government to engage in proper and meaningful consultation with tribes.** Today, the wolf is functionally extinct in over 80% of its historic range, with only 6,000 surviving in the United States. Wolves figure prominently in the folklore of nearly every Native American tribe. In most Native cultures, the wolf is considered a medicine being associated with courage, strength, loyalty, and success at hunting. Like bears, wolves are considered closely related to humans by many North American tribes, and the origin stories of some Northwest Coastal tribes tell of their first ancestors being transformed from wolves into men. In Shoshone mythology, the wolf plays the role of the noble Creator god, while in Anishinabe mythology a wolf character is the brother and true best friend of the culture hero. Among the Pueblo tribes, wolves are considered one of the six directional guardians, associated with the east and the color white, and associated with protection, ascribing to them both healing and hunting powers. Wolves are also one of the most common clan animals in Native American cultures. Tribes with Wolf Clans include the Creek, Cherokee, Chickasaw, Chippewa, Algonquian tribes like the Shawnee and Menominee, Iroquois tribes, Plains tribes like the Caddo and Osage, the Pueblo tribes of New Mexico, and Northwest Coastal tribes.

Had either the Trump or Biden Administrations consulted tribal nations, as treaty and trust responsibilities require, they would have heard that as a sacred creature, the wolf is an integral part of the land-based identity that shapes our communities, beliefs, customs, and traditions. The land, and all it contains, is our temple.

The Department of the Interior Secretarial Order No. 3206, Federal-Tribal trust responsibilities and the Endangered Species Act, is displayed on Fish & Wildlife Services website under the tab “working with tribes”. The Secretarial Order lists a number of principles the Department endeavors to follow. Principle number 4 states the “Department shall be sensitive to Indian culture, religion and spirituality.” In the appendix to the Order, dated June 5, 1997, under § 3., subsections B and C; the order reaffirms the right of tribes to participate fully in the listing process. Section 3(B)(6) states: “Having first provided the affected Indian tribe(s) the opportunity to actively review and comment on proposed listing actions, [the U.S. Fish and Wildlife Service and the National Marine Fisheries Service shall] provide affected Indian tribe(s) with a written explanation whenever a final decision on any of the following activities conflicts with comments provided by an affected Indian tribe: (i) list a species as endangered or threatened; (ii) designate critical habitat; (iii) reclassify a species from endangered to threatened (or vice versa); **(iv) remove a species from the list;** [emphasis added] or (v) designate experimental populations.”

Finally, when President Biden took office, he loudly signaled to Indian Country his commitment to the responsibility this nation has to honor treaty and trust obligations to tribal nations. On January 26, 2021, less than a week into his presidency, the President issued an executive memorandum reaffirming the requirement

that each executive agency, in accordance with Executive Order 13175 (November 6, 2000), consult with Tribal nations when making policies impacting Indian tribes.

As such, to avoid rendering President Biden's commitment and promise to Indian Country meaningless, and to put a hold on the continued slaughter of the gray wolf, we demand that you immediately grant the emergency relisting petition to give the federal government the chance to follow precedent and engage in consultation with tribes.

The failure to take action here, thus ignoring the concerns of tribal nations, would signal to Indian Country that President Biden's promises to Indian Country are hollow. Every concern matters, and thus, every tribal concern, and not some, must be the subject of meaningful consultation. There should be no exceptions, short cuts, and/or turning a blind eye to any matter impacting tribal interests. The failure of the Department of Interior to engage in meaningful consultation is a serious breach of trust, and we fully expect that you will understand this to be as such, and take the action that is required and grant an emergency listing. This would allow for the Biden administration to not only show its commitment to Indian Country, but the proper time to correct a wrong birthed by the previous administration. The delisting of the gray wolf without tribal consultation is a stain that we are certain you don't want to preserve under your leadership.

Sincerely,

Affiliated Tribes of Northwest
Indians

Native Justice Coalition

Association on American Indian
Affairs

Navajo Nation

Great Plains Tribal Chairman's
Association

Oneida Nation of Wisconsin

Inter Tribal Council of Arizona

Rocky Mountain Tribal Leaders
Council

NORTHERN CHEYENNE TRIBE ADMINISTRATION
Lame Deer, Montana

March 22, 2023

Re: The Northern Cheyenne Tribe's Opposition to H.R. 1245 and H.R. 1419

Dear Chairman Bentz:

The Northern Cheyenne people once shared our traditional homelands in the Tongue River and Powder River Basins with grizzly bears. Grizzly bears once ranged throughout the traditional territory of the Northern Cheyenne people, including lands within the boundaries of the Northern Cheyenne Reservation in southeast Montana. However, like the territory of the Northern Cheyenne people, the range of the grizzly bear was vastly diminished as the result of encroachment by settlers and prospectors beginning in the 19th century. Since that time, grizzly bears in the region have been limited to Yellowstone National Park and surrounding areas and they are no longer present on the Northern Cheyenne Reservation.

The Northern Cheyenne people view the grizzly bear as a spiritual relative and have great respect for the bear's strength and power, as well as its right to live free from harm. We believe that the Creator gave the grizzly bear a spirit in the same way that the Creator gave us a spirit, and that the grizzly bear has a right to exist and to be left alone.

We believe that the Tribe has a sacred responsibility to speak for the grizzly bear, which cannot speak for itself. In our view, this is equivalent to our obligation to speak on behalf of members of our family when they are unable to speak up for their own interests.

The Tribe opposes any effort by Congress to reduce legal protections for grizzly bears in Montana and Wyoming. Such legislative delisting would almost certainly

result in Wyoming, Montana and Idaho opening up hunting seasons for grizzlies. Recreational trophy hunting of grizzly bears flies in the face of the Northern Cheyenne belief that the grizzly bear is sacred and a gift of the Creator. Hunting a grizzly is like hunting one of our relatives—it's disturbing. The Northern Cheyenne Tribe will not be satisfied until grizzly bears are restored to their former range and the Northern Cheyenne people are able to resume their traditional practices involving grizzly bears.

Sincerely,

WILLIAM WALKSALONG,
Tribal Administrator

Mr. HUFFMAN. Thank you, Mr. Chairman. And then also, I would ask unanimous consent that Representative Don Beyer of Virginia have permission to sit at the dais and participate in the hearing, and that Representative Suzanne Bonamici of Oregon have permission to sit at the dais and participate today.

Mr. BENTZ. Without objection, so ordered.

Mr. HUFFMAN. Thank you, Mr. Chairman. I yield back.

Mr. BENTZ. I will now introduce our first panel, which consists of members who are sponsoring today's bills: Congresswoman Lauren Boebert, representing the 3rd District of Colorado; Congressman Matt Rosendale, representing the 2nd District of Montana; Congresswoman Harriet Hageman, representing all of Wyoming; and Congresswoman Suzanne Bonamici, representing Oregon's 1st Congressional District.

I now recognize Representative Boebert for 5 minutes.

STATEMENT OF THE HON. LAUREN BOEBERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mrs. BOEBERT. Thank you, Mr. Chairman. I appreciate this time today. And thank you so much for everyone who is attending here and traveling so far to be here.

I do want to say before my opening remarks, since we are talking about the Endangered Species Act, I am just wondering if my colleagues on the other side would put babies on the endangered species list. These babies were born in Washington, DC, full term. I don't know, maybe that is the way we can save some children here in the United States.

Mr. Chairman, I am appreciative of you holding this important hearing. For far too long, the Endangered Species Act has been weaponized by extremists, extremist environmentalists, to obstruct common-sense, multiple-use activities that they disagree with.

Shamefully, some of these groups have also profited immensely from these slimy tactics. Some of these groups, for example, the Center for Biological Diversity made more than \$10 million alone from suing and settling with the Federal Government and through other frivolous litigation. While well intentioned, the ESA has been weaponized, and we need to restore some balance to this process. And that is exactly what the bills in today's hearing do.

I am thrilled to see my bill, H.R. 764, the Trust the Science Act, included in this hearing. In 2020, the Department of the Interior and the U.S. Fish and Wildlife Services delisted the gray wolf in the Lower 48 United States through a process that included the

best science and data available. At over 6,000 wolves at the time of the delisting, and more than 7,000 wolves in the United States currently, the gray wolf is an Endangered Species Act success story, and it shouldn't languish on the endangered species list any longer, especially as such listings defy common sense and science.

In 2021, environmental groups filed three separate cases in the Northern District of California challenging the rule under the Endangered Species Act and the Administrative Procedure Act. As a result, a Federal District Court judge in California with an agenda vacated the final rule back to the Service, thereby restoring the ESA protections for the gray wolf across most of the United States.

Congressman Tom Tiffany and I have introduced legislation, along with nearly two dozen of our colleagues, to reissue the 2020 rule, and fully delist gray wolves in the Lower 48, consistent with the best available science.

H.R. 764 requires the Secretary of the Interior to reissue the 2020 Department of the Interior final rule that delists gray wolves in the Lower 48, and ensures that the reinsurance of the final rule will not be subject to judicial review. Gray wolves are fully recovered, and should remain delisted in the Lower 48.

Groups that have supported the Trust the Science Act in the 117th Congress or the 118th Congress include: Alaska Farm Bureau Federation; Big Game Forever; Colorado Cattlemen's Association; Colorado Conservation Alliance; Colorado Farm Bureau; Colorado Livestock Association; Colorado Wool Growers Association; FreedomWorks; Hunter Nation; Idaho Farm Bureau Federation; Mid-States Wool Growers Association; Minnesota Farm Bureau; Minnesota Lamb and Wool Producers Association; Minnesota State Cattlemen's Association; National Rifle Association; New Mexico Cattle Growers Association; Rio Blanco County Commissioners, right in my district; Rio Blanco County Farm Bureau; Safari Club International; Sportsmen for Fish and Wildlife; Southwestern Colorado Livestock Association; Washington Farm Bureau; Washington State Hunter Heritage Council; Western Caucus; Wisconsin Cattlemen's Association; and Wisconsin's Farm Bureau Federation.

I have dozens of letters of support here with me today. And, Mr. Chairman, with unanimous consent, I would like to submit these for the record.

Mr. BENTZ. Without objection, so ordered.

Mrs. BOEBERT. Thank you, Mr. Chairman.

Gray wolves are fully recovered, and should remain delisted in the Lower 48, and they should be managed by states who have proven more than capable at managing these thriving populations.

On the right, we want to be good stewards of our land, and wildlife, and our waters. We want to be a part of that managing process with wildlife, not have wildlife manage itself.

Mr. Chairman, I yield. Thank you.

Mr. BENTZ. I recognize Representative Rosendale for 5 minutes.

STATEMENT OF THE HON. MATT ROSENDALE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Mr. ROSENDALE. Thank you, Mr. Chairman. My legislation, the Comprehensive Grizzly Bear Management Act, H.R. 1419, would direct the Secretary of the Interior to remove the Northern Continental Divide Ecosystem population of grizzly bears from the endangered species list. This legislation would allow Montanans to protect their lives and livelihoods from aggressive bears that have become far too comfortable around humans.

Montana has the largest population of grizzly bears in the Lower 48 states, including the greater Yellowstone and Northern Continental Divide combined populations of nearly 2,000 animals. Despite massive growth in these grizzly populations over the past several decades, they remain designated as a threatened species under the Endangered Species Act.

When grizzly bear was initially designated as a threatened species in 1975, there were thought to be around 800 bears in the entire Lower 48. But since then, we have seen grizzly bear populations explode. Today, according to the U.S. Fish and Wildlife Service, the Northern Continental Divide Ecosystem alone, located in northwestern Montana, is home to nearly 1,100 grizzlies. The grizzly bear is thriving. They are growing around 3 percent each year in northwestern Montana, and they have even begun to move outside of their designated recovery zones.

I am glad we were able to recover from the critically low grizzly bear populations that we saw back in the 1970s, but it does not come without significant drawbacks. Human-bear conflicts have risen significantly, as bear populations expand into historically unpopulated areas. And when they do so, they pose a serious risk to residents who live there.

Grizzly bears are predators. There is a small handful of members on this Committee that actually have grizzly bears in their districts, and the bureaucrats working for the government agencies headquartered in Washington, DC certainly don't live amongst grizzly bears. Yet, these bureaucrats and some members of this Committee insist on telling Montanans how they should go about their everyday lives by keeping the species listed without ever feeling the impact of that decision.

In 2022, there were nearly 150 confirmed or probable claims of livestock predation caused by grizzly bears in Montana alone, costing hundreds of thousands of dollars. Of course, these numbers don't capture the total livestock predation. It is impossible for ranchers to count livestock loss to predation if the livestock has been eaten. It is gone. You can't count it.

It also does not begin to capture the human cost, the hours spent trying to protect livestock, the lower breed-back rates on their livestock, the sleepless nights, and the fear of letting your children play outside. We literally have school districts that have to put high fences up to make sure that the children aren't attacked by grizzly bears while they are out playing in the schoolyard.

And these predators don't just claim the lives of livestock; they are fully capable of killing or maiming people, too. As bears expand outside of the recovery zones and into the cities, the number of conflicts and encounters expand with it. Just last year, a woman was

pulled from her tent in Ovando, Montana and was killed by a grizzly bear.

Now I am not calling for mass hunting on grizzly bears. But what I do support is ensuring that the states, not the Federal Government, are able to manage grizzly bear populations as they do other wildlife.

Montana has been an excellent example of how to manage wildlife since the gray wolf was delisted in 2011. And as Representative Huffman stated, we have increased hunting, we have increased trapping. And the reason that we have done so is because the gray wolf population is about 10 times the target population. It continues to grow. Montana has proven it knows how to manage wolf populations and grizzly bear populations better than anybody in this room.

As long as the grizzly bear is designated as a threatened species in the Northern Continental Divide Ecosystem, state management of the species is hamstrung, and my constituents can't defend their property from predators.

The science does not support keeping grizzly bears listed as a threatened species. The U.S. Fish and Wildlife Service tried delisting the grizzly bear several times, but has been overruled by judges influenced by their liberal agendas. This is unacceptable and must be reformed.

Thank you, Mr. Chair, I yield back.

Mr. BENTZ. I thank you. I now recognize Representative Hageman for 5 minutes.

STATEMENT OF THE HON. HARRIET M. HAGEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Ms. HAGEMAN. Thank you, Mr. Chairman. I am grateful for the opportunity to be here today, and it is an honor and privilege to discuss the future of state management of grizzly bears and other species with Mr. Brian Nesvik, whose expertise we deeply value in Wyoming.

I am also proud to represent the citizens of Wyoming, who have borne the brunt of the direct effects of the ESA regulations through the dangerous personal encounters with grizzly bears or through the destruction of property and their livestock.

My legislation, the Grizzly Bear State Management Act, H.R. 1245, would remove the Greater Yellowstone Ecosystem population of grizzly bears from the Federal list of endangered and threatened wildlife, allowing Wyoming game officials to implement our own state management plan that will benefit Wyoming landowners, businesses, outdoorsmen and women, hunters, tourists, and the grizzlies themselves.

The grizzly bear population in Wyoming is more than fully recovered, and continuing to increase. The most recent estimate of the number of grizzlies in the Greater Yellowstone Ecosystem is more than 1,000 strong. This tremendously exceeds the recovery goals of 500 bears, meaning the management of this species should be returned to the state, pursuant to the Endangered Species Act.

Not only have they recovered far beyond the needed threshold, but they have expanded their range beyond what is considered

suitable by the Fish and Wildlife Service itself, now covering over 25,000 square miles.

We value the presence of these animals in our state, and we have not only the ability to keep the grizzly population strong and manageable, but the expertise that is second to none. Managing Wyoming's grizzly population is more effective to do at a local level, as is all species management. Grizzlies can and should be managed by state wildlife agencies, rather than the Federal Government. Not only are state agencies better equipped to manage these populations, but they tend to have a better understanding of local conditions and can successfully tailor management strategies to fit the needs of the state and balance all of the competing interests.

It is unfortunate that we even need to consider my legislation here today, but we have learned not to trust the courts to follow the Endangered Species Act. Grizzly bears were first listed in 1975, after populations had dropped dramatically. But by 2005, grizzlies in the Greater Yellowstone Ecosystem reached 600 in number, surpassing the threshold of what is required to be a recovered species. What a success story. We ought to build on that.

Because of the recovery, the Fish and Wildlife Service proposed that the bears be removed from the Endangered Species Act protections. But radical environmental groups were quick to file suit. To our dismay, the grizzlies were relisted by the courts in 2009. No one was surprised when grizzly bear conflicts thereafter increased, with dramatic and devastating impacts on our ranching communities in Wyoming and Montana shortly thereafter.

In 2017, Interior Secretary Zinke announced the Fish and Wildlife Service would again delist the greater Yellowstone grizzly. It was estimated at that time that over 700 bears existed in the ecosystem, with an expanded range of habitat. Even with tremendously exceeding the threshold of recovery, and increasing threats to rural and agricultural communities, the Yellowstone grizzly was returned to the Endangered Species list through the coordination of environmental groups and activist judges.

Now, my colleagues on the other side often talk about the number of a particular species or animal that may have been killed. That point misses the most important factor to assess under the Endangered Species Act, which is the number of live animals that exist in a particular ecosystem. It is not about the number that may have been taken pursuant to appropriate take permits or pursuant to appropriate management. It is the number of live animals.

So, while the Democrats want to focus on death, that isn't even a factor to be considered under the Endangered Species Act. We on this side, however, we care about life, and we care about the living species, and so does the Endangered Species Act.

The governors of Wyoming, Idaho, and Montana have petitioned to delist the grizzly bear because the data shows that it is warranted, as per the Endangered Species Act itself. Meanwhile, environmental litigants have been holding farmers, ranchers, and the government hostage to their demands, and for the purpose of protecting their own pocketbooks. Wyoming is done with waiting on the Federal Government when the science has said for a long time that it is time to act. This bill will act as a legislative backstop to prevent going through this unnecessary litigation again.

Chairman Bentz, I would also like to request unanimous consent to enter two letters from Wyoming supporting the effort to delist the Greater Yellowstone Ecosystem population of grizzly bears, one from the Gun Owners of America, and the other one from Governor Mark Gordon.

Thank you, Mr. Chairman, and I yield back.

Mr. BENTZ. Without objection, so ordered.

[The information follows:]

GUN OWNERS OF AMERICA

March 22, 2023

Congresswoman Harriet Hageman
1531 Longworth House Office Building
Washington, DC 20515

Re: H.R. 1245, Grizzly Bear State Management Act of 2023

Dear Congresswoman Hageman:

The following comments are submitted on behalf of Gun Owners of America, Inc. an our Second Amendment Hunters Program.

Gun Owners of America, Inc. (GOA) is organized and operated as a nonprofit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and defend the Second Amendment rights of firearms owners and has become one of the nation's leading Second Amendment advocacy organizations, with more than two million members and supporters nationwide.

GOA supports the Second Amendment Hunters (SAH) program, which was founded with the understanding that hunters cherish the principles of freedom upon which the United States was founded and have played a role in defending American values since our country's beginning. SAH works to protect hunters' rights and hunting opportunities within the bounds of science-based wildlife management policies in America. With over 15 million licensed hunters in the United States, hunters represent a powerful voting group and stand as ardent supporters of our Constitutional Rights, hunting rights, and hunting opportunities.

This letter is written to support H.R. 1245, the Grizzly Bear State Management Act of 2023, introduced by Wyoming Congresswoman Harriet Hageman. H.R. 1245 would direct the U.S. Secretary of the Interior to remove the Greater Yellowstone Region's (GYE) grizzly bears from the federal Endangered Species List (ESL). As most residents of Wyoming, Montana, and Idaho know, this effort, commonly referred to as "Delisting", is long overdue.

Delisting grizzlies would return management to the states—a concept supported in writing by the Governors of Wyoming, Montana, and Idaho. In 2022, the three state Governors asked the U.S. Fish and Wildlife Service (USFWS) to remove the GYE population of grizzly bears from the ESL.

Grizzly bears are one of America's most intensively studied widely species as multiple state and federal agencies cooperate with universities to assess the population status of grizzlies on a routine basis and have done so for decades.

In a formal petition to the USFWS, the Governors of Wyoming, Montana, and Idaho affirmed that grizzly bears, by all objective scientific measures, have been fully-recovered from "Threatened" status since 2003. The USFWS, the federal agency charged with ESL oversight, and the three impacted state Fish and Wildlife Agencies have affirmed support for ESL Delisting and the Governors' position.

In order to effectively manage grizzly bears after Delisting, the states of Wyoming, Montana, and Idaho have developed a tri-state Memorandum of Agreement (MOA) regarding the management and allocation of discretionary mortality of grizzlies in the GYE. This MOA demonstrates that grizzly populations have expanded their range far beyond the edges of the bears' biological and socially-acceptable range. Grizzlies outside this area can be dangerous to both humans and livestock.

Grizzlies are now found 65 miles outside the Demographic Monitoring Area (DMA) established by the Federal Government's own USFWS as suitable habitat for the long-term viability of grizzlies.

GYE grizzly bear population research demonstrated that an estimated 1,069 grizzlies roamed the DMA in 2021, and this estimate does not account for bears that have moved outside the DMA. This estimate far exceeds, often by more than double, all federal and state scientifically-established requirements for a recovered and viable population. These requirements have been widely researched and publicized over the last four decades.

Delisting opponents downplay the fact that lethal grizzly control must now be regularly implemented by taxpayer-funded government employees to maintain a balanced grizzly population and ensure public safety. In one year (2021), in Wyoming alone, 29 grizzlies were lethally removed by government officials. According to the Wyoming Game and Fish Department, most of these removals occurred outside the DMA (again, the area considered by USFWS as suitable habitat for grizzlies) demonstrating that grizzly populations are thriving and moving well outside areas deemed suitable for their co-existence with humans and livestock.

“Delisting” will result in management authority being turned over to the states following American legal traditions established by the North American Model of Wildlife Conservation. This “Model” grants legal authority to the states for the management of most wildlife species except migratory birds and those on the ESL. All 50 state wildlife agencies have a decades-long and proven track record of effectively managing resident wildlife species.

If Congresswoman Hageman’s bill passes and returns management to the states, hunters in Wyoming, Montana, and Idaho may eventually be used to manage grizzly populations using tightly controlled and carefully regulated hunting. Many Delisting opponents simply wish to keep grizzly bears on the Endangered Species List because of concerns that the states will institute this regulated hunting to control grizzly populations.

If hunting is implemented, the need for taxpayer funded killing by paid government employees will diminish, and hunters will actually pay large sums of money for the opportunity to hunt grizzlies. This will not only increase hunting opportunity but will bring significant revenue to the states of Wyoming, Montana, and Idaho in the form of expenditures by hunters pursuing once-in-a-lifetime hunting opportunities currently only available in Alaska or Canada.

Wyoming, Montana, and Idaho have a long-term management plan in place to ensure grizzlies do not need to be “relisted”, and they will professionally manage grizzly bears just like they do all other resident wildlife species. There is no reason to think the states cannot manage grizzly bears in the same manner they manage other low population and high profile big game mammals such as bighorn sheep, bison, moose, mountain goats, and mountain lions. Populations of these mammals have remained steady or thrived under state management for decades.

In closing, grizzly bears met and greatly exceeded all federal and state population recovery goals 20 years ago. Continued management under the ESL wastes taxpayers money, unnecessarily impacts the economies of the affected states, cheapens the intent and purpose of the ESL, and robs hunters of an opportunity to play a role in grizzly bear management.

Gun Owners of America and Second Amendment Hunters publicly supported grizzly delisting over one year ago, applaud Congresswoman Hageman for introducing the Grizzly Bear State Management Act of 2023, and urge Members of Congress to move quickly to remove GYE grizzlies from the ESL and return management to the states of Wyoming, Montana, and Idaho.

Sincerely,

MARK JONES,
Certified Wildlife Biologist
National Director, Hunter Outreach
Buffalo, Wyoming

Mr. BENTZ. Thank you. I now recognize Representative Bonamici for 5 minutes.

STATEMENT OF THE HON. SUZANNE BONAMICI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Ms. BONAMICI. Thank you so much, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee on Water, Wildlife and Fisheries for holding this hearing. I am here to testify in favor of H.R. 886, to amend the bipartisan Save Our Seas 2.0 Act.

Marine debris is a serious problem. After the massive earthquake and tsunami struck the coast of Japan in 2011, large amounts of debris, including docks and boats carrying invasive species, ended up on the shores of Northwest Oregon. Unfortunately, much of marine debris is plastic. Today, plastic is everywhere in our daily lives. It appears in our homes, industries, grocery stores, and, increasingly, in the ocean.

The ocean is littered with plastic bottles, straws, grocery bags, cigarette butts, fishing gear, and abandoned vessels. Tiny pieces of plastic, microplastics, make their way into marine life, blocking digestive tracts, altering growth, and, in some cases, killing marine mammals and shuttering fisheries.

We still don't know how long it takes for plastics to biodegrade completely. Estimates range from 500 years to never. A 2020 study from the Pew Charitable Trust found that every year more than 11 million metric tons of plastic garbage enter the ocean, harming marine life and destroying ecosystems. And if we do nothing to minimize ocean plastic pollution, it will nearly quadruple by 2040.

Let me be clear. We need to fundamentally change our reliance on plastics. Plastics pollute our ocean and exacerbate the climate crisis. The fossil fuel and plastics industries are deeply connected, and plastics contribute a significant share of industrial emissions in the United States.

A problem this pervasive, a global challenge of this magnitude cannot be solved with a single bill. But we should not limit our action to removing existing plastic from the ocean, and we cannot recycle our way out of the plastic waste that ends up on our shores. We need comprehensive action.

But today, we have an opportunity to build on our foundation of bipartisan, bicameral efforts to strengthen the NOAA Marine Debris Program and enhance the work of the Marine Debris Foundation. The bipartisan Save Our Seas 2.0 Act, which I worked on with the late Congressman Don Young—may he rest in peace—and Senators Sullivan, Whitehouse, and Menendez, is the most comprehensive legislation Congress has ever passed to address the marine debris that threatens coastal ecosystems and communities.

The bill fundamentally changed the United States' domestic response to marine debris by creating the Marine Debris Foundation to support NOAA's work, advance the removal and prevention of plastic waste, and establish a pilot program to provide incentives for the proper disposal of marine debris that is collected at sea.

The NOAA Marine Debris Program leads America's response to address marine debris. The program relies on provisions in the Marine Debris Act and NOAA's annual appropriations language to fund and undertake collaborative initiatives with other groups. The

current provisions, however, do not effectively permit the NOAA program to assist and collaborate with foreign governments, international organizations, tribal groups, and other organizations with the specific skills required to achieve the goal of the Marine Debris Act.

As co-chairs of the House Oceans Caucus, Representative González-Colón and I introduced the House version of the Save Our Seas 2.0 Amendments Act. This bill would amend the Save our Seas 2.0 Act and the Marine Debris Act to provide NOAA with the flexibility it needs to deliver Federal resources and enter into cooperative agreements to conduct marine debris prevention and cleanup.

The ocean is resilient, and we can help it heal, but we cannot afford to wait. We have significant work ahead of us to clean up and prevent marine debris. And the Save Our Seas 2.0 Amendment Act continues to build on our bipartisan foundation to protect the ocean. Because most of the planet is covered by ocean, a healthier ocean means a healthier planet.

I want to thank my colleague and co-chair on the House Oceans Caucus, Representative González-Colón, for her partnership on this bill, and our Senate colleagues, Senator Dan Sullivan and Senator Sheldon Whitehouse.

I urge all of my colleagues to support this bipartisan bill to strengthen the Federal response to marine debris and to continue to make ocean health a priority for future generations.

Thank you very much, Mr. Chairman and Ranking Member. I yield back.

Mr. BENTZ. Thank you, and I will now introduce our next panel: Mr. Stephen Guertin of the U.S. Fish and Wildlife Service, Deputy Director; Ms. Nancy Wallace, Director of the Marine Debris Program at the National Oceanic and Atmospheric Administration; Mr. Brian Nesvik, Director of the Wyoming Game and Fish Department; Mr. Nathan Roberts, Associate Professor of Biology, College of the Ozarks; Mr. Christopher Servheen, from Missoula, Montana; and Mrs. Karli Johnson, a sixth-generation rancher from Choteau, Montana.

Let me remind the witnesses that under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in their hearing record.

To begin your testimony, please press the top button on the microphone. We use timing lights. When you begin, the light will turn green. When you have 1 minute remaining, the light will turn yellow. At the end of 5 minutes, the light will turn red. And if you keep talking, we will start hammering on this microphone like this. That is a signal to stop, I will ask you to please complete your statement.

I will also allow all witnesses to testify before Member questioning.

With that, I now recognize Mr. Guertin for 5 minutes.

**STATEMENT OF STEPHEN GUERTIN, DEPUTY DIRECTOR FOR
POLICY, U.S. FISH AND WILDLIFE SERVICE, WASHINGTON, DC**

Mr. GUERTIN. Good afternoon, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee. I am Steve Guertin, Deputy Director for the U.S. Fish and Wildlife Service. Thank you for the opportunity to testify before you today on three bills related to the Endangered Species Act.

I would like to take a moment to acknowledge that this year is the 50th anniversary of the ESA. The ESA is one of the nation's most consequential environmental laws. The purpose of the law enacted by Congress is to conserve threatened and endangered species and to conserve the ecosystems upon which they depend.

Over the past 50 years, 99 percent of the species protected by the ESA have been saved from extinction. More than 100 species of plants and animals have been delisted based on recovery or reclassified from endangered to threatened, based on improved conservation status. This includes relatively unknown species like the small Oregon chub, and iconic, well-known species such as the nation's symbol, the American bald eagle. Hundreds of additional species are stable or improving, and the ESA also facilitates proactive conservation of imperiled species by trying to help avoid listing them under the ESA in the first place.

I would also like to acknowledge the important role our state fish and game agencies have in these larger recovery strategies. And there are many good instances of strong coordination between the Service and our colleagues in the state agencies, and we will continue our work going forward.

For most threatened and endangered species, recovery is a long process, recovering coordinated efforts and commitments from many partners and stakeholders sustained for several years. Certainly, people in the American West have experienced this reality with wolves and grizzly bears. The fact that the Service has previously developed rules to delist certain populations of these apex species is remarkable. It reflects the results of decades of collaboration among many stakeholders, across broad landscapes, and over multiple states.

I would also like to note that when the Service issues rules that list or delist certain populations of species, it follows the ESA's requirement to use the best available science. The Service follows all relevant aspects of the ESA and its implementing regulations, as well as other applicable law. It is not uncommon for the Service's listing or delisting rules to be challenged in court. The judicial systems become part of the body of law interpreting the ESA, and the Service adjusts its approach accordingly. It is within that context that the Service opposes the three bills before us today.

H.R. 764, the Trust the Science Act, would direct the Department to reissue a final rule delisting the gray wolf within 60 days, and exclude its reissuance from judicial review.

H.R. 1245, the Grizzly Bear State Management Act, would direct the Department to reissue a final rule within 180 days to delist the Greater Yellowstone Ecosystem population of grizzly bears, and exclude that from judicial review.

H.R. 1419, the Comprehensive Grizzly Bear Management Act of 2023, would direct the Department to issue a new final rule within 180 days to delist the Northern Continental Divide Ecosystem population of grizzly bears, and exclude it from judicial review.

Each of these bills would put Congress in control of delisting species without the benefit of using the best available scientific and commercial information, and without considering current conditions. They supersede ongoing scientific analysis being conducted by the Service regarding the status of wolf and grizzly bear populations right now. These current analyses are being conducted consistent with the requirements of the law. While each of these bills is unique, they share the common thread of circumventing the scientific processes currently underway.

We believe that the administrative processes prescribed by the ESA and the Administrative Procedures Act, including public participation, is the best path for adding or removing species from the Endangered Species Act. These processes under the law ensure that the integrity of the important goals of the ESA envisioned by Congress 50 years ago are maintained.

We appreciate the opportunity to testify before this Subcommittee today, and look forward to discussing these bills and the Service's views going forward. Thank you, Mr. Chairman.

[The prepared statement of Mr. Guertin follows:]

PREPARED STATEMENT OF STEPHEN GUERTIN, DEPUTY DIRECTOR FOR POLICY,
U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

ON H.R. 764, H.R. 1245, AND H.R. 1419

Introduction

Good morning, Subcommittee Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee. I am Stephen Guertin, Deputy Director for Policy for the U.S. Fish and Wildlife Service (Service) within the Department of the Interior (Department). I appreciate the opportunity to testify before you today on three bills related to the Endangered Species Act (ESA).

The Service's mission is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. For more than 150 years, the Service has collaborated with partners across the country and around the world to work to fulfill this mission. To conserve our Nation's natural resources, including threatened and endangered species, migratory birds, certain marine mammals, and certain fish, the Service administers and enforces an array of environmental laws enacted by the Congress, including the National Wildlife Refuge System Administration Act, Migratory Bird Treaty Act, Lacey Act, and ESA. These statutes are the foundation of the Service's mission, and they mandate and guide our work on behalf of the American people.

The ESA, which has an important nexus to the legislation being considered in today's hearing, turns 50 years old this year. The ESA is a bedrock conservation law that plays a critical role in preventing the extinction of imperiled species, promotes the recovery of wildlife, and helps conserve the habitats upon which they depend. In 1988, the late Congressman John Dingell, a sponsor of the original ESA, wrote the following about the passage of the law in 1973:

The goal Congress set then was unparalleled in all of history. Our country resolved to put an end to the decades—indeed, centuries—of neglect that had resulted in the extinction of the passenger pigeon and the Carolina parakeet, and the near extinction of the bison and many other species with which we share this great land. If it were possible to avoid causing the extinction of another species, we resolved to do exactly that . . . When Congress passed

*the Endangered Species Act, it set a clear public policy that we would not be indifferent to the destruction of nature's bounty.*¹

Congressman Dingell's statement remains just as powerful and relevant today.

The ESA has been highly effective in many respects. It is credited with saving a remarkable 99 percent of listed species from extinction. It has facilitated proactive conservation of imperiled species before the need to list them under the law. And it has also laid the foundation for recovery of listed species. For most threatened and endangered species, recovery is a long process, requiring coordinated efforts and commitments from many stakeholders sustained for many years. Thus far, more than 100 species of plants and animals have been delisted based on recovery or reclassified from endangered to threatened based on improved conservation status. Many of these successes are due to coordinated efforts and collaboration with partners. For example, in January 2023, through a partnership with the Department of Defense, the Service delisted the San Clemente Bell's sparrow and four San Clemente Island plant species. Other examples of recovered and delisted species include: the snail darter (southeastern fish); Monito gecko (reptile in Puerto Rico); Louisiana black bear; brown pelican (southeastern states); Oregon chub (fish); Columbian white-tailed deer (Oregon); Aleutian Canada goose (Alaska and northwestern states); Kirtland's warbler (upper midwestern songbird); interior least tern (spans 18 states in its migration from Texas to Montana); Virginia northern flying squirrel; Delmarva Peninsula fox squirrel; Hawaiian hawk, and, in the lower 48 states, the bald eagle. Just last month, the Service published a proposed rule to delist the wood stork, a large wading bird that inhabits a number of southeastern states. Hundreds of additional species are stable or improving thanks to the collaborative actions of Federal agencies, State and local governments, Tribes, conservation organizations, sportsmen and women, private landowners, and other private citizens.

The Service has developed a number of programs that encourage voluntary conservation of listed species and declining species, while also providing regulatory predictability to landowners. These programs include Safe Harbor Agreements, Voluntary Candidate Conservation Agreements, and Candidate Conservation Agreements with Assurances. Removing identified threats to a declining species can head off the need to list the species. The Service recently proposed modifications to permitting under section 10 of the ESA to encourage and facilitate more participation in these programs.

The ESA enables the protection and restoration of a wide array of threatened and endangered species, from the smallest, most unassuming plants to keystone predators. When it comes to large carnivores like grizzly bears or wolves, coordination across all levels of government, Tribes, and stakeholders becomes even more important to our shared success. Working toward recovery of these apex species brings challenges, but we have also seen substantial progress. The Service is committed to recovery of these species and engaging with States, Tribes, and other stakeholders to ensure regulatory mechanisms and conservation tools are in place to protect the species into the future. We continue to work with our many partners to find collaborative solutions to work toward effective co-existence and help address human-wildlife conflicts.

We appreciate the Subcommittee's interest in the ESA and the Service's work to implement the law. We offer the following comments on the three ESA-related bills under consideration today and look forward to discussing our views with the Subcommittee.

H.R. 764, Trust the Science Act

H.R. 764 would direct the Secretary of the Interior to reissue a final rule delisting the gray wolf within 60 days of enactment of the bill. The legislation would also exclude reissuance of the final rule from judicial review.

Since 2007, the Service has published several different rules to delist different populations of gray wolves due to recovery. Prior delisting rules have considered populations in the Western Great Lakes, Northern Rocky Mountains (NRM), and contiguous United States. These rules have been litigated, and most were vacated by courts. Wolves in most of the Northern Rocky Mountains (Montana, Idaho, Northern Utah, Eastern Washington, and Eastern Oregon) have been delisted due to recovery and under State and Tribal management since 2011, and in Wyoming since 2017. In 2020, the Service published a final rule delisting gray wolves in the

¹ Rohlfs, Daniel J. "Forward." *The Endangered Species Act: A Guide to Its Protections and Implementation*. Stanford Environmental Law Society, 1989, pp.1.

remaining lower 48 states and Mexico. The rule was litigated, then vacated by the U.S. District Court for the Northern District of California in February 2022. Following that ruling, gray wolves outside the NRM are once again protected under the ESA. In January 2023, the Court temporarily stayed appeals on this decision until February 2024. During this time, the Service is updating the status review for the gray wolf throughout the lower 48 states, commencing a stakeholder engagement effort, and preparing a new proposed rule concerning the listing status of gray wolves in the lower 48 states. The Service intends to submit this proposed rule to the Office of the Federal Register in February 2024.

Separately, over the last couple of years, the States of Montana and Idaho passed laws with the objective of reducing wolf populations through hunting, trapping, and other means. In 2021, the Service received two petitions to list gray wolves in the Northern Rocky Mountains and Western United States, and in September 2021, the Service published substantial 90-day findings on the petitions. The Service is currently conducting robust scientific analyses to determine if the petitioned actions are warranted.

The Service opposes H.R. 764. The Service is in the process of conducting two separate actions regarding the listing status of gray wolves in the Northern Rocky Mountains and Western United States, and in the lower 48 states. We are fulfilling our statutory responsibilities to utilize the best available scientific and commercial data in making these determinations and conducting these actions. We believe that the administrative rulemaking process prescribed by the ESA and the Administrative Procedure Act (APA), including public participation, is the best path for adding or removing species from the protections of the ESA. This legislation would circumvent that statutory process.

H.R. 1245, Grizzly Bear State Management Act of 2023

H.R. 1245 would direct the Secretary of the Interior to reissue a final rule within 180 days of enactment of the bill to delist the Greater Yellowstone Ecosystem (GYE) population of grizzly bears, without regard to any other provision of law that applies to the issuance of the final rule. This legislation would also prevent judicial review, both of the reissuance of the final rule and of the bill's language barring it.

The grizzly bear is currently listed as threatened under the ESA in the lower 48 states. In 2007 and 2017, the Service finalized rules to establish the GYE distinct population segment (DPS) and delist it due to recovery. Courts vacated both rules, reinstating ESA protections.

The States of Wyoming, Montana, and Idaho separately petitioned the Service to delist grizzly bears in 2022, with each petition pertaining to a different set of grizzly bear populations in the United States. The Service announced 90-day findings on these petitions in February 2023. The findings included substantial 90-day findings for Wyoming's petition regarding the GYE and Montana's petition regarding the Northern Continental Divide Ecosystem (NCDE), and a not-substantial 90-day finding for the Idaho petition, which pertained to the entirety of the lower 48 states. The Service has initiated a comprehensive status review of the grizzly bear in the GYE and NCDE based on the best scientific and commercial data available to inform 12-month findings on whether the removal of ESA protections for grizzly bears in either of these ecosystems are warranted. If those findings result in proposing one or more DPS for delisting, the Service will consider those in the context of the ongoing recovery for the rest of the population in the larger listed entity. In those cases, removing ESA protections would then be initiated through a separate rulemaking process, with additional public notice and comment.

Grizzly bear recovery and conservation is complex, requiring coordination among Federal agencies, States, Tribes, and stakeholders. The Service appreciates the States' historical commitments and partnerships to recover grizzly bears, particularly through conflict-prevention efforts that have been effective in reducing human-caused mortality. We will fully evaluate all potential threats to the bears, and associated State regulatory mechanisms, in detail when we conduct the status assessments and make the 12-month findings.

The Service opposes H.R. 1245. The Service is currently conducting a status review to inform a 12-month finding on whether the removal of ESA protections for grizzly bears in the GYE is warranted, and is carefully fulfilling our statutory responsibilities to follow the best scientific and commercial data available in making this determination. This legislation would circumvent the rulemaking process under the ESA, and discount the integral scientific review process currently underway. We believe that the administrative process prescribed by the ESA and the APA, including public participation, is the best path for adding or removing species from the protections of the ESA.

H.R. 1419, Comprehensive Grizzly Bear Management Act of 2023

H.R. 1419 would direct the Secretary of the Interior to issue a final rule within 180 days of enactment of the bill that would delist the NCDE population of grizzly bears, without regard to any other provision of law that applies to the issuance of such rule. The legislation would also bar both the issuance of the final rule and that section of the bill from judicial review.

As noted in our testimony regarding H.R. 1245, over the last several years, the Service has taken a series of actions regarding grizzly bear conservation and the status of specific DPSs. In 2022, the States of Montana, Wyoming, and Idaho separately petitioned the Service to delist different grizzly bear populations. The Service's February 2023 announcement of our 90-day findings on these petitions included substantial findings for Montana's petition regarding the NCDE. The Service has initiated a comprehensive status review of the grizzly bear in the NCDE based on the best available scientific and commercial data. The status review will inform 12-month findings on whether the removal of ESA protections for grizzly bears in either the NCDE or GYE ecosystems is warranted. If those findings result in proposing one or more DPSs for delisting, the Service will consider those in the context of the ongoing recovery for the rest of the population in the larger listed entity. If that is the case, removing ESA protections would then be initiated through a separate rulemaking process, with additional public notice and comment.

Grizzly bear recovery and conservation is complex and requires substantial coordination among Federal agencies, States, Tribes, and stakeholders, and the Service appreciates past collaboration on this work. The impact of recently enacted State laws and regulations affecting these two grizzly bear populations needs to be evaluated. We will fully evaluate all potential threats, and associated state regulatory mechanisms, in detail when we conduct the status assessments and make the 12-month findings.

The Service opposes H.R. 1419. Delisting of the NCDE has never been proposed or finalized by the Service. Under the ESA, if the Service were to determine that delisting is warranted, the subsequent regulatory process would include a proposed rule, with an opportunity for public comment, followed by a final rule or a withdrawal of the proposed rule. Further, as stated previously, the Service is currently conducting a status review of NCDE and GYE DPSs to inform 12-month findings on whether the removal of ESA protections for grizzly bears in DPS is warranted. We are carefully fulfilling our legal duties to follow the best available scientific and commercial data in making this determination. H.R. 1419 would circumvent existing statutory, regulatory, and scientific processes, including the agency's thorough, science-based assessment on grizzly bears that is currently underway. Under the ESA, it is the responsibility of the Service, as the Federal agency with primary authority and scientific expertise regarding endangered and threatened species, to make scientific biological assessments and decisions. We believe that the administrative process prescribed by the ESA and APA, including public participation, is the best path for adding or removing species from the protections of the ESA.

Conclusion

We appreciate the Subcommittee's interest in the ESA and the Service's work to implement this critical conservation law. Although we oppose the three bills being considered today, we support the overall goal of recovering wolves and grizzly bears. We are committed to continuing our work in partnership with all stakeholders toward that goal.

Wildlife, fish, plants, and their habitats face many stressors. Conserving imperiled species through the ESA helps alleviate some of the stressors because of the broad benefits to other wildlife that depend on the same ecosystems. Similarly, conservation work under the ESA benefits people and the economy. Healthy ecosystems support hunting, fishing, outdoor recreation, and provide clean air and water.

We look forward to continued communication with the Subcommittee regarding the recovery process and status for wolves and grizzly bears, and all aspects of the Service's work.

Mr. BENTZ. Thank you, Mr. Guertin, and now I recognize Ms. Wallace for 5 minutes.

**STATEMENT OF NANCY WALLACE, MARINE DEBRIS PROGRAM
DIRECTOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
ISTRATION, SILVER SPRING, MARYLAND**

Ms. WALLACE. Good morning, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee. Thank you for this opportunity to testify on the issue of marine debris.

My name is Nancy Wallace, and I am the Director of the Marine Debris Program within the Office of Response and Restoration at the National Oceanic and Atmospheric Administration, or NOAA. Today, I will focus my testimony on implementation of the Save our Seas 2.0 Act, and the changes proposed in the Save Our Seas 2.0 Amendments Act, as well as a brief overview of the NOAA Marine Debris Program. Please refer to my full written testimony for more information on these topics.

Marine debris is a global problem. It ranges from large, abandoned vessels to lost fishing gear, and the items we find littered on our beaches, including plastic bags, bottles, and cigarette butts, as well as the smallest microplastics. A recent study estimated that in 2016 as much as 23 million metric tons of plastic waste entered aquatic ecosystems from land around the world.

If current practices continue, the amount of plastic discharged into the ocean could reach up to 53 million metric tons per year by 2030. Despite a well-developed formal waste management system, the United States is a leading contributor to this problem, releasing an estimated 1 to 2 million metric tons of plastic waste to the environment per year.

The NOAA Marine Debris Program is authorized by Congress as the Federal lead to work on marine debris through the Marine Debris Act. We lead national efforts to research, prevent, and reduce the impacts of marine debris. The Marine Debris Program supports projects in partnership with state and local agencies, tribes, non-governmental organizations, academia, and industry. NOAA also engages with the Department of state and international organizations on global marine debris efforts.

NOAA is the lead agency for Title 1 of the Save Our Seas 2.0 Act, which was signed into law on December 18, 2020. This law enhances the United States domestic programs to address marine debris, and requires NOAA to undertake several actions, including establishing a Marine Debris Foundation and completing a number of studies and reports. The Marine Debris Foundation is charged with augmenting the efforts of NOAA to assess, prevent, reduce, and remove marine debris.

I am pleased to share that on April 6, 2022, NOAA announced the inaugural Board of Directors for the new Marine Debris Foundation. These 12 individuals bring a diverse range of expertise, experience, and perspectives. The Foundation will be an important partner to NOAA, and we look forward to working with them.

The NOAA Marine Debris Program is making significant progress on completing all of the required studies and reports in the Act. I am happy to answer any specific questions about these reports, but refer you to my written testimony for more in-depth updates.

In particular, though, I would like to highlight that two of the required studies and reports have already been completed. NOAA funded the National Academies of Sciences, Engineering, and Medicine to conduct a study on the contributions of the United States to global ocean plastic waste. The study was released in December 2021, and offers a very comprehensive assessment of the problem.

NOAA also worked with the Rhode Island Marine Trade Association to conduct a study to determine the feasibility of a nationwide vessel recycling program, using a pilot project in Rhode Island as a model. We published a report in February 2023 that summarizes the completed study, identifies challenges associated with recycling fiberglass vessels, and outlines the steps necessary to build a viable nationwide recycling program.

Building off the enhancements established by the Save Our Seas 2.0 Act, the Amendments Act would provide technical and administrative corrections to the operation of the Marine Debris Foundation, and enable NOAA to provide additional support to the Foundation.

The Amendments Act would also amend the Marine Debris Act, providing more flexibility for NOAA to enter into different types of agreements. It would also allow a discretionary cost share waiver for grants to address severe marine debris events.

While the problem of marine debris has existed for decades, and has received considerable attention from Congress, NOAA, and other partners, there is still much work to be done as we address the impacts of marine debris on the environment, marine species, and human health and safety. NOAA looks forward to continuing to work with the Committee on this issue.

Thank you very much for the opportunity to testify. I would be happy to answer any questions you may have.

[The prepared statement of Ms. Wallace follows:]

PREPARED STATEMENT OF NANCY WALLACE, DIRECTOR OF THE MARINE DEBRIS
PROGRAM OFFICE OF RESPONSE AND RESTORATION, NATIONAL OCEAN SERVICE,
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
U.S. DEPARTMENT OF COMMERCE
ON H.R. 886, SAVE OUR SEAS 2.0 AMENDMENTS ACT

Introduction

Good morning, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee, thank you for this opportunity to testify on the issue of marine debris and H.R. 886, Save Our Seas 2.0 Amendments Act. My name is Nancy Wallace, and I am the Director of the Marine Debris Program, within the National Ocean Service Office of Response and Restoration, at the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce.

Marine Debris, as defined by the Marine Debris Act, is “any persistent solid material that is manufactured or processed and directly or indirectly, intentionally, or unintentionally, disposed of or abandoned into the marine environment or the Great Lakes (33 U.S.C. § 1956(3)).” Marine debris ranges from lost or abandoned fishing gear and vessels, to plastics, glass, metal, and rubber of any size, and is an on-going international problem that impacts our natural resources. The NOAA Marine Debris Program (MDP) leads national efforts to research, prevent, and reduce the impacts of marine debris. Authorized by the Marine Debris Act, as amended (33 U.S.C. § 1951 et seq., “Marine Debris Act”), the program supports marine debris projects in partnership with state and local agencies, tribes, non-governmental organizations, academia, and industry. NOAA spearheads national research efforts, engages with the Department of State and international organiza-

tions on global marine debris efforts, and works to change behavior through outreach and education initiatives.

NOAA recognizes that marine debris is a global problem and that there is no ‘one size fits all’ solution to addressing this issue on national and international scales. A recent study estimated that in 2016, as much as 23 million metric tons of plastic waste entered aquatic ecosystems from land around the world (Borrelle et al., 2020). This number may seem huge, but it does not include marine debris items not made of plastic, or ocean-based marine debris, such as lost fishing gear and vessels. That number has also likely increased with time. If current practices continue, the amount of plastic discharged into the ocean could reach up to 53 million metric tons per year by 2030 (Borrelle et al. 2020, Jambeck and Johnsen 2015, Pauly and Zeller 2016). The United States alone, despite a well-developed formal waste management system, contributed approximately 1 million to 2 million metric tons of plastic waste to the environment at home and abroad in 2016 (Law et al. 2020). It is clear that there is still much work to be done to find solutions to marine debris on both the national and international levels.

Today, I will focus my testimony on the Marine Debris Act, the impacts of marine debris in the ocean and Great Lakes, the program pillars of NOAA’s MDP, implementation of the Save Our Seas 2.0 Act, and H.R. 886, Save Our Seas 2.0 Amendments Act.

Marine Debris Impacts

Marine debris causes significant threats not only to ocean and coastal environments and wildlife, but also to human health, safety, and navigation. Each year, countless marine animals, sea turtles, and seabirds are injured or die because of entanglement in or ingestion of marine debris. Additionally, debris can scour, break, smother, or otherwise damage important marine habitat, such as coral reefs and tidal wetlands, that serve as the basis of marine ecosystems and are critical to the survival of many important species. Derelict fishing gear, such as nets and crab pots, can continue to capture fish—something we refer to as “ghost fishing”—for years after they are lost. Not only does this affect the species that end up as bycatch in the lost gear by reducing the abundance and reproductive capacity of the population, but it also causes fishermen economic losses. Marine debris can facilitate the introduction and range expansion of invasive species.

Marine debris also creates navigation hazards. Ropes, plastics, derelict fishing gear, and other objects can become entangled in vessel propellers or clog water intakes, causing operational problems. Larger items, such as lost shipping containers, can become collision dangers. Such interactions with marine debris involve costly engine repairs and disablement. Abandoned vessels are another navigational threat in our coastal waterways that have become a serious marine debris problem in many states. The dangerous and costly impacts of these different types of marine debris affect both the recreational boating and commercial shipping communities.

Marine Debris Act

The MDP is authorized by Congress as the federal lead to work on marine debris through the Marine Debris Act. The Act authorizes the NOAA Administrator, through the MDP, to “identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, marine environment, and navigation safety.” (33 U.S.C. § 1952). The Act further directs the Administrator, through the MDP, to “provide national and regional coordination to assist States, Indian tribes, and regional organizations,” “undertake efforts to reduce the adverse impacts of lost and discarded fishing gear on living marine resources and navigation safety,” “undertake outreach and education activities for the public and other stakeholders” on marine debris issues, develop “interagency plans for the timely response to events,” and “enter into cooperative agreements and contracts and provide financial assistance in the form of grants for projects to accomplish the purpose” of the Act. 33 U.S.C. § 1952(b)-(d). The 2012 amendments (P.L. 112-213) directed NOAA to address and determine severe marine debris events. The Save Our Seas Act of 2018 (P.L. 115-265), which reauthorized and amended the Marine Debris Act, directed NOAA to “promote international action, as appropriate, to reduce the incidence of marine debris” and, in the case of a severe marine debris event, to “assist in the cleanup and response required by the severe marine debris event” or conduct such other activity as NOAA deems appropriate.

The NOAA Marine Debris Program

The MDP, guided by the Marine Debris Act, is focused around six program pillars: prevention, removal, research, monitoring and detection, response, and coordination.

Prevention

One of the most effective ways to reduce marine debris is through prevention, which requires that boaters, fishermen, industry, and the general public have the knowledge and training to change the behaviors that create marine debris. NOAA's robust outreach and education activities focus on improving awareness and changing behavior through developing and disseminating public information, and by partnering with and providing funding support to external groups including academic partners and nonprofit groups.

Removal

While prevention is essential to stemming the input of new debris into the ocean, removal is necessary to diminish the impacts of debris already introduced into the ocean and Great Lakes. The MDP provides funding through its removal grants competitive funding opportunity. The program also provides support to the annual International Coastal Cleanup.

Research

A key tenet of the MDP is research. Congress recognized the need for research that determines the sources and helps us understand the adverse impacts of debris on the marine environment and navigation safety (33 U.S.C. § 1952(b)(1)). Since its establishment, the MDP has funded research projects that help expand our understanding of debris by investigating where debris comes from, how it moves through the environment, and how it impacts wildlife and our ocean, waterways, and Great Lakes.

Monitoring and Detection

The MDP supports projects that generate monitoring and detection data, involve the public, incorporate innovative technologies, and provide guidance to the marine debris community. Monitoring and detection efforts improve our understanding of the scope, scale, and distribution of marine debris in the environment, as well as provides critical data on the types and amount of debris, which can inform management practices and prevention. In particular, the MDP maintains the NOAA Marine Debris Monitoring and Assessment Project, an initiative that helps answer fundamental questions about the types of marine debris found on shorelines.

Response

Coastal storms and natural disasters are another source of marine debris that create hazards in our inland and coastal waters. NOAA has responded to emergency events including Hurricanes Florence, Michael, Harvey, Irma, and Maria, and Typhoon Yutu. The MDP also works before disasters strike to help communities prepare to respond to marine debris. As part of this work, the MDP partners with coastal states and U.S. territories to develop state/territory-specific marine debris emergency response guides. These guides outline the processes and roles of each partner for responding to and recovering from a severe marine debris event, such as a hurricane.

Regional Coordination

The MDP works with local communities to address region-specific marine debris issues. The MDP has 11 Regional Coordinators working in Alaska, the Pacific Northwest, California, the Pacific Islands, the Gulf of Mexico, Florida, the Caribbean, the Southeast, the Mid-Atlantic, the Northeast, and the Great Lakes to support projects and partnerships with state and local agencies, tribes, nongovernmental organizations, academia, and industry that addresses marine debris locally.

The MDP Regional Coordinators also work with partners to develop and implement regional marine debris action plans. These action plans focus on long-term solutions to the causes and impacts of marine debris in the regions, as well as outline operational best practices and data collection protocols. The purpose of these action plans is to aid states in preventing and reducing debris and mitigating coastal impacts.

National Coordination

As authorized in the Marine Debris Act, 33 U.S.C. § 1954, NOAA is the chair of the Interagency Marine Debris Coordinating Committee (IMDCC), a multi-agency body that is responsible for streamlining the federal government's efforts to address

marine debris. Representative agencies coordinate a comprehensive program of marine debris activities and report to Congress every two years on research priorities, monitoring techniques, educational programs, and regulatory action. Members include: the Departments of Energy, Interior, Justice, and State; the U.S. Environmental Protection Agency; the U.S. Coast Guard; the U.S. Navy; the Marine Mammal Commission; the National Aeronautics and Space Administration; the National Science Foundation; and the U.S. Agency for International Development.

In addition to the IMDCC, the program also partners with other agencies on funded projects. For example, the MDP provides support for missions to remove marine debris from Papahānaumokuākea Marine National Monument. Project partners for these missions have included the National Fish and Wildlife Foundation, Papahānaumokuākea Marine Debris Project, U.S. Fish and Wildlife Service, State of Hawaii, and other NOAA programs. In Fiscal Year 2021, the mission removed 118,400 pounds of derelict fishing nets and nearly 5,300 pounds of plastic and other debris.

International Engagement

There are many ongoing international, multilateral, and bilateral initiatives to understand and combat the issue of marine debris across the world. The MDP works closely with the Department of State and other U.S. national agencies to provide input and leadership on the issue, and also collaborates with other countries to research, prevent, and remove marine debris.

Implementation of the Save Our Seas 2.0 Act

The Save Our Seas (“SOS”) 2.0 Act (P.L. 116-224) was signed into law on December 18, 2020. The Act contains three titles that address: (1) the United States’ domestic programs to combat marine debris, (2) international engagement to combat marine debris, and (3) domestic infrastructure to prevent marine debris. The lead agencies with responsibilities under the Titles of the Act are NOAA, the Department of State, and the Environmental Protection Agency, respectively.

Significant components of the SOS 2.0 Act within NOAA’s jurisdiction include:

- Clarifying the scope of the Marine Debris Act to include waters in the jurisdiction of the United States, the high seas, and waters in the jurisdiction of other countries (Sec. 101);
- Establishing a Marine Debris Foundation (Subtitle B);
- Establishing a Genius Prize for Save Our Seas Innovation (Subtitle C); and
- Requiring several new reports and studies on different aspects of marine debris (Subtitle D), including the sources and impacts of derelict fishing gear, innovative uses of plastic waste, microfiber pollution, vessel recycling, and the United States’ contribution to global plastic pollution, as well as a pilot program for providing incentives to fishermen to collect and dispose of plastic found at sea.

Marine Debris Foundation

The SOS 2.0 Act (33 U.S.C. § 4211 et. seq.) also established the Marine Debris Foundation as a charitable and nonprofit organization (33 U.S.C. § 4211). The Marine Debris Foundation is charged with augmenting the efforts of NOAA to assess, prevent, reduce, and remove marine debris, and with taking actions to support other Federal agencies, and other entities, to address marine debris (33 U.S.C. § 4211(b)). The SOS 2.0 Act specifies that the Under Secretary of Commerce for Oceans and Atmosphere (NOAA Administrator) is responsible for appointing, and serves on, the Board of Directors of the Marine Debris Foundation (33 U.S.C. § 4212(a)).

On April 6, 2022, NOAA announced the inaugural Board of Directors for the new Marine Debris Foundation. The appointment of the inaugural Board of Directors was approved by the Secretary of Commerce, consistent with the Presidential signing statement for the Save Our Seas 2.0 Act. The 12 new Board members bring a diverse range of expertise, experience, and perspectives. The Foundation will be an important partner to NOAA and other entities in the United States who are tackling the immense challenges that marine debris poses to nature, human health, and the U.S. economy.

Studies and Reports

The SOS 2.0 Act requires the MDP to undertake several studies and reports as described below. The MDP has completed or is in the process of completing the studies and reports using several avenues, including existing grant-funded projects, new grant awards, new contracts, and collaboration with other federal agencies.

Section 131 requires the IMDCC to submit a report to Congress on innovative uses of plastic waste in consumer products. As vice-chair of the IMDCC, the Environmental Protection Agency (EPA) has taken the lead on implementation of this report.

Section 132 requires the IMDCC to submit a report to Congress on microfiber pollution. The MDP is working closely with the EPA on this report. The draft report, and the five-year federal action plan contained within it, went out for a 30-day public comment period on September 15, 2022. The report is undergoing interagency review.

Section 133 requires NOAA to fund the National Academies of Sciences, Engineering and Medicine to conduct a study on the contributions of the United States to global ocean plastic waste. This study was released in December 2021, and the MDP is working under our current authorities on implementation of actions and activities that address the report recommendations.

Section 135 requires NOAA to submit a report to Congress on the sources and impacts of derelict fishing gear. This report is under development.

Section 136 requires NOAA to conduct a study to determine the feasibility of a nationwide vessel recycling program, using a pilot project in Rhode Island as a model. On February 8, 2023, the MDP published a report, Recycling Opportunities for Abandoned, Derelict, and End-of-Life Recreational Vessels, that summarizes the completed study. The report, created by the Rhode Island Marine Trades Association Foundation in partnership with the MDP and National Marine Sanctuary Foundation, identifies challenges associated with recycling fiberglass vessels and outlines the steps necessary to build a viable nationwide recycling program.

Section 137 requires NOAA to establish a pilot program to assess the feasibility and advisability of providing incentives to fishermen to collect and dispose of plastic found at sea. Through the MDP's FY22 competitive grant funding opportunity, we awarded funding to Mississippi Commercial Fisheries United, Inc. to develop and implement a pilot program. The project will conclude in August 2025, and we will work with the grantee to document lessons learned on the project's feasibility and advisability.

Section 307 requires the EPA and the IMDCC to conduct a study on minimizing the creation of new plastic waste. The EPA has taken the lead on implementation of this report.

Genius Prize

The SOS 2.0 Act also establishes a Genius Prize for Save Our Seas Innovation and authorizes the Secretary of Commerce to offer to enter into an agreement with the Marine Debris Foundation to administer the prize competition. The FY 24 Budget includes funding to support a Genius Prize for marine debris.

H.R. 886, Save Our Seas 2.0 Amendments Act

If enacted, H.R. 886, Save Our Seas 2.0 Amendments Act, would amend the SOS 2.0 Act by:

- Providing technical and administrative corrections to the operation of the Marine Debris Foundation. For example, it would change the title of the "first officer or employee appointed by the Board" from "chief operating officer" to "chief executive officer" to align with common terminology used in the non-profit sector.
- Adding the U.S. Agency for International Development as a named agency for consultation before removal of a Director, and would clarify that the Board shall submit recommendations on new Directors to the Under Secretary.
- Adding clarification on the location of the Marine Debris Foundation's principal office and a new directive on development and implementation of "best practices for conducting outreach to Indian Tribes."
- Aligning the Marine Debris Foundation's operation into alignment with other Congressionally chartered non-profits and remove restrictions that inhibited the Marine Debris Foundation from effectively beginning operations.
- Authorizing up to twelve percent of federal funds appropriated to the Department of Commerce to carry out SOS 2.0 to be used to offset administrative expenses of the Marine Debris Foundation.

- Specifying that the 24-month window for use of federal funds for salaries of the Marine Debris Foundation begins at the enactment of the Amendments Act; and would expand the list of non-federal entities whose contributions to the Marine Debris Foundation may be matched using federal funds.

H.R. 886 would also amend the Marine Debris Act by:

- Providing more flexibility to enter into different types of agreements and to work with non-profits and individuals;
- Enabling third parties to provide funding to NOAA for projects without having to reimburse actual costs; and
- Implementing a technical fix to allow discretionary cost-share waiver for grants to address severe marine debris events.

We appreciate the close coordination with the Committees and sponsor offices and the opportunity to provide important clarifications to help guide NOAA's work with the Marine Debris Foundation and other partners.

H.R. 886 also contains language in the new section on receipt and expenditure of funds that would make available funds—"only to the extent provided in advance in appropriations acts".

Conclusion

While the problem of marine debris has existed for decades and has received considerable attention from NOAA and other partners, there is still much to learn as we work to address the impacts of marine debris on the environment, marine species, and human health and safety. NOAA is committed to investigating and preventing the adverse impacts of marine debris and looks forward to working with the Committee.

Thank you very much for the opportunity to testify. I would be happy to answer any questions you may have.

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QUESTIONS SUBMITTED FOR THE RECORD TO MS. NANCY WALLACE, MARINE DEBRIS PROGRAM DIRECTOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Questions Submitted by Representative González-Colón

Question 1. Natural disasters like hurricanes contribute to the problem of marine debris. These events drag household products, hazardous waste, and construction debris into our coasts and surrounding waters, and create abandoned and derelict vessels that impede navigation and damage our marine ecosystems.

How does the Marine Debris Program work with state, territorial, and local stakeholders to address and improve the response to marine debris in the aftermath of natural disasters?

Answer. Disasters, both natural and anthropogenic, can produce substantial marine debris that threatens safety, navigation, and the environment. The NOAA Marine Debris Program works with local, state, tribal, territorial, and federal partners around the country to improve preparedness before disasters happen and to enhance the effectiveness of response actions in the aftermath of disasters.

The NOAA Marine Debris Program works collaboratively with local stakeholders to develop marine debris emergency response guides. Emergency response guides identify organization roles and responsibilities and include an overview of

permitting and compliance requirements that must be met before marine debris removal work begins. These documents outline existing response structures at the local, state, territorial, and federal levels to facilitate a coordinated and timely response to marine debris incidents impacting coastal areas. During coastal natural disaster responses, the Marine Debris Program offers expertise and support to facilitate integration of marine debris considerations described in these guides into incident specific debris plans.

Question 2. According to information published last year, the Marine Debris Program was working to release an Emergency Response Guide for Puerto Rico in 2022. What's the status of this effort? When could we expect Puerto Rico's Marine Debris Emergency Response Guide to be released?

Answer. The Puerto Rico Marine Debris Emergency Response Guide was published on March 29, 2023.

Question 3. In addition to Emergency Response Guides, NOAA's Marine Debris Program also helps develop Marine Debris Action Plans to provide a strategic framework for partners across a specific state or region to address the problem of marine debris. Are there any ongoing or planned efforts to develop a Marine Debris Action Plan for Puerto Rico and for every other coastal state and territory that currently lacks such an action plan?

Answer. The NOAA Marine Debris Program is working collaboratively with the Environmental Protection Agency to develop an action plan for Puerto Rico. The action plan is being developed through interviews, workshops, and individual input from stakeholders from different sectors that have experience or interest in marine debris issues. We expect to finalize and release the action plan later this year.

The NOAA Marine Debris Program has produced the following action plans for other regions or states:

- California Ocean Litter Prevention Strategy
- Florida Marine Debris Reduction Plan
- Great Lakes Marine Debris Action Plan
- Gulf of Maine Marine Debris Action Plan
- Gulf of Mexico Alliance Regional Action Plan
- Hawai'i Marine Debris Action Plan
- Long Island Sound Marine Debris Action Plan
- Mid-Atlantic Marine Debris Action Plan
- Oregon Marine Debris Action Plan
- Southeast Marine Debris Action Plan
- Virginia Marine Debris Reduction Plan
- U.S. Virgin Islands Marine Debris Action Plan
- Washington Marine Debris Action Plan

Action plan development is a long-term process, often taking several years. NOAA Marine Debris Program is also in the process of developing action plans for several regions or states that are without an action plan. Other regions or states have decided that a marine debris action plan is not currently necessary, and the Marine Debris Program is not currently proceeding with developing action plans for those regions or states. Action plan development is also limited by the NOAA Marine Debris Program's resources and capacity.

Question 4. In the Fiscal Year 2023 Disaster Relief Supplemental Bill—enacted and signed into law this past December—Congress allocated \$29 million in supplemental funding to NOAA for expenses related to the 2022 hurricanes and natural disasters, including for marine debris assessment and removal. Could you provide the Subcommittee an update on this? That is, how much of this supplemental funding does NOAA plan to allocate for marine debris efforts and what process will be followed to select and issue awards?

Answer. We appreciate the supplemental funding provided by Congress for disaster response. The NOAA Marine Debris Program has a proven track record in executing funding to assess, remove, and dispose of marine debris that has impacted coastal communities as a result of a natural disaster, such as a hurricane.

NOAA is currently working on finalizing the spend plan for the funding from the FY 2023 Disaster Relief Supplemental Bill. As soon as it is finalized, we will be able to provide specifics on funding levels and our execution plan for the funding.

Question 5. Among other provisions, the Save Our Seas 2.0 Act established a Marine Debris Foundation to support and complement NOAA's efforts to address marine debris. Could you provide us an update on the status of the Foundation's operations and how NOAA intends to work with it moving forward?

Answer. The Save Our Seas 2.0 Act of 2020, Public Law 116-224, enacted on December 18, 2020, established the Marine Debris Foundation (Foundation) as a charitable nonprofit organization to support the efforts of NOAA and others to address marine debris. The Act directed the Under Secretary of Commerce for Oceans and Atmosphere (NOAA Administrator) to appoint the Foundation's governing Board of Directors (Board).

NOAA announced the appointment of the inaugural Board of the Foundation on April 6, 2022. Dr. Ginny Eckhert, Director of Alaska Sea Grant, was elected as Chair of the Board. The Board has met several times for business and Board meetings.

The Foundation will be an important partner to NOAA and other entities who are tackling the immense challenges that marine debris poses to nature, human health, and the U.S. economy.

The Foundation is an independent organization. The NOAA Marine Debris Program provided financial support for the initial activities of the Foundation through a contract with The Ocean Foundation. The Ocean Foundation provided expertise in the areas of establishing and operating a nonprofit organization, and assisted with the first two Board meetings.

Due to the 33 percent lower levels of annual appropriated funds for the Marine Debris Program in FY 2022 compared to FY 2021 Enacted levels, which has continued through FY 2023, NOAA had to temporarily suspend funding to the Foundation. NOAA is requesting an increase in the FY 2024 President's Budget to increase funding levels of the Marine Debris Program to levels that will allow NOAA to reinstate financial support for the Foundation, as authorized in the Save Our Seas 2.0 Act.

Dr. Spinrad, NOAA Administrator, serves on the Board and is chairing the Executive Director Search Committee. As the Board of Directors continues its work to establish the operations and activities of the Foundation, NOAA looks forward to growing our partnership and working collaboratively to address the problem of marine debris.

Question 6. One of my biggest concerns when thinking of marine debris is the issue of microplastics. As you know, because of their small size, wildlife can mistake microplastics for food and ingest them, impacting their bodily functions. Microplastics can also attract and carry pollutants. Moreover, in addition to their environmental impact, some believe microplastics may harm human health. However, additional research and studies are needed on this.

Could you discuss how NOAA's Marine Debris Program is working to improve our understanding and research of microplastics?

Answer. Understanding microplastics and their impacts on people and the environment is an active and rapidly growing area of research. The NOAA Marine Debris Program has provided funding through competitive research funding opportunities to better understand the distribution, abundance, and impacts of microplastic debris.

For example, the NOAA Marine Debris Program is currently funding several research projects examining how microplastics move through the environment, including how they move from rivers into the ocean, and has previously funded studies on how microplastics may impact important commercial fish species, including blue crab and rainbow trout.

In FY 2021, the NOAA Marine Debris program provided funding for a project examining marine debris in the Guánica Watershed, including how it moves into the nearshore coastal waters of southwest Puerto Rico and how it may break down over time into microplastics. Researchers are looking at the sources of debris, how debris transport varies across the wet and dry seasons, and what factors influence debris degradation.

In FY 2020, NOAA National Centers for Environmental Information (NCEI) launched a pilot project to archive published data on floating marine microplastics in the NOAA's data archive and establish a geodatabase. Since the launch of the NCEI Marine Microplastics geodatabase and ArcGIS portal, this pilot program has become the latest marine indicator product in NCEI's portfolio. Currently the geodatabase has grown to almost 14,000 floating microplastics data points globally. In FY 2023 there are plans to expand this geodatabase to include data on sub-

surface, seafloor, and beach microplastic concentrations, including relevant data from NOAA Marine Debris Program projects.

Mr. BENTZ. Thank you, Ms. Wallace. I now recognize Ms. Hageman to introduce our next witness, Mr. Nesvik.

Ms. HAGEMAN. Thank you, Mr. Chairman. I am honored to introduce Brian Nesvik, Director of the Wyoming Game and Fish Department. Dr. Nesvik has more than 25 years of experience in public service as a wildlife manager. He serves as the Chief Administrative Head of the Department, and works closely with the Governor's appointed Wyoming Game and Fish Commission. Brian serves on the boards of multiple associations, including as the Vice President of the Western Association of Fish and Wildlife Agencies. He also serves on the Board of Directors for the Intermountain West Joint Venture.

We are very proud of the good work that Mr. Nesvik has done for our home state in his positions over the last 27 years, and look forward to hearing from him today.

**STATEMENT OF BRIAN NESVIK, DIRECTOR, WYOMING GAME
AND FISH DEPARTMENT, CHEYENNE, WYOMING**

Mr. NESVIK. Good morning, Mr. Chairman. And thank you, Representative Hageman, for your gracious introduction.

As Congressman Hageman indicated, I am Brian Nesvik, and have the pleasure of serving as the Director of the Wyoming Game and Fish Department, and have held that position for the last 4 years.

I have had the opportunity to engage in both on-the-ground handling and management and policy work on the Greater Yellowstone Ecosystem population of grizzly bear for over 25 years. My work on this population has given me a strong base of experience, perspective, and insight, and I am confident in the analyses and the assertions I provide here today.

The portion of the GYE where this population resides—and suitable habitat—is over 19,000 square miles. That is larger than the states of Vermont and New Hampshire, combined. This is one of the largest nearly intact temperate zone ecosystems on Earth.

The GYE population of grizzly bear was estimated to have as few as 136 bears remaining when it was listed under the Endangered Species Act in 1975, one of the first species to be listed under that newly-enacted law. Today, this population numbers over 1,000, and it has occupied nearly all available habitat, with reproducing females.

Make no mistake, this is one of the most significant conservation success stories in the world. This success story was largely made possible due to the efforts of the people of Wyoming who live, work, and recreate in grizzly bear country. The state of Wyoming has invested over \$59 million derived from sportsmen and women dollars through license sales in grizzly bear conservation and recovery.

This population reached federally established recovery criteria in 2003, and has continued to grow in number and distribution ever since. Despite the fact that biological recovery was achieved, the

ultimate goal of the Act is not realized today because the species remains listed. This population has been delisted two times, with support from three presidential administrations, including Presidents Bush, Obama, and Trump.

The reason it remains listed is not based in biology, but rather in administrative complexities and technicalities espoused by Federal judges and court decisions. Each time this population has been delisted, the proverbial goalpost required to delist is moved. Each time it has moved, the states have responded with corresponding changes to regulatory mechanisms and statutes, but to date to no avail.

During the past two decades, as this issue has been battled around between Federal Government and the Federal courts, grizzly bear conflicts with people have grown significantly. People who work, live, and recreate in grizzly bear country have made changes to support and accommodate recovery. Human attacks have increased and, unfortunately, nine people have lost their lives in this ecosystem after succumbing to injuries suffered in a grizzly bear attack.

Livestock producers suffer significant losses on an annual basis when grizzly bears kill their cattle, sheep, pets, and working dogs. Because existing habitats are nearly full, bears have displaced to non-suitable habitats, including private lands, cornfields, towns, and backyards. The people who supported recovery and changed their lives to accommodate a thriving grizzly bear population are growing frustrated. This is not a population that requires Federal protections.

This is an important issue to our state, and we haven't sat on our hands in the face of frustration. As was mentioned, under the leadership of Governor Mark Gordon, in January 2022 Wyoming filed a petition imploring the Federal Government to delist the population again for a third time. Highlighted in the petition is the fact that, again, Wyoming has addressed the issues cited by the Federal Court in their decision to relist the bear. While we disagreed with their conclusions, we honored the decision, and made the changes necessary to alleviate their issues.

While the Fish and Wildlife Service has not met the legally-required timelines, we are encouraged that the Service issued a 90-day decision in February of this year indicating they were initiating a status review that could result in a positive finding on our petition.

The best way to celebrate the success is to delist and return management to the states and the tribes, where it belongs, and to do so by whatever means is necessary. The bill you are considering today would certainly achieve the conservation outcome we feel is best for the management of grizzly bears and the people of our state.

The state of Wyoming and our neighbors in Idaho and Montana have entered into tri-state agreements to ensure cross-jurisdictional management after delisting in a science-based manner. The states have put important laws and regulations on the books to ensure adequate regulatory mechanisms exist for a delisted bear population. Wyoming has adopted a comprehensive

grizzly bear management plan based on science and thoughts from citizens who live closest to the bear.

My department employs grizzly bear managers who are preeminent experts with the skills and experience to manage this population. It is important to note that we have, for decades, managed other large carnivores like mountain lions, black bears, and gray wolves, and all of those populations are abundant, healthy, and thriving today. Wyoming is unequivocally committed to ensuring the long-term viability and health of this population, and our track record reflects that.

I thank you for the opportunity to appear here today, Mr. Chairman, and look forward to standing for your questions.

[The prepared statement of Mr. Nesvik follows:]

PREPARED STATEMENT OF BRIAN R. NESVIK, DIRECTOR,
WYOMING GAME AND FISH DEPARTMENT
ON H.R. 1245, "GRIZZLY BEAR STATE MANAGEMENT ACT OF 2023"

Good morning Chairman Bentz and Ranking Member Huffman. Thank you for the opportunity to testify before you today as you consider the Grizzly Bear State Management Act of 2023 (H.R. 1245) to delist the Greater Yellowstone Ecosystem population of the grizzly bear under the Endangered Species Act. I am Brian Nesvik, and I have the privilege to serve as the Director of the Wyoming Game and Fish Department (Department). I have over 27 years of service to the citizens and wildlife of Wyoming in my role as a wildlife manager. My testimony is premised on my experiences serving in various positions within the Department, including Game Warden, Regional Wildlife Supervisor, and Chief Game Warden/Chief of the Wildlife Division. I have served as the Director for the past four years. Within my current role I serve as the chief administrative head of the Department with general leadership, supervision, and control of all activities, functions, and employees of the Department. I report to Governor Mark Gordon and work closely with the Governor appointed Wyoming Game and Fish Commission. I am honored to work with and lead an incredibly talented and dedicated team as we work together to manage Wyoming's vast and diverse wildlife and the places they live for those who enjoy them today and will enjoy them tomorrow. I earned a Bachelor of Science in Fish and Wildlife Biology and Management from the University of Wyoming and a Master of Science in Strategic Studies from the U.S. Army War College. I serve on many state, regional, and national organizations and committees, including as the Vice President of the Western Association of Fish and Wildlife Agencies, on the Executive Committee of the Association of Fish and Wildlife Agencies (AFWA), and the Board of Directors for the Intermountain West Joint Venture.

While grizzly bears are found in other populations in the lower 48 states and throughout the western Canadian provinces and Alaska, I will focus my efforts on the Greater Yellowstone Ecosystem (GYE) population. The GYE is an expansive landscape comprised of both Yellowstone National Park, Grand Teton National Park and large areas of designated wilderness area in portions of five National Forests. This population is managed and monitored in that part of the GYE where suitable habitat exists as designated by the US Fish and Wildlife Service (Service) informed by the Interagency Grizzly Bear Study Team. This area is termed the Demographic Monitoring Area (DMA). The DMA is 19,279 square miles, which is slightly larger than the geographic area of the states of Vermont and New Hampshire combined.

Most of the specific scientific information I will talk about today is directly related to the reality of a fully recovered grizzly bear population and the challenges associated with increased abundance and distribution outside suitable habitats, coupled with increased human use of grizzly bear habitat. My testimony reflects our Department's expert opinion as to why a delisted grizzly bear population managed with data collected by our personnel as part of decades of recovery and conservation efforts is the most efficient and effective path forward for grizzly bears and the people who live, work, and recreate in Wyoming and the GYE.

The recovery of the GYE grizzly bear population is one of the most remarkable conservation success stories in the history of wildlife conservation. This population is one of the world's most studied populations of wildlife. Despite all science-based information affirming the population's biological recovery and successful conservation, we continue to be hobbled by the species' status, listed as threatened under

the Endangered Species Act (ESA). Wyoming is proud to have paid for and taken a leadership role in grizzly bear recovery and management for the past 45+ years. Wyoming people (primarily those who have purchased hunting or fishing licenses) have invested over \$59 million to recover this population from its low point when there were as few as 136 bears in the GYE. Wyoming people have changed how they work, live, and recreate in grizzly bear country to help with their recovery. The most recent and best available science estimates there are more than 1,000 grizzly bears within the suitable habitat of the GYE.

While the majority of GYE grizzly bears and suitable habitat are in Wyoming, there are also significant portions of this population in Montana and Idaho. These states have also demonstrated strong commitment by contributing significantly to the recovery of this population.

We firmly believe state and tribal wildlife management agencies are best suited to manage wildlife within the borders of their respective states. The localized experience and expertise provide the proper context to inform management decisions and to establish objectives directing how wildlife populations are managed using the most current techniques and best available science. In the case of the GYE, the states of Wyoming, Montana, and Idaho played a lead role in the population recovery. From a data collection, public education, conflict management, law enforcement, and research perspective, the states have conducted the overwhelming majority of the work despite the species' being under federal authority.

Current Status of the GYE Population

The GYE grizzly bear population is fully recovered as measured by all federally developed recovery criteria. Quantifying and measuring recovery has been challenging to say the least. This challenge has not resulted from difficulty with the biology and science, but rather the ever-changing goal posts established by the Service and conclusions developed in court decisions by federal judges. Despite these challenges, I can state unequivocally that for two decades this population has been biologically recovered, and is healthy and viable. From the stated purposes of the ESA, a recovered population is one that: has the capability to offset human-caused mortality, is large enough to ensure a high probability of survival considering demographic and environmental stochasticity, and has reproductive females distributed throughout the recovery area. The robust dataset for this population affords long-term insight into its biological health. It has continually demonstrated a steady increase in abundance, density, and distribution (see upcoming figures). Recent updates in the science used to estimate abundance provide for more accurate information. Based on all available metrics, the population exceeds 1,000 grizzly bears in the DMA—a number that is double the original number needed to deem it a recovered population. Annual grizzly bear mortality has remained below established thresholds despite increasing human caused mortality due to a growing population. Reproductive females occupy the entire DMA and have for decades. These facts are relevant because they directly tie to the recovery criteria established by the Service, informed by recommendations from grizzly bear experts.

Based on all scientific information, biological data collected, and the analysis of the Interagency Grizzly Bear Study Team, within the area identified as suitable habitat (see Fig. 1), this population is exhibiting density dependent traits consistent with a population at or above carrying capacity. The DMA was identified as a large enough tract of contiguous habitat to maintain GYE grizzly bears in perpetuity. Grizzly bear populations have expanded their range beyond the habitat considered suitable by the Service. In 2020, nearly 8,000 square miles of grizzly bear range was outside the DMA, leading to increased conflict potential between grizzly bears and humans. While ecologically fascinating, having grizzly bears in these areas are more prone to conflict. These conflicts (discussed in further detail later) impeded the success of grizzly bear conservation and erode social tolerance for grizzly bears for those directly impacted.

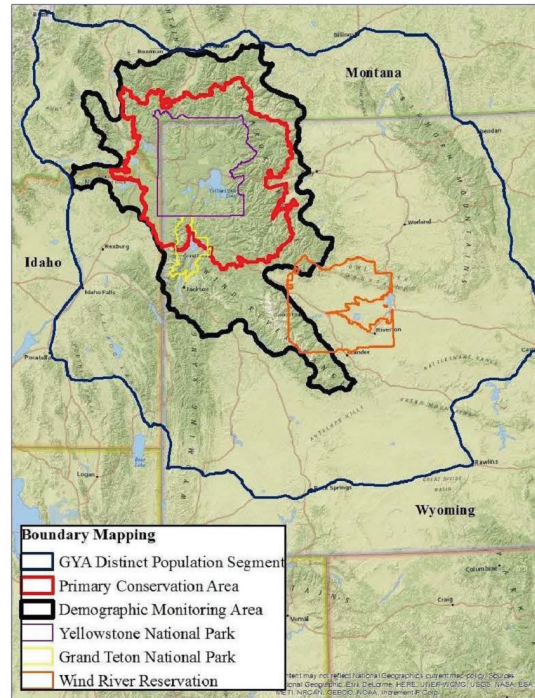


Figure 1. Relevant jurisdictional boundaries and areas of note for the GYE grizzly bear population.

Grizzly Bear Expansion and Human Conflict

Their expansion in range into unsuitable habitats has created significant challenges for all states and agencies involved due to the ever-increasing rise in human/bear conflict potential. Dangerous encounters with humans, destruction of private property (mostly livestock), and bear occupancy in human-dominated landscapes are all the reality of an expanding population. An expanding population was promoted and was the stated objective for decades, but once grizzly bears surpassed the suitable habitat of the GYE, the expansion continued. Now our people deal directly with grizzly bears expanding into areas that are primarily rural and agricultural communities, not pristine backcountry wilderness sanctuaries. People working, living, and recreating in these areas were assured grizzly bears would not be allowed to permanently occupy these areas outside of suitable habitat by the state and federal entities involved in recovery. This promise inspired support for recovery by local citizens. Occupancy in these human-dominated areas, far from biologically suitable habitats, is not a realistic scenario for success from a human or bear perspective. Since GYE grizzly bears were initially delisted in 2007, the population has increased its distribution by nearly 800 mi² annually (see Figs. 2 and 3). From 1990–2007 the distribution increased at a slower rate (465 mi² annually). From 1990 through 2020, the area of occupied range has increased steadily at a rate of 4% per year from just over 880 mi² to over 27,000 mi² (see Fig. 4). Grizzly bear occupied range now includes 97.9% of the DMA, and has expanded 25 miles beyond the DMA boundary to the east and west and by as much as 37 miles in the Wyoming Range in the southwestern portion of the GYE. The 2020 data show that 30.6% of GYE grizzly bear range is now outside the DMA boundary. By 1990, just over 231 mi² of private lands were encompassed within grizzly bear occupied range, an area half the size of Grand Teton National Park. By 2020, over 4600 mi² of private lands occurred within occupied range (Figure 4), an area more than 77 mi²

larger than Yellowstone and Grand Teton National Parks and the John D. Rockefeller Parkway combined.

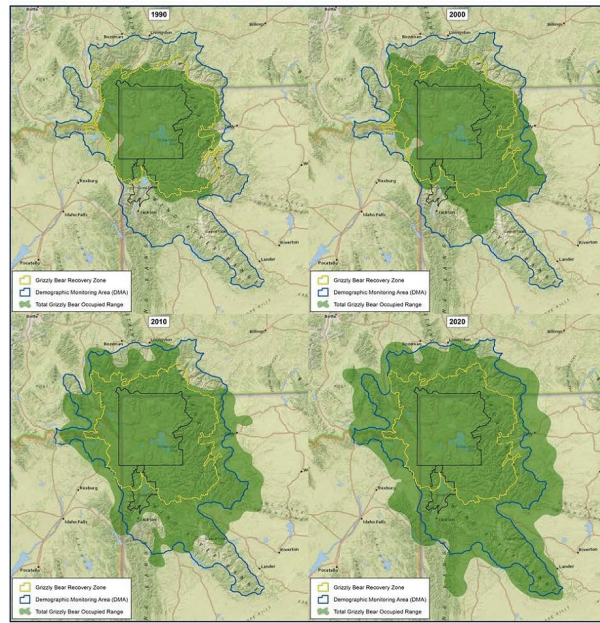


Figure 2. Grizzly bear occupied range (green shaded area) in the Greater Yellowstone Ecosystem, 1990, 2000, 2010, and 2020.

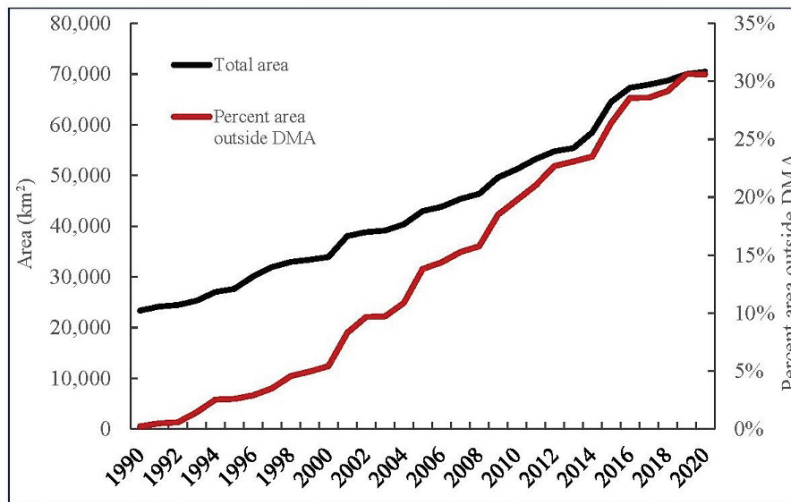


Figure 3. Total area of grizzly bear occupied range and percent of area of occupied range outside the Demographic Monitoring Area (DMA) in the Greater Yellowstone Ecosystem, 1990–2020.

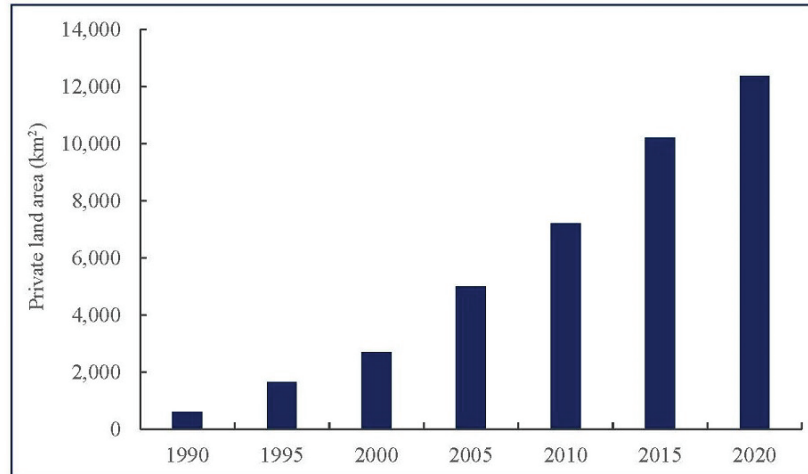


Figure 4. Area of private land within grizzly bear occupied range in the Greater Yellowstone Ecosystem in 5-year intervals, 1990–2020

When evaluating verified grizzly bear conflicts in Wyoming, we have documented a widespread increase in conflicts associated with the increased distribution of grizzly bears. The conflict potential has been exacerbated as bears have expanded beyond those habitats suitable for their long-term viability. From 1990–1999, we averaged 79 conflicts annually. From 2000–2009, that number jumped to 150 annual verified conflicts, and from 2010–2022 we averaged approximately 220 verified grizzly bear conflicts in Wyoming (*see Fig. 5*). Based on the combined efforts of our Bear Wise Wyoming program, community based education programs, increased bear resistant infrastructure in grizzly bear habitats and countless sacrifices and adaptations by the public, we have decreased the overall conflict potential within the DMA as much as can be expected. Conflicts associated with property damage, garbage and other types are <10% of all annually verified incidents. Conversely, the same cannot be said for conflicts between grizzly bears and livestock with more than 60% of annual incidents between grizzly bears and people being the result of livestock depredation, predominantly cattle.

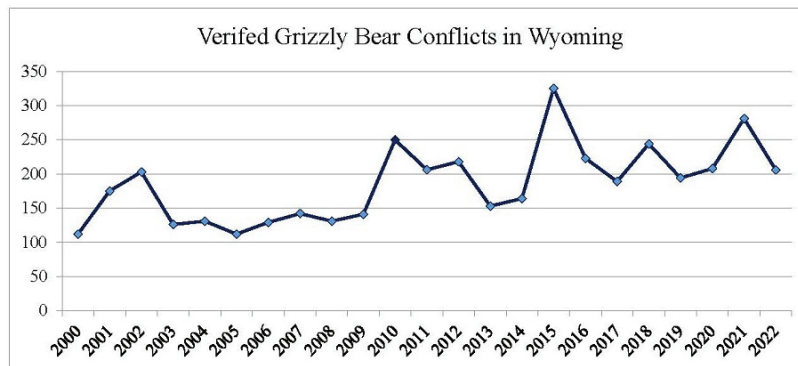


Figure 5. Annual grizzly bear conflicts verified by Wyoming Game and Fish personnel in Wyoming (this excludes conflicts that occur in the National Park Service lands and within the tribal lands of the Wind River Reservation).

These incidents result from an increase in bears and their expansion into new areas, as cattle grazing within the DMA has decreased over time.

Unfortunately, the increasing bear population has resulted in increased human attacks. These attacks have resulted in severe injuries and human deaths. Increased bear safety education and a willingness of people who use occupied habitats to exercise behavior that mitigates bear conflict have certainly prevented many injuries and deaths, but bear attacks illicit negative public attitudes and a fear by some to enter grizzly bear country.

As alluded to, the public and private sectors of people who live, work and recreate in grizzly bear occupied habitats have overwhelmingly changed their lifestyles and made sacrifices to reduce conflict potential. Landowners and residents have incurred additional costs to create bear resistant storage for trash, livestock feed, and other attractants. Working with the Department, many ranches and residences have erected bear proof infrastructure with electric fencing or other deterrents. Some have completely revamped landscapes on private lands to reduce conflict potential. At a time when the bear population has increased, conflicts have not increased proportionally, especially in the core of the ecosystem because people have changed behaviors. Without human behavior changes that mitigated conflicts, there would have been a much steeper increase in conflicts.

The Department has created educational/outreach programs (i.e., Bear Wise Wyoming, Bear Wise Community Programs) to reduce conflict potential and incentivize actions to secure attractants and alter human behavior when recreating, living, and working in grizzly bear country. To reach the widest audience possible, we have created interactive materials on our website and use all venues and forums to disseminate information. We have documented decreased conflicts associated with property damage and bears acquiring anthropogenic foods. Unfortunately, we are witnessing increases in human injuries, site conflicts, and a wide scale shift toward livestock depredation as bears continue to expand outside of the core Recovery Zone and well beyond the DMA. Securing attractants and reducing conflict potential is much more difficult in the rural, exurban, and agricultural landscapes where grizzly bears have expanded.

In recent years, there has been a great deal of attention regarding increased mortality of grizzly bears in the GYE. Unfortunately, much of the information disseminated by those who oppose delisting is either abjectly wrong, contorted, or taken out of context. Very simply, increases in mortality are proportional (or perhaps less than proportional) to the increase in abundance and distribution of grizzly bears. Human-caused mortality has always been the leading cause of grizzly bear mortality, but mitigation measures have been adopted and adapted over multiple decades to reduce instances of human-caused mortality. These measures have proven effective in many instances. Rhetoric and hyperbole regarding “record levels of mortality” fail to include overall metrics of population ecology. During a time when human-caused mortality has increased, the grizzly bear population has increased at an average rate of 4% per year. With higher abundance, more offspring are being born and recruited into the population than the number that are dying, which is why we still have an increasing population. The unfortunate reality of being beyond recovery is an increased potential for dangerous encounters between grizzly bears and humans, with negative outcomes for both species. The novelty of an apex predator expanding its range wears off quickly when it directly impacts human safety and livelihood.

State Management Capacity and Capability

The states of Wyoming, Montana, and Idaho are fully capable of assuming management of the GYE population and, in fact, have done so when the population was previously delisted two times. Speaking specifically for Wyoming, we have demonstrated our abilities to manage and conserve all wildlife populations throughout the State since the inception of the Department in the early 1900s. Other species successfully managed by Wyoming include black bears, mountain lions and gray wolves. In regards to grizzly bears specifically, the State has been handling on the ground grizzly bear management activities throughout our jurisdiction under federal oversight for multiple decades and has successfully managed grizzly bears under state authority twice when bears were delisted. Wyoming has only been denied its right to manage a fully recovered population consequential to litigation. Of note, in neither relisting court decision was the population ruled to be below biological recovery standards. Additionally, courts found Wyoming to have adequate regulatory mechanisms in place to ensure continued viability of the population.

As a state and Department, we have developed multiple regulatory mechanisms to ensure GYE grizzly bears remain recovered into the future including a Wyoming Game and Fish Commission and U.S. Fish and Wildlife Service approved Grizzly

Bear Management Plan. In addition, multiple state statutes and Wyoming Game and Fish Regulations codify regulatory mechanisms. For the most recent delisting process, the states of Wyoming, Montana, and Idaho entered into a three-state memorandum of agreement to provide assurances regarding the post-delisting allocation of discretionary mortality. Despite the conjecture that hunting was forced upon Wyoming's grizzly bears when previously delisted, the truth lies in the adaptive and collaborative public process that serves as the foundation of state wildlife management. Upon gaining management authority for grizzly bears most recently, Wyoming Game and Fish personnel traveled around the state to seek insight into how people wanted grizzly bears managed, specifically asking for input regarding: monitoring, research, conflict management, outreach/education, and hunting. The discussions and comments were used to update the aforementioned grizzly bear management plan and codified in Game and Fish Commission Regulations. This public outreach effort fostered transparency as to how grizzly bear management and conservation would occur into the future. These commitments are all above and beyond the requirements of the ESA. Suffice it to say, multiple statutes and Commission Regulations already in place serve as regulatory mechanisms and demonstrate the commitment to maintain a recovered population within our areas of jurisdiction in perpetuity. In December 2021, the states of Wyoming, Montana, and Idaho updated their three-state memorandum of agreement to reflect updated science and further committed their collaborative approach to address issues brought forth by the 9th circuit court so there were no barriers in moving toward the necessary means to delist the GYE grizzly bear population.

Finally, The Department's Large Carnivore Section was created to manage grizzly bears and other large carnivores in a science-based framework that considers public comment while also providing an immediate response to conflicts between carnivores and humans. The majority of work by this Section, in collaboration with regional Department personnel, is devoted to grizzly bear monitoring, outreach/education, and conflict management.

The fact that we are now dealing with more accurate representations of population size and the reality of a recovered population places further emphasis on the progression of listed entities within the endangered species act to move beyond listed status for grizzly bears and devote needed attention elsewhere. The sheer amount of money and effort being held hostage due to procedurally listed populations only serves as a detriment to those species and populations in need of assistance.

Financial Investments and Costs of Grizzly Bear Management

Since the GYE population was first listed under the ESA, the State of Wyoming has invested over \$59 million to recover and manage this population. In the last decade alone there has been more than \$20 million expended on grizzly bear recovery and management in Wyoming outside Park Service lands and the Wind River Reservation. Wyoming made these investments of nearly \$2 million annually despite the fact that the species is listed and we only receive \$100,000 annually of grizzly bear conservation funding from the federal government. In accordance with the pre-discussed expansion of grizzly bears, there is a direct increase in Department involvement and funds expended. The strong majority of management costs are paid for from Commission funds. Approximately 80% of the Commission's revenue is derived from contributions by sportspeople (see Fig. 9). Our financial contributions to grizzly bear conservation further demonstrates our commitment to grizzly bear conservation and management.

If GYE grizzly bears remain listed as a threatened population under the ESA, the cost of grizzly bear management has the potential to continue to rise with the expansion and increase of the population. As more bears occupy more human occupied areas, the potential for conflict and the associated costs stand to rise at a faster pace because bears are more likely to come into conflict in these areas than they are in biologically suitable habitats. Since 2012, approximately 1/3 of all conflicts verified and dealt with by the Department occurred outside the DMA's biologically and socially suitable habitat. While bears are tolerated outside the DMA, there is overwhelming evidence and scientific data indicating that managing bear occupancy in these areas is not in the best interest of grizzly bears or people. Grizzly bear caused livestock depredation and subsequent damage payments in Wyoming have continued to increase due to a recovered and increasing population, from Fiscal Year 2013 through Fiscal Year 2022, a total of \$3,551,306 was paid in damage compensation for grizzly bear depredation (an annual average of \$355,130 with an overall increasing trend in payment and depredations, see Fig. 6).

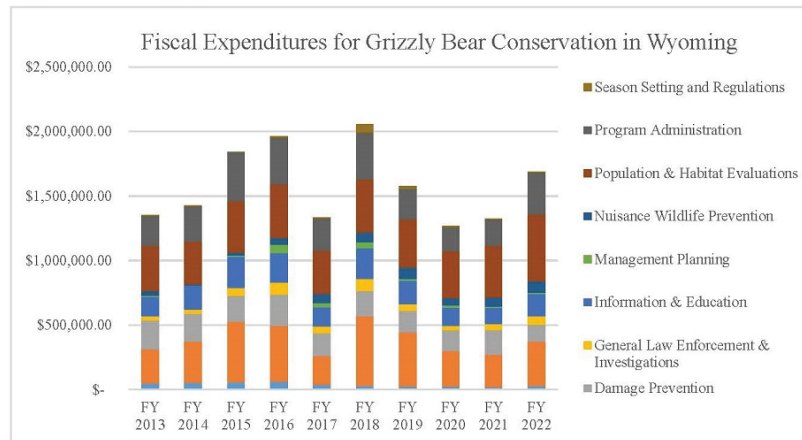


Figure 6. Fiscal expenditures for grizzly bear conservation broken down by primary categories of disbursement of funds.

Effects of Perpetual Listed Status of Grizzly Bears and Other Species/Populations

More important than direct monetary costs, keeping an animal such as the grizzly bear listed for sociopolitical reasons is disenfranchising to the public and to those that have dedicated so much of their lives and livelihoods toward recovery of the animal. The Endangered Species Act intends to provide the necessary protections for a species or population to recover on the landscape, with the ultimate goal of removing them from threatened or endangered status. The perpetual listing and litigation surrounding grizzly bears have not benefited the grizzly bears in the GYE or elsewhere.

Both the Service and the courts have moved the requirements for delisting multiple times. These changing requirements have not been based in science. Below is a chronological summary of delisting efforts and changing requirements. It is important to note that this population has been delisted two times with support from three presidential administrations including Presidents Bush, Obama and Trump.

In 2007 the GYE population was delisted based on a full recovery measure, with 2003 and 2004 biological metrics of approximately 550 grizzly bears. Litigation ensued and the population was relisted in 2009. At multiple levels in the court system, they concluded adequate regulatory mechanisms existed, but that the Service hadn't adequately described the potential effects of Whitebark Pine declines on the grizzly bear population. The Interagency Grizzly Bear Study Team made up of Federal and State scientists completed a food synthesis report over several years concluding that: Grizzly Bears are opportunistic omnivores and when a specific food source is limited, they utilize other foods to meet their needs. The bear population increased at a time when Whitebark Pine availability as a food source decreased. The GYE population was approaching density dependence or carrying capacity. This report and the Study Team's conclusions sufficiently addressed the court decision requirements.

Based on this work and the Study Team Report, the Service began the process to draft a new delisting rule in 2015. However, they decided to go further than anything identified by the courts and to modify the recovery criteria to require the state to manage for at least 674 grizzly bears post-delisting. This wasn't based on any biological findings or data. The overly conservatively biased population estimate had reached over 700 bears when this delisting rule was drafted. The population was delisted again in 2017 and management was returned to the State and Tribal governments.

Litigation ensued immediately and in 2018, a federal court relisted the population. The courts asserted that the Service hadn't adequately considered the effects of the delisting on remnant populations. Additionally, they concluded that the rule had not adequately addressed genetic connectivity. Lastly, they found that the states needed to go above their existing commitments to "recalibrate" future

population estimation techniques. This was a biological opinion with no basis in science rather than a legal interpretation of requirement of the ESA.

In 2021, the three states adopted specific language to address the assertions by the court. While we disagreed with the notion that recalibration commitments were biologically required to ensure recovery, we adopted language in our Tri-State Agreement to specifically address the courts finding. We committed to ensuring genetic connectivity if the science ever indicated it wasn't sufficient. In summary, the states again acquiesced to moving goal posts in order to delist this population.

We have noted a waning tolerance for grizzly bears, especially along the expanding front of grizzly bear range throughout Northwest Wyoming. If tolerance and acceptance of this iconic animal decreases, support for maintaining grizzly bears throughout the GYE becomes more difficult. In the case of the GYE grizzly bear, the ESA is no longer serving its purpose to recover and delist the species and turn management over to the respective states, federal, and tribal agencies. While the ESA is regarded widely as an effective and needed Federal Act, support is waning due to the Federal Government's inability to provide a durable delisting rule for a fully recovered species that has been the benefactor of the Act. The prescribed protections of the ESA are ineffective and cumbersome when a population has moved beyond recovery. Furthermore, it is critical to note that upon delisting, recovery criteria must be achieved to demonstrate recovery and maintain state management authority. Removal of ESA listed status does not strip protections, but rather it places the management authority in the hands of the proper jurisdiction for those that have been managing grizzly bears for decades and are responsible for their current status. A state managed population would allow professional wildlife managers to employ all the tools necessary to maintain grizzly bears in perpetuity, resolve conflicts, conduct valuable research and properly serve the people of Wyoming and visitors to our state. Coexistence means sacrifice and compromise, it also means conservation and management.

Unfortunately, the misuse of the ESA for charismatic megafauna such as the grizzly bear threatens the future of the Act. It is clearly time to recognize and celebrate this success story, just as was done following the recovery of the bald eagle and gray wolf. The ability to move forward with the delisting of grizzly bears in the GYE will give credence to the Act, credibility to the constituents who have adapted and sacrificed their daily lives in grizzly bear country, and further demonstrate the ability for multiple agencies to maintain and properly manage this iconic symbol of the wild in North America.

We haven't sat on our hands in the face of adversity and challenge. Under the leadership of Governor Mark Gordon, in January 2022, Wyoming filed a petition imploring the federal government to delist this population again. Highlighted in the petition is that, once again, Wyoming has addressed the issues cited by the federal court in its decision to relist the bear. While we disagreed with their conclusions, we honored the decision and made changes to alleviate their issues. While the Fish and Wildlife Service has not met legally required timelines, we are encouraged that the Service issued a 90-day decision in February of this year indicating they were initiating a status review that could result in a positive finding on our petition. That said, we have no assurance of a timeline or if the Service will move forward with delisting.

The Greater Yellowstone Ecosystem grizzly bear success must be recognized and celebrated. Delisting this population now, by whatever means, is clearly in the best interest of the grizzly bear, the people of our state, and the ESA's credibility.

Thank you for the opportunity to provide this testimony and to share some perspective regarding grizzly bear conservation in Wyoming.

Mr. BENTZ. Thank you, Mr. Nesvik, and I now recognize Mr. Tiffany to introduce our next witness, Mr. Roberts, for 5 minutes.

Mr. TIFFANY. Yes, thank you. Thank you, Mr. Chairman. Dr. Nathan Roberts earned his BS and MS from the University of Missouri, and his PhD from Cornell University, where his dissertation focused on furbearer management. He has worked for several state and Federal agencies, including as the bear, wolf, and furbearer research scientist at the Wisconsin Department of Natural Resources; as a Regional Biometrician for the National Wildlife Refuge System in Alaska; as a Research Assistant at

Cornell University; and as a Wildlife Biologist for the United States Department of Agriculture.

He has published over two dozen scientific articles related to carnivores and furbearers. Dr. Roberts is currently a Professor at the College of the Ozarks in the Conservation and Wildlife Management Program. He has been commissioned to the International Union for the Conservation of Nature, IUCN, and has served for many years as a member of the U.S. Furbearer Conservation Technical Working Group.

Speaking of scientists who are at the top of their field, you can do no better than Dr. Nathan Roberts.

**STATEMENT OF NATHAN ROBERTS, ASSOCIATE PROFESSOR,
COLLEGE OF THE OZARKS, BRANSON, MISSOURI**

Dr. ROBERTS. Good morning, Chairman Bentz, Ranking Member Huffman, members of the Committee, and thank you, Mr. Tiffany, for that introduction.

The gray wolf in the United States is recovered, no longer in danger of extinction, and should be removed from the Endangered Species Act.

H.R. 764 restores a rule that was developed by the Department of the Interior with the extensive input of state jurisdictions using the best available science. Ultimately, the DOI came to the appropriate conclusion that the wolf had been recovered and no longer warranted listing under ESA.

There is no doubt that the wolf is recovered in the United States. In the Great Lakes region alone, the wolf population was estimated at over 4,200 individuals. Recovery goals have been exceeded every year since at least 1994. The regional population is now estimated to be at least 10 times the established delisting threshold.

It is remarkable to note that given the natural life span of wolves, every wolf on the landscape in the Great Lakes region was born long after the recovery goals were met.

State wildlife agencies, as well as tribal agencies, monitor wolf populations. Jurisdictions use a variety of techniques and methods to estimate the population trajectory of wolves. These methods are well established and supported by peer-reviewed literature. We can be confident that the wolf population is at least as large as estimates suggest, because jurisdictions are using scientifically sound, defensible monitoring methods.

Similarly, we can also be confident that the potential impacts of management actions can be evaluated and adapted as needed.

Wolves in the contiguous United States are represented by several meta-populations that collectively compose the overall population. In the unlikely event that a meta-population were to experience severe population declines, the impact on the overall population can be mitigated by the other metapopulations. Indeed, the DOI appropriately recognizes resiliency in their final rule. The DOI, with support from numerous states, has published several final rules delisting the wolf in the last 15 years. Unfortunately, relentless and endless litigation has vacated these rules.

It is important to note that delisting wolves simply returns management authority and responsibility to the jurisdiction in which wolves are found. Some jurisdictions may continue

protections, while others may allow some take. Jurisdictions will weigh the various biological, economic, cultural, and social aspects unique to their respective jurisdictions to forge a path forward post-delisting. The agencies charged with managing wolves in these jurisdictions will be accountable to the public they serve. And, similarly, elected bodies that wade into wolf management will also be accountable to their respective electorates.

Additionally, this bill does not prevent the DOI from relisting the wolf via the normal, data-driven rulemaking process, if the science supports such an action. Thus, there remains a checks-and-balances system between the Federal Government, state jurisdictions, and the affected public.

Failing to delist wolves even after they have far exceeded recovery goals compromises the integrity of the ESA. In addition, funding and other resources are encumbered for wolves, a recovered species, that could otherwise be dedicated to species that are truly in need of assistance.

The endless litigation cycle that disregards scientifically-based recovery goals disincentivizes jurisdictions from pursuing endangered species recovery, or embarking on partnerships to restore populations that are truly imperiled. Jurisdictions will become hesitant or outright resistant to restore imperiled species if they are not delisted following recovery. Certainly, when they see wolf populations that have surpassed goals for over a quarter century remain listed, it is discouraging.

Finally, public support for imperiled species conservation degrades when citizens see abundant species classified as endangered, despite abundant data and scientific consensus to suggest otherwise. The public, especially the citizens that live in core wolf range, experience both the positive and negative impacts of wolves. The public were assured that wolves would be delisted once they were recovered. Yet, after meeting delisting thresholds for almost 30 years, the public are still waiting for delisting.

It is unfortunate that litigious entities continue to abuse the ESA and blatantly ignore science. Sadly, the result is that science is devalued, partnerships are avoided, the public is disenchanted, and conservation suffers.

Gray wolves are recovered in the United States. The science is clear. The species is secure and recovery goals have been met many times over. This is why the Federal Government and so many states have appropriately supported delisting again and again. Congress should likewise follow science, recognize the recovery of this iconic species, and delist wolves. Thank you.

[The prepared statement of Dr. Roberts follows:]

PREPARED STATEMENT OF NATHAN M. ROBERTS, PHD, ASSOCIATE PROFESSOR,
COLLEGE OF THE OZARKS

ON H.R. 764, "TRUST THE SCIENCE ACT"

Members of the Subcommittee on Water, Wildlife, and Fisheries:

The gray wolf in the United States is recovered, no longer in danger of extinction, and should be removed from the Endangered Species Act of 1973 (ESA). H.R. 764 restores a rule that was developed by the Department of Interior with the extensive input of state jurisdictions. The final rule is entitled "Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife." This rule was originally published on

November 3, 2020 (85 Fed. Reg. 69778). In developing this rule, which H.R. 764 will reinstate, the Department of Interior undertook an exhaustive process to evaluate the best available science from multiple sources. Ultimately, the Department of Interior came to the appropriate conclusion that the wolf has recovered as defined by established recovery goals and no longer warranted listing under the ESA.

There is no doubt that the wolf is recovered in the United States. In the Great Lakes region alone, the wolf population was estimated at over 4,200 individuals. The established recovery plan for this region set clear numeric goals to serve as criteria for determining successful recovery. These goals have been exceeded every year since at least 1994. In addition to having met the threshold almost 3 decades ago, the regional population is now estimated to be at least ten times the established delisting threshold. It is remarkable to note that, given the natural life span of wolves, every wolf on the landscape in the Great Lakes region was born long after recovery goals were met.

State wildlife agencies, as well as tribal agencies, monitor wolf populations. Monitoring any free ranging and wild population is challenging, but not insurmountable. Jurisdictions use a variety of techniques and methods to estimate the geographic range and population trajectory of wolves. These methods are well established and supported by peer-reviewed literature. It is impossible to know the absolute number of any species, including humans, but estimates yielded from scientifically-sound methods are reliable and allow for monitoring of the species. In addition, effective monitoring programs allow for evaluating population responses to management actions and changes. We can be confident that the wolf population is at least as large as estimates suggest because jurisdictions are using scientifically sound, defensible methods to produce these population estimates. Similarly, we can be confident that the potential impacts of management actions, or changes to management programs, can be evaluated and adapted as needed.

Wolves in the contiguous United States are represented by several meta-populations that collectively compose the overall population. Multiple established meta-populations help ensure that the overall population is robust and resilient. In the unlikely event that a meta-population were to experience severe population declines, the impact on the overall population can be mitigated by the other sub-populations. Indeed, the Department of Interior appropriately recognized this resiliency in their final rule published in 2020.

The Department of Interior, with support from numerous states, has published several ‘final rules’ delisting the wolf during the last 15 years. Unfortunately, endless relentless litigation has vacated these rules. It is important to note that delisting wolves simply returns management authority and responsibility to the state and tribal jurisdictions in which wolves are found. Some jurisdictions may continue state or tribal level protections while others may allow some take. In each case, jurisdictions will weigh the various biological, economic, culture and social aspects unique to their respective jurisdictions to forge a path forward post-delisting. The agencies charged with managing wolves in these jurisdictions will be accountable to the public they serve. Similarly, elected bodies that wade into wolf management will also be accountable to their respective electorates. Additionally, this bill does not prevent the Department of Interior from relisting the wolf, via the data-driven rulemaking process, if the science supports such an action. Thus, there remains a checks and balances system between the federal government, state jurisdictions, and the affected public.

Failing to recognize that wolves are recovered and taking the appropriate action to reflect this reality via delisting undermines the intention of the ESA. The Act was intended to provide temporary protection and funding until a species met established recovery goals. Then, after these recovery goals are met, the states are to regain management authority following delisting. By not delisting wolves, even after they have far exceeded recovery goals, the integrity of the ESA is compromised. Additionally, funding, and other resources, are encumbered for wolves, a recovered species, that could otherwise be dedicated to species that are truly in need of assistance. Furthermore, the endless litigation cycle, that disregards scientifically-based recovery goals, disincentivize jurisdictions from pursuing endangered species recovery or embarking on partnerships to restore species that are actually imperiled. Jurisdictions will become hesitant, or outright resistant, to restore imperiled species if species are not delisted once recovery is met. Certainly, witnessing wolf populations that have surpassed recovery goals for over twenty years, yet remain listed, is discouraging at best. Finally, public support for imperiled species conservation degrades when citizens see abundant species classified as ‘endangered’ despite abundant data, and scientific consensus, that says otherwise. The public, especially the citizens that live in the core of wolf range, experience both the positive, and negative impacts of wolves. The public were told, via the recovery

plan, the wolves would be delisted once they were recovered. Those citizens were further told the clear criteria used to determine if a species has been recovered. Yet, after meeting these criteria for almost thirty years, the public are still waiting to see wolves delisted. It is unfortunate that litigious entities continue to abuse the ESA and blatantly ignore science. As a result, we have a population that has been recovered for almost three decade and is at least an order of magnitude above established and agreed recovery goals yet is still listed. Sadly, the result is that science is devalued, partnerships are avoided, the public is disenchanted, and conservation suffers.

Gray wolves are recovered in the United States. The science is clear; this species is recovered, secure, and recovery goals have been met many times over. This is why the federal government, and so many states, have appropriately supported delisting again and again. Congress should likewise follow science, recognize the recovery of this iconic species, and delist wolves.

Mr. BENTZ. Thank you, Dr. Roberts. I now recognize Dr. Servheen for 5 minutes.

STATEMENT OF CHRISTOPHER SERVHEEN, RETIRED GRIZZLY BEAR RECOVERY COORDINATOR, U.S. FISH AND WILDLIFE SERVICE, MISSOULA, MONTANA

Dr. SERVHEEN. Good morning, Mr. Chairman and members of the Committee.

I was the U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator for 35 years. As such, I led the grizzly bear recovery program from its beginning until I retired in 2016. I am currently the Board Chair and President of the Montana Wildlife Federation. I speak to you as a professional grizzly bear biologist.

As a Fish and Wildlife Service employee, I wrote the grizzly bear recovery plan and the original delisting proposal for the Yellowstone grizzly bear population. That delisting was litigated in Federal court, and I participated in the legal defense, with the Department of Justice. I am very familiar with the process to recover and delist a species, and how these actions are challenged in Federal courts.

It is important that you know that I believed in and promoted the eventual delisting of recovered grizzly bears and wolves and turning them over to state management. I had faith in the wildlife professionals and state fish and game agencies, and I believed that these state wildlife professionals would be good stewards to continue to carefully manage grizzly bears and wolves.

This all changed in the past few years, when state legislators in Montana and Idaho passed new laws to dramatically reduce wolf numbers, and to place aggressive, indiscriminate wildlife-killing methods into grizzly bear habitat.

To achieve successful delisting of grizzly bears and wolves, the Department of the Interior and the Secretary must evaluate three important factors: Is the habitat available for the species? Is it protected? Are the population numbers enough that the animals occupy all the available habitat? And are adequate regulatory mechanisms in place to ensure that the mortalities of the animals are carefully regulated?

The primary threat to achieving grizzly delisting and maintaining delisted status for gray wolves are the threats to adequate regulatory mechanisms due to humans. Unfortunately, many

people think that delisting only requires reaching a certain number of animals as required by the recovery plan. But this is incorrect.

In addition to meeting population objectives, a mandatory requirement of the ESA when a species is to be delisted, is that adequate regulatory mechanisms are in place to ensure that the delisted populations remains healthy and recovered after delisting. Without adequate regulatory mechanisms, grizzly bears cannot be delisted, and wolves may be relisted. The lack of adequate regulatory mechanisms is due to political interference in the management of wildlife.

It is important to realize that state and Federal agencies have programs and dedicated personnel in place to manage grizzly bears that kill livestock. Livestock losses to predators are real, and a valid concern because they impact people's livelihood and property. When there is a depredation, state and Federal specialists respond, capture, or kill the depredating animals. Most grizzly bears and wolves do not kill livestock.

For perspective, in Montana in 2022, grizzly bears and wolves together killed 218 sheep and cattle, which is 8/1000 of 1 percent of the cattle and sheep in Montana. Livestock producers were compensated \$237,000 in 2022 for these losses to grizzly bears, wolves, and lions. Lions killed 59 animals, by the way.

It doesn't take a lot of imagination to realize that if grizzly bears were delisted by congressional action and turned over to state management, that the legislatures and the governors would do the same thing to grizzly bears that they are currently doing to wolves. They would try to legislatively minimize grizzly numbers inside recovery zones, and eliminate most grizzly bears outside recovery zones.

The ESA works because it is based on science and facts, and it specifically requires the listed status of any species must be judged solely on the best available scientific data. I urge you not to pass legislation to circumvent the requirements of the ESA and congressionally delist grizzly bears.

Thank you for this opportunity to speak.

[The prepared statement of Dr. Servheen follows:]

PREPARED STATEMENT OF DR. CHRISTOPHER SERVHEEN, RETIRED USFWS
GRIZZLY BEAR RECOVERY COORDINATOR; PRESIDENT AND BOARD CHAIR
OF THE MONTANA WILDLIFE FEDERATION

ON H.R. 764, H.R. 1245, AND H.R. 1419

Good morning. I was the USFWS Grizzly Bear Recovery Coordinator for 35 years. As such, I led the grizzly bear recovery program from its beginning until I retired in 2016. I am currently the Board Chair and President of the Montana Wildlife Federation.

My testimony will focus on the statutory requirements for determining if a species is able to be delisted from the Endangered Species Act (ESA), the current threats to grizzly bears and wolves, and the importance of the role of science and facts to the management of wildlife, particularly wildlife that have been or are currently listed under the ESA.

I speak to you as a professional grizzly bear biologist. As a FWS employee, I wrote the Grizzly Bear Recovery Plan and the original delisting proposal for the Yellowstone ecosystem grizzly population. That delisting was litigated in federal court, and I participated in the legal defense of the case with the Department of Justice. I am very familiar with the process to recover and delist a species and how these actions are challenged in federal courts. To give you an idea of the extent that I was involved in defending delisting, the legal challenge to the first Yellowstone

Ecosystem delisting is designated in legal texts as Greater Yellowstone Coalition versus Servheen.

It is important to know that I believed in and promoted the eventual delisting of recovered grizzlies and wolves and turning them over to state management. I had faith in the wildlife professionals in state fish and game agencies and I believed that these state wildlife professionals would be good stewards who would continue to carefully manage grizzly bears and wolves using science and facts after recovery and delisting.

This all changed in the past few years when state legislatures in Montana and Idaho passed new laws to dramatically reduce wolf numbers and to place aggressive, indiscriminate wildlife killing methods into grizzly bear habitat. Science-based wildlife management in the states was replaced by anti-predator hysteria fueled by misinformation and emotion. Professional wildlife management by fish and game agency biologists was replaced by political intervention that overturned decades of sound wildlife policy.

There have been bills introduced in the House of Representatives that direct the Secretary of Interior to remove ESA protection from grizzly bears and wolves. These bills do not consider the ongoing erosion of grizzly bear mortality regulatory mechanisms by state legislative actions and the threats to habitat security from increased recreation on public lands and increased development on private lands as more people move into grizzly habitat. These bills do not reference or rely on any scientific data. These bills override the intentions and direction of the ESA.

There are currently 4 grizzly bear populations in the Lower 48 states. The populations of grizzly bears in the Yellowstone and the Northern Continental Divide ecosystems are currently healthy after 42 years of recovery effort. The grizzly populations in the Cabinet/Yaak and Selkirk ecosystems are much smaller and still at risk. It will be important to the genetic and demographic health of these populations to see them eventually connected by natural movements of grizzlies between them. The success of the grizzly bear recovery program is a tribute to the wisdom built into the ESA.

To achieve successful delisting of grizzly bears and wolves, the Secretary of the Interior must evaluate these factors:

- **Is the habitat of the species available in sufficient amount** and productive enough to support a recovered population.
- **Are the population numbers enough** that the animals occupy all the available habitats to allow the population to be recovered and stable.
- **Are adequate regulatory mechanisms in place** to assure that the necessary habitat remains available into the future and are there regulatory mechanisms in place to control mortality in the future to sustainable levels.

The primary threat to achieving successful delisting of grizzly bears and maintaining delisted status for grey wolves are the threats to adequate regulatory mechanisms to control mortality due to humans.

Unfortunately, many people think that delisting only requires reaching a certain number of animals as required by the species Recovery Plan, but this is incorrect. In addition to meeting population objectives, a mandatory requirement of the ESA for a species to be delisted is that adequate mortality management mechanisms are in place to assure that grizzlies (and wolves) remain healthy and recovered after delisting. Healthy and recovered grizzly (and wolf) populations are populations that are carefully managed and distributed across their suitable available habitat.

The greatest threat today to grizzly bears and grizzly bear delisting and to keeping wolves delisted is the state legislatures and governors who are passing and signing legislation that implements harmful anti-predator policies that are not informed by science. These policies from state legislatures will result in more dead grizzly bears and wolves and directly threaten the ability of state fish and game agencies to regulate grizzly and wolf mortality to sustainable levels.

Some examples of harmful state legislation:

- Mandating the use of neck snares to trap wolves in grizzly habitat when grizzly and black bears are out of their dens.
- Allowing the use of hounds to hunt black bears in areas occupied by grizzly bears. The use of hounds to hunt black bears will result in conflicts and death for grizzly bears in the areas where hounds are used.
- Allowing the use of bait around wolf traps and neck snares. Bait will also attract grizzly bears, black bears, and other forest carnivores to these sites where they will be trapped, or neck snared and be killed or maimed.
- Paying people to try to kill wolves. This is a bounty, and it is unethical.

- Allowing shooting wolves at night over bait using spotlights and night-vision scopes. This is unethical and a violation of fair chase hunting.

Black bear hound hunters and wolf trappers have every incentive to not to report conflicts and deaths to grizzly bears as public knowledge of these deaths may result in limitations to their hound hunting and wolf trapping and snaring. Less than 2% of people who hunt Montana black bears hunt with hounds. Hound hunters have no way of knowing what their hounds are chasing until they arrive at a scene of hounds being killed fighting with a grizzly bear or encounter an angry grizzly being chased by hounds. Since hound hunting of black bears and wolf trapping and snaring activities take place away from the public eye and away from agents of state wildlife management agencies, agencies will rarely if ever know of conflicts or dead grizzly bears due to hound hunting or wolf trapping and snaring. What this means in practice is that state fish and game agencies have no way to regulate the mortality of grizzly bears due to hound hunting or wolf trapping and snaring because they will never know about these deaths.

Without adequate regulatory mortality regulatory mechanisms, grizzly bears cannot be delisted, and wolves may be relisted. The lack of regulatory mechanisms is due to political interference in the management of wildlife by the state fish and game agencies.

If it is the intention of state agencies, legislatures, and/or the public that once delisting takes place, regulation of grizzly mortality can be relaxed, this is proof that there are in fact no adequate regulatory mechanisms “in place”. “In place” means that regulatory mechanisms will continue after delisting to carefully manage and limit mortality so the species can remain healthy and recovered. Regulatory mechanisms are not a temporary mechanism to be used by state agencies and legislatures to get a species delisted, and once delisting is achieved, then eliminate or reduce regulation of mortality.

It is important to realize that state and federal agencies have programs and dedicated personnel in place to manage grizzly bears that kill livestock. Livestock losses to predators are a real and valid concerns because they impact people's livelihood and property. When there is a depredation, state and Federal specialists respond and capture or kill the depredating animal. Most grizzly bears and wolves do not kill livestock. For perspective, in Montana in 2022, grizzly bears and wolves together killed 218 cattle and sheep, which is 0.00822% of the cattle and sheep in Montana. There are also compensation programs in place to pay producers for livestock lost to predators. The Montana Livestock Loss Board paid livestock producers \$237,985 in 2022 for livestock losses due to grizzly bears, wolves and lions (lions killed 59 animals).

In summary, I was a strong proponent of grizzly bear recovery and delisting for decades when I managed to grizzly recovery program for FWS. I believed in and trusted the wildlife professionals in the state fish and game agencies to carefully manage delisted grizzly populations with science and facts.

It doesn't take a lot of imagination to realize that if grizzly bears were delisted by Congressional action and turned over to state management, that the legislatures and governors would do the same thing to grizzlies that they are currently doing to wolves—they would likely try to legislatively minimize grizzly numbers inside recovery zones and eliminate most grizzlies outside recovery zones. 35 wildlife professionals agree with this concern and signed a public letter opposing delisting if legislators continue to use misinformation and anti-predator emotion to manage grizzly bears and wolves.

If anti-carnivore legislation continues, we stand to lose much more than healthy carnivore populations. These laws threaten the very foundation of scientific wildlife management as well as the acceptance of hunting as a legitimate and non-political management tool. If state politicians are going to ignore science-based wildlife management and prescribe how many predators should be killed and the specific methods to be used to kill them, it will be difficult to ever manage most carnivore populations sustainably, ever achieve grizzly bear recovery, and have in place the adequate state regulatory mechanisms necessary for state agencies to credibly manage recovered grizzly bears and wolves.

The ESA works because it is based on science and facts, and it specifically requires that the listed status of any species must be judged solely on the best available scientific data. I urge you to not pass legislation to circumvent the requirements of the ESA, and Congressionally delist grizzly bears.

Thank you for this opportunity to testify.

Mr. BENTZ. Thank you, Dr. Servheen. I now recognize Mr. Rosendale to introduce our next witness, Ms. Johnson.

Mr. ROSENDALE. Thank you very much, Mr. Chair. It is my pleasure to introduce Ms. Karli Johnson, a rancher and small business owner from Choteau, Montana. Her family has ranched in the area for the last five generations. And I personally served with her mom, Kristy, in the Montana Legislature.

It is good to see you.

Karli has also been actively involved in issues that we are discussing today. She has previously served on the Livestock Loss Board, which is responsible for evaluating and reimbursing farmers and ranchers who have sustained livestock losses due to grizzly bears and other predators. Karli is a member of the Montana Farm Bureau, a graduate of Montana State University and the Real Montana Leadership Program. Karli and her husband, Ben, have two children, and enjoy watching them explore and learn out on the ranch.

I am pleased to welcome her to Washington to share her expertise, and I look forward to hearing her testimony.

Thank you, Mr. Chairman. I will yield back.

**STATEMENT OF KARLI JOHNSON, RANCHER, SEVENS
LIVESTOCK, CHOTEAU, MONTANA**

Ms. JOHNSON. Thank you, Mr. Rosendale. Thank you, Mr. Chairman and members of the Committee. Thank you for having me here today, and thank you for considering this legislation.

This issue is deeply important to my family and to my community. My name is Karli Johnson. My husband and I ranch on the eastern edge of the Northern Continental Divide Ecosystem. We raise black Angus cattle just outside of Choteau, Montana, and we also have our two children there. We live in the heart of grizzly bear country, but we also live only 10 blocks west of Choteau Elementary School. So, we live in the heart of people country, too. That intersection gives us a front row seat to the interactions between grizzly bears and human beings.

As ranchers, we understand that working with grizzly bears is part of our job. Our priority is to be good stewards of the land, and that doesn't stop at the grass and the crops; that extends to the wildlife. We understand that there needs to be a balance of species that includes grizzly bears. But the reality is, that does come at a cost. We have had to make financial and production sacrifices to be able to safely work. I have outlined those in my written testimony.

My family has experienced livestock predation personally, and I will share that story with you, but I want to preface it with what my family experienced isn't even a tenth of what I have heard other producers in our area are experiencing in a single night.

This occurred when I was 10 or so. We lost four sheep. There were only three of the four carcasses that were found. Financially, in today's dollars, that comes out to be about an \$800 loss. That is the sort of number that would show up in the figures that I gave you in my written testimony and that Dr. Servheen noted in his testimony.

The costs that don't come through on that are the ones that are more difficult to measure. We have since made the choice not to

raise sheep, due to the risk of predators, and that does limit the scope of our business. And that only accounts for one of the adaptations and compromises that we have made to be able to live and work safely in bear country.

What we still talk about from that experience, though, as a family, when we reflect back on it, is the fear that we faced as kids. My younger brother slept on my parents' bedroom floor for 2 years because, even at 7 or 8, he had an understanding that there wasn't a lot that stood between him and that grizzly bear, and if that grizzly bear could kill a sheep, it could kill him, too. At that time, we didn't have near the bear pressure that we do today, and my brother probably wasn't in any real danger.

Only one time in my childhood was there a bear near our out-buildings, and we only saw tracks, we didn't see the bear. But that has changed, and so have the risks. When my husband and I moved back into the house I grew up in 5 years ago, that first summer alone, on three different occasions that we know of, there were grizzly bears walking through our yard at night. And this is with all of our attractants secured and dogs barking.

That also escalated a couple of years later, when a young collared female bear walked through our yard in broad daylight, where our 4-year-old at the time spent most of his days riding his bicycle. He had just come inside because it was windy when that bear sauntered through. You see, that bear had a habit of being around human spaces. A few weeks before she was in our yard, she walked through the city park while 37 Boy Scouts were camping in it.

Under current management, she was not labeled as a problem bear, because she hadn't been aggressive, and she hadn't caused any property damage, although she was clearly habituated.

The situation with that bear escalated again the following spring when she was back, now with three cubs. I saw her on a morning in April, when she ran into a barn across the road from our house where we live that is now inside of a bear enclosure. Montana Fish, Wildlife, and Parks came out immediately to haze that bear, but she didn't go in the direction that they had hoped, and she ended up heading east, back toward town. At that same time, just 10 blocks away, 180 elementary school students were being dropped off and playing on the playground. In between the sounds of the cracker shells, I could hear the kids on the playground.

Bears like this are becoming more and more common in our area, with population targets having been met for what some people believe is as long as a decade, if not two. The population is beyond the scope of the natural habitat, and bears are being pushed out to scavenge on the fringe of human civilization.

That sow grizzly bear and I don't want to raise our babies together, and we are being put in a position that we have to. And it is not safe for either one of our families to do that. And that is why today we are asking for additional management tools for both me and that sow grizzly bear, so we don't have to raise our babies together. Thank you.

[The prepared statement of Ms. Johnson follows:]

PREPARED STATEMENT OF KARLI JOHNSON, SEVENS LIVESTOCK CO.
ON H.R. 1419, "COMPREHENSIVE GRIZZLY BEAR MANAGEMENT ACT OF 2023"

Background and Bear Stories

My husband and I ranch on the eastern edge of the Northern Continental Divide Ecosystem (NCDE). We raise Angus cattle and kids. We have a 2 year old little girl and 6 year old boy. We live in the heart of bear country, but also only a half mile west of Choteau Elementary, we live in people country too. The intersection of large apex predator's territory and American families can be a scary place to live. We witness those interactions repeatedly. I have a lifetime's worth of bear stories.

Here are some of the highlights. When I was a kid, my mom used to go on evening walks. We would all walk a half a mile to the bridge on the Teton River and she would continue to the end of the road while my brothers and I played for 15 minutes or so in the creek. One night she got to the end of the road and turned around in time to see a bear heading toward us. Can you imagine having a bear in between you and your kids? It all turned out alright. It now lives as a terrifying childhood memory for my brothers and me. That is the only encounter I can remember with a bear that wasn't aggressive but wasn't afraid. Both my brothers have been charged by aggressive Grizzly bears on different occasions near the house we live in now.

In more recent times with the increase in the bear population, the encounters have also increased. Our dog got swiped by a bear in our yard. The claw marks could be seen on his back. The dog survived. A couple summers ago, a bear walked through our yard, on our lawn, in broad daylight. The only reason our son wasn't riding his bike right where she walked was because it was windy that evening. Do you know any 4 year old's that equipped to handle an encounter with a Grizzly Bear? I don't. Under current rule that bear is not designated as a problem bear because she had never been aggressive or damaged any property. She was obviously comfortable around humans though. A few weeks before she walked through our yard she walked through the city park. This was at night but there were 37 boy scouts camping in the city park that night. I would venture to say that those 37 were not quiet and that bear knew they were there.

The old adage "they are more afraid of you than you are of them" is no longer holding true. The level of comfort that we are experiencing from the bears in our area in and around human dwellings is like I have never seen before. Twice this fall Choteau Elementary students could not walk home from school because at 2:00 in the afternoon grizzly bears were spotted in the city limits blocks from the school. This is becoming more and more dangerous.

Although, bears may not be aggressive. They are still predators. Given the circumstances they absolutely can kill. That female bear that walked through my yard and the city park is a great example of how that can change. She was back the following spring still frequently human areas, but she was not alone this time. She had three cubs with her. You do not need to be a wildlife biologist to know that most dangerous class of wildlife is a momma anything. When I saw them, they were running into a barn across the road from our house. I immediately reported it to our bear management specialist. They came out and hazed her. This was particularly concerning as she was a half a mile from the elementary school. On a school day, during recess. Between the cracker shells I could hear the kids playing on the playground. It was the third time that week that they had hazed her. She did not go West or North away from town but East back toward town and the school with children playing. She hunkered down in some brush. It took the authorities another three days to get authorization to relocate her if they could safely catch her and her three cubs alive. Catching a sow and cubs is not only difficult but dangerous. Momma bears tend to get upset when their babies are trapped, and baby bears tend to wonder into traps without their mothers. Relocation almost never works as Grizzly Bears have a strong draw to their home territory. With hazing clearly not working, relocation is the next viable option.

The relocation sites are over capacity. That is one of the challenges with getting approval to relocate is that there just simply isn't a place to put them. When the relocation sites were set up, it was for a target population. The grizzly bear population in our area met that target by most estimations a decade ago some think up to two decades ago. Relocation and hazing are the two primary management tools under current rule. Both tools the population has outgrown.

The delay in authorization adds to the challenge of the management. In the three days, it took to get authorization the sow and cubs were hazed for a fourth time. The delay can also lead authorities to lose dangerous bears. There was a 90 minute delay to get authorization to euthanize a different grizzly bear that was coming out

of a road ditch and attacking vehicles. This bear was clearly very dangerous. He punctured the hood of a neighbor's pick-up with his canines and was swatting at windows with paws. Had that bear been lost and someone driven by it on an ATV. The results would have been deadly. A bear that attacked someone outside of Choteau was lost. They never were able to find this aggressive bear. The delay in the response is one of the management issues that will very easily be corrected by turning over management to the state.

We understand that working with Grizzly Bears is part of our job. Our priority as ranchers is to be good stewards of the land. We have a generational understanding of the importance of putting the ecosystem that we work within first. That does not stop at the grass or crops, it includes wildlife. We understand that there needs to be a species balance that includes Grizzly Bears. The lack of tools for population management is putting us in a terrible position. The lack management is selecting for bears that are comfortable around human areas. That puts the safety of our families at risk.

It does not have to be this way. Not all bears are comfortable around human spaces but without population management those bears are at a disadvantage. Those bears are not benefiting from scavenging around human spaces, eating grain out of fields or energy rich placenta out of calving pastures. It's not just the people that need more management tools. It is also the good bears that are respectful of humans.

Adapting to Working and Living in Bear Country

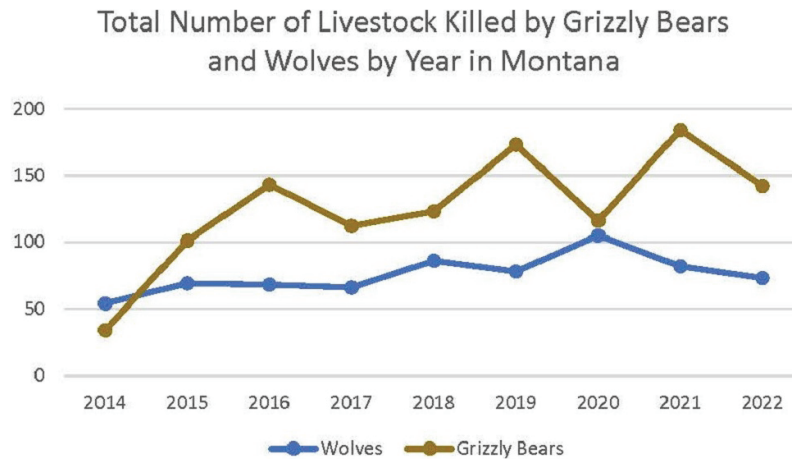
We recognize that living in bear country means that we will need to adapt to be respectful of this great omnivore's needs. Below I have listed the adaptations that we have made to our own ranch and lifestyle. I share this to be clear that we have made all the adjustments we can. These have real financial, production and lifestyle costs.

- Changed flood irrigation
 - We do not irrigate at night anymore. Our flood irrigation infrastructure is set up for 8 hour sets and we are now doing 12. This decreases our yields and stand life.
- Change heifer calving date
 - We changed our calving date for the animals that need to calve at home on the river bottom to earlier when the bears are hopefully hibernating. Calving in February in Montana is hard. This year the weather was fine. Some years the weather is brutal. In 2021, it did not get above 15 below zero for two weeks while we had around 70 calves born. Those conditions are hard on the cattle and us.
- Do not raise vulnerable livestock
 - We do not raise sheep or pigs as they are more susceptible to grizzly bear predation.
- Erected a Grizzly Bear Fence
 - We put up a five foot woven wire fence with two electric strands. One on top and one on the outside bottom to prevent bears from climbing over or under the fence. The fence encompasses about 14 acres including our house, calving lots and barns. The project cost was proximately \$17,000. We received a Livestock Loss Board Grant for \$10,899.
- Always on alert when fencing or spraying weeds near brush.
 - We have a legal obligation to manage noxious weeds and repair fences. Many weeds are found in prime bear habit. Fences along river bottoms are notoriously difficult to maintain. Our area does not have access to childcare. Our kids work with us. Carrying bear spray with children around is dangerous.
- No longer take evening walks.
- No longer go swimming or fishing in the creek without extreme caution.

Losses Related to Grizzly Bears in Montana

We have not personally experienced livestock losses due to predation. My parents did when they had sheep and lived where we do now. Below are two graphs that show the trends in predation in Montana. This is based on data from the Livestock

Loss Board. The Livestock Loss Board reimburses ranchers for livestock that has been confirmed by US Fish and Wildlife Services as being killed by a wolf, mountain lion or grizzly bear. Only losses that can be confirmed are compensated. There are many more kills that cannot be confirmed that are not included in this data. It is also worth mentioning that this incentivizes ranchers to try to find fresh kills while bears are often still present. Putting them at times in great danger.



The chart above reflects all of Montana not just the NCDE. The number reflects both confirmed and suspected kills.

Year	Wolves	Grizzly Bears
2014	\$ 72,267.00	\$ 55,151.71
2015	\$ 80,769.22	\$ 112,357.15
2016	\$ 59,577.87	\$ 108,394.27
2017	\$ 63,504.91	\$ 134,650.48
2018	\$ 82,958.92	\$ 113,560.43
2019	\$ 82,450.39	\$ 143,466.80
2020	\$ 75,818.75	\$ 97,526.24
2021	\$ 102,931.60	\$ 200,346.17
2022	\$ 96,653.04	\$ 128,406.79

Total dollars of claims paid by the Livestock Loss Board by year in Montana. 2022 numbers are to date. There are still claims being made for 2022.

There is also a cost associated with adapting to bear country for the city of Choteau. They have been asked to get bear proof garbage cans. The estimated cost 18 months ago for just the cans was over one million dollars. The specialty garbage truck would be an estimated additional million dollars. The city is also upgrading their street lights and adding lighting on the edge of town to make it easier to see a Grizzly bear if they are present. The cost of this project is estimated at \$500,000. While there is grant funding available for livestock loss mitigation, no grant funding

has been found for preventing human encounters. The city is expected to cover the entire cost. The city of Choteau has around 1700 residents. The cost of this prevention work comes out to be \$1470 per resident.

While dollar figures can be placed on livestock lost, prevention work done, dollar figures cannot be given to the loss of human life that has occurred due to Grizzly Bear conflict. Those lives serve as a solemn reminder of just how important this work is and how delicate human and bear relationships are.

Conclusion

Current management has been set up for a maximum population that has been met. This larger population needs a different management strategy. Delisting the NCDE population of Grizzly Bears will give us the opportunity to implement the strategies needed to have a safe and sustainable population of Grizzly Bears. It would also give us the flexibility to adjust management to ensure that we are serving the bears and their human neighbors well.

Thank you for your time in considering the delisting of NCDE Grizzly Bear population. This is an issue that is deeply important to my family, community, and our good bear neighbors.

Mr. BENTZ. Thank you, and I thank all the witnesses for the testimony and for traveling to be with us today.

I will now start recognizing Members for 5 minutes for questions, and we will begin with Congressman LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman, and thank you to our witnesses as we navigate a very difficult situation in rural America, especially the West.

Dr. Servheen, in your work with the bears and the wolves, how effective is relocation of these animals in that work?

Dr. SERVHEEN. Congressman, we try to relocate bears the first time, depending on the offense. Bears can be relocated, and sometimes stay out of trouble. Sometimes they return to the site where they were captured. Sometimes they get back into trouble again. If the bear comes back to a site after it has been relocated, it is usually removed.

But the decision to relocate the bear is based on the initial offense itself. If the bear is aggressive toward people, or habituated where it is really relaxed around people—habituation is a loss of normal fear of humans—we may remove that bear the first time.

So, relocation is a tool. It sometimes is used, depending on the offense.

Mr. LAMALFA. Define “remove” versus “relocate” for me, please.

Dr. SERVHEEN. Removal is the bear is euthanized, it is killed. And relocation is, it is given a new place to live. We put a radio collar on it and track it.

Mr. LAMALFA. OK. All right. As the population mounts, more and more of the bear, how much more difficult is it going to be to constantly track and move, if you have a non-aggressive bear, so to speak, how much effort is going to be needed to constantly track more and more relocated bears?

Dr. SERVHEEN. Well, it takes a little bit of effort. The radio collars are satellite collars, so they automatically give the location to the researcher. He doesn't have to go out and find the bear. We know where the bear is, based on its satellite location. So, it is not a lot of work to track them. It is a lot of work to handle them, and capture them, and move them.

Mr. LAMALFA. OK. Deputy Director Guertin, you don't seem to be happy with the legislation to move forward on the delisting that these bills are up for today. How long do you expect the process will be for the Service to work through its own delisting process at this point, when it can be interpreted that there is a fairly abundant population of both the bear and the wolf?

Mr. GUERTIN. Thank you for your question, Congressman. We are in the middle of those processes right now for the grizzly bear. We received three petition processes from the states of Idaho, Montana, and Wyoming. We published what is called a 90-day finding that determined whether or not we would proceed and go to a formal evaluation or rulemaking. And that was announced in January.

So, that kicked off what is called a 12-month finding, or a biological status review of the bears. The target date for that would be one year from January. So, next January.

And then, in the wolf, there are a couple of moving parts there, as well. We had delisted, as some of the witnesses had pointed out, wolves in the Lower 48. That was litigated and a court overturned it. We entered mediation under the court, and—

Mr. LAMALFA. Yes, let me jump in there, sir. We were admonished that legislators can't possibly know anything about delisting earlier today and to let the experts in the field. Now you have a court stepping in and blocking, based on maybe an environmental group deciding they didn't do enough study.

So, where does the rubber meet the road on who the experts are, if it is not Congress, as the legally-elected representatives of the people, versus courts?

Mr. GUERTIN. Congressmen, the Administration believes that the way to get there to a successful and durable delisting is to follow due process, and follow the law outlined by the Endangered Species Act and by the Administrative Procedures Act. That includes a lot of public involvement and engagement, and makes sure our tribal partners have their voice heard, as well. We are doing—

Mr. LAMALFA. What about our ranching partners?

Mr. GUERTIN. Yes, sir. There is a lot of opportunity to talk to people who live and work on the landscape through the public involvement, public comment period, and we work with—

Mr. LAMALFA. I'm sorry, I have to reclaim my time, thank you. How much time is going to be spent on ecogrief training, as we have been hearing about? And with that, are we going to have debt, national debt grief training, as well?

Mr. GUERTIN. Thank you for your question, Congressman.

Sure, we just received a document request from Chairman Bentz, co-signed by many of the Members here today on ecogrief training. We are working on that right now. We will comply with your request, Mr. Chairman, just to assure you of that. We are doing the data call. We are in the middle of it right now, sir.

This was not a universal training requirement for all Service employees. Actually, I think about 100, 150 may have been on a couple of webinars. There were probably four or five webinars, total. And I believe the cost was about \$10,000 overall for this voluntary training, sir. It was not mandatory. It was pretty small, and we will get you the full details when we do the document call.

Mr. LAMALFA. OK. I appreciate that. You understand how ridiculous this looks to normal people, though, with 9 to 5 jobs across the country that—

Mr. GUERTIN. Sorry, the wind took that, sir.

Mr. LAMALFA. Yes. I will yield back, Mr. Chairman.

Mr. BENTZ. Thank you, Mr. LaMalfa. I now recognize Ranking Member Huffman for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman, and thanks to our witnesses.

Dr. SERVHEEN, we have heard already in this hearing many times this notion that delisting should just be population-based, almost formulaic, a math exercise. In your testimony, you talked about this perception that delisting only requires reaching a certain number of animals. Can you explain why there is more to it than that?

Dr. SERVHEEN. Thank you for your question, Congressman.

ESA requires five factors to be considered in any listing or delisting. The main ones for grizzly bears are the numbers of animals, the amount of habitat, and the issue of adequate regulatory mechanisms.

The adequacy of regulatory mechanisms is critically important for the delisting because, if you pull the ESA rug out from underneath the species, the regulatory mechanisms that remain under state management should be such that the population remains recovered and the habitat remains available for the bears. And if there are no adequate regulatory mechanisms in place, then you can see erosion of the population through excessive mortality, or you can see loss of habitat through activities, say, of public land management agencies if they choose to do things on the national forest, for example, that would displace grizzly bears.

So, the adequacy of regulatory mechanisms is just as important as the numbers of animals, because once we pull that rug out from underneath the species, we want to see that population remain recovered from now on into the future.

Mr. HUFFMAN. So, if maybe we had reached a certain recovery number, but one or more states had policies and programs that were spring-loaded to kill lots of these animals, that would be a consideration. Is that fair?

Dr. SERVHEEN. That is correct. There has to be adequate regulatory mechanisms in place, particularly for human-caused mortalities, so that when the ESA doesn't apply, that state regulation prevents excessive numbers of animals dying after delisting.

Mr. HUFFMAN. Now, there was a time when you advocated for delisting both the gray wolf and the grizzly bear. But this concern about state regulatory mechanisms and practices changed your mind, is that right, and could you explain that a little more?

Dr. SERVHEEN. That is correct, sir. I was the main proponent of delisting grizzly bears. I wrote the first delisting rule. I participated in the defense of that rule and the court action that was litigation to overturn it.

The reason that I am concerned now is that we are seeing politicians at the state level put forth mortality mechanisms based on an anti-predator philosophy in the grizzly bear habitat that I feel would risk the future of grizzly bears in many places in these states.

For example, placement of neck snares with the association of bait into grizzly bear habitat, extending wolf trapping, using wolf traps and neck snares in the grizzly bear habitat when the bears are still out of their dens. These things are risky to grizzly bears, and in many cases, we may never know that bears die because of interactions with these activities. And without knowledge of the mortalities that are caused by these things, the state management authorities do not have the ability to regulate mortality.

And this change has only happened since 2020. So, it is a fairly recent thing, and it made me change my mind about the future of grizzly bears.

Mr. HUFFMAN. All right. I appreciate you sharing that perspective. And I want to use your testimony to pivot to Mr. Guertin from the Fish and Wildlife Service, which is currently conducting a 12-month status review in response to petitions from Montana politicians to delist the greater Yellowstone and Northern Continental Divide grizzly populations.

In that status review process, the Fish and Wildlife Service states, and I quote, "The impact of recently enacted state laws and regulations affecting these two grizzly bear populations is of concern, and needs to be evaluated." Can you just share with us briefly why these reference laws and regulations have an effect on delisting decisions?

Mr. GUERTIN. Thank you for your question, Ranking Member Huffman. What we are looking at is the recently passed legislation included language that would allow the take of grizzly bears, both in personal defense as well as in protecting livestock.

The ESA regs in place allow only take if it is in defense of people or defense of other people, as well. So, the concern is this might empower people to think they could just start taking grizzly bears while they are still listed as a species. That is part of what we are looking at in the status review that is ongoing.

Mr. HUFFMAN. And it makes it harder to delist, right?

Mr. GUERTIN. We have no conclusion at this point, sir. We are looking at the science, the adequacy of these regulatory mechanisms through this process.

Mr. HUFFMAN. Thank you, Mr. Chair.

Mr. BENTZ. Thank you. I recognize myself for 5 minutes. I want to start with Ms. Johnson.

Ms. Johnson, I am from a ranching family, and I actually went out and visited one of my brother's ranches that I grew up on just 5 days ago. A very difficult winter, 30 inches of snow. And he had lost 12 calves to coyote depredation just the day or two before. That is a big number. That was almost—I don't want to characterize that which Dr. Servheen said about how much money was paid as demeaning, but it seems to me that the folks that aren't on the marginal edge of everything, which a rancher is, seem to suggest that somehow we ranchers have to bear the cost, or whether you are a farmer, you have to bear the cost, or whether you are a person who is trying to irrigate, and then suddenly has their water cut off because of the assertion that the fish need the water more than you do, it seems odd that that cost is pushed on to people like you.

Yet, I looked at your testimony, and I saw all of the things you have done to try to get along with the bears. There is a long list. So, the cost to you is far more than the loss of animals, far more. Yet, we don't hear a peep about that from those who suggest that they should not be delisted, or that the control of this dangerous circumstance should be turned over to the local people. All we get is this assertion that somehow we do the wrong thing. Yet, you are doing the right thing.

If this was turned over to the state, would you suddenly start doing the wrong thing again? Because that is the assertion we are hearing.

Ms. JOHNSON. Mr. Chairman, thank you for that question. And as you said, we have made a lot of adaptations to be able to live with grizzly bears, and we recognize that they need to be a part of our landscape.

We, as ranching, as producers, we are very motivated to no longer be subjected to the rules of the Endangered Species Act. We are ready to do the work to make hard management decisions to be able to responsibly manage grizzly bears locally. We don't want bears walking through our yard in broad daylight or within blocks of our city schools. And we will do whatever it takes to be able to maintain local control and responsibly manage grizzly bears.

Mr. BENTZ. Thank you.

Dr. Roberts, you mentioned litigation in your testimony. And I have noticed—I am a lawyer, I see how other attorneys take the opportunity, shall we call it, that the Endangered Species Act provides, and along with NEPA and others, to use litigation as a weapon with many purposes other than merely achieving that which is reflected in the pleadings. Have you seen such a thing?

Dr. ROBERTS. Yes, I have. I think one of the unfortunate consequences of this is that the motivation often, perhaps, of the Service would be to avoid getting sued, as opposed to necessarily doing the right thing for conservation. I think that the relentless litigation has negative consequences, for sure.

Mr. BENTZ. And when you say "relentless litigation," to an attorney who is attempting to stop something from happening, have you seen litigation used as a means of delaying that which otherwise is going to occur or might occur?

Have you seen litigation used in that fashion, as a tool of delay or creation of an obstacle to achieving something that we are all trying to get done?

Dr. ROBERTS. Yes, absolutely.

Mr. BENTZ. And can you give us an example of it?

Dr. ROBERTS. Well, I think the litigation surrounding the gray wolf is an example of that. There is no doubt that the gray wolf is recovered. And one way or another, sometime down the road, delisting will occur. So, this relentless litigation is just delaying that process.

Mr. BENTZ. Thank you.

And in the few seconds I have left, Mr. Nesvik, Dr. Servheen mentioned a number of consequences that would occur. It seemed to me that many of those weren't applicable, or perhaps already have been met. Can you comment on what he was saying?

Mr. NESVIK. Mr. Chairman, certainly. I think what you are referring to are regulatory mechanisms that Dr. Servheen indicated may not be in place in the states to deal with the post-delisting grizzly bear population. And I would certainly disagree.

In our state, we have gone to great lengths to ensure that we have laws and regulations on the books that very conservatively manage grizzly bears within the core of their suitable habitat within that area that was designated by the U.S. Fish and Wildlife Service as suitable habitat. We have laws on the books to protect female grizzly bears. We have the ability to conduct conflict management in those areas outside of the core, where we have heard a lot of testimony today where conflict management with humans has been a problem. We have the ability to quickly——

Mr. BENTZ. I am going to have to cut you off, because we are over time. But I appreciate your testimony very, very much.

And with that, I am now going to recognize Representative Magaziner for 5 minutes.

Mr. MAGAZINER. Thank you, Chairman. I am going to focus my remarks and questions on H.R. 886, the Save Our Seas 2.0 Amendments Act, and I think that this is an example of a bill that ought to have strong bipartisan support tackling a very important issue.

Ocean pollution is of great concern to my constituents in Rhode Island. It impacts our economy. It impacts our quality of life. It is of particular concern to our hospitality and tourism industry. It has wildlife impacts. And this ought to be an area where we all can come together as a Congress to continue to move the ball forward.

The original Save Our Seas Act was signed into law by President George W. Bush. Save Our Seas 2.0 passed this Congress with unanimous bipartisan support in both chambers, and my hope is that the Save our Seas 2.0 Amendments Act that we are discussing today will have similar universal bipartisan support.

One of the aspects of Save Our Seas 2.0 that I think is particularly important is the provision that required NOAA to study the feasibility of developing a nationwide vessel recycling program, because for many boat owners it is a cumbersome and difficult process currently to dispose of old vessels in an environmentally friendly manner.

But the study that was released last month showed that there are ways forward, and in particular builds on a success of a pilot project led by the Rhode Island Marine Trades Association and the Rhode Island Sea Grant that showed the promise of using fiberglass boat materials to help with the production of cement, among other uses. So, as a result of this work, several states are now considering establishing formal vessel recycling programs.

My first question is for Ms. Wallace.

Most owners dispose of fiberglass boats at landfills, because it is the cheapest option. So, what can Federal lawmakers do to make vessel recycling programs more widely available and affordable for consumers to participate in?

Ms. WALLACE. Yes, thank you for that question. The report did show that it is feasible, it is possible to recycle fiberglass vessels. However, it is cost prohibitive at the moment. It is cheaper to do so at a landfill. So, we would have to think about how to

incentivize the process and make it less expensive to not have the vessels end up in a landfill. That would be the first thing.

And then also, at the state level, there are also things like vessel turn-in programs that can allow the owners to dispose of vessels free of charge that then could be used to recycle them.

Mr. MAGAZINER. OK. So, we need to find some funding to help bend the cost curve, so to speak, to make these programs more economical for boat owners.

Save our Seas 2.0 also requires NOAA to develop a pilot program looking at the feasibility of an incentive program for fishermen to remove marine debris found at sea. Can you talk about the implementation of this project and where it stands?

Ms. WALLACE. Sure. We have funded a number of projects in the past that work with fishermen to go out and collect lost fishing gear in closed seasons, and get compensated for them, which have been very successful. We are implementing a new study in Mississippi, with partners in Mississippi, to incentivize the collection of trash while at sea, which is a new project for us and required in Save Our Seas 2.0. We issued a grant to those partners, and it is active and underway. We look forward to reporting on the success of the program.

Mr. MAGAZINER. All right, thank you. We will look forward to that.

And I will just highlight again that these issues are of vital importance, not only to Rhode Islanders, but to coastal communities all across the country. There is an economic component to this that is very important. There is a lifestyle component that is very important.

And what I think is important in particular about this Amendment Act that we are considering today is that it recognizes the international nature of the problem. Ocean pollution requires not only national collaboration, but international collaboration, as well. So, the amendments that are proposed, I think, will make it easier for the United States to partner with other nations, foundations, organizations to tackle the issue of ocean pollution.

I thank the Committee for bringing this bill forward, and I certainly encourage all of my colleagues to support it.

With that, I will yield back my time.

Mrs. BOEBERT [presiding]. The Chair now recognizes the gentlewoman from Florida, Ms. Luna, for 5 minutes.

Mrs. LUNA. I just want to start out by saying that I think the initial intent of the Endangered Species Act was done in good faith. But, obviously, from what we are hearing today and over, I think, what has happened in the last 50 years, it is evident that this system is in need of reform.

Only 3.7 percent of species have been delisted in 50 years since the ESA was first enacted, despite the science showing that these species can and should be delisted, and I think that that is exactly what is happening. And the points that my colleagues are bringing up with the grizzly bear and gray wolf populations, which have been steadily rising and even surpassing the goal for recovery, which I believe should be celebrated instead of, I think, some of the conversation that we are having right now, where people are saying that it is not a success when it is.

And I ask for unanimous consent from the Chairwoman to submit these graphics into the record.

Mrs. BOEBERT. Without objection.

[The information follows:]



Behind me, I have the green sea turtle, but also to a West Indian manatee. So, it should say, "Save the sea turtles and manatees." What we are seeing is some of these populations have been downlisted to threatened from endangered or vice versa. What we are finding is that the Florida Fish and Wildlife Conservation Commission provided preliminary data that showed that there were over 1,101 manatee mortalities in 2021, and that is nearly double the record for 2020.

And another example of impacts would be the green sea turtle population, which is currently protected as an endangered species under ESA. But some estimates have shown that the green sea turtles have faced over a 90 percent decrease in population over the past half century.

So, obviously, we want to do our good diligence for future generations to protect these species, but I believe that when you have other animals that are no longer endangered, it takes away the resources that I would need and that we need in Florida to actually protect the species behind me.

So, my question would be, really, for Ms. Wallace. We are having a huge problem right now with some outside entities that are refusing to acknowledge that our beaches are some of the breeding grounds for these animal populations, specifically the green sea turtle. One of them would be the Army Corps of Engineers.

Do you think that it should be an obligation and responsibility for some of these entities to provide services in order to protect these species?

Ms. WALLACE. Within the NOAA Marine Debris Program, we certainly comply with all of the ESA requirements for any project that we undertake, or conduct, or fund.

I think, to give you a more comprehensive answer, I would like to respond in writing.

Mrs. LUNA. OK. Yes, no worries. And it is really just kind of open to you guys, because what I am finding is if these programs are set up—obviously, if we are taking away resources that would be available to these animals from the grizzly bear and the gray wolf, I think, as a whole, that that doesn't do a service to especially Floridians and, obviously, future generations that want to preserve these animals.

So, I am going to yield the rest of my time to Mr. Tiffany.

Mr. TIFFANY. Thank you very much, and you have brought up a terrific point, the gentlewoman from Florida.

Dr. Servheen, do you know a guy named Charlie Wooley?

Dr. SERVHEEN. I do not, sir.

Mr. TIFFANY. OK. Mr. Guertin, do you know Charlie Wooley, a longtime Fish and Wildlife—

Mr. GUERTIN. Yes, I do, Congressman. He recently retired.

Mr. TIFFANY. Yes, so I am going to read this quote of his, as he was about to retire. "We get frustrated when we get put back into a situation where we have to manage a resource that has really been recovered and should be managed by our state and tribal partners. That takes us away from dealing with some of the other issues that need our attention." Do you agree with his comment?

Mr. GUERTIN. I believe Charlie Wooley was making those comments as he was leaving the active service, sir. As an agency, we stick by our position that the way forward is what we have outlined here, sir.

Mr. TIFFANY. Sure, fair enough. But here you have it from Charlie Wooley, been in the business for 44 years. On his way out he says, we are not able to deal with some of the things that we should be dealing with because we are wasting our time on species that have recovered.

And Mrs. Luna just brought up a perfect example: the sea turtles. They could be dedicating more time and energy to that, yet there are species that have been recovered that the litigants are fighting about. It is really a huge problem.

Dr. Servheen, do you care about Ms. Johnson's family?

Dr. SERVHEEN. I care deeply about Ms. Johnson's family and the problems that she has. And she and I had a good discussion before the hearing, and I am fully in support of her, and have concerns about how things are being handled around her place.

Mr. TIFFANY. But you really don't want to delist the grizzly to help her out, to ultimately get a solution to the problem.

Dr. SERVHEEN. Well, I would like to see a solution to the problem, sir. The problem, as I see it, is not really Ms. Johnson's problem. The problems are being created at the state legislature level in Idaho and Montana.

Mr. TIFFANY. It is her problem, you are wrong about that.

And I yield back.

Mrs. BOEBERT. Thank you. The gentleman's time has expired. The Chair recognizes Mr. Grijalva for 5 minutes.

Mr. GRIJALVA. Thank you, Madam Chair.

Mr. Deputy Director, Mr. Guertin, let me talk a little bit about tribal consultation. Each Federal agency, no matter the nature of

the relations with tribal government, is included in the U.S. trust and treaty obligations to Indian Country in terms of tribal consultation. And it is borne out of this obligation, it needs to be upheld.

Today, we are potentially talking about two species that are culturally and spiritually significant to many tribes. So, as part of this process, Mr. Guertin, how does Fish and Wildlife carry out meaningful consultation when we are going through a delisting process?

Mr. GUERTIN. Thank you for your question, Ranking Member Grijalva. We take our responsibilities very seriously.

Certainly, Secretary Haaland and Director Williams have sent down guidance for the agencies on the importance of our role. Whether we are working at a national level or a project level, we try from Day 1 to make sure we have a meaningful and impactful conversation, and we have demonstrated that, I think, in other areas, as well.

For example, with the recently-enacted Bipartisan Infrastructure Law, Secretary Haaland herself led a national conversation with tribal partners that kicked off the regional and site-specific for all leaders in the Department to participate in. So, the tone and policy are set, and then that is what we aspire to do, sir.

Mr. GRIJALVA. The obligation, the trust responsibility, every stakeholder should be at the table. But there is a requirement in terms of tribal consultation that I am glad you are taking very seriously.

Again, I have a follow-up question. The President's budget includes a request for more funding for section 7 ESA consultation and the authority to take those funds, transfer those funds to the Fish and Wildlife Service from other agencies for Infrastructure Investment and Jobs Act consultations.

This money, this authority will help the agency process permits and conduct the section 7 consultation more efficiently and more effectively, trying to meet, as the other \$1 billion that is in there is meeting that threshold that was set by President Trump and Senator Manchin of a 2-year turnaround in consultation.

ESA is another target, like NEPA. It is your fault because it is taking so long. Tell me about how this transfer is so important to deal with that particular complaint of time.

Mr. GUERTIN. Thank you for your question, Ranking Member.

We have a lot of projects coming online right now, whether they are infrastructure, energy, utilities, port dredging, you name it, across the width and breadth of the country. We have a responsibility to consult and work on Endangered Species Act compliance issues with all of the project proponents. There are about 35,000 of them coming online as we speak. And, certainly, the Bipartisan Infrastructure Law had a lot more of that, some big highway overpasses, highways, railroads, you name it.

So, the President's budget is proposing a requested increase of about \$50 million that will allow us to hire several dozen additional biologists on the ground.

The transfer language you are talking about would give us the opportunity to work directly with partner agencies: Corps of Engineers, Forest Service, BLM.

And we are not just sitting on our hands waiting for this funding to come available. We are using a lot of innovative techniques now, such as our new IPaC tool, where project planning can essentially get a pre-qualification for a mortgage working through us on our online tools there. So, we are trying to get ahead of these as this surge in projects comes online.

Mr. GRIJALVA. Thank you. I mentioned that because the constant refrain and complaint is it is taking too long, it is the agency's fault, i.e. it is the law's fault. And our side has said consistently that you have to resource those areas in order to be effective. And if we are meeting the threshold on one side, I think this request by the President in the budget is not only logical, it deals with the backlog issue, and it deals directly with the complaint.

I have another question for Dr. Servheen, but I will send that in writing, because my time is up.

I yield back, Madam Chair.

Mrs. BOEBERT. Thank you, and the Chair recognizes Mr. Duarte for 5 minutes.

Mr. DUARTE. Thank you very much.

Ms. Johnson, I'm sorry I missed your testimony, but I read it, and I very much value your experience. I farm wine grapes up in the Sierra Nevada, and I have black bear friends that visit me. When one black bear friend visited me in 2004 or 2006—I forget now—I didn't get too concerned, but he brought his girlfriend the next year, and the following year they had kids.

[Laughter.]

Mr. DUARTE. In 1982, California had, best estimates, 10,000 to 15,000 black bears. Today, with conservation hunting in place, that population is up to 30,000 to 40,000, and we are having dialogues over, is this too many black bears? And the black bear is a friendly bear, it is not a grizzly bear. Very few, unless you corner them in your kitchen, eating out of your refrigerator near Lake Tahoe, very few negative human encounters with a black bear. They are pretty shy. I wouldn't want grizzly bears in the Sierra Nevada, but I am afraid they are coming to a forest near me soon. And as a property owner and a farmer, I am very concerned.

In 2007, a delisting effort was made by the administration to delist the grizzly bears. It went to court, of course. In 2009, the judge ruled that because the Habitat Conservation Plan for the grizzly bears didn't forecast the results of the whitebark pine with the global warming effects, that there may be an insufficient habitat stability.

So, we can't control the grizzly bears until we solve global warming. Isn't global warming great? You can just do anything with it. It is like a wonderful little widget that survives any political application we apply it to.

But nonetheless, grizzly bear populations continue to grow, even as the whitebark pine suffers global warming. At this point, Dr. Servheen and Dr. Guertin, should we disqualify the whitebark pine argument as a major threat to grizzly bear habitat and sustainability?

Dr. SERVHEEN. Thank you for that question, Congressman. Indeed, that was the case that I worked to defend. And in fact, after that ruling by the judge, we sent USGS out to determine

whether the decline in whitebark was a threat to grizzly bears. They produced a comprehensive report that said the decline in whitebark was not a threat to grizzly bears. So, that has been dealt with.

Mr. DUARTE. So, that is gone. Now what we really have here is a dislike of the most effective management practice we have, which is conservation hunting. We just have groups that don't want to see somebody shoot a grizzly bear in sport hunting. Isn't that the case that we are up against right now?

The states don't regulate it closely enough to make sure it is nearly impossible to manage the population of grizzly bears with sport hunting? Because that is free. As a taxpayer, somebody pays to shoot that bear, have it stuffed, put it in front of your fireplace, make a rug, whatever. It is free, and it works well in so many species.

Why aren't we more open to it with management of grizzly bears to protect Ms. Johnson's and probably, within a decade or two, my farms?

Dr. SERVHEEN. That question is for me, sir?

Mr. DUARTE. Sure, please.

Dr. SERVHEEN. There are certainly some people that are opposed to hunting on philosophical grounds, and that is some of the opposition to delisting grizzly bears, because some people don't want grizzly bears hunted.

Grizzly bears can be sustainably hunted so that you can have a steady population with careful management that—you know, to the Fish and Wildlife Service, hunting is not the issue. But some people do oppose it on philosophy.

I want to make a point, though, that hunting in and of itself will not reduce human-bear conflicts unless the hunting removes almost all the bears.

Mr. DUARTE. Well, in hunting conflicts, the human is going to win most of the time, and Ms. Johnson's family won't be at risk, or less so.

Let me move on. We have Endangered Species Act issues all over the country. I live in the Central Valley of California. We have the delta smelt and the salmon. We have the forest fires in the Sierra Nevada decimating, probably having a bigger negative effect on black bear populations than anything humans could venture to do, because we have protected the spotted owl through a single species management strategy that came out of the Fish and Wildlife Services.

We are flooding our Central Valley with water right now because we haven't built the dams we need to hold our water resources. We haven't dredged our rivers because Fish and Wildlife won't give Army Corps of Engineers a permit to dredge our rivers to keep our community safe. I have a community in my district, Le Grand, that has flooded twice in 5 years, and on the heels of COVID the children are not going to school today because their school has been destroyed by flooding again, because the local interest could not pull the Army Corps of Engineers Fish and Wildlife permit.

Thank you to the Chair. I will yield back.

Mrs. BOEBERT. The gentleman's time has expired. The Chair recognizes Mrs. Peltola for 5 minutes.

Mrs. PELTOLA. Thank you, Madam Chair. I apologize for being late.

First of all, I find this Committee so interesting, I am always learning something new. And I am surprised that we are taking up endangered species and save our oceans, or the Save Our Seas, at the same time. It reminds me of some of our Tribal Council meetings, where it is like this really holistic conversation all at once. We are not sticking to one single subject, as we usually do here.

And I would love to talk about some of the endangered species issues. Wolves and bears are a very big deal in Alaska, and have a lot to do with our food security or insecurity at any given time in remote places. But the Save Our Seas Act is really also near and dear to my heart.

Alaska, where I represent, has more coastline than all of the United States combined, and as a fisherman I have really seen firsthand how windblown trash has really changed the landscapes along rivers and lakes and, of course, the oceans. Our dumps are very different now, as well, than the dump sites that I grew up in. There are so many more appliances. There are so many more chemicals in some of the appliances, and printers, and things like that.

A lot of Alaskans, to a person, are so conscientious about the single use plastic. Almost everybody I know, we cut the six pack—you know what I am talking about? The six pack holders? Yes, we cut every one of those, because we don't want turtles, or fish, or birds getting wrapped up in those and not being able to ever get out. And I see so often shorebirds, fish, marine mammals with single use plastic in their digestive system, and it is a cause for alarm. And I just really appreciate the effort that is now going into really concentrating on this terrible problem.

And I wonder. A couple of weeks ago we had members of the Foundation board who visited the office, and I am very happy to see that the program is coming together, gelling after the COVID complications of coordinating. And I am wondering, Ms. Wallace, if your organization is closer to finding a headquarters, and I am very hopeful that you might consider having your headquarters in Alaska because of our tremendous coastline there.

Ms. WALLACE. Thank you for that question. And yes, we have had a long partnership with many groups in Alaska removing and preventing marine debris.

The Foundation was stood up last year. We now have 12 board of directors, and the Foundation is an independent organization. So, we are really happy to have supported them to get to this stage. We will continue to support them.

The location of the headquarters will be up to the Board of Directors and to the staff, but we will support the Foundation as we can.

Mrs. PELTOLA. OK. And just as a follow-up, I think it is incumbent on every community, as many of us as we can, to be active participants in making sure that we are managing our windblown trash and things like that. I know in Alaska we have a program called Clean Up, Green Up.

The organization I just worked for, we started a Clean Up, Freeze Up to do cleanup in advance of winter, before all that litter is frozen into place. And I just wonder, now in this role, what can I do? What can we collectively do to help you and your organization?

Ms. WALLACE. Thank you. We have appreciated all the support that we have gotten from Congress over the years.

And I think in Alaska you have some great examples where we work on prevention campaigns to reduce the amount of litter that comes about, and those campaigns can happen all over the United States because, as you said, windblown trash is a real problem. And much of the debris that we see on our coastlines come from land-based sources like plastic bags, bottles, and cigarette butts. So, the more that we can do to raise awareness of the issue and have campaigns that really help change some of that behavior can have a big impact.

Mrs. PELTOLA. All right. Thank you, Madam Chair. I yield back my time.

Mrs. BOEBERT. Thank you. The Chair recognizes the gentlewoman from Wisconsin, Ms. Hageman—or, sorry, Wyoming. Excuse me, sorry.

Ms. HAGEMAN. That is all right. Thank you, Madam Chair.

Mr. Servheen, you were questioned about one of the factors under the Endangered Species Act, and that factor being whether a recovery plan has an adequate regulatory mechanism for a particular species. And I have been working on these issues for quite some time. I have never seen a recovery plan that does not include some kind of a backstop that would protect a recovered species, including constant monitoring, surveys, radio collaring, et cetera, et cetera, to ensure that if there is a particular species, whether it is the Canadian gray wolf, or the grizzly bear, or whatever it may be, once that management plan goes into effect—you are not trying to imply that there is absolutely no effort after that to determine what is going on with that species, are you?

Dr. SERVHEEN. No, I am not.

Ms. HAGEMAN. OK. So, typically with these recovery plans, and recovery plans that are at issue in this hearing right now, they actually have those kinds of mechanisms in place, don't they, where there is constant monitoring of the number of grizzly bears or the gray wolf population to ensure that those populations stay above the recovery threshold, don't they?

Dr. SERVHEEN. Well, the monitoring in and of itself does not assure that the animals stay above—

Ms. HAGEMAN. No, but they have those in place, and then there are tripwires that go into effect.

So, for example, in Wyoming with the Canadian gray wolf, if the population goes down below a certain level, even if it is during the trophy game hunting season, there is an immediate stop to any further hunting. Are you aware of that?

Dr. SERVHEEN. Yes, I am.

Ms. HAGEMAN. OK. So, those are the kinds of things that are in place with these recovery plans to ensure that the numbers don't go below what is required, or what is agreed to in terms of the delisting. Is that right?

Dr. SERVHEEN. That is, in effect, the case. But that is not what my concern is.

Ms. HAGEMAN. No, but when you were questioned by Mr. Huffman about that being one of the factors, whether there was an adequate regulatory mechanism, part of the adequate regulatory mechanism is ensuring that those, whatever the species may be, doesn't decline below the recovered population. Correct? Isn't that the purpose of it?

Dr. SERVHEEN. That is correct.

Ms. HAGEMAN. Yes.

Dr. SERVHEEN. You have to know how many animals die in order to know—

Ms. HAGEMAN. But when we are talking about the numbers under the Endangered Species Act, we are concerned about the number of live animals, right?

So, in Wyoming—I will use that as an example again—for the Canadian gray wolf that was introduced, a non-native species that was introduced into Wyoming in 1995, the original recovery goal was 100 animals for Wyoming, Idaho, and Montana. Were you aware of that? That was the original recovery goal.

Dr. SERVHEEN. Yes, I was aware of that.

Ms. HAGEMAN. Yes. So, eventually, when we started working on the recovery plans, then we got buffers in place. Then the recovery goal went to 150. Were you aware of that?

Dr. SERVHEEN. I am aware of that, yes.

Ms. HAGEMAN. OK. So, then we have buffers in addition, which is another part of the adequate regulatory mechanism to ensure that if your recovery goal is 100, we are not managing in Wyoming for 100 Canadian gray wolves, are we?

Dr. SERVHEEN. I don't believe so. My concern is not with Wyoming—

Ms. HAGEMAN. We are managing for much higher than that, aren't we? And the same with the grizzly bears. We will manage for a much higher population than the original 600 in terms of the recovery goal, right? Isn't that in the management plan?

Dr. SERVHEEN. That is in the management plan.

Ms. HAGEMAN. That is right. So, that is—

Dr. SERVHEEN. But my concern is not with Wyoming.

Ms. HAGEMAN. So, that would be considered an adequate regulatory mechanism, wouldn't it?

Dr. SERVHEEN. I am not sure that I can answer your question.

Ms. HAGEMAN. OK. So, for the Greater Yellowstone area, as long as we are managing above the recovery goals and our recovery plan requires that, that is exactly what the Endangered Species Act means by an "adequate regulatory mechanism," isn't it?

Dr. SERVHEEN. You have to know how many animals die in order to manage—

Ms. HAGEMAN. Well, not necessarily, because you have to know how many are alive. We are managing for live animals, aren't we? Isn't the recovery goal 600, or 700, or 1,000? We are not managing for less than 500 dead. When you do a recovery plan, does it state in there that there can be no more than 500 dead animals. That isn't what the Endangered Species Act says, is it?

Dr. SERVHEEN. Sustainable mortality requires you know how many animals die, as well as how many animals are out there.

Ms. HAGEMAN. But the recovery plan and whether we are meeting the requirements of the Endangered Species Act relates to live animals, correct?

Dr. SERVHEEN. It also relates to the number of mortalities.

Ms. HAGEMAN. That is what the biological opinion says. They give us the numbers of how many animals we need to have, how many Canadian gray wolves we need to have in Wyoming.

Did you know in Wyoming, with a recovery goal of 100 wolves, we have over 350 Canadian gray wolves in Wyoming?

Dr. SERVHEEN. I understand that is the case. I am not a wolf expert.

Ms. HAGEMAN. And in Idaho, in Montana, they have over 1,000 Canadian gray wolves in each of those states. Were you aware of that?

Dr. SERVHEEN. They do at present, I understand.

Ms. HAGEMAN. Yes, thank you.

Mrs. BOEBERT. The gentlewoman's time is expired. The Chair recognizes Mr. Beyer for 5 minutes.

Mr. BEYER. Thank you, Madam Chairwoman, and thank you for allowing me to waive on to the Committee for this hearing.

I would like to just point out, too, that the reason that Canadian gray wolves were reintroduced into Yellowstone is because they had killed all the native wolves. There were none left.

I was impressed by Dr. Roberts' optimism that delisting wolves simply returns management authority and responsibility to the state, and that the agency is accountable to the people they serve, and that elected bodies that weighed into wolf management will be accountable to their respective electorates. That is awfully optimistic.

Dr. Servheen, can you tell me what were the effects of delisting of wolves in the Northern Rockies? Specifically, how did the states respond?

Dr. SERVHEEN. Thank you for the question.

Mr. BEYER. I am going to let you answer that question, too.

Dr. SERVHEEN. For many years, the states managed wolves after they were delisted in the Northern Rockies. For example, in Montana, they had a hunting season on wolves, and the wolf population stabilized and had been stable since about 2013. So, they had a sustainable harvest, and the wolves were doing very well.

The problem that I was concerned with, and many others, is that in 2020, the legislature in Montana and also in Idaho started to put in place aggressive wolf-killing mechanisms that were excessive in terms of how many wolves they were trying to kill. For example, they allowed the killing of wolves right along the boundary of Yellowstone National Park, and this was just in the past couple of years. And almost 20 percent of the wolf population of the park was killed on that boundary hunt. They put in place the use of neck snares and bait and foothold traps throughout much of the wolf range to try to reduce the numbers of wolves. They allowed the hunting of wolves at night using spotlights and night vision devices over bait.

All those things were a much more aggressive way to try to drive the population down than had existed for many years. They were managing wolves at a sustainable level until about 2020.

Mr. BEYER. Let me just quote your testimony. It doesn't take a lot of imagination. The legislators and governors would try legislatively to minimize all these numbers inside recovery zones and eliminate them outside the recovery zones.

We are currently waiting on the U.S. Fish and Wildlife Service to review the gray wolf status in the Lower 48. The original delisting took place in 2021. They won't have the updated proposal until February 2024.

How have the wolf populations been affected as a result of this delay?

Dr. SERVHEEN. Well, I am not sure that we can say. That is a fairly recent time period. The activities of the states are ongoing. I don't know the exact population inventories of wolves today. That takes a while to make those estimates for wolf numbers.

I know, as I said, that the trapping and hunting along the boundary of Yellowstone Park did significantly disrupt the social systems. They lost two packs in the park. Three other packs were disrupted, and that was something that occurred.

As far as the numbers of wolves outside, I cannot say at this point, because I don't think they have up-to-date inventory data in the past year or so.

Mr. BEYER. Yes, I just want to make the point that Idaho passed legislation to cull 90 percent of the gray wolf population by any means. And other states have promoted lethal control and wolf hunting, and are leaving it to state politicians to ignore science-based wildlife management. And now we are never going to get carnivore populations sustainable.

In the minute we have left, can you talk about wolves self-regulating their population numbers?

Dr. SERVHEEN. Wolves do regulate their numbers. They are a social species in which packs defend against other packs. Animals that are dispersers have a low, low survival rate. They balance their numbers based on the prey available to them, and the space available as to how many packs can live on the environment. So, they do have regulatory mechanisms in place, and grizzly bears do, too. They have density-dependent regulation.

So, at high densities of grizzly bears, the survival of young drops, and their populations begin to stabilize.

Mr. BEYER. And Dr. Servheen, have you seen any of this legislation that is before us today that talks about kicking back in when you hit minimum levels, when you just delist by legislative fiat all those protections that were built into the original Endangered Species Act seem to go away.

Dr. SERVHEEN. They probably would go away, particularly if the actions are not subject to judicial review.

And I want to clarify just in my last second here, is that the concern I have—the greatest threat of delisting grizzly bears today and to potentially relisting wolves is the actions of the state legislatures, particularly in Montana and Idaho.

Mrs. BOEBERT. The gentleman's time has expired. The Chair recognizes the gentleman from Montana, Mr. Rosendale, for 5 minutes.

Mr. ROSENDALE. Thank you, Madam Chair.

Ms. Johnson, again, thank you so much for traveling to be all the way out here with us. I think we both would rather be in Montana at this time of year, or any other time of year, for that matter.

You touched on how grizzly bears affect your ranching operations. Could you tell me more about how your current management of grizzlies places limitations on how you use your land?

Ms. JOHNSON. Well, I guess an example of that is, we were recruiting summer employees, and summer employees are going to have to go out into river bottoms and be able to fence and spray noxious weeds. We have a legal obligation to do those things, as ranchers, and it is dangerous. They will likely encounter a grizzly bear. They need to be prepared for that. And when you are recruiting employees and college students, and you are telling them, by the way, you need to be prepared to have an encounter with a large apex predator, it does make recruiting employees more difficult. That is one example.

I outlined in my written testimony some of the other examples. We put up a bear enclosure around our yard that is a 5-foot woven wire fence with an electric wire on the outside, and then an electric wire on the top, and then an electric wire on the bottom, on the outside. Just for perspective, just the fence charger, to power that, is about \$1,000. And it should do about 120 miles of an electric fence. And it does about 12 acres around our yard. So, it is also pretty darn zappy.

Mr. ROSENDALE. Yes. And you said that you actually changed the type and varieties of livestock that you all were even raising because of the problems with the grizzly bears?

Ms. JOHNSON. Yes. I mean, the reality is sheep are just not a viable option when you are in any sort of riparian area.

Mr. ROSENDALE. Exactly, OK. Ms. Johnson, during your time serving on the Livestock Loss Board, you undoubtedly came across a lot of statistics on livestock loss and the cost associated. Can you tell us more about how those are calculated?

Ms. JOHNSON. Yes, so those are calculated based on confirmed and suspected kills that are confirmed by U.S. Fish and Wildlife Services. You have to have a carcass to be able to have that. So, if you think about, like, a calf, there might be something left. But a lamb, there is not going to be anything left. And sheep are much more susceptible to predation, in general.

So, to be able to confirm those kills, you have to find the carcass, and then you have to get the U.S. Fish and Wildlife Service to confirm that. And that also puts ranchers in a dangerous position because they are going out onto fresh kills to try to find whatever evidence they have left.

I heard a story about somebody that now serves on the Livestock Loss Board and is a member of the Blackfeet Tribe, and he talked about going into the brush with his grandson to try to find whatever was left of the calf to be able to be compensated for it. And he said he found a piece of the skull cap that was about the size of a half dollar, and that was not enough to confirm the kill.

Mr. ROSENDALE. So, is it fair to say that the reported numbers do not capture the full cost of grizzlies on livestock loss, or the total actual numbers of animals that are lost due to grizzlies?

Ms. JOHNSON. Yes.

Mr. ROSENDALE. OK. And when we start looking into these actual losses of livestock that are not covered by the Livestock Loss Board, or the additional investment that you make by putting the charger and the additional fence around your property just to protect your children and your personal property, or the actual loss of not being able to raise the type of livestock that you would want, does the Federal Government provide any kind of compensation because of this regulatory loss that you are experiencing?

Ms. JOHNSON. There is grant funding available for some of the infrastructure to be able to protect your space and livestock. We did receive a grant for that, but that is it.

Mr. ROSENDALE. OK. Ms. Johnson, in your testimony you touched on bears becoming increasingly comfortable with humans, or around more humans, and becoming more aggressive. Could you tell us more about how bears are becoming habituated to humans, and how the population has changed over time?

Ms. JOHNSON. Yes. I mean, grizzly bears don't want to be in human spaces, generally speaking. They are wild animals. But when the population has met its threshold, and bears, like Mr. Servheen mentioned, the bear density is getting high in the areas that aren't as populated. Bears get pushed out. And bears are omnivores, so they benefit from being able to have access to things like grain fields, and nutrient-rich placentas, and calf feces out of calving pastures. And they take advantage of that.

Mr. ROSENDALE. OK. I see my time is expired. Madam Chair, I would yield back. Thank you.

Mrs. BOEBERT. The Chair recognizes Mr. Stauber for 5 minutes.

Mr. STAUBER. Thank you very much. I was going to ask my good friend, Mr. Beyer from the northern part of Virginia, how many wolves he has in his district, but he has left. Thank you, Madam Chair, for allowing me to join you today. This is a crucial, important topic, and the bill is important to the constituents that I represent.

Mr. Guertin, thank you so much for joining us here today. As you know, Minnesota, the district I represent, Minnesota's 8th Congressional District, has a disproportionate share of the nation's gray wolves. Livestock payouts for our farmers are higher than they have ever been. Deer hunting between sky-high wolf numbers and recent punishing winters are scarcer and scarcer, the deeper you go into the wolf territory.

During deer hunting season you can stand on the deck of my hunting shack at about 10 o'clock, start howling, and you will get the howling back. And guess how many deer we have shot in the last 10 years? Zero.

[Chart.]

Mr. STAUBER. Please take a moment and look at the chart behind me from our Department of Natural Resources. The blue dotted line is the Federal recovery plan. Mr. Guertin, we are at 3,000 wolves in Minnesota. The recovery plan was about 1,300. My constituents and I believe in trusting the science. That is why I

joined my colleague, Representative Boebert's bill, Trust the Science Act, as an original co-sponsor.

It is named Trust the Science Act because what the Northern District of California did by relisting the gray wolf was just the opposite.

It is named Trust the Science Act because the Obama administration, they followed the science and delisted. But an activist judge reversed their scientific decision.

What President Trump and Secretary Bernhardt did in 2020 was, in fact, following the science, and this bill does just the same.

So, I would like to ask you today, point blank, does the Biden administration intend to follow science and delist the gray wolf, yes or no?

Mr. GUERTIN. Yes, we will follow the science, sir.

Mr. STAUBER. That is why we need to pass Representative Boebert's bill, because this Administration continues to cave to activist pressure over science time after time, not only in the mining in Minnesota, but the gray wolves in the great state of Minnesota.

My constituents need the gray wolf to be delisted. We ask that this Administration follow the science. We need to be able to manage our species, protect our livestock, and support our deer hunting tradition in northern Minnesota.

And I would like to enter into the record the Obama-era press release supporting delisting of the gray wolf.

Mrs. BOEBERT. Without objection.

[The information follows:]

**U.S. Fish & Wildlife Service
NEWS RELEASE**

Service Proposes to Return Management and Protection of Gray Wolves to State
Wildlife Professionals Following Successful Recovery Efforts

June 7, 2013

*Mexican wolves in Southwest would continue to be protected as
endangered subspecies*

The U.S. Fish and Wildlife Service today proposed to remove the gray wolf (*Canis lupus*) from the list of threatened and endangered species. The proposal comes after a comprehensive review confirmed its successful recovery following management actions undertaken by federal, state and local partners following the wolf's listing under the Endangered Species Act over three decades ago. The Service is also proposing to maintain protection and expand recovery efforts for the Mexican wolf (*Canis lupus baileyi*) in the Southwest, where it remains endangered.

Under the proposal, state wildlife management agency professionals would resume responsibility for management and protection of gray wolves in states where wolves occur. The proposed rule is based on the best science available and incorporates new information about the gray wolf's current and historical distribution in the contiguous United States and Mexico. It focuses the protection on the Mexican wolf, the only remaining entity that warrants protection under the Act, by designating the Mexican wolf as an endangered subspecies.

In the Western Great Lakes and Northern Rocky Mountains, the gray wolf has rebounded from the brink of extinction to exceed population targets by as much as 300 percent. Gray wolf populations in the Northern Rocky Mountain District and

Western Great Lakes Population Segments were removed from the Federal List of Endangered and Threatened Wildlife in 2011 and 2012.

“From the moment a species requires the protection of the Endangered Species Act, our goal is to work with our partners to address the threats it faces and ensure its recovery,” said Service Director Dan Ashe. “An exhaustive review of the latest scientific and taxonomic information shows that we have accomplished that goal with the gray wolf, allowing us to focus our work under the ESA on recovery of the Mexican wolf subspecies in the Southwest.”

The Service will open a 90-day comment period on both proposals seeking additional scientific, commercial and technical information from the public and other interested parties. The comment period will commence upon publication of the proposed rules in the Federal Register. Relevant information received during this comment period will be reviewed and addressed in the Service’s final determination on these proposals, which will be made in 2014. The Service must receive requests for public hearings, in writing, within 45 days of the publication in the Federal Register. Information on how to provide comments will be made available in the Federal Register notices and on the Service’s wolf information page at www.fws.gov/graywolfrecovery062013.html.

The Service’s proposal is supported by governors and state wildlife agency leadership in each of the states with current wolf populations, as well as those that will assume responsibility for managing wolves dispersing into their states, such as Washington, Oregon, Colorado, Utah and North Dakota.

“With a solid state conservation and management plan in place for the Northern gray wolf, an experienced wildlife management agency that is committed to wolf recovery, and established populations recovering at an increasing rate, Oregon is ready to take on further responsibility for wolf management in this state,” said Roy Elicker, Director of the Oregon Department of Fish and Wildlife. “We know that there are questions that need to be resolved in moving toward a delisting of the Northern gray wolf under the federal ESA, and we believe the rulemaking process is an appropriate forum to address these issues. Oregon is supportive of the U.S. Fish and Wildlife Service publishing a proposed rule to begin this dialogue, and we look forward to participating in the scientific review process.”

“The Washington Department of Fish and Wildlife is firmly committed to the long-term persistence of wolves in Washington,” said Miranda Wecker, Chair of the Washington Fish and Wildlife Commission. “The Washington Fish and Wildlife Commission believes the state should be responsible for the management of wolves and supports the U.S. Fish and Wildlife Service’s consideration of delisting gray wolves under the federal Endangered Species Act. By publishing the proposed rule, the Service ensures this important consideration can take place in an open and public process.”

The Service’s comprehensive review determined that the current listing for gray wolf, which was developed 35 years ago, erroneously included large geographical areas outside the species’ historical range. In addition, the review found that the current gray wolf listing did not reasonably represent the range of the only remaining of the Mexican wolf population in the Southwest.

Gray wolves were extirpated from most of the Lower 48 states by the middle of the 20th century, with the exception of northern Minnesota and Isle Royale in Michigan. Subsequently, wolves from Canada occasionally dispersed south and successfully began recolonizing northwest Montana in 1986. In 1995 and 1996, 66 wolves from southwestern Canada were reintroduced into Yellowstone National Park and central Idaho.

In 2002 the Northern Rocky Mountain population exceeded the minimum recovery goals of 300 wolves for a third straight year, and they were successfully delisted in the Northern Rocky Mountains in 2012 and Western Great Lakes in 2011. Today, there are at least 6,100 gray wolves in the contiguous United States, with a current estimate of 1,674 in the Northern Rocky Mountains and 4,432 in the Western Great Lakes.

The number of Mexican wolves continues to increase within the Blue Range Wolf Recovery Area. During the 2012 annual year-end survey, the Mexican wolf Inter-agency Field Team counted a minimum of 75 Mexican wolves in the wild in Arizona and New Mexico, an increase over the 2011 minimum population count of 58 wolves known to exist in the wild.

In addition to listing the Mexican wolf as an endangered subspecies, the Service proposes to modify existing regulations governing the nonessential experimental population to allow captive raised wolves to be released throughout the Blue Range Wolf Recovery Area in the Apache and Gila National Forests east central Arizona and west central New Mexico, and to disperse into the Mexican Wolf Experimental Population Area in the areas of Arizona and New Mexico located between I 40 and I 10.

Read what supporters of the Service proposal are saying at www.fws.gov/whatpeoplearesaying062013.html

For more information on gray and Mexican wolves, including the proposed rules, visit www.fws.gov/graywolfrecovery062013.html.

Mr. STAUBER. And I would also say that Representative Young, rest his soul, stated that the Endangered Species Act, we should celebrate when these species get to the numbers that we need, so we can have Minnesota manage these wolves.

I would submit to you, Mr. Guertin, that the Administration doesn't seem to follow the science, or they follow the science when it follows their ideology. And I can tell you, the gray wolves have increased in number to the point where we need the state to manage them. And I ask that the administration that you work for, I ask that you follow the science and delist the gray wolves because their numbers are up into that manageable area.

And I yield back.

Mrs. BOEBERT. Thank you, Mr. Stauber. The Chair recognizes the gentleman from Wisconsin, Mr. Tiffany.

Mr. TIFFANY. Thank you, Madam Chair.

First of all, behind me here shows when we had delisting about a decade ago—and I think we had three successful hunt seasons in Wisconsin, and then it was taken away at that time by a judge from out in Washington, DC. The coastal judges seemed to do us in each time.

There were 26 very respected wildlife biologists that signed a letter that said, "Delist. You should not do this, judge, because the wolf has recovered." And by the way, take a look at some of the names on that list, and go look at their political affiliation. Because I can tell you, they don't vote for me. They do not vote for me. But they do know that the wolf needs to be delisted.

This may come across as humorous for some, Mr. Guertin, but it is actually a sincere question. Will this bill and hearing that we have introduced, will it trigger an ecogrief training for your agency?

Mr. GUERTIN. No, sir. And we gave a briefing early in the hearing on the status of that ecogrief. Would you like me to give you an update on that, sir?

Mr. TIFFANY. So, something like this won't trigger another ecogrief hearing or training?

Mr. GUERTIN. No, sir.

Mr. TIFFANY. OK. So, Dr. Roberts, you said, I think your quote was, it is no doubt that the wolf has recovered. Did you come to this conclusion simply through a formulaic way that just uses numbers, purely? Or do you come to this conclusion with things in addition to just numbers?

Dr. ROBERTS. Thank you, Congressman Tiffany. It is a combination of numbers and the other criteria that Dr. Servheen mentions.

So, there is no doubt that we have passed the thresholds for recovery. And I also believe that there are the state regulatory mechanisms that are in place, and competent authorities within those states to manage wolves.

Mr. TIFFANY. Can you name one or two of those things that go beyond numbers that you consider in coming to your conclusion?

Dr. ROBERTS. Yes, sir. When states develop wolf management plans, and those wolf management plans set population objectives, and those objectives are clearly above the minimum threshold required for delisting, that gives me confidence, sir, that the states can manage these species.

There is also sufficient science to guide that process. For example, Congressman Huffman had mentioned the concern about taking 30 percent of wolves in one season. And we know, through scientific published data, that you can take between 27 and 41 percent of wolves, have a sustainable level of wolves, not even cause a population decline at that level. So, having published scientific data like that gives me much confidence, as well.

Mr. TIFFANY. Yes, thank you very much for that.

You heard Wisconsin hunters trashed earlier by a person on this panel saying that they blew through the number of wolves that should be harvested just, I think it was two seasons ago. Understand that that was mischaracterized throughout the United States. I watched the media do a hit job on Wisconsin, and it has been spread all over the country that supposedly there was, like, 117 wolves that were identified in the wolf plan that could be taken, and there were over 200 that were taken. It was over double the number that should have been taken. That was incorrect.

Our Natural Resources Board in Wisconsin authorized 200 wolves to be taken 2 years ago. And I believe there were about 220 that were identified by the Department of Natural Resources that were taken. It was only 10 percent over. In fact, the trigger the Department of Natural Resources put in place, I would say to you, worked when they only took 10 percent more. They shut it off when they knew that the number of wolves that were identified to be taken was about to be exceeded. They stopped the hunt right there. And I would say that it worked. And if you study the data, I think you will find that that is the case.

The wolf is in the Hotel California, and that is the Endangered Species Act. You may enter, but you may never leave. And that is exactly what is happening. And as Mrs. Luna, Congresswoman Luna, identified earlier, we are misapplying funds now to a species that is recovered, rather than helping other species that could use that help at this point that may be threatened and endangered.

It is really unfortunate that we have so much opposition to something that is so plain to see, that the wolf and the grizzly bear should be delisted.

Thank you, and I yield back.

Mrs. BOEBERT. The gentleman's time is expired, and I yield myself 5 minutes.

Colorado is at the center of our nation for wolf battles. The objective of folks on the other side of the aisle is eliminating

hunting, lock up our lands, further restrict gun rights, and pander to the interests of extreme environmentalists who don't understand our rural way of life.

You see, while people of the Denver suburbs and the fake news believe all wolf attacks turn out like a fairy tale, and have continuously been shown cute little images of little pups, the reality is much different. And, typically, when these dangerous predators attack, they kill. And wolves don't just kill animals, they kill people, as well.

From 2002 to present day, approximately 500 people have been attacked by wolves, with nearly 30 of these attacks resulting in human deaths. This week, I have received many letters and photos from families. And if you remember, as well, back in 2002, one of the wolf killings, it was a 9-year-old boy. He was critically injured in that count, and his friends were swimming near a forest. The 9-year-old boy could have died from this.

But I have received many letters, many photos from families in Colorado who suffered through wolf attacks. These people deserve a voice as the fake news and wolf proponents often try to dismiss their stories and say they never even happened.

[Slide.]

Mrs. BOEBERT. The first two photos that I have are from Kathy Shoemaker in Jackson, Colorado, who had a calf attacked and killed. Sorry, where is that one—by two wolves.

The next two photos are from Carlos Antocio in Walden, Colorado. He has a rescue dog here, Scooby Doo. Well, Scooby Doo, his cattle dog, and Buster were both killed by wolves. Scooby Doo had his stomach ripped out and wide open.

The next six photos that I have are from Don Gittleson, a rancher in Walden, Colorado, who had a heifer and a dog killed by wolf attacks, as well as two breed cows seriously injured. These are wolves in Walden, Colorado causing this kind of harm, causing these deaths.

I also have tragic wolf stories from Donna Sykes and Audrey McQueen of Colorado. This brutally describes tragic wolf attacks and how they occur.

I also want to talk about the Federal Wolf Livestock Loss Demonstration Project program. I helped to lead the charge to secure millions of dollars at the Federal level and legislation signed into law to compensate ranchers for wolf depredations.

In September of last year alone, Colorado Parks and Wildlife compensated livestock producers in Colorado for wolf attacks that killed five cows, two dogs, and one calf. In 2022, the Federal Government doled out \$450,000 for wolf depredations.

These last four photos that I have were sent from Johnny Schmidt, a ranch manager in Walden, Colorado. And these pictures are of a heifer and three calves that all died in Walden, Colorado in November as a result of wolf attacks.

Without objection, I would like to submit these for the record.

Without objection.

A little different, being the Chair, asking myself.

[Laughter.]

Mrs. BOEBERT. Mr. Guertin, I was surprised to read that the Fish and Wildlife Services opposed my bill when career officials at

your very agency wrote the same 2020 rules reissued by my bill, and when your agency is also defending this wolf delisting through litigation.

I would point out to you that the Administrative Procedure Act limits courts from reviewing an agency's action if a statute like the Trust the Science Act precludes judicial review of such an action. So, Congress has the authority to do exactly what my bill does.

My time is expired, and I yield.

Mr. HUFFMAN. Madam Chair, I would request unanimous consent to enter an article from wolf.org, which does a little deeper dive into some of the data you just cited, noting that, of the 26 fatal wolf attacks around the world during that 20-year period, there was only one in the United States.

Mrs. BOEBERT. Without objection.

I want to thank the witnesses for their valuable testimony and the Members for their questions.

The members of this Committee may have some additional questions for the witnesses, and we will ask you to respond to those in writing.

Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. on Tuesday, March 28. The hearing record will be open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 12:37 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submissions for the Record by Rep. Huffman

March 17, 2023

Dear Chairperson for the Committee on Natural Resources:

I urge against the passage of H.R. 764, which would remove the gray wolf from the list of species protected by the Endangered Species Act of 1973 (ESA) and do so without the possibility of judicial review.

Before highlighting the reasons to oppose H.R. 764, allow me to briefly describe my qualifications. I am a distinguished professor in the College of Forest Resources and Environmental Science at Michigan Technological University. My scholarly expertise is carnivore conservation—including the ecological and human dimensions of carnivore conservation and especially the conservation of wolves. I have been doing this work for three decades and have authored or co-authored more than 100 peer-reviewed articles on the aforementioned topics. My advice about carnivore conservation is regularly sought by agencies and institutions around the world, including having provided testimony before sub-committees of the U.S. Senate and House of Representatives.

The immediate reason to oppose H.R. 764 is simple: gray wolves fit the definition of an “endangered species,” and any species fitting that definition is required to receive the full protections of the Endangered Species Act. There is no scientific basis for thinking that wolves occupy enough of their former range to be anything but an “endangered species.” This view has also only been supported by numerous court decisions.

Furthermore, the citizens and government of the United States are more than readily able to recover wolves to the point of no longer requiring ESA protection. A broad look at the ecological research indicates that ample suitable—but currently unoccupied—habitat exists to properly recover wolves. A broad look at social science research clearly indicates that there is

- strong public support for properly recovering wolves,
- ample knowledge for the kinds of state regulation required to recover wolves, and
- readily achievable means for recovering wolves without any citizen bearing an undue burden.

The broader reason to oppose H.R. 764 is: The biodiversity crisis is second only to climate change among environmental challenges facing the United States. The Endangered Species Act is this nation's primary tool for mitigating that crisis. When Congress weakens the ESA—as would assuredly occur with passage of H.R. 764—it undermines the United States' ability to mitigate the biodiversity crisis. Our citizens expect more, and our children will hold us accountable for such short-sightedness.

While this letter is focused on the reasons to oppose H.R. 764, similar circumstances give reason to oppose H.R. 1245 and H.R. 1419, which aim to unduly remove ESA protections from two populations of grizzly bear.

The view presented here is supported by the best-available science, the most important of which is found in the list of scientific papers whose citations are appended to this document.

Please do not hesitate to call on me if I may be of further assistance by providing a more complete account of these claims or for other matters related to the Endangered Species Act and arresting the biodiversity crisis.

Sincerely,

JOHN A. VUCETICH, PH.D.,
Distinguished Professor

Some of the Most Relevant Papers Giving Reason to Oppose H.R. 764

Bruskotter, J.T., Vucetich, J.A., Slagle, K.M., et al. (2018). Support for the US Endangered Species Act over time and space: controversial species do not weaken public support for protective legislation. *Conservation Letters*, 11(6), e12595.

Bruskotter, J.T., Vucetich, J.A., Enzler, S., et al. (2014). Removing protections for wolves and the future of the US Endangered Species Act (1973). *Conservation Letters*, 7(4), 401–407.

van den Bosch, M., Beyer Jr, D.E., Erb, J.D., et al. (2022). Identifying potential gray wolf habitat and connectivity in the eastern USA. *Biological Conservation*, 273, 109708.

Carroll, C., McRae, B.H., & Brookes, A. (2012). Use of linkage mapping and centrality analysis across habitat gradients to conserve connectivity of gray wolf populations in western North America. *Conservation Biology*, 26(1), 78–87.

Offer-Westort, Tom, Adam Feltz, Jeremy T. Bruskotter, and John A. Vucetich. "What is an endangered species?: judgments about acceptable risk." *Environmental Research Letters* 15, no. 1 (2020): 014010.

Vucetich, J.A., Bruskotter, J.T., Arrivo, N., M. Phillips. 2023. A proposed policy for interpreting 'significant portion of its range' for the U.S. Endangered Species Act, 1973. *Georgetown Environmental Law Review*, accepted for publication.

NATIONAL PARKS CONSERVATION ASSOCIATION
Washington, DC

March 22, 2023

Re: NPCA Position on Legislation before the House Committee on Natural Resources

Dear Representative:

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. For 50 years, the Endangered Species Act (ESA) has been a critically important tool in the conservation and restoration of the over 600 threatened and endangered species that depend on habitats in national parks. Species like the California condor, the humpback whale, and the Santa Rosa Island fox have all benefited from the restoration and recovery support the ESA provides. On behalf of our 1.6 million members and supporters nationwide, we write to share our thoughts on select legislation ahead of a hearing held by the Committee on Natural Resources Subcommittee on Water, Wildlife and Fisheries scheduled for March 23, 2023.

When an overwhelming bipartisan majority passed the ESA in 1973, Congress sought to “provide a program for the conservation of . . . endangered species and threatened species” and to “provide a means whereby the ecosystems upon which [these] species depend may be conserved.” 16 U.S.C. § 1531(b). To meet this objective, Congress set up a comprehensive system where the Secretary of the Interior would use the best scientific and commercial data available to conduct status reviews of species to determine which should be listed and protected. Today, the ESA provides an essential safety net to stop and then reverse the decline of scores of species throughout the country. For the ESA to continue to protect and restore impaired species, a species should only be delisted after a comprehensive status review, a public comment period and the chance for judicial review.

H.R. 764—Trust the Science Act: NPCA **opposes** this legislation which would direct the U.S. Fish and Wildlife Service (USFWS) to remove endangered species protection for lower-48 gray wolves. Hunted, trapped, and poisoned, gray wolves existed in the lower-48 in a population of fewer than 1,000 by 1967 and were listed as endangered in 1974. Gray wolves are just beginning to naturally re-inhabit national park ecosystems around the country. For the first time in decades, gray wolves have been seen in or near NPS-managed lands in Colorado, the Pacific Northwest, and Northern California. The return of wolves to these parks helps restore the natural predator-prey dynamics to ecosystems. With continued ESA protection, the gray wolf populations in these geographies will likely grow, and wolves may inhabit additional historic range in and around parks. H.R. 764 would threaten this recovery by applying a blanket delisting to gray wolf populations across the lower-48 states.

Removing endangered species protection for lower-48 gray wolves as a single segment, ignoring the more nuanced status of species recovery across the states in question, would set back recovery efforts where appropriate available habitat exist in and around national parks. For decades, American taxpayers have invested heavily in the recovery of gray wolves in the lower-48 states. Federal and state agency wildlife professionals, land grant university researchers, and Tribal governments have come together to manage the opportunities and challenges of restoration of this often-vilified species. H.R. 764 would cut short one of North America’s great ongoing collaborative wildlife conservation success stories and undercut the core principles of the ESA.

H.R. 1245—To direct the Secretary of the Interior to reissue a final rule relating to removing the Greater Yellowstone Ecosystem population of grizzly bears: NPCA **opposes** this legislation, which removes Greater Yellowstone Ecosystem (GYE) grizzly bears, including the grizzlies of Yellowstone and Grand Teton National Parks, from protection under the ESA. Grizzly bears were driven to the brink of extinction by eradication programs in the mid-19th century. The GYE population had dropped to as few as 136 bears when the species was listed as threatened under the ESA in 1975. Thanks to the resources and protections of the ESA, the hard work of state, Tribal and federal scientists, and the willingness of communities to adopt policies and practices to live with bears on the landscape, the population is on its way toward recovery. The USFWS is currently actively evaluating whether the latest science and policy support removing federal protection for the GYE population through a year-long public status review. Congressionally

delisting this species would undermine the decades of hard work and resources that have gone into getting grizzly restoration to this point and would circumvent the current review of whether this population warrants removal from the protection of the ESA.

The legislation would also circumvent the crucial role of the judicial system in the implementation of one of the nation's bedrock conservation laws. In 2017, USFWS removed ESA protections from the GYE grizzly bear population. The United States District Court for the District of Montana found that the final rule lacked critical analysis and failed to address several threats to the population's long-term survival. These findings were upheld by the United States Court of Appeals for the Ninth Circuit. The Courts outlined what USFWS must address before this population can be considered for removal from the endangered species list. None of those requirements are unsurmountable and USFWS should be given time to continue the process of addressing the Courts' concerns. The goal of the ESA is to recover a species and ensure that once delisted that recovery can be maintained. This population of bears is on the path to recovery but removing federal protections without an adequate plan in place to ensure the long-term health of this population is short sighted and will prevent the recovery of this icon of the American West.

H.R. 1419—Comprehensive Grizzly Bear Management Act of 2023: NPCA **opposes** this legislation, which would remove ESA protection for the Northern Continental Divide Ecosystem (NCDE) population of grizzly bears, including bears of Glacier National Park. NCDE grizzlies were subject to the same eradication programs in the early 19th century as GYE grizzlies and were subject to an active hunting program into the 1990s, even while listed. Through the dedication of local, state, tribal and federal governments, and partnerships with businesses and NGO's, grizzlies in the NCDE have begun to recover. The NCDE population is also undergoing a year-long public status review, similar to the GYE population. This will allow USFWS to actively evaluate whether science and existing or in-process management policies support removing federal protection for the NCDE population.

H.R. 1419 would undercut and sidestep the rigorous review that a science and policy-based evaluation of listing status requires under current law. Normally, a delisting proposal would include a complete rulemaking process with agreements on post-delisting management between states, tribes and federal agencies, long-term monitoring, and robust public engagement. Congressionally delisting this species would undermine the decades of hard work and resources that have gone into getting grizzly restoration in the NCDE to this point and would circumvent the current review of whether this population warrants removal from the protection of the ESA.

Thank you for considering our views.

Sincerely,

CHRISTINA HAZARD,
Legislative Director

March 22, 2023

Hon. Bruce Westerman, Chairman
 Hon. Raul Grijalva, Ranking Member
 House Natural Resources Committee
 1324 Longworth House Office Building
 Washington, DC 20515

Re: Opposition to Legislation Removing Endangered Species Act Protections for the
 Gray Wolf and Grizzly Bear

Dear Chairman Westerman, Ranking Member Grijalva:

On behalf of over 85 organizations and our millions of members and supporters, we write to express our strong opposition to H.R. 764, H.R. 1245, and H.R. 1419, which undermine the Endangered Species Act and legislatively strip protections for the gray wolf and grizzly bear, two of our nation's most iconic keystone species. If passed, these bills will cause irreparable harm by undoing decades of progress to stabilize and recover these apex carnivores.

A decade ago, Congress took the unprecedented action of removing federal protections for wolves in Idaho and Montana. Since then, wolves have been subject to non-scientific and ever-crueler persecution in those states. Idaho hires private contractors to kill wolves, lets hunters and trappers kill an unlimited number of wolves, permits year-round trapping on private land, and allows wolves to be chased down with all-terrain vehicles. In Montana, hunters can now use night-vision scopes and spotlights on private land, strangulation snares on public and private land, and bait to lure wolves across the state. It has also extended the wolf-trapping season by four weeks.

H.R. 764, the so-called "Trust the Science Act" introduced by Representative Boebert (R-Colo.), would legislatively delist gray wolves in the lower-48 states, except for a small population of Mexican gray wolves in Arizona and New Mexico. This misguided legislation would reinstate an October 2020 decision by the U.S. Fish and Wildlife Service to delist the wolf, despite a federal court invalidating the decision and the concerns of independent scientists that wolves remain functionally extinct in the vast majority of their former range across the United States.

In 2020, Colorado voters approved a ballot initiative directing the state to reintroduce wolves. Unfortunately, the lack of federal protections in Wyoming resulted in the death of three members of Colorado's North Park pack, which was the very first wolf pack in the state in over 100 years. It is beyond ironic that Rep. Boebert is working to undermine the will of Colorado voters to bring back wolves to the state, a process that is more likely to succeed if wolves retain federal protections under the Endangered Species Act.

Similarly, H.R. 1245 and H.R. 1419 would remove Endangered Species Act protections for grizzly bears in the Greater Yellowstone Ecosystem population and Northern Continental Divide Ecosystem, respectively. Removing federal protections for these grizzly populations will pave the way for trophy hunting and subject bears to ever-increasing levels of persecution by extreme state legislatures that have shown no restraint with respect to wolves. For example, after federal protections were briefly removed in 2017, Wyoming and Idaho immediately announced grizzly hunts that would have allowed for up to 23 bears to be killed outside of Yellowstone National Park.

In 2018, a Montana federal court blocked those proposed hunts and ruled that the Trump administration had prematurely and illegally stripped protections for Yellowstone grizzlies. As the court explained:

By delisting the Greater Yellowstone grizzly without analyzing how delisting would affect the remaining members of the lower-48 grizzly designation, the Service failed to consider how reduced protections in the Greater Yellowstone Ecosystem would impact the other grizzly populations.¹

¹ *Crow Indian Tribe v. United States*, 343 F. Supp. 3d 999 (D. Montana 2018).

By failing to address how removing protections for grizzlies in Yellowstone would affect the recovery of grizzly bears in neighboring ecosystems, such as in northern Idaho where just a few dozen grizzlies struggle to survive and in the Selway-Bitterroot area of central Idaho where just a few grizzly bears might live, the Service had violated the Endangered Species Act's mandate to recover endangered species. Despite having recovery plans to recover grizzly bears in these regions, the Service has not acted on them, and if the grizzly bears in Yellowstone lose protections it will decrease the likelihood of bears recovering elsewhere in violation of the law.

The 2018 ruling, later affirmed by the 9th Circuit Court of Appeals and reinforced by a separate decision on wolves in the D.C. Circuit,² confirmed the fragmented, piecemeal approach to recovery fails to meet the goal of the Endangered Species Act to recover species across significant portions of their range. The court aptly explained:

When a species is already listed, the Service cannot review a single segment with blinders on, ignoring the continuing status of the species' remnant. The statute requires a comprehensive review of the entire listed species and its continuing status. Having started the process, the Service cannot call it quits upon finding a single distinct population segment.³

If Congress prematurely removes protections for grizzly bears and wolves and prohibits any type of judicial review of these delistings, it will severely undermine the recovery of wolves in places like Colorado and the West coast, and grizzly bears in the North Cascades, Idaho and elsewhere. And as we have seen with wolves, once federal protections are irrevocably removed, state governments that are hostile to these iconic species will ratchet up their persecution with no regard for science or functioning, healthy ecosystems.

For these reasons, we urge you to oppose H.R. 764, H.R. 1245, and H.R. 1419.

Sincerely,

Center for Biological Diversity	Montanans for Gallatin Wilderness
Alliance for the Wild Rockies	National Wolfwatcher Coalition
Animal Welfare Institute	NH Animal Rights League
Animal Wellness Action	North Central Washington Audubon Society
Animal Wellness Foundation	NY4WHALES
Apex Protection Project	Oceanic Preservation Society
Attorneys for Animals, Inc.	Oregon Wild
Born Free USA	Panthera
Buffalo Field Campaign	Piping Plover Project
Center for a Humane Economy	Predator Defense
Christian Council of Delmarva	Project Coyote
Coastal Plains Institute	PROTECT OUR WOODS

²*Crow Indian Tribe v. United States*, No. 18-36030 at 41 (9th Cir. 2020) (requiring the Service to “determine . . . whether there is a sufficiently distinct and protectable remnant population, so that the delisting of the [distinct population segment] will not further threaten the existence of the remnant,” and that the lack of “concrete, enforceable mechanisms” to “ensure long-term genetic health of the Yellowstone grizzly,” and that a “commitment to increase population size” is “required to ensure long-term viability.”)

³*Id.* (quoting *Humane Soc’y of the U.S. v. Zinke*, 865 F.3d 585, 601 (D.C. Cir. 2017)).

ColoradoWild	Protect Our Woods
Confident Puppy	Public Interest Coalition
Conservation Congress	Resource Renewal Institute
Conservation Law Foundation	Rocky Mountain Wild
Eco-Integrity Alliance	Save Animals Facing Extinction
Endangered Habitats League	Save Our Sky Blue Waters
Endangered Species Coalition	Sequoia ForestKeeper
Environmental Center of San Diego	Shagbark
EPIC-Environmental Protection Information Center	Sierra Club
Flathead-Lolo-Bitterroot Citizen Task Force	Speak for Wolves
Flying Popcorn Ranch	Swan View Coalition, Inc.
FOUR PAWS USA	The 06 Legacy
Friends of Merrymeeting Bay	The Cougar Fund
Friends of the Bitterroot	The Humane Society of the United States
Friends of the Clearwater	The Rewilding Institute
Friends of the Earth	The Urban Wildlands Group
Friends of the Wild Swan	Trap Free Montana
Gallatin Wildlife Association	Trap Free Montana Public Lands
Glacier-Two Medicine Alliance	Trevor Zoo
Great Old Broads for Wilderness	Voice for Animals
Great Old Broads for Wilderness, Tucson Broadband	Voices of Wildlife in NH
Great Old Broads for Wilderness, Bozeman Broadband	Washington Wildlife First
Heartwood	WaterWatch of Oregon
Howling For Wolves	Western Watersheds Project
Humane Action Pittsburgh	Western Wildlife Outreach
Humane Society Legislative Fund	Wild in the Swan
Inland Empire Lands Council	WildEarth Guardians
International Fund for Animal Welfare (IFAW)	Wilderness Watch

International Marine Mammal
Project of Earth Island Institute

John Muir Project

League of Conservation Voters

Living With Wildlife Foundation

Montana Wilderness Education
School

Wolf Conservation Center

Wolf Hollow

Wyoming Wildlife Advocates

Yaak Valley Forest Council

