



NPCA Position on Legislation before the House Committee on Natural Resources

March 22, 2023

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,

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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 1990's, 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
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