



NPCA Position on Legislation before the Subcommittee on Water, Wildlife and Fisheries

April 18, 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. On behalf of our 1.6 million members and supporters nationwide, we write to share our thoughts on select legislation ahead of a hearing in the Committee on Natural Resources Subcommittee on Water, Wildlife and Fisheries scheduled for April 18, 2023.

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. Through the ESA, 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. 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.

NPCA is very concerned by the use of the Congressional Review Act (CRA) to rescind agency rulemakings specific to the ESA. If enacted, a CRA resolution would void the rule in question and prevent the agency from issuing a substantially similar rule in the future. This could severely hamper the government's ability to take protective actions if species populations decline or are under significant threat. In addition to our general concerns about the use of the CRA, NPCA has specific concerns about two resolutions under consideration:

H.J. Res. 46 – Providing for congressional disapproval of “Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat”: NPCA **opposes** this resolution which would eliminate a 2022 federal rulemaking and effectively reinstate a very problematic 2020 rulemaking. The 2020 regulation, which the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) rescinded in 2022, limited the agencies' discretion in excluding areas of critical habitat under Section 4(b)(2) of the ESA. Critical habitat designations for threatened and endangered park species many times reach well beyond park boundaries. For example, the Canada lynx in Grand Teton National Park and the piping plover at Cape Hatteras National Seashore both depend on in-park and beyond boundaries critical habitat. Critical habitat designations are an important tool for protecting listed species because federal agencies must consult and work with FWS and NMFS, as appropriate, to ensure that its actions do not degrade or destroy those areas. A return to the 2020 regulation would make it more challenging to protect areas outside park boundaries that park species rely on to survive.

H.J. Res. 49 – Providing for congressional disapproval of “Endangered and Threatened Wildlife and Plants; Endangered Species Status for Northern Long-Eared Bat”: NPCA **opposes** this resolution which would eliminate the FWS final rule to list the northern long-eared bat as an endangered species, thereby undercutting and sidestepping the science and policy-based evaluation of listing status required under current law. The bat, listed as threatened in 2015, faces extinction due to the impacts of white-nose syndrome, a deadly disease affecting hibernating bats across North America including populations that reside within National Park Service managed lands. White-nose syndrome is impacting 80% of the species' entire range and is expected to spread to 100%. We cannot simply choose to ignore

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the reality of the challenges this species faces. This resolution would not only undo the current endangered species listing for the bat, but it could also prevent FWS for taking future listing actions as the species continues to decline.

Thank you for considering our views.

Sincerely,

Christina Hazard
Legislative Director
National Parks Conservation Association