

**H.R. 7408, “AMERICA’S WILDLIFE
HABITAT CONSERVATION ACT”**

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

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**LEGISLATIVE HEARING ON H.R. 7408, TO
AMEND THE PITTMAN-ROBERTSON WILD-
LIFE RESTORATION ACT TO MAKE
SUPPLEMENTAL FUNDS AVAILABLE FOR
MANAGEMENT OF FISH AND WILDLIFE
SPECIES OF GREATEST CONSERVATION
NEED AS DETERMINED BY STATE FISH AND
WILDLIFE AGENCIES, AND FOR OTHER PUR-
POSES, “AMERICA’S WILDLIFE HABITAT
CONSERVATION ACT”**

**Wednesday, March 6, 2024
U.S. House of Representatives
Subcommittee on Water, Wildlife and Fisheries
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 12:05 p.m., in Room 1324, Longworth House Office Building, Hon. Cliff Bentz [Chairman of the Subcommittee] presiding.

Present: Representatives Bentz, Radewagen, LaMalfa, Kiggans, Duarte, Hageman, Westerman; Huffman, Peltola, Hoyle, and Dingell.

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

Good morning, everyone. I want to welcome Members, witnesses, 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 Member. 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 Committee Rule 3(o).

Without objection, so ordered.

We are here today to consider H.R. 7408, “America’s Wildlife Habitat Conservation Act,” sponsored by Chairman Westerman of Arkansas. I now recognize myself for a 5-minute opening statement.

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

Mr. BENTZ. Today, the Water, Wildlife and Fisheries Subcommittee will consider H.R. 7408, the America’s Wildlife Habitat Conservation Act, offered by Congressman Bruce Westerman of Arkansas. This legislation is a combination of

policies that would, if enacted, increase the chances of recovering at-risk species, sharpen the operation of the Endangered Species Act, and improve the investment of tax dollars dedicated to these important areas.

Specifically, this legislation would invest in state wildlife programs such as congressionally-mandated State Wildlife Action Plans, which serve as outlines for the recovery of species of greatest concern. These programs exist in 50 states and in U.S. territories.

The bill imposes congressional oversight on the expenditure of taxpayer money, assuring that the allocation of these funds is actually resulting in habitat restoration and species recovery.

This legislation will also improve management of our National Wildlife Refuge System by granting Good Neighbor Authority to the U.S. Fish and Wildlife Service. This is important to me because the Klamath Basin located in Oregon and Northern California is the home to six National Wildlife Refuges. I represent that portion of the Basin in Oregon, and Congressman LaMalfa represents the portion of the Basin in California.

We have firsthand knowledge of the neglect and intentional damage being inflicted upon these refuges by the inappropriate taking of the refuges' water to support in-stream interests, rather than the creatures that need the habitat formerly available in the refuges. This Good Neighbor Authority will provide the Service with a means of working with other states, tribes, and counties to conduct and implement improved management of refuges across the United States.

I would be remiss if, while discussing refuges, I fail to mention the truly damaging rule concerning refuges recently proposed by the U.S. Fish and Wildlife. This rule would damage refuges by limiting practices that are beneficial to the birds using the refuges. These practices include use of certain types of crops, the management of bird-hungry predators, and other standard agricultural practices. These regulations will harm our refuges by limiting the use of Good Neighbor Authority. This is an issue that this Committee will be looking into.

The bill would also provide a legislative fix to *Cottonwood Environmental Law Center v. U.S. Forest Service*, a Ninth Circuit decision that has triggered a reinitiation of consultation frenzy in our National Forest System. This result is not improved management, but instead has caused and continues to cause inefficient and duplicative planning efforts, diverting the Forest Service from focusing upon the existential dangers of wildfire and the many other important issues our forests face. The court's misguided decision to force unnecessary and duplicative review of all other plans upon a triggering event will be corrected in this bill.

H.R. 7408 also makes common-sense and strategic reforms to the Endangered Species Act that are designed to empower private landowners and states to conserve and restore habitat for listed species. It is clear from its own data that the U.S. Fish and Wildlife Service has failed in its responsibility to recover species. According to the U.S. Fish and Wildlife Service, 300 domestic species were projected to recover by 2023, but only 57 species have recovered. This bill addresses this dismal record, providing

incentives to thousands of private landowners, states, counties, tribes, and others that will promote species recovery and improve the ways we have available to actually recover species.

One of the many innovative ideas in this bill is its requirement that the U.S. Fish and Wildlife Service and the National Marine Fisheries develop objective, incremental recovery goals for listed species, and then to provide regulatory relief as those goals are met. Having these agencies determine and explain in detail the numbers of species needed to achieve sustainability is valuable for any number of reasons, but here are several.

A clear statement of the goal to be achieved will allow the agencies to immediately reduce regulation when that goal is achieved.

Secondly, a clear statement of the number of species necessary to achieve sustainability will provide assurance to the agency so it can discontinue efforts in that area and shift to other species in need without, hopefully, the flood of lawsuits that inevitably follow agency actions.

Finally, establishing a goal will avoid what is happening now with the grizzly bear. Two thousand was the general idea, two thousand bears. Now, there are close to 8,000, and still confusion as to which number is correct. This situation is best described by Lewis Carroll, who said, "When you don't know where you're going, any road will get you there." We are way past being able to afford the cost of wandering about, not knowing where we are going, and this bill provides a requirement that we actually know what we are trying to achieve when it comes to species recovery.

I am looking forward to hearing from Chair Westerman, the sponsor of this legislation, and hearing from all of the witnesses joining us today.

I now recognize Ranking Member Huffman for his opening statement.

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

Mr. HUFFMAN. Good morning. Nearly a decade ago, representatives from states, NGOs, businesses, and sportsmen were assembled into a blue ribbon panel to answer an important question: What is needed to fully implement State Wildlife Action Plans so we can stop the drastic decline in important species and their habitat? And the response was clear: \$1.3 billion annually in mandatory, permanent funding to realize a transformative approach to conservation.

This formed the foundation of Representative Debbie Dingell's bipartisan Recovering America's Wildlife Act, or RAWA. The work of Debbie Dingell and our colleagues on both sides of the aisle, in conjunction with an inclusive and deliberative process, is a testament to how big bipartisan bills have always happened. They did everything right, and that is why RAWA passed the House with solid bipartisan support last Congress, and garnered thousands of endorsements and strong state and tribal support from all over the country.

But thoughtful, bipartisan lawmaking fell out of favor when team extreme took over the House. Instead of building on this great work, the Chairman has hijacked and frankly made a

partisan mess of RAWA. After a year of promising that he was committed to getting this done, this bill that we are considering today is all we got. We went from a bill with 42 Republican cosponsors and 17 Republicans voting for it on the House Floor to a bill that has no bipartisan support because it has been turned into a MAGA ransom note.

No wonder team extreme can't figure out its messaging. Since the rollout, we have heard three different narratives. "It is not RAWA" is one of them. Then there is "it is kind of like RAWA." And then there is "it is better than RAWA." So, for those wondering which it is, let me help. Kind of like RAWA is certainly not it. Better than RAWA is definitely not it. Not RAWA is closer, but doesn't quite capture it.

The real description is that it is anti-RAWA, it is a Trojan horse that undermines Fish and Wildlife funding. This botched attempt at rewriting RAWA lacks mandatory permanent funding, which was the whole point from the blue ribbon panel. It only authorizes \$320 million annually for all of our states and territories. And let's be clear: That \$320 million isn't real money. You know that, right?

Team extreme, the folks who scramble for Democratic votes every time there is a must-pass piece of legislation in this Congress, expect you to believe that you can count on them to appropriate this funding every year. For those watching at home who may have heard the Chairman's opening statements, or who may be listening to what we are certainly going to hear in a moment from Mr. Westerman, you may have thought that House Republicans had an epiphany and are actually proposing a serious investment in protecting wildlife.

Let me explain what is really going on here. For any additional wildlife funding to happen under this bill, the money would have to be specifically appropriated by a future Congress. This messy bill doesn't bother to do it because team extreme would never vote for it. So, the \$320 million, that is essentially Monopoly money. And I will pass some around here for those who are interested in pretending that we are actually funding wildlife. And team extreme is going to keep handing out real taxpayer money, we know that, to their friends in the fossil fuel industry and the mining industries. We have seen that in several of their bills. But for wildlife, pretend money is going to have to do.

Look, unfortunately, this is not the only problem with the bill. It point blank undermines existing habitat conservation efforts by rescinding over \$1 billion for conservation and permitting from the Inflation Reduction Act and Bipartisan Infrastructure Law, rescinding a billion real dollars in return for \$320 million pretend. What a deal for wildlife.

It also guts the commitments we have made to local conservation efforts. The rewrite of the tribal title is appalling, slashing the authorization to just \$20 million a year, which is supposed to cover all 574 federally recognized tribes. That comes down to about \$20,000 per tribe annually. That is insulting.

Straying further from the blue ribbon recommendations, the bill would sunset the Pittman-Robertson Act sub-account in 2029, leaving states and tribes in chaos and uncertainty.

Oh, and if you didn't notice, under this Chairman's bill, 10 of the 16 states and territories represented by members of this Subcommittee will actually be losing money for habitat conservation, including Chairman Westerman's home state of Arkansas.

And finally, it wouldn't be a Subcommittee hearing without an attack on our bedrock environmental laws. This bill dismantles core ESA protections.

So, look, folks, we are running out of time to address our biodiversity crisis to help wildlife. We had a blue ribbon panel that led to RAWA. We need to finish the good work that Representative Dingell and so many others began in the previous Congress. This bill is a partisan, harmful, and extreme attempt to take us backward. We should oppose it and let Representative Dingell and folks who are serious about wildlife funding get back to work.

I yield back.

Mr. BENTZ. I now recognize the Chairman of the Full Committee, Mr. Westerman, for his opening statement.

STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. WESTERMAN. Thank you, Chairman Bentz. It sounds like Representative Huffman is almost there on this one.

[Laughter.]

Mr. WESTERMAN. It was once said some of my colleagues across the aisle aren't always trying to mislead people or mis-state facts, they just know so much about just what isn't so. And I think we have seen an illustration of that today.

And I will remind everybody that the bill that my colleague referred to did pass the House last Congress with a Democrat Majority, but it didn't even get a vote in the Democrat Senate, Democratic-controlled Senate, or obviously, it didn't make it to the Democrat President's desk. So, we are trying to do something that is actually good for wildlife management and fiscally responsible. And that is why I am glad that we are holding a hearing on my bill, H.R. 7408, the America's Wildlife Habitat Conservation Act.

And, again, I want to thank everyone for being here.

The long-term health of our species is determined by the quantity and quality of habitat that they call home. And the best way to recover at-risk species is by restoring their habitat. To borrow a phrase from the Field of Dreams, "If you build it, they will come." America's Wildlife Habitat Conservation Act brings together a series of investments in conservation and policy initiatives that are designed to empower states, tribes, and private landowners to restore habitat for species, including species listed under the Endangered Species Act and those at risk of being listed under the ESA.

And for those who may think this is an extreme way to do business, it is kind of the same model we use for the farm bill, where we reauthorize it every 5 years and it is subject to appropriations. So, it doesn't seem like such an extreme way to do business to me.

Mr. Chairman, something I particularly want to highlight that makes this bill unique is that it will play a role in restoring wildlife

habitat across all landownerships, whether state, Federal, tribal, or private lands.

What the bill does on private lands will be especially critical. As the conservationist Aldo Leopold put it, "conservation will ultimately boil down to rewarding the private landowner who conserves the public interest." The legislation encourages state game and fish agencies to partner with and give technical assistance to private landowners who want to engage in habitat restoration efforts on their land.

Additionally, it provides regulatory certainty to private landowners who are investing in conservation on their lands by prohibiting the designation of critical habitat on those lands.

The bill also takes an innovative step by giving states the opportunity to fund habitat conservation activities through revenues raised by habitat conservation projects. Imagine that, conservation that funds itself over time without requiring a massive permanent mandatory spending program from the Federal Government.

Many people claim that conservation and economic success are mutually exclusive. However, I believe the two do go hand in hand. We are blessed with a rich abundance of resources, but we have a sacred responsibility to manage them properly. Doing so would not only be a benefit to our environment, but would also tremendously help our rural economies.

I know that in my district we have so much potential. And while we do a good job of managing our resources, including on Federal lands, there are obviously opportunities to do even more. For example, the Forest Service completed a landscape-scale habitat restoration project for the benefit of the red-cockaded woodpecker in Arkansas. They went in and thinned the timber, and were able to use the sale of the timber to pay for the management cost. This not only created habitat for the red-cockaded woodpecker, but also produced more songbirds, quail, turkey, and deer. And we have a picture of what that looks like.

[Slide.]

Mr. WESTERMAN. And this is pretty simple. That is untreated forest. That is the management. And that is what you get at the end of the day. And guess what? It didn't cost the taxpayers anything. It paid for itself, so you wouldn't need permanent mandatory spending to do work like that.

H.R. 7408 also proposes common-sense reforms to the ESA that empower states to have more management opportunity and regulatory authority over certain listed species. No one knows how to manage species better than the communities that live closest to them, and it is about time we took authority away from DC bureaucrats and put it back in the hands of the men and women who know their wildlife best and know how to create the habitat that will sustain these wildlife.

And I want to thank you, Mr. Chairman, and I want to thank you the witnesses that will be testifying today. I look forward to hearing from each of you.

I yield back.

Mr. BENTZ. Thank you, Chairman Westerman. I thank the gentlemen for the opening statements. I will now introduce our witness panel.

Mr. Matt Strickler, Deputy Assistant Secretary for Fish and Wildlife and Parks with the Department of the Interior in Washington, DC; Mr. Austin Booth, Director of the Arkansas Game and Fish Commission in Little Rock, Arkansas; Mr. Ryan Bronson, Director of Government Affairs with the Rocky Mountain Elk Foundation in Missoula, Montana; Mr. Glenn Olson, the Donal O'Brien Chair in Bird Conservation and Public Policy for the National Audubon Society in New York, New York; and Mr. Dave Tenny, President and CEO of the National Alliance of Forest Owners in Washington, DC.

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 the hearing record.

To begin your testimony, please press the "on" 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. And at the end of 5 minutes, the light will turn red, and I will ask you to stop talking. It says, "complete the statement," but I have learned.

I also allow all witnesses to testify before Member questioning. I now recognize Mr. Strickler for 5 minutes.

STATEMENT OF MATTHEW STRICKLER, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. STRICKLER. Good morning, Chairmen Westerman and Bentz, Ranking Member Huffman, and members of the Subcommittee. My name is Matt Strickler. I serve as Deputy Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior. I appreciate the opportunity to testify before you today on H.R. 7408, the America's Wildlife Habitat Conservation Act.

I would like to start by saying that the Department supports many of the goals of this legislation. We agree it is important to conserve and restore wildlife habitat. We agree it is important to recover species listed under the Endangered Species Act, and to take conservation actions that will keep other species from needing the Act's protections in the first place. We support the extension of Good Neighbor and Stewardship Contracting Authority to the Fish and Wildlife Service, and we support the intent of protection for landowners against Freedom of Information Act disclosure of the occurrence and location of listed species. That is important common ground, and I don't want it to get lost in the course of this hearing.

With that said, we need to be clear about the fact that our planet and our country are experiencing compounding climate and biodiversity crises that have major negative implications for our natural heritage, the livability of our communities, and the health and safety of the American people. We cannot begin to face down these challenges without bold action and a serious commitment of dedicated resources for habitat restoration and species and ecosystem recovery.

The 2015 Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources estimated that \$1.3 billion is needed each year to fully implement congressionally-mandated State

Wildlife Action Plans. Unfortunately, Congress has never funded these plans at more than \$90 million annually, and in recent years the number has been less than \$70 million. This doesn't even account for the chronic underfunding of the U.S. Fish and Wildlife Service's Endangered Species Act work.

Against this backdrop, this bill is a significant step backwards from the bipartisan legislation that passed the House last Congress. There is no guarantee that a new \$300 million authorization will move congressional appropriators to fund these activities at higher levels than they have in the past. And taking away nearly a billion-and-a-half dollars in Bipartisan Infrastructure Law and Inflation Reduction Act funding that has already been appropriated is simply counter-productive.

Communities across the country have benefited and will continue to benefit from the deployment of these BIL and IRA funds, and the jobs and economic development that come along with them. These dollars are doing everything from replacing aging irrigation infrastructure, to restoring aquatic ecosystems, to making coastal communities more resilient to hurricanes. Given how much there is to do to strengthen our economy and our environment, we cannot afford to trade-off these secure funds.

The provisions of this bill that weaken the Endangered Species Act also work against the legislation's stated purposes. The ESA works. We just celebrated the 50th anniversary of this remarkable law that has prevented the extinction of almost all species that have received its protections, has recovered dozens of species, and has put many, many more on a path to recovery. Making it more difficult for the Fish and Wildlife Service to implement by altering the successful Candidate Conservation Agreement with Assurances Framework, complicating the designation of critical habitat on private land, making problematic changes to the process of creating 4(d) rules, and prematurely turning management of listed species back over to the states will not help protect wildlife habitat or improve the likelihood of species recovery.

The dedicated public servants of the U.S. Fish and Wildlife Service are working hard every day in close partnership with states, tribes, localities, industry, private landowners, and other Federal agencies to protect and recover species and their habitats, while also accommodating economic activities that, if left unregulated, would negatively impact those species and habitats. It is an incredibly difficult job, and they deserve Congress' support to do it. Unfortunately, the legislation, as written, does not meet the moment.

For those reasons and others included in our written testimony, the Department cannot support H.R. 7408 as a whole, and must strongly oppose the proposed rescissions of BIL and IRA funding in many of the ESA-related sections. We would welcome the opportunity to work with the Chairman and Subcommittee to address our concerns and recommendations. Hopefully, we can build on the common ground that we have identified and arrive at a bipartisan solution that moves us closer to accomplishing our shared wildlife habitat and conservation goals.

I am happy to answer any questions you have. Thank you.

[The prepared statement of Mr. Strickler follows:]

PREPARED STATEMENT OF MATTHEW J. STRICKLER, DEPUTY ASSISTANT SECRETARY
FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Introduction

Good morning, Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee. I am Matthew J. Strickler, Deputy Assistant Secretary for Fish and Wildlife and Parks within the Department of the Interior (Department). I appreciate the opportunity to testify before you today on H.R. 7408, the America's Wildlife Habitat Conservation Act.

Generations of habitat loss and the spread of invasive species and disease, all exacerbated by a rapidly warming climate, put ever-increasing pressure on America's wildlife. Many species are being pushed to the brink and we are facing a biodiversity crisis, increasing the need to protect species under the Endangered Species Act (ESA) and complicating efforts to recover species. The U.S. Fish and Wildlife Service (Service) is doing everything we can to leverage partnerships to accomplish our conservation mission. Working with others, we implement strategic, science-based conservation measures on the ground to conserve and improve habitat, recover species, and conserve species under the ESA, which can also help prevent the need for listing. When given the tools and resources to accomplish this work, the Service, together with states, Tribes, territories, landowners, and non-federal partners can do great things—and nature, when given a chance, can rebound.

In 2000 and 2001 respectively, Congress created the State and Tribal Wildlife Grant Programs, which led to the development of the State Wildlife Action Plans (Action Plans). These plans were a historic progression in wildlife management by state fish and wildlife agencies. Collectively, they provided the first nationwide blueprint for conserving fish and wildlife. State wildlife agencies identified over 12,000 rare, declining, and imperiled species of fish and wildlife and the conservation actions needed for their recovery. The critically important conservation work envisioned in these plans cannot be implemented without sufficient resources, and the resource needs are great. However, Congress has never supported these programs at the levels needed for them to reach their full potential. In FY 2010, Congress appropriated \$90 million, which was the high point for funding the Action Plans. More recently, the State Wildlife Grant (SWG) Program's average annual appropriation has been about a third less, or \$67 million per fiscal year.

In 2015, the Blue-Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources, convened by the Association of Fish and Wildlife Agencies, estimated that \$1.3 billion is needed each year to fully implement the Action Plans. Demand for Tribal Wildlife Grant Program funds by Tribes is similarly high and yet only about 25 percent of applicants are awarded funds each year due to insufficient funding for the program. Dedicated, robust, predictable, and reliable funding that addresses the resource needs of states and Tribes for their conservation goals would be transformational. Making this investment in conservation today will yield long-term benefits, including strengthened wildlife populations, improved ecosystem function, job creation and economic development, enhanced recreation opportunities, and health and safety benefits for local communities.

Congress has the opportunity to once again enact a significant and holistic investment in the conservation of our nation's wildlife. The Department supports many of the goals identified in the legislation, including conserving and improving habitat, recovering listed species and preventing the need to list species under the ESA, and extending good neighbor and stewardship contracting authorities to the Service. However, this bill falls short, as we believe robust, predictable funding is essential to address the resource needs of states and Tribes for the conservation of at-risk species and recovery of listed species. Additionally, we have significant concerns with many of the provisions in the legislation. While we appreciate and support the goals of some parts of this legislation, as a whole and as written, we oppose this legislation.

The Department strongly opposes the rescissions of the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) funding in this legislation. The Infrastructure Investment and Jobs Act, which we commonly refer to as the Bipartisan Infrastructure Law or BIL, has been a transformational investment. This investment, which provided significant and dedicated funding in a number of discrete areas, has dramatically expanded the Service's ability to support locally led projects benefiting people and wildlife. It has enabled us to identify new approaches to addressing long-standing, complex conservation challenges across the nation, including in the Klamath Basin, the sagebrush ecosystem, and Lake Tahoe, as well as nationwide efforts to restore fish habitat connectivity. We have seen that the

habitat restoration work done under BIL supports good paying jobs today and makes investments in nature that will provide sustained economic and ecosystem dividends far into the future. The funding that would be rescinded by H.R. 7408 was provided by Congress to address aging water infrastructure across the West, water conservation and energy efficiency, as well as for collaborative ecosystem restoration projects to improve the health of fisheries, wildlife, and aquatic habitat. These are programs that need more investment, not less.

Additionally, we believe that more needs to be done if we are to meet the conservation challenges that we face as a nation. The Department does not currently support the legislation as drafted and recommends changes to the structure of the proposed legislation to ensure the reliable funding needed to address the escalating challenges facing wildlife and meet the growing resource needs of states, Tribes, and territories, as well as the Service. The Department also has concerns with and opposes several of the ESA implementation provisions. My testimony below addresses these suggestions and concerns in greater detail. We welcome the opportunity to work with the Chairman on this legislation.

Title I—Wildlife Conservation and Restoration

The Service appreciates the intent and the purpose of Title I of H.R. 7408 to conserve and improve habitat, recover listed species, and prevent the need to list at-risk species. However, the Service has numerous recommendations that are necessary to accomplish the goals of the legislation and meet the challenges facing America's wildlife today. Similar to the SWG Program, Title I of H.R. 7408 would authorize additional resources for states and territories to implement their Action Plans and to restore habitat for the conservation of species at risk.

The SWG Program has a 20-year track record of collaborative conservation success. Through the SWG Program, each State and territory has developed science-based Action Plans, often with input from Tribes, which provide a roadmap for fish and wildlife conservation in every corner of America. State agencies have begun to address the highest priority needs identified in the Action Plans and have demonstrated the value of timely, collaborative, science-based actions taken to conserve wildlife and their habitats before they become too rare or costly to restore. Conservation work funded by the SWG Program and guided by the Action Plans has helped candidate species avoid listing under the ESA and helped threatened or endangered species progress toward recovery.

The Service understands that the annual appropriation of \$300 million authorized in H.R. 7408 is intended to address the backlog of habitat restoration work identified in the Action Plans. This beneficial intent would be best supported through predictable funding, but the ultimate effectiveness of this provision under the bill is tied to annual appropriations. As noted above, the Blue-Ribbon Panel determined that \$1.3 billion is needed each year to fully implement the Action Plans, but recent annual appropriations for the SWG Program have been about \$67 million per fiscal year—far short of the need.

State and Tribal partners often pursue projects under their Action Plans that require either planning years in advance or sustained funding over a similar time period. Similarly, state and Tribal partners will likely need to build additional capacity to develop and implement the grants that H.R. 7408 proposes. Without the surety provided through dedicated funding, it would be difficult for partners to hire additional full-time employees and efficiently plan and implement projects. The Service notes that other mandatory funding streams, including through the Wildlife Restoration (also known as Pittman-Robertson) grant program, have been particularly successful because partners are able to reliably plan for future projects and supplement their capacity. For the reasons stated above, it was the recommendation of the Blue-Ribbon Panel that robust, predictable funding be made available, and the Service looks forward to working toward this goal with the Chairman and Subcommittee.

In addition, we have numerous comments and suggestions regarding the specific provisions in Title I of H.R. 7408, which are outlined below.

The Service notes that many of the allowable uses of the funding under H.R. 7408 do not include a requirement to facilitate recovery of listed species or prevent the need to list at-risk species. The Service recommends strengthening the connection between the allowable uses of funding and the recovery of listed species and proactive conservation of at-risk species. Additionally, the Service is concerned that some of the restrictions on land acquisition in H.R. 7408 would be difficult to implement for the states. The ability for states to acquire lands is an important tool for the conservation of species of greatest conservation need. Limiting the ability of states to acquire lands with funds appropriated under H.R. 7408 only when “no other source of funding is available to purchase such land” could lead to challenges

and delays with critical conservation work. The Service suggests this provision be limited to “when no other source of Department of the Interior funding is available to purchase such land.” This would clarify that other funds would still be needed for the required non-federal match. The Service supports the provisions in H.R. 7408 that would allow grant projects to be funded with a 10% non-federal match, instead of a 25% non-federal match.

Further, a holistic approach to recovering species listed under the ESA, and preventing at-risk species from needing to be listed, will require additional resources for the Service, as outlined in the President’s Budget. Such resources would help recover listed species by supporting development of recovery plans and implementation of activities identified in existing recovery plans. The Service requires sufficient resources to effectively carry out its statutory obligations under the ESA. There are many species for which the Service or other stakeholders have few resources available to engage in recovery efforts. This fact was highlighted in the Service’s FY 2020 Endangered and Threatened Species Expenditures Report, which found that for 27 percent of listed species, less than a total of \$5,000 were reported by federal and state agencies as expended per species.

Other areas of ESA implementation also require additional resources, as outlined in the President’s Budget. Between 2003 and 2022, Service environmental review staff decreased by 20 percent while new species were listed and economic activity and litigation increased. The number of projects received by the Service has increased significantly since 2022, reflecting the investments made through the BIL and IRA. We anticipate that project funding under the IRA and BIL will further increase the demand for Service technical assistance and consultations under Section 7 of the ESA. Additional resources are necessary to ensure that the Service can help federal action agencies fully meet their responsibilities under section 7(a)(2) of the ESA in a timely manner. In addition to the requested funding to increase environmental permitting capacity, the President’s Budget also proposes to expand our existing authorities to allow federal agencies to more effectively transfer funds provided under BIL to both the Service and the National Marine Fisheries Service (NMFS) to complete permitting activities.

The Service carries out robust collaboration efforts on voluntary conservation agreements under Section 10 of the ESA. Having the resources necessary to support these efforts to work with our partners is another important component of being able to holistically address the recovery of listed species and improve the ecological health of at-risk species. Voluntary landowner conservation agreements provide conservation benefits for species and regulatory predictability for landowners and other partners.

The Service appreciates that H.R. 7408 would dedicate 10 percent of the appropriated funds to a competitive innovation grant program. The program would catalyze new techniques, tools, strategies, and collaborative partnerships to benefit species of greatest conservation need. Some of America’s most cutting-edge conservation initiatives—including efforts to conserve species at landscape scales by working across state and Tribal boundaries—have received timely and critical support from the SWG Program.

The Service notes that we would not be capable of undertaking this grant program with the prescribed administrative funding level of 0.33 percent for Title I. This administrative funding level would not allow for the Service to meet its fiduciary program integrity and compliance responsibilities or support states and territories with federal financial assistance processes. This funding level would not be sufficient for the Service to comply with federal environmental laws including the ESA, the National Historic Preservation Act, and the National Environmental Policy Act—requirements for all habitat restoration projects. The funding level is also insufficient for the Service to help states and territories develop the required biennial rigorous accountability measures for the program and prepare summary reports for Congress.

The Service is able to administer large grant programs, such as the Wildlife Restoration program, efficiently with low administrative funding rates. This is due to multiple factors, including scales of efficiencies generated by grants with large funding, well-established implementation policies and procedures, and an expert staff of grant management professionals located around the country to collaboratively support state efforts. These efficiencies would not be in place for a new grant program and would not be achievable with an administrative funding rate of 0.33 percent. In addition, the Service manages the administrative funding for the Wildlife Restoration and Sport Fish Restoration grant programs in accordance with the Administrative Improvement Act’s (16 U.S.C. 669h and 777h) explicit administrative expense criteria. The Administrative Improvement Act restricts use of Wildlife Restoration and Sport Fish Restoration administrative funding to the direct

implementation of those two grant programs, negating the ability for the Service to use that funding to administer H.R. 7408.

To address this concern, the Service recommends an administrative funding level of three percent to administer Title I. A three percent administrative rate is consistent with the rates identified for the competitive innovation grant program in Title I, with the Tribal Wildlife Conservation and Restoration in Title II, and the Wildlife Conservation Restoration Program (Pub L. 106-553).

Lastly, as currently drafted, H.R. 7408 is integrated within the Wildlife Conservation and Restoration Program (Pub L. 106-553) and the Wildlife Restoration Act (16 U.S.C. 669). It appears that some of the current language in H.R. 7408 would apply only to the Wildlife Conservation Restoration Program, yet others would apply to the Wildlife Restoration Act in its entirety. This would impact all the programs within the Wildlife Restoration Act, in both how these grant programs would be implemented and how revenue generated by the states under H.R. 7408 could be spent.

The Service welcomes the opportunity to work with the Chairman and Subcommittee to address these comments, concerns, and recommendations.

Title II—Tribal Wildlife Conservation and Restoration

Title II of H.R. 7408 would establish a Tribal Wildlife Conservation and Restoration Account authorized at \$20 million per year through FY 2029. The bill directs the Director of the Bureau of Indian Affairs (BIA) to establish a noncompetitive grant program to distribute funding to Tribes. The grants would be used for conservation and restoration programs for habitat and wildlife.

The BIA notes concerns with the funding match requirement in Title II. Requiring Tribes to match federal funding is often a significant barrier to participation. Additionally, while the BIA appreciates the funding and authorization of this program in Title II, it would like to further discuss the use of noncompetitive grants as \$20 million in formula distribution will amount to a small per-Tribe funding amount. The BIA suggests explicitly including Tribal Conservation Law Enforcement Officers (CLEO) as a use of funds. CLEO are critical to the success of Tribal conservation and fish and wildlife management on Tribal lands and inclusion in this statutory authority would ensure they are effectively supported.

Title III—Conservation and Management for Wildlife Refuges

Title III of H.R. 7408, grants the Service good neighbor authority (GNA) and stewardship contracting authority (SCA) for restoration services, as requested in the Service's FY 2024 budget proposal. The Service conducts a wide range of restoration services on our lands, including treating insect- and disease-infested trees, removing hazardous fuels, utilizing prescribed burns, and managing invasive plant species. GNA and SCA would supplement the Service's capacity to conduct these projects with support from states, counties, Tribes, and local partners. The U.S. Forest Service and Bureau of Land Management have a proven and successful record of engagement with non-federal partners to expand their capacity for critical restoration services on federal lands using GNA and SCA. Extending these authorities to the Service would improve our ability to protect and improve wildlife habitat on our lands, including on national wildlife refuges, and reduce impacts to adjacent lands. The Service strongly supports the inclusion of GNA and SCA for ecosystem restoration in H.R. 7408 and appreciates the Chairman's support for these provisions. However, the authorization here is much broader than is necessary for the Service to accomplish its habitat restoration objectives.

Additionally, this title would provide the Service with GNA for a suite of recreation services. Improving and expanding public access and compatible wildlife-dependent recreational opportunities is a priority for the Service. We work with a wide array of partners, through cooperative agreements, lease agreements, and special use permits to enhance our recreation facilities. As it is unclear exactly how this authority could be used and what impacts it might have on wildlife habitat, we have some concerns, but look forward to learning more and working with the Committee to avoid unintended consequences.

The Service greatly appreciates the collaborative approach of the Chairman's staff on this legislative language. We welcome the opportunity to continue working together to provide additional technical assistance on this Title. The Service recommends including additional language to ensure that projects conducted under these agreements align with management goals, existing law, and the Service's conservation mission. We would also appreciate the opportunity to work with the Subcommittee to better understand how the provision regarding GNA for recreation would complement our existing authorities and strengthen our ability to work with partners.

Title IV—Incentivizing Wildlife Conservation on Private Lands

The Service has a number of concerns regarding Title IV of H.R. 7408 and strongly opposes Sections 401 and 402. The Service shares the Chairman’s interest in addressing issues related to species location data and the Freedom of Information Act (FOIA) and would appreciate the opportunity to work with the Chairman and Subcommittee on recommended improvements to Section 403.

Title IV would require the Secretary of the Interior to consider net conservation benefits of Candidate Conservation Agreements with Assurances (CCAAs) or programmatic CCAAs when determining if a species is considered threatened or endangered under the ESA. This title would codify language regarding CCAAs and programmatic CCAAs within Section 10 of the ESA that would reflect a number of changes to existing policy regarding such agreements.

Regulatory policy regarding CCAAs and programmatic CCAAs is outlined in 50 CFR 17.22. This legislation would expand the scope of parties covered by such agreements by changing the language from applying only to non-federal landowners so that it also requires the inclusion of federal agencies if the covered party consents to the request by the agency. It would also exempt CCAAs and programmatic CCAAs from Section 7 consultations. Both changes undermine the purpose of Section 7 of the ESA. That purpose helps ensure that any action authorized, funded, or carried out by a federal agency is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of habitat of such species. While the Service and NMFS are the primary agencies responsible for implementing the ESA, all federal agencies are responsible for utilizing their authorities to further the purposes of the ESA.

H.R. 7408 would create a new 120-day deadline for the Secretary to determine whether or not to approve a CCAA. At the same time, the bill decreases the level of responsibility of the non-federal parties to the agreement and increases the administrative workload for the Service, both in setting up and implementing the agreement. This includes requiring the Service to determine baseline conditions in the plan area and eliminating the already very narrow instances in which a covered party may need to take additional conservation measures due to unforeseen circumstances.

H.R. 7408 also limits the species that can be included in a CCAA to “candidate species” defined as candidate and proposed species. Currently, unlisted species that either are, or are likely to become, candidates for listing in the future are eligible for inclusion in CCAAs. By narrowing the range of at-risk species that may be included in a CCAA, this legislation would limit voluntary conservation agreements for other at-risk species that are likely to become listed in the future. H.R. 7408 would enable a party to a programmatic CCAA to enroll other parties in the agreement and convey any existing permit authorization to them as well. It would also require the Secretary to go through a public comment process on any programmatic CCAA, but would remove the comment period for permit applications under CCAAs and the process for objecting to permit issuance. Further, H.R. 7408 requires the Secretary to provide a written explanation for denials of CCAAs and adjustments that would enable the Secretary to approve the proposed agreement, even though this type of agreement may in some cases not be in the best interest of the candidate species.

The Service works collaboratively with landowners in developing CCAAs. In return, the Service issues Enhancement of Survival Permits that provide assurances that, if the species is subsequently listed and no other changes have occurred, the Service will not require the permittee to conduct any additional conservation measures without consent. Additionally, the permit authorizes a specific level of incidental take of the covered species, should listing occur. The current CCAA and programmatic CCAA regulations provide incentives for non-federal landowners to voluntarily conserve candidate species, as well as other non-listed at-risk species, by providing a net conservation benefit through one or more of the following actions: protecting existing populations and habitats; restoring historical populations; restoring or creating new habitat; and declining to undertake potentially damaging activity. This system effectively balances proactive voluntary conservation and minimization of risk for non-federal landowners.

Additionally, in February 2023, the Administration published a proposed rule regarding Section 10(a)(1)(A) Enhancement of Survival and Section 10(a)(1)(B) Incidental take Permits. These changes would improve implementation and streamline the conservation programs associated with the issuance of enhancement of survival permits and incidental take permits, including permits associated with CCAAs. The proposed regulatory revisions would increase efficiency and flexibility

by combining Safe Harbor Agreements and CCAAs into one agreement type so that one agreement can cover both non-listed and listed species.

Title IV of the America's Wildlife Habitat Conservation Act would unnecessarily upend the balance the Service has established through the CCAAs and impose additional procedural requirements and uncertainty to a successful voluntary conservation program for which the Service has existing authority.

Title IV would also prohibit the Secretary from designating as critical habitat privately owned or controlled land that is subject to a land management plan that meets certain criteria. Critical habitat could not be designated on private land that is subject to a management plan that is similar to an integrated natural resources management plan, or was prepared in cooperation with the Department and state agencies, or meets other criteria, such as that the Secretary determines will maintain the population of the species and minimize impacts of activities that would likely result in incidental take of the species.

When the Service designates critical habitat, we follow a science-based process to identify those specific areas that are essential for species conservation. Critical habitat designations are an important tool to educate the public and other federal agencies regarding areas essential for recovery of listed species. These designations do not create preserves or parks, nor do they affect activities by private landowners where there is no federal funding or authorization involved. Critical habitat designations affect federal agency actions or federally funded or permitted activities. The ESA requires federal agencies to ensure that their actions are not likely to destroy or adversely modify designated critical habitat.

The language in this section would effectively force the Service to identify any existing land management plans, compare them to the bill's criteria, and determine whether or not they would sufficiently minimize and mitigate impacts to the species. This will add additional analytical requirements to an already challenging designation process that must be completed within statutory deadlines, and the bill does not include funding for additional personnel. The Service developed a joint policy with NMFS for excluding areas from designations of critical habitat. This 2016 policy provides guidance for implementing Section 4(b)(2) of the ESA that allows discretionary exclusion of specific areas from a designation of critical habitat based on specific circumstances. The policy provides details on consideration of conservation plans and partnerships, and Section 10 of the ESA permitted plans as the basis for excluding areas. The proposed language of this Title would add confusion for the Service and public, and would be unnecessary considering the guidance outlined in the 2016 policy. The Administration opposes these sections and believes they would undermine the science-based process used to protect listed species.

In addition, this Title would prohibit the Secretary from making information on the occurrence or specific location of a species of fish, wildlife, or plant on privately owned or controlled land publicly available in response to FOIA requests. The Department would be able to provide such information publicly if a written request is submitted by a federal or state agency or an educational or research institution, and also the private party concerned.

The Service appreciates the Chairman's interest in this issue. While FOIA contains several exemptions that agencies can use to withhold certain types of information, such as confidential business information or national security-related information, location information on protected or at-risk species generally doesn't qualify for an exemption. The Service's inability to withhold location information impacts our ability to work effectively with partners and has other harmful implications for vulnerable species. Many federally recognized Tribes have listed species on their lands, and some have declined to share information about species locations due to FOIA concerns. Certain state wildlife agencies have shared concerns regarding public release of state-owned data. We have also found that many private landowners or companies are often unwilling to provide the Federal government details regarding species that are listed or under review that occur on their property because they are concerned about that information being disclosed to the public through FOIA. Some researchers and museum collectors have also refused to share information on certain rare species due to FOIA concerns. These concerns of our partners have a chilling effect on research and collaborative conservation, and they may result in an underestimation of the contribution of private lands to conservation and make it harder for the Service to assess population and habitat status. Further, some species can be put at risk by FOIA disclosures of their exact locations due to increased threats from wildlife trafficking, or because there is an unsustainable demand for people to see them in their habitat.

The Service encourages the Chairman and Subcommittee to adjust the proposed FOIA exemption to apply to information regarding the occurrence, or specific location of data regarding species that are protected under the ESA or other statutes,

and at-risk species, regardless of whether they occur on Federal, state, Tribal, or private lands. The Service would appreciate the opportunity to work with the sponsor and Subcommittee on technical assistance on Section 403.

Title V—Forest Information Reform

Title V of H.R. 7408 includes the language of the Forest Information Reform Act (H.R. 200). This language states that neither the Department of the Interior nor the Department of Agriculture are required to reinitiate consultation on a land management plan when a species is listed as threatened or endangered, critical habitat is designated, or new information concerning a listed species or critical habitat becomes available. This language is related to the *Cottonwood* decision and complications regarding forest management. The Administration recognizes that this is an important issue. The Departments of the Interior and Agriculture have worked closely together to provide technical assistance on legislation on this topic in the past.

The Administration believes important nuances are missing from the language in H.R. 7408. For example, stating that the Secretary shall not be required to reinitiate consultation on a “completed land and resource management plan that has no on the ground effects” would be an important distinction that would help prevent harmful unintended consequences of this legislation. The Service has recommended changes to Title V and would welcome the opportunity to work with the Chairman to provide technical assistance.

Title VI—Providing for Greater Incentives to Recover Listed Species

Title VI of H.R. 7408 would modify the section 4(d) requirements and protections for species listed as threatened under the ESA. If the Secretary issues a threatened species regulation that includes any prohibitions provided for endangered species, such as prohibitions on import or export, or take, the Secretary must also establish recovery goals, provide for decreasing stringency of regulation as these goals are met, and provide for state management after these goals are met. The legislation provides that such a regulation would not apply to a state that has entered into a cooperative agreement with the Secretary unless the state also adopts such regulation. H.R. 7408 would also enable states to develop recovery strategies for threatened or candidate species and petition the Secretary to use that strategy as the basis for any 4(d) regulations for that species within that state. The Service strongly opposes Title VI.

The Service has multiple concerns with Title VI of H.R. 7408. It is unclear how the proposed requirement for the Secretary to establish objective, incremental recovery goals would relate to current statutory requirements for recovery planning under section 4(f) of the ESA or to the proposed state recovery strategies, particularly with regard to the statutory requirement under section 4(f)(4) of the ESA to provide for public notice, review and comment before approval of a recovery plan. Under this Title, a state would take on management of a species after recovery goals are met and before a species is removed from the list of threatened species—but only if the state is willing to take on this management. This language would introduce greater complexity and confusion over jurisdiction and management of species and interrupt continuity of recovery activities. This legislation would increase the Service’s procedural requirements and workload associated with listing a species as threatened with a 4(d) rule, all of which would still be subject to the statutory time frames for making listing determinations. As evidenced in the President’s recent budget requests, the Service lacks sufficient funding to handle our listing workload under the existing listing process. Absent the resources to carry out these additional procedural steps, we will face an even greater risk of deadline litigation. In addition, the proposed requirement to evaluate and make findings on petitions from states to adopt state recovery strategies will add substantially to the workload of an already under-resourced staff and will likely open another avenue of deadline and merits challenges to Service listing determinations.

Under this Title, if the Service were to approve a state’s petition to utilize a state recovery strategy for a threatened or candidate species as the basis for any regulations issued regarding the species within the state, the Service would be forced to adopt the strategy as the regulation itself. By preventing the Service from writing its own regulations, this Title raises Administrative Procedure Act concerns by not allowing public notice and comment, and would increase the likelihood of the Service having to deny a petition and go through multiple iterations with a state, greatly increasing the amount of resources expended by both the Service and the state. This legislation also places the burden on the Service to establish criteria for future evaluation of state recovery strategies and requires the Service to revise 4(d) regulations should the recovery strategy be ineffective in conserving the relevant

species. The required deference to state regulatory mechanisms and recovery strategies would appear to make federal protection under the ESA deferential to state law. The Service notes that this legislation would likely create a state-by-state patchwork of different regulations across the range of a species.

The Service has the existing ability to tailor 4(d) rules to species' needs and can currently craft rules in a manner that allows for greater flexibility than this legislation affords. In addition, whenever the Service proposes listing a species as a threatened species and identifies the protections that are necessary and advisable for the conservation of that species, states are afforded an opportunity to review and comment on the proposed rulemaking.

Title VII—Rescissions and Repeals

The Department is concerned that H.R. 7408 would rescind \$750 million in funding provided to the Bureau of Reclamation (Reclamation) under the BIL and the unobligated balance on the \$25 million in funding provided to Reclamation under Section 50232 of the IRA. Additionally, H.R. 7408 would rescind \$700 million in BIL funding provided to the National Oceanic and Atmospheric Administration. The Administration strongly opposes the rescinding of BIL and IRA funds and using them as offsets.

Section 50232 of the IRA provides \$25 million to Reclamation for the design, study, and implementation of projects (including pilot and demonstration projects) to cover water conveyance facilities with solar panels to generate renewable energy. Solar panels placed over canals have the potential to create new benefits and derive additional value from existing federal water resource projects. Since enactment of the IRA, Reclamation has been working with stakeholders and Tribes across the West on potential projects that can support water conservation and energy efficiency. On July 28, 2023, the Executive Co-Sponsors of Reclamation's Program Management Plan for IRA transmitted an Internal Call for Proposals (CFP) to Reclamation's regional directors requesting responses by October 30, 2023. Reclamation received multiple proposals from the regions, reviewed the proposals, and has begun to make selections and allocations.

In December 2023, the Biden-Harris Administration announced the first project under this new authority, with nearly \$6 million for the Gila River Indian Community in Arizona to construct and install solar panels over the Casa Blanca Canal. Reclamation will work with the Gila River Indian Community to cover 2,782 linear feet of the Casa Blanca Canal with approximately 2,556 solar panels. The solar panels are expected to generate 1.31 megawatts of clean energy, providing 2.26 million kilowatt-hours of annual electricity to the Gila River Indian Community. This project will help inform similar projects to better understand their impacts and make that information publicly available.

The remaining funding is planned to be used on similar opportunities across the West, with additional allocations expected to occur in February 2024. Without different types of projects spread out across the West, the ability of Reclamation and its partners to analyze the costs and benefits of solar panels over canals and their efficacy in different environments will be significantly reduced. Projects related to those that will be funded with Section 50232 of the IRA have received much support. This support includes a letter from 125 groups requesting that Reclamation develop an initiative to deploy solar panel systems over Reclamation's canals to produce renewable energy, reduce water loss, and help protect habitat managed by the Department. This effort has also received letters of support from the Legislative Director of the Sierra Club, local municipalities, Tribes, universities, and Reclamation's operating partners.

The BIL provides \$3.2 billion to address the extraordinary operation and maintenance needs of aging water infrastructure across the West and \$250 million for the design, study, and construction of aquatic ecosystem restoration and protection projects.

To date, Reclamation has committed \$836 million in aging infrastructure funding and \$51 million in aquatic ecosystems funding. Aging and inefficient water infrastructure is a major cause of water supply issues for thousands of communities across our country. Building on \$240 million allocated in 2022, Reclamation announced in April 2023 that an additional \$585 million in funding is being provided to 83 projects in 11 states to increase drought resilience and improve water delivery systems. Among the 83 projects selected for funding are efforts to increase canal capacity, provide water treatment for Tribes, replace equipment for hydro-power production, and provide necessary maintenance to aging project buildings. Specific examples of the important work being done with this funding include \$4 million for lining 6 miles of the New York Canal in Idaho to promote safety and conserve water lost to seepage, \$10 million to rehabilitate or replace fish screens at

the headworks at the North Unit Irrigation District main canal in Oregon, \$6 million for repairs to the Fort Laramie Canal in Wyoming, and \$35 million to restore safe, long-term operation of the Truckee Canal in Nevada.

As noted in Reclamation's March 2023 Asset Management Report, the estimated total funding for Major Rehabilitation and Replacement (MR&R) over the next five years is \$7.3 billion, with approximately \$3 billion of anticipated MR&R activities planned to be funded by Reclamation. Future BIL investments in the nation's aging water infrastructure are critical to ensuring the safety of these projects to deliver clean, reliable water to communities, irrigators, ecosystems, and economies across the West. Reducing the funding would significantly reduce Reclamation's ability to fund water and power projects that support resilience and reliability of the nation's critical water infrastructure.

The \$44.6 million for aquatic ecosystems restoration and protection projects announced in December 2023 includes widespread interest in Reclamation's new WaterSMART Aquatic Ecosystems Restoration Program, with 18 projects across 8 states. Applications received in the second application period, which closed on January 24, 2024, collectively request approximately \$200 million in federal funding. Together, the \$44.6 million already allocated and the new proposals recently received represent a demand of almost \$250 million, which is the total amount of BIL funding allocated to the WaterSMART Aquatic Ecosystem Restoration Program over the five-year period from 2022 to 2026. Accordingly, the funding from BIL is crucial to the implementation of this new program to support collaboratively developed ecosystem restoration projects that provide widespread regional benefits and improve the health of fisheries, wildlife, and aquatic habitat through restoration and improved fish passage. Additional BIL funding will be used for future funding rounds to provide widespread economic and environmental benefits, as well as to improve the health of fisheries and critical habitats.

The Biden-Harris Administration strongly opposes the use of BIL and IRA funding as offsets. This funding was appropriated to Reclamation by Congress for its critical work on canals, aging infrastructure, and aquatic ecosystems.

H.R. 7408 would also repeal three programs administered by the Service. The programs to be repealed include one to prevent, control, and eradicate invasive species in alpine lakes, a second to eradicate Asian giant hornet populations, and a third to address invasive species in Alaska, Hawaii, and U.S. territories. While these are important activities for conservation, the Service does not currently receive appropriations under these authorities and would continue to address invasive species through other successful programs.

Conclusion

The Department appreciates the opportunity to testify on H.R. 7408, the America's Wildlife Habitat Conservation Act. We agree with the goals of parts of this legislation, including the need to conserve and improve habitat, recover listed species, advance proactive conservation of at-risk species, and extend good neighbor and stewardship contracting authorities to the Service. However, as a whole and as written, we oppose this legislation. Robust funding is essential to address the resources needs of states and Tribes for the conservation of at-risk species and recovery of listed species. Additionally, the Department strongly opposes the proposed funding offsets and we have concerns with many of the provisions related to ESA implementation. We would welcome the opportunity to work with the Chairman and the Subcommittee to address our concerns and recommendations. More can be done, and needs to be done, to change our trajectory and set our nation on a path to a strong and durable conservation future.

Mr. BENTZ. Thank you, Mr. Strickler. I now recognize Director Booth for 5 minutes.

**STATEMENT OF AUSTIN BOOTH, DIRECTOR, ARKANSAS GAME
AND FISH COMMISSION, LITTLE ROCK, ARKANSAS**

Mr. BOOTH. Good morning, Chairman Westerman, Chairman Bentz, Ranking Member Huffman, and to the other members of the Committee. I am Austin Booth, the Director of the Arkansas Game and Fish Commission, and I would like to thank you for the opportunity to represent not only the fine state of Arkansas, but the Association of Fish and Wildlife Agencies.

The Association, as some of you may know, represents state fish and wildlife agencies in all 50 states, the U.S. Virgin Islands, and the District of Columbia. And as you do know, we are the agencies that are principally responsible for managing fish and wildlife today. And, therefore, we will be held most accountable by the generations of tomorrow in how we steward our resources, both monetary and natural.

Taken together, our present mission and also our future obligations means that we, as an association of state conservation agencies, we more than anybody else, are uniquely positioned with boots on the ground to work both urgently and collaboratively to advance the perpetual cause and ultimate success of conservation.

In short, the association supports passage of H.R. 7408. This important and impactful bill will help resolve a decades-long funding gap that needs to be addressed and needs to be addressed urgently so that state agencies like the Arkansas Game and Fish Commission can finally rise to the challenge of conserving and restoring the habitat for over 12,000 Species of Greatest Conservation Need.

First and foremost, we greatly appreciate Chairman Westerman's willingness to prioritize funding to state fish and wildlife agencies. It is a large and big positive step forward to allow agencies like us to deliver voluntary and proactive conservation for fish and wildlife on both public and private lands.

For nearly a century, state fish and wildlife agencies have been the reliable, transparent, and accountable stewards of Federal Pittman-Robertson and Dingell-Johnson funding. There are countless successes that we can point to throughout the country and in our own state of Arkansas, but some of these include the red-cockaded woodpecker, the black bear, white-tailed deer, and wild turkey, just to name a few that have flourished under state management.

Given this track record of demonstrated impact, we welcome the next 5 years of H.R. 7408 as an opportunity to not only have a greater impact on the landscape that we have had for the past 8 years, but also an opportunity to prove the necessity and feasibility of enduring and dedicated funding.

To be abundantly clear, the most compelling reason to support this important bill is the urgency of what agencies like the Arkansas Game and Fish Commission see every single day on the landscape. This bill would provide more than \$300 million to proactive, not reactive, conservation practices, which is good for wildlife, it is good for taxpayers, it is good for businesses, and, most importantly, good for our communities that we all serve.

As you know, the states currently receive only roughly \$70 million annually under the state and Tribal Wildlife Grant

program to conserve more than 12,000 Species of Greatest Conservation Need. What does that look like in Arkansas? It looks like roughly \$60,000 a year. However, if fully funded, H.R. 7408 would provide approximately five times that level of funding to help us address these SGCNs. More importantly, it would come with a match rate of 90/10.

But this bill is much more than a funding measure; it doubles down on congressionally-mandated State Wildlife Action Plans as our scientifically-based blueprints that can guide investment, resulting in fewer random acts of conservation. This bill elevates the role of the private landowner through voluntary conservation practices. It captures perfectly the roll-up-your-sleeves partnership that we have and enjoy with the U.S. Fish and Wildlife Service. It supports healthy and impactful forestry industries, and it recognizes the states as the true and valued partner in the recovery of listed species.

This bill, in short, will fundamentally change the way that we approach conserving Species of Greatest Conservation Need, and all for the better.

I would be remiss today if I did not thank Representative Dingell for her support for state fish and wildlife agencies. Over the years, she has raised awareness of the decline of thousands of non-game species, and we are very grateful for that.

To conclude, as an association, we will continue to advocate for the need for sustained and dedicated funding. However, we greatly appreciate Chairman Westerman's commitment, and his passion for voluntary cooperative conservation, and his support for agencies like the Arkansas Game and Fish Commission in this bill. We acknowledge the challenges of advancing legislation that calls for creation of new funding, and deeply appreciate his willingness to take on that challenge.

Once again, thank you for the opportunity to be here this morning, and I look forward to your questions.

[The prepared statement of Mr. Booth follows:]

PREPARED STATEMENT OF AUSTIN T. BOOTH, DIRECTOR,
ARKANSAS GAME AND FISH COMMISSION

Good morning, Chairman Bentz, Ranking Member Huffman, and members of the Committee. Thank you for the opportunity to testify before you today.

I am Austin Booth, Director of the Arkansas Game and Fish Commission. Today I am representing the Association of Fish and Wildlife Agencies (AFWA). AFWA's mission is to represent and protect the authorities of our member agencies and enhance their abilities to manage fish and wildlife as public trust resources for current and future generations. All 50 states are members as well as the U.S. Virgin Islands and the District of Columbia. As you know, these are the agencies with principal management responsibility for fish and wildlife, so they are uniquely positioned to work collaboratively to improve habitat.

America's Wildlife Habitat Conservation Act (AWHCA) would help resolve a decades-long funding gap that needs to be addressed so state agencies can meet the challenge of conserving and restoring habitat for over 12,000 Species of Greatest Conservation Need (SGCN).

The Association appreciates Chairman Westerman's willingness to prioritize funding to state fish and wildlife agencies for wildlife habitat restoration and supports passage of the bill as it is a positive step forward to providing funding that state agencies can use to deliver voluntary and proactive habitat conservation for fish and wildlife on public and private land.

We also appreciate that this legislation will provide states with a set of tools to help us accomplish this work, and we hope it will pave the way for continued

conversations about how we can address America's accelerating conservation challenges at the appropriate scale. State fish and wildlife agencies have been the reliable and transparent stewards of federal Pittman-Robertson and Dingell-Johnson funds for decades. There are countless successes to point to in my home state of Arkansas as well as across North America. Black bear, waterfowl, white-tailed deer, and the wild turkey populations have recovered under state management. Given this success, we look forward to discussing opportunities to provide even greater flexibility for states to put these funds on the ground as this bill advances, specifically related to land acquisition and reporting requirements.

The bill would authorize \$300 million in annual funding for the next five years, subject to appropriations, to state agencies to help conserve declining fish and wildlife species, including species of greatest conservation need identified by the states. This includes those species already listed as threatened or endangered and others that are declining but not yet listed. Currently, on average, states in total only receive ~\$70 million annually under the State and Tribal Wildlife Grant Program to conserve over 12,000 SGCN identified in their congressionally mandated State Wildlife Action Plans (SWAPs). If fully appropriated, H.R. 7408 would provide nearly 5 times the current level of funding to help states address critical species management and habitat needs.

The costs of inaction are much greater than what it will take to conserve and restore SGCN. The federal government pays more than \$1 million in administrative costs to list a single species, and on average \$18 million for science and habitat work once listed. In addition, it is estimated that listing costs the private sector 3–5 times that due to direct costs, regulatory uncertainty, and foregone opportunities. If we had to list ~2,000 species over the next decade, it would cost the federal government at least \$38 billion and could cause \$110–\$190 billion in private sector costs.

Proactive conservation is good for wildlife, good for taxpayers, good for business and good for our communities. By directing funds to states, America will be fueling shovel ready projects that immediately create jobs in a sector with one of the highest returns on investment, supporting continued world class outdoor recreation opportunities. Every \$1 million invested in species and habitat conservation creates on average 33 quality jobs, so if fully funded, the bill would create nearly 10,000 jobs every year. Each dollar spent on conservation adds \$2.40 to the nation's gross domestic product. The outdoor recreation economy as a whole, accounts for 2.2% of GDP.

Funds authorized by AWHCA could be used for the management, control, and prevention of invasive species, disease, and other risks to the habitat of SGCN. States, through federal excise taxes, state hunting and fishing license revenues, and other federal and state funding programs have shown that they can restore popular game species like waterfowl, wild turkey, elk, and white-tailed deer. However, states are losing ground on conserving the full suite of species under their jurisdiction like butterflies, crayfish, mussels, amphibians, reptiles, and other non-hunted species. For these species, adequate funding streams do not currently exist. The risk here is that without proactive conservation these species may be candidates for federal or state listing, or worse yet, be driven to extinction. This bill highlights the need to fund management activities that are detailed in SWAPs to conserve these SGCN.

The Act also encourages a variety of successful forest and vegetation management activities to improve forest health by modifying, improving, enhancing, or creating wildlife habitat to reduce the risk of damage or destruction to wildlife habitat due to wildfires, insects, or disease. These tools are critically important for conservation and restoration, particularly in Arkansas where many of our forests are too dense, suffering from lack of viable timber markets to absorb the potential wood yield, and lack of ecologically significant fire. Every year it seems that states are presented with new challenges and must rely on existing tools to try to address them. This bill recognizes the importance of active management to address these current and emerging challenges.

The bill also encourages states and federal agencies to work collaboratively with private landowners to achieve positive conservation outcomes. State agencies have a long and successful track record of working with private landowners to deliver conservation. "Better together" is an adage that is reflected in the bill.

One example of this collaborative conservation in action is Arkansas's largest lizard, the eastern collared lizard, is an SGCN and is threatened due to glade habitat loss. Eastern collared lizards are keystone predators in glades, where they feed on insects, spiders and other smaller lizards. Glades are open, rocky, thin-soiled areas that are found within woodlands and forests. This habitat needs frequent prescribed fire to maintain its openness. Fire suppression has caused many acres of glades to become encroached with eastern red cedar and other woody growth.

Without fire, native grasses and flowering plants cannot thrive, and open habitat is reduced.

Since the early 2000s, the Arkansas Game and Fish Commission (AGFC) and partners have implemented numerous glade restoration projects on agency lands, partner lands, and private lands. Restoration efforts include removing eastern red cedar and conducting prescribed fire to reclaim high quality glade habitat. To date, more than 50,000 acres of glades and associated woodland complexes have been restored. Efforts are currently underway on an additional 2,500 acres. Populations of eastern collared lizards are being monitored as restoration continues. One population has been observed for several years and experienced population declines each year prior to restoration. Post-restoration, this population has now been stabilized. Although there have been great strides in conservation made for important species, without much needed funding, states won't be able to stay ahead of the pressures that keep pushing our fish and wildlife further toward becoming endangered.

An additional example of collaborative conservation in Arkansas are our efforts for the Red-Cockaded Woodpecker (RCW). AGFC has partnered with the Arkansas Natural Heritage Commission, The Nature Conservancy, US Forest Service, US Fish and Wildlife Service, and private industry to protect, restore, and maintain habitat for this species. In 2010, state wildlife grant funds were used to reclaim open pine habitats with the use of thinning and prescribed fire at Warren Prairie Natural Area in Southeast Arkansas. Once habitat conditions were met, RCWs were re-introduced to the site and today the area boasts a well-established breeding population. The AGFC, PotlatchDeltic, and other partners also work together at Moro Big Pine Natural Area/Wildlife Management Area to maintain open pine habitat and existing populations there. Currently, AGFC is working with the Ross Foundation in southwest Arkansas to restore habitat, with the goal of translocating RCWs in the future. Establishing a breeding colony here would fill in a gap between populations in the Ouachita Mountains and the Gulf Coastal Plain and provide a big step towards recovery for the species in the state.

Looking to the future, the AGFC and state agencies across the country are ready to implement funds for conservation of SGCN at the habitat level, with shovel-ready projects waiting on Congressional support. Arkansas' rivers are nationally known for their quality and rugged beauty, and are the centerpiece of the outdoor recreation industry, undergirding Arkansas' livestock and poultry industries. Unfortunately, ever increasing sediment loads are negatively impacting both agriculture producers and canoeists alike, potentially leading to increased endangered species listings for the globally rare fish and mussels found here.

Fortunately, Arkansas is well positioned to address these pervasive threats with the Arkansas' Rivers Conservation Initiative. Data collected by partners clearly demonstrates that for our highland rivers occurring in the Ozark and Ouachita mountains, the majority of sediment is coming from actively eroding stream banks and dirt and gravel roads. Over the past twelve years, Arkansas' conservation partnerships have been working with private landowners and County-roads managers to develop cost effective restoration plans to stabilize both riverbanks and gravel roads using advanced BMP's and stream-reach scale river restoration strategies. These partnerships have demonstrated success in multiple watersheds and are currently ready to expand, implementing projects for stream restoration and stabilization, riparian tree planting, off-site watering for livestock, dirt and gravel roads upgrades, road drainage, river corridor easements acquisition, forest carbon development, low-water crossing retro-fits, and aquatic barrier removals. Partners including private landowners, County Roads Departments, the U.S. Fish and Wildlife Service, Arkansas Natural Heritage Commission, Trout Unlimited, and The Nature Conservancy are highly engaged and have proof-of-concept projects completed with baseline data collected and benchmarks established. This would support existing jobs and create new ones to reduce maintenance cost for counties, improve gravel roads for Arkansas citizens (85% of all roads in AR are gravel and receive little funding), protect drinking water, improve fishing and eco-tourism, reduce the chance of listing species as federally endangered, and reduce land lost to erosion on private lands.

Finally, from the pine-oak woodlands of the Ozark highlands, to the bottomland forests of the Delta, to the pine curtain in the coastal-plain of south Arkansas, our state's wealth and the health of our wildlife are tied to its forests. Fortunately, we are ready to implement the Keeping Arkansas Forest-as-Forest Initiative. Living within these forests are people, animals, and fish who all need healthy ecosystems to thrive. As mentioned, Arkansas' forests are too dense, suffering from lack of viable timber markets to absorb the potential wood yield and lack of ecologically significant fire. The goal of this initiative is to work with private industry and land-owners to create market incentives to boost timber value while increasing the ability

to deliver prescribed fire on private lands. Additionally, habitat strike teams funded through this initiative will implement prescribed burning, invasive species treatments, and timber stand improvement projects within focal areas that will benefit SGCN. The combined effect will improve habitat and reduce the chance of moving species into a federally protected status.

Without funding for fish and wildlife conservation, fewer Arkansans will benefit from and have opportunities to enjoy the healthy fish and wildlife that is the fabric of many of our communities. Species familiar to generations of Arkansans like monarch butterflies, Northern Bobwhite quail, Alabama shad, Ozark hellbenders, Eastern Whippoorwills and hundreds of other species now need our help.

The AWHCA also creates an innovation grant program with 10% of the funds (~\$30 million) for the purpose of catalyzing innovation of techniques, tools, strategies, or collaborative partnerships that accelerate, expand, or replicate effective and measurable recovery efforts for habitat of SGCN which includes those species listed under the federal Endangered Species Act (ESA). Encouraging and rewarding innovation is critically important. We haven't identified all the tools in the toolbox yet, and creating a program where our NGO partners, states, and tribes are encouraged to work together to identify projects and methods to advance conservation is incredibly important.

The Act also establishes a 10% cost share for states, which will cut down on paperwork and reduce the burden on states to obtain matching funds, which in some instances can become a barrier to effective and efficient conservation. We applaud the Chairman's acknowledgement of the need for states to spend more time putting habitat on the ground, and less time chasing matching funds. States bring significant resources such as staff who provide technical assistance on a daily basis to deliver conservation for this country. States proudly can say that they regularly use their investments of funding, staff time, and other resources to stretch valuable federal funding whether through programs like Pittman Robertson, State and Tribal Wildlife Grants (STWGs) or the North American Wetlands Conservation Act (NAWCA). But, with the number of federal programs requiring higher match levels, finding eligible match can at times be a challenge. This bill contains a 90:10 match, the same match enacted for projects funded by Pittman-Robertson under the Target Practice and Marksmanship Training Support Act, meaning states can focus on getting conservation on the ground, which can be especially important when working with private landowners. States will continue to have skin in the game with a 10% cost share, not to mention the actual delivery of the habitat and conservation activities on the ground.

While states agencies are primarily focused on the first title of the Act, the bill also includes funding for tribes to conduct similar management activities. The Act also includes a variety of policy provisions, including the extension of Good Neighbor Authority (GNA) to the Fish and Wildlife Service National Wildlife Refuge System. Arkansas has had success implementing GNA with the USFS, primarily using funds to remove invasive feral hogs from national forest lands. Removal of feral hogs reduces negative impacts to important habitats and protects ground-nesting birds such as turkey and quail from nest disturbance and predation.

This bill provides another opportunity for states and NGO conservation partners to leverage our efforts in support of the National Wildlife Refuge System. This is another example of helping to stretch federal investments. By creating an opportunity to share resources to deliver habitat conservation, and in return any proceeds are returned to additional habitat management efforts, there exists an opportunity to create a cycle of conservation where active management leads to additional active management efforts.

The bill also proposes to improve the efficiency of environmental reviews related to national forest management plans, codifies the Candidate Conservation Agreements with Assurances (CCAA), and would authorize state fish and wildlife agencies to take on greater responsibilities related to species recovery plans for federally listed species, for which they still have legal obligations. Since the ESA provisions in title 6 are voluntary for states to participate in, we don't believe it imposes new requirements on any state. Those that see value in participating can benefit from additional flexibility and authority to help recover federally listed species, as well as candidate species and species that are petitioned for listing. States have well-established, trusting relationships with partners and private landowners, which can help ensure conservation work is done where it is most needed. It's important to remember that even with the Federal listing of a species, states continue to have an obligation to recover and manage species as required by law.

CCAAs are voluntary agreements between government and landowners that help address the needs of at-risk species before listings are required. Along with financial assistance, states use CCAAs to partner with landowners and incentive conserva-

tion, giving landowners regulatory certainty and helping keep species from needing to be listed under the ESA. Conservation can only be successful if we work together. If barriers are identified, let's remove them so that the ultimate measure of success—species delisting and recovery, and preventing the need to list in the first place—can be realized.

A significant barrier to getting projects on the ground is the *2015 Cottonwood Environmental Law Center v. United States Forest Service* ("Cottonwood") decision, which requires the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) to reinstate consultation at a forest or land management plan level with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration when "new information" relating to the ESA is discovered. Until 2015, and again since 2018, new information was considered and accounted for at the project level. The temporary fix passed by Congress in 2018 expired last year, so legislative change is necessary to return the ESA to status quo and allow projects to move forward without costly and burdensome review processes.

I would be remiss today if I did not also thank Representative Debbie Dingell for her support for state fish and wildlife agencies. She raised awareness of the decline of thousands of nongame fish and wildlife species and has been a champion for the need to support state fish and wildlife agencies in their efforts to conserve the full array of fish and wildlife.

In closing, congressionally mandated State Wildlife Action Plans are scientifically-based blueprints that can guide strategic investment, resulting in less random acts of conservation. While state fish and wildlife agencies will continue to advocate for the need for sustained and dedicated funding to implement these plans, we greatly appreciate Chairman Westerman's commitment and passion for voluntary and cooperative conservation, and his support for state fish and wildlife management activities in America's Wildlife Habitat Conservation Act. We acknowledge the challenges of advancing legislation that calls for establishing new funding and appreciate his willingness to take on that challenge.

Finally, should there be a delay in passing this Act, we would urge Congress and appropriators to provide state and tribal agencies with additional funding through the STWG program to accelerate the conservation and restoration of SGCN. Time is not on our side and the likelihood that more species will be added to the endangered species list is growing.

Once again, thank you Chairman Bentz, Ranking Member Huffman, and members of the Committee for giving me the opportunity to testify, and I look forward to answering your questions.

Mr. BENTZ. Thank you. I now recognize Director Bronson for 5 minutes.

STATEMENT OF RYAN BRONSON, DIRECTOR OF GOVERNMENT AFFAIRS, ROCKY MOUNTAIN ELK FOUNDATION, MISSOULA, MONTANA

Mr. BRONSON. Thank you, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee. I am Ryan Bronson, Director of Government Affairs for the Rocky Mountain Elk Foundation.

The Elk Foundation is a 225,000-member non-profit conservation organization with a mission to ensure the future of elk, other wildlife, their habitat, and our hunting heritage. We are headquartered in Missoula, Montana. Since our founding in 1984, we have helped conserve and enhance more than 8.9 million acres, and improved access to over a million-and-a-half acres. Our 500 chapters raised money in communities across the country to conserve the public lands and wildlife that are impacted by the legislation you are discussing today.

My organization represents hunters, and we are proud of the role hunters have played in restoring America's wildlife for the past century and more. Since the passage of the Pittman-Robertson Act

in 1937, state fish and wildlife agencies have received over \$27 billion. Today, 60 percent of state wildlife budgets are from hunting and fishing licenses and other outdoor recreation revenue.

The America's Wildlife Habitat Conservation Act supplements our contributions as sportsmen by providing state agencies and tribes with a downpayment of up to \$300 million annually to recover imperiled species. Investing in conservation efforts on the front end can prevent Federal threatened and endangered listing decisions and the regulatory burden and costs associated with those decisions down the road. Rocky Mountain Elk Foundation works closely with state fish and wildlife agencies, and we appreciate that this bill supports their good work.

Title VI of the bill directs Federal agencies to establish incremental recovery targets for threatened species, and allow states to gradually assume management authority when those targets are met. Section 4(d) of the Endangered Species Act already permits this, but agencies rarely use it. Doing so, could lower the temperature on highly-contested delisting decisions and empower state wildlife agencies to achieve recovery.

States successfully manage most species, and they can be counted on to play a bigger role with threatened species. Elk benefit from diversity and actively-managed forests, as do most wildlife. Actively-managed forests provide diverse age structures of trees and diverse habitat that provide for the various life cycle stages of many species.

In addition, managed forests are more resilient to weather, insect outbreaks, and catastrophic wildfire. The Good Neighbor Authority has increased the Forest Service's capacity to manage our forests by partnering with states, counties, and tribes to expand and expedite management across priority landscapes. We support the expansion of Good Neighbor Authority to wildlife refuges and recreation services, as proposed in Title III.

Unfortunately, litigious special interests have weaponized the Endangered Species Act to delay many wildfire prevention and habitat management projects. The Ninth Circuit *Cottonwood Environmental Law Center v. U.S. Forest* decision, commonly known as the Cottonwood Decision, established a new criteria for the Forest Service to re-initiate consultation on already completed forest plans. The agency has repeatedly testified that this duplicative consultation requirement has no conservation benefit.

Further, this decision conflicted with the previous Tenth Circuit ruling and a similar 2004 Supreme Court decision regarding BLM plans.

Cottonwood case law has already delayed hundreds of projects leading to catastrophic wildfires that have destroyed lives, property, homes, and important wildlife habitat. There is an urgency to address this issue. The 2018 temporary partial fix expired 1 year ago. The Forest Service previously estimated that failure to enact a permanent legislative fix would create an initial consultation workload of 187 taxa across 36 national forests in the Ninth Circuit alone, taking up to 10 years to complete and diverting millions away from high-priority projects.

Reversing the Cottonwood Decision has bipartisan support. The Obama administration appealed the decision in 2016. The Trump

administration proposed a rule to resolve this issue, and the Senate Energy and Natural Resources Committee passed this bill by unanimous consent last fall. The Rocky Mountain Elk Foundation strongly supports Title V of H.R. 7408 that would finally resolve this issue.

Again, the Rocky Mountain Elk Foundation thanks the Committee for the opportunity to be here today, and we look forward to your questions.

[The prepared statement of Mr. Bronson follows:]

PREPARED STATEMENT OF RYAN BRONSON, DIRECTOR OF GOVERNMENT AFFAIRS,
ROCKY MOUNTAIN ELK FOUNDATION

Chairman Bentz and Members of the Committee. I am Ryan Bronson, Director of Government Affairs for the Rocky Mountain Elk Foundation. The Elk Foundation is a 225,000-member non-profit conservation organization with a mission to ensure the future of elk, other wildlife, their habitat, and our hunting heritage. We are headquartered in Missoula, Montana.

Since our founding in 1984 we have helped conserve and enhance more than 8.9 million acres and improved access to over 1.5 million acres. Our 500 chapters raise money in communities across the country to conserve the public lands and wildlife that are impacted by the legislation you are discussing today.

RMEF believes strongly that Hunting Is Conservation. Hunters know firsthand that stewardship of the land goes hand-in-hand with maintaining wildlife—and our own way of life. That is why sportsmen proudly bear the responsibility of providing the most significant and sustainable source of funding for wildlife. Thanks to passage of the Pittman-Robertson Act in 1937 state fish and game agencies across America have received over \$27 billion in Wildlife Restoration Act funding, and 60% of state wildlife budgets are from hunting and fishing licenses and other outdoor recreation generated revenue.

H.R. 7408, the America's Wildlife Habitat Conservation Act, supplements our contributions by providing state agencies and tribes with a downpayment of up to \$300 million annually to recover imperiled species. Investing in these conservation efforts on the front-end can prevent federal threatened or endangered listing decisions, and the regulatory burden and costs associated with those decisions, down the road. Rocky Mountain Elk Foundation works closely with state fish and game agencies, and we appreciate that H.R. 7408 supports their good work.

From sage grouse to grizzly bears, state fish and game agencies have championed the recovery of some of our most iconic species despite having no assurance these efforts will yield a regulatory outcome. The federal government should incentivize good faith efforts, but instead, states are often left demoralized by regulatory barriers, bureaucratic processes, and lengthy court battles that confuse management on the ground, discourage future recovery initiatives, and provide no benefit to the species themselves.

Title 6 of H.R. 7408 directs federal agencies to establish incremental recovery targets for threatened species and allow states to gradually assume management authority as those targets are met. This title also ensures federal wildlife experts have the full-suite of wildlife management tools available to use at their discretion to conserve threatened species. These provisions affirm an existing, though rarely used, authority to manage threatened species as Congress originally intended.

This approach to threatened species management has the potential to lower the temperature on numerous highly-contested delisting decisions. We anticipate social tolerance for listed species would increase and litigation would decrease as a result. More importantly, the regulatory incentives and flexibilities and the empowering of state agencies would place more imperiled species on the road to recovery.

Elk benefit from diverse and actively managed forests, as do most wildlife. Actively managed forests provide diverse age structures of trees, and diverse habitat that provides for the various life cycle stages of many species. In addition, managed forests are more resilient to weather, insect outbreaks and catastrophic wildfire.

The Good Neighbor Authority has increased the Forest Service's capacity to manage our forests by partnering with States, counties, and tribes to expand and expedite management across priority landscapes. We support the expansion of this authority to wildlife refuges and recreation services as proposed in title 3.

Unfortunately, litigious special interests having weaponized the Endangered Species Act to delay many wildfire-prevention and habitat management projects.

The 9th Circuit *Cottonwood Environmental Law Center v. US Forest Service* decision (aka. *Cottonwood*) established a new criteria for the Forest Service to reinstate consultation on already completed forest plans. The agency has repeatedly testified that this duplicative consultation requirement has no conservation benefit. Further, this decision conflicted with a previous 10th Circuit ruling and a similar 2004 Supreme Court decision regarding BLM plans. *Cottonwood* caselaw has already delayed hundreds of projects, leading to catastrophic wildfires that have destroyed lives, property, homes, and important wildlife habitat.

For example, the Stonewall project in Montana's Helena-Lewis and Clark Forest would have benefited elk and other wildlife, but was delayed by *Cottonwood* litigation. In 2017 the Park Creek and Arrastra wildfires burned over half of the proposed treatment area with intensities that damaged some of the soils in the area. This was economically and ecologically costly.

In April 2022, the Hermit's Peak Fire in New Mexico began as a prescribed fire that got out of control. The Forest Service's Wildfire Review Report revealed hazardous fuel reduction treatment was delayed from September 2019 to October 2020 by a *Cottonwood*-related injunction. The subsequent 341,000-acre fire has not been good for threatened Mexican Spotted Owls, elk, other wildlife, or people.

There is an urgency to address this issue. The 2018 temporary, partial fix expired one year ago. The Forest Service previously estimated that failure to enact a full and permanent legislative fix, would create an initial consultation workload of 187 taxa across 36 national forests in the ninth circuit alone, taking up to 10 years to complete and diverting millions away from high priority projects.

Reversing the *Cottonwood* decision has bipartisan support. The Obama administration appealed the decision in 2016, the Trump administration proposed a rule to resolve this issue, and the Senate Energy and Natural Resources Committee passed the bill by unanimous consent last fall.

Rocky Mountain Elk Foundation strongly supports title 5 of H.R. 7408 that would finally resolve this issue.

Rocky Mountain Elk Foundation thanks the Committee for the opportunity to participate today.

Mr. BENTZ. Thank you. I now recognize Chair Olson for 5 minutes.

STATEMENT OF GLENN OLSON, DONAL O'BRIEN CHAIR IN BIRD CONSERVATION AND PUBLIC POLICY, NATIONAL AUDUBON SOCIETY, NEW YORK, NEW YORK

Mr. OLSON. Chairman Bentz, Ranking Member Huffman, and Chairman Westerman, thank you for the opportunity to testify here today. And may I just say it is an honor to be with this panel? You have a great group of people here. We have a lot in common with, and are partners with, each of these organizations they represent.

Audubon's mission is to protect birds and the places they need today and tomorrow. We have more than 2 million members and supporters, 510 local chapters in most of your districts around the country, and 55 nature centers across the country, including Little Rock, Arkansas.

I also want to take the opportunity to thank Chairman Westerman and his entire team for what they bring to conservation, and how accessible they are to not only our national staff, but our state program in Arkansas and our Little Rock, Arkansas Audubon Society.

And I have been told on good authority that Chairman Westerman loves woodpeckers, and we have yet to be out in the field with you looking at red-cockaded woodpeckers or pileated woodpeckers, but we look forward to that in the future.

In 2015, Audubon was asked to join a panel established by the Association of Fish and Wildlife Agencies to consider the current

system of conservation funding. I joined the blue ribbon panel, along with leaders from the business sector, hunting and fishing groups, private landowners, state fish and wildlife agencies, and other conservation groups. This non-partisan panel was chaired by John Morris, the founder of Bass Pro Shops and the owner of Cabela's, and David Freudenthal, who was the former Governor of Wyoming.

All the participants on the panel had a common goal: to find the most effective and efficient method for funding conservation that would guarantee the long-term health and survival of wildlife species, from songbirds to big game. We spent over a year together developing our recommendations.

After considering a multitude of recommendations and options, including from the U.S. Chamber of Commerce and the National Association of Realtors, the panel recommended that Congress dedicate \$1.3 billion annually to the Wildlife Conservation Restoration Program under the Pittman-Robertson Act. The financial investment, the panel determined, was critical and necessary to carry out the congressionally-mandated State Wildlife Action Plans, and this funding was critical to recover and conserve 12,000 identified at-risk Species of Greatest Conservation Need.

Implementing the panel's recommendation would offer proactive and cost-effective support in preventing species from becoming threatened or endangered through long-term, collaborative, and voluntary conservation. And as history tells us, most species can't be recovered in less than 5 years.

Emerging from the panel's recommendation was the Recovering America's Wildlife Act, legislation that was mentioned earlier. It was sponsored by Congressman Debbie Dingell and initially by Congressman Don Young, the former Chairman of this Committee. It passed with bipartisan support in the 117th Congress.

We are in the midst of a biodiversity crisis, which is having a profound effect on people and their communities. North America has lost 3 billion birds since 1970, about one in four birds, with widespread declines in all other groups of birds except for waterfowl, which are being intentionally managed through the NAWCA program and doing very well.

Birds are experiencing ongoing threats from habitat loss and degradation, climate change, and many other challenges. State Wildlife Action Plans have identified more than 400 at-risk bird species with strong conservation needs. Recovery of dwindling populations to prevent more species from becoming endangered and threatened requires sustained dedicated investment.

Birds are a major economic driver in communities across the country. Bird watching brings in significant revenue to local economies. The latest survey by the Fish and Wildlife Service found that 96 million people in the United States engage in bird watching and contribute over \$100 billion to local economies.

And I told Congressman Bentz before the hearing started that we have had this wintering bald eagle festival in Klamath County for over 35 years in the dead of winter, after duck season is closed, and how important that has been that the Chamber of Commerce, Willamette Industries, all the hotels and restaurants, gas stations, and we appreciate the Presidents Day holiday weekend and the

Audubon Bird Festival going on. Those are happening across the country, those kinds of events.

America's Wildlife Habitat Conservation Act will provide funding with a goal of conserving and restoring wildlife habitat, and we appreciate the Act's goal of engaging private landowners and cooperative conservation on their forests, ranches, and farms. We need that approach.

This legislation, the America's Wildlife Habitat Conservation Act, would provide \$300 million to states and \$20 million to tribes annually over 5 years. This is only a fraction of the blue ribbon panel's recommendation in dedicated annual funding, and it would require reauthorization every 5 years, which could cause inconsistency in funding levels at the state levels as they look to develop long-term conservation plans.

We also think that the tribal investments are critical to wildlife conservation and management. Native Americans, Alaskan Natives, and Native Hawaiians manage an area of wildlife habitat almost as large as California, and they do so without the benefit of—

Mr. BENTZ. Mr. Olson, I am sorry to interrupt your testimony, but your time is expired.

Mr. OLSON. Oh, I am sorry.

Mr. BENTZ. That is fine.

Mr. OLSON. OK, thank you.

[The prepared statement of Mr. Olson follows:]

PREPARED STATEMENT OF GLENN OLSON, DONAL O'BRIEN CHAIR IN BIRD
CONSERVATION, NATIONAL AUDUBON SOCIETY

Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee, thank you for the opportunity to testify on the America's Wildlife Habitat Conservation Act. I am Glenn Olson, and I serve as the Donal O'Brien Chair in Bird Conservation at the National Audubon Society. Audubon's mission is to protect birds and the places they need, today and tomorrow. Audubon has more than two million members and supporters, 510 affiliated chapters and 55 nature centers across the country.

In 2015, Audubon was asked to join a panel established by the Association of Fish and Wildlife Agencies to consider the current system of conservation funding. I joined the Blue Ribbon Panel along with leaders from the business sector, hunting and sportfishing groups, private landowners, state fish and wildlife agencies, and other conservation groups. The panel was chaired by John Morris, the founder of Bass Pro Shops, and David Freudenthal, the former Governor of Wyoming. All the participants on the Panel had a common goal to find the most effective and efficient method of funding conservation that would guarantee the long-term health and survival of wildlife species—from songbirds to big game.

We spent over a year together developing our recommendations. We held a DC hearing that included positive feedback on our approach from both the US Chamber of Commerce and the National Association of Realtors. The concept of pro-actively and intentionally sustaining wildlife populations so that future listings of threatened and endangered species would not be necessary was well-received as a sound approach to guide investments.

After considering a multitude of options, the panel recommended that Congress dedicate \$1.3 billion annually to the Wildlife Conservation Restoration Program under the Pittman-Robertson Act—the financial investment the Panel determined was critical and necessary to carry out Congressionally-mandated State Wildlife Action Plans and recover and conserve 12,000 identified species of greatest conservation need. Implementing the Panel's recommendation would offer proactive and cost-effective support in preventing species from becoming threatened or endangered, through long-term collaborative and voluntary conservation.

Emerging from the Panel's recommendations was the Recovering America's Wildlife Act, legislation sponsored by Congresswoman Dingell with significant bipar-

tisan support, and which passed the House in the 117th Congress. This legislation was supported by Audubon and a broad and diverse coalition of supporters and stakeholders—similar in breadth and scope to the parties who engaged with the Blue Ribbon Panel. I would like to thank Congresswoman Dingell and the other Members of the Subcommittee who supported that legislation for your efforts on this important issue.

We are in the midst of a biodiversity crisis, and no species is being spared, which has profound effects on people and communities. North America has lost nearly 3 billion birds since 1970—or about 1 in 4 birds—with widespread declines across nearly all groups of birds, including a 40% decline in Western Meadowlarks, the iconic state bird of Wyoming, Oregon, Montana, Kansas, and others.

Birds are experiencing ongoing threats from habitat loss and degradation, climate change, and many other challenges. Habitat loss affects a bird's ability to find food, water, and safe places to raise their young and migrate. Even common backyard birds are at risk.

Wildlife Action Plans have identified more than 400 species of birds with conservation needs. Recovery of dwindling populations to prevent more species from becoming threatened and endangered requires sustained, dedicated investment, as populations can take decades to bounce back to sustainable levels.

Birds are a major economic driver in communities across the country. Bird-watching brings in significant revenue to local economies. The latest survey by the Fish and Wildlife Service found that 96 million people in the U.S. engaged in bird-watching in 2022, contributing \$100 billion to the U.S. economy every year. Birds also provide cultural significance, and critically important and valuable pest control to agriculture and forestry.

For this reason, legislation that meets the moment of the biodiversity and wildlife conservation crisis is key. We appreciate the intent of the America's Wildlife Habitat Conservation Act to provide funding toward the goal of conserving and restoring wildlife habitat. And we appreciate the Act's goal of engaging private landowners in cooperative conservation on their forests, ranches and farms—we need this approach.

However, the proposed funding levels and sunset of these investments, coupled with the rescission of Inflation Reduction Act and Infrastructure Investment and Jobs Act funding, and the inclusion of other policy measures, gives us concern and therefore Audubon is unable to support the bill as currently written.

The legislation provides \$300 million to States and \$20 million to Tribes annually for five years. This funding is only a fraction of the Blue Ribbon Panel's recommended \$1.3 billion in dedicated annual funding. The legislation would require reauthorization every five years, which could cause inconsistency in funding levels and uncertainty for multi-year conservation. A consistent funding source is needed to ensure the effectiveness of these projects.

Tribal investments are critical to wildlife conservation and management. Native Americans, Alaska Natives, and Native Hawaiians manage an area of the nation's wildlife habitat almost as large as California without the benefit of revenue from hunting and fishing license sales and federal tax revenue that state wildlife agencies are able to utilize. Under the America's Wildlife Habitat Conservation Act, Tribes would receive only \$20 million for the next five years compared to \$97.5 million annually under the Recovering America's Wildlife Act.

The legislation also rescinds critical funds for the National Oceanic and Atmospheric Administration and the Bureau of Reclamation. The rescission of these funds would affect important freshwater and coastal restoration and aging infrastructure upgrades—which are critical for conserving natural resources that communities depend on.

In closing, we need the pillars of what the Blue Ribbon Panel recommended is necessary to protect thousands of at-risk species; and which was reflected in the Recovering America's Wildlife Act. That legislation incorporated the needs and concerns of a broad, diverse coalition of stakeholders, and reflects years of collaboration and partnership. It has enjoyed bipartisan support in Congress and deep support among states, Tribes, and the conservation and business communities.

We look forward to working with the Subcommittee to build on today's discussion and pursue bipartisan measures that align with the recommendations and findings of the Blue Ribbon Panel, and that effectively address the biodiversity crisis that is driving alarming declines in wildlife populations that we hold near and dear.

The following documents were submitted as supplements to Mr. Olsen's testimony.

Sustaining and Connecting People to
FISH AND WILDLIFE
 A Looming Crisis Can be Avoided

A Recommendation of the Blue Ribbon Panel on Sustaining
 America's Diverse Fish and Wildlife Resources

Our nation is facing a conservation crisis. Despite successes like the recovery of bald eagles and arctic graylings, thousands of species of birds, mammals, fish, frogs, turtles and insects have been slipping through the cracks for decades. Unless we start investing in proactive conservation measures, our nation's rich natural heritage and vital natural resource-based economy will face an uncertain future. New dedicated funding is needed now to ensure the long-term health of all fish and wildlife.

In 1937, Congress passed the Pittman-Robertson Act that established a conservation fund financed by hunters and recreational shooters to conserve game species. This funding model was later expanded to include sport fish with passage of the Dingell-Johnson Act. These two Acts enabled states to make long-term investments

in science-based management, resulting in the restoration of once-depleted white-tailed deer, elk, wood ducks, striped bass and many other game species. This remarkably successful funding mechanism can be replicated to address the urgent conservation needs of all fish and wildlife and expand the number of citizens who invest in nature.

This conservation crisis also extends to people. More Americans than ever before are becoming disconnected from nature and the outdoors. This change is having profound implications on our citizens' health and well-being and the relevancy of fish and wildlife conservation. **To safeguard the future of our country's fish and wildlife, we must expand access and opportunities to bring the benefits of nature to all Americans.**

WHAT IS AT STAKE?

Our system of fish and wildlife funding is incomplete. State fish and wildlife agencies have identified thousands of species that are in immediate need of conservation, but only a small fraction are being addressed because of limited financial resources. As species decline and habitats deteriorate, benefits provided by nature such as water purification, pollination, recreation and food and fiber production that are essential to human health and economic prosperity are being compromised.

Without a change in the way we finance fish and wildlife conservation, we can expect the list of federally threatened and endangered species to grow from nearly 1,600 species today to perhaps thousands more in the future. In addition to the tragedy of placing our country's natural heritage at risk, such increases will impact business by raising costs for regulatory compliance, delaying deployment of capital and creating less regulatory certainty.

At the same time as people have become more urban, plugged-in, and over-scheduled, time spent in nature and the outdoors has significantly declined. Today, children spend over 50 hours a week using electronic media, leaving little time to participate in nature-based activities. This lost connection to nature denies significant physical and mental benefits to many Americans and threatens the relevance of state fish and wildlife agencies.

The nation behaves well if it treats the natural resources as assets, which it must turn over to the next generation increased, and not impaired in value.

- Theodore Roosevelt

THE BENEFITS TO PEOPLE AND SOCIETY

Increased investment in fish and wildlife conservation is vital to sustaining our natural infrastructure. Nature provides a host of indispensable benefits such as pollination, water purification, erosion control, flood control, recreation, food production and cultural amenities. Globally, these ecosystem services are minimally valued at \$18 trillion dollars per year.

Increased investment in fish and wildlife conservation makes fiscal sense. Proactive conservation saves tax payer dollars by addressing species' needs early so that costly "emergency room" interventions are avoided. Preventing threatened and endangered species listings helps business by averting project delays and losses from forfeited opportunities due to land use regulations.

Increased investment in fish and wildlife conservation is important to the nation's economy. Healthy fish and wildlife populations are critical to supporting the \$646 billion outdoor recreation economy and its 6.1 million jobs. The 90 million people who participate in wildlife-related recreation alone spend \$145 billion per year.

Increased investment in fish and wildlife conservation is needed to keep people of all ages and walks of life connected with nature. A growing body of evidence demonstrates that regular contact with nature adds quality to our lives and improves our physical and emotional health. State fish and wildlife agencies are well positioned to be leaders in delivering services that provide quality experiences in nature to people in both rural and urban environments.





THE SOLUTION

The Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources, comprised of national business and conservation leaders, was convened to evaluate and recommend a more sustainable funding approach to avert a fish and wildlife conservation crisis. The Panel completed its work in December 2015 and recommends:

Congress dedicate up to \$1.3 billion annually in existing revenue from the development of energy and mineral resources on federal lands and waters to the Wildlife Conservation Restoration Program (16 U.S.C. 669b(a)).

This funding would provide the states, territories and the District of Columbia with new critically needed financial resources to effectively implement State Wildlife Action Plans to conserve 12,000 species in greatest need of conservation. Additionally, this funding would allow states to provide the public with more access to open spaces; giving people more opportunities to have meaningful contact with nature.

Historically, when fish and wildlife have faced a crisis, the nation has responded. We can create a more optimistic future for our nation's rich natural heritage through dedicated and sustained investment. State fish and wildlife agencies have a proven track record of success when given adequate financial resources. We need to act now to build a safety net for all fish and wildlife, create regulatory certainty for business and address the growing disconnect between people and nature. Failure to do so will mean that our generation will leave the nation's rich natural assets impaired, rather than increased in worth.

BLUE RIBBON PANEL

ON SUSTAINING AMERICA'S
DIVERSE FISH AND WILDLIFE RESOURCES

ABOUT THE BLUE RIBBON PANEL

The Blue Ribbon Panel includes 26 business and conservation leaders and two ex officio members. The Panel was charged with recommending a new funding mechanism to support state fish and wildlife conservation to ensure the sustainability of all fish and wildlife for current and future generations.

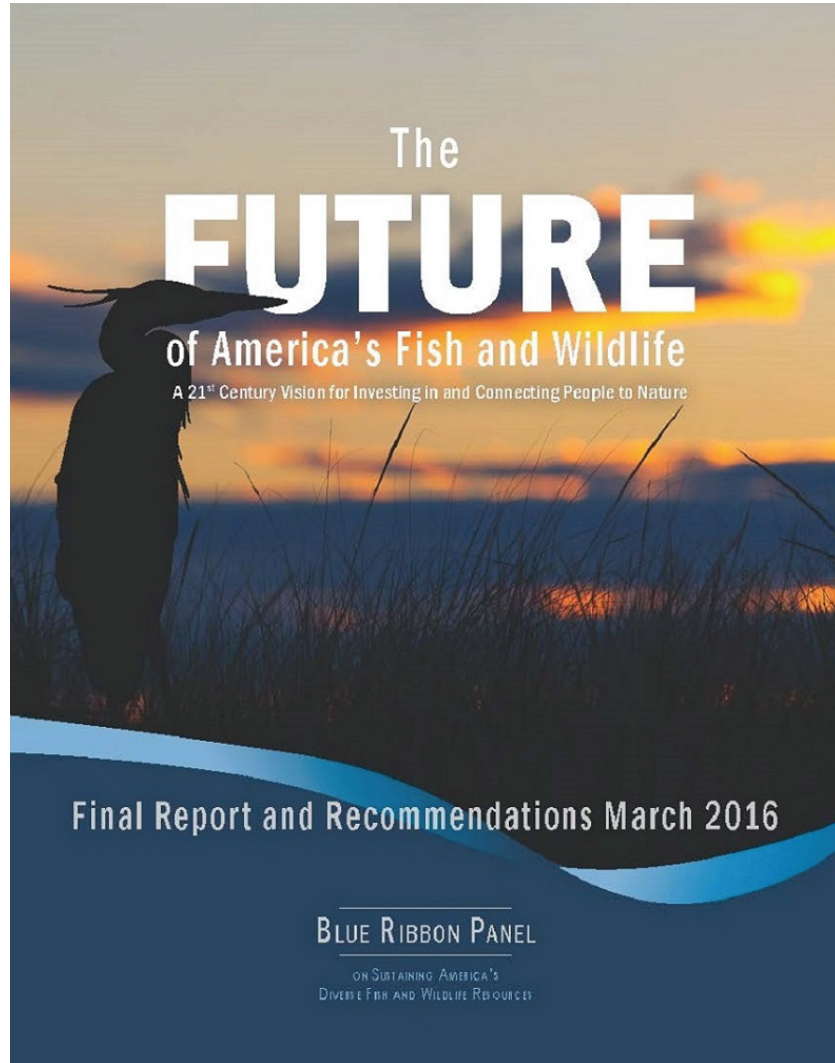
MEMBERS AND THEIR AFFILIATIONS

NATIONAL CO-CHAIRS	John Morris, Noted Conservationist and Founder, of Bass Pro Shops David Freudenthal, Former Governor, State of Wyoming; Senior Counsel, Crowell & Moring
MEMBERS	Kevin Butt, Regional Environmental Director, Toyota Motor Engineering & Manufacturing, NA, Inc. Richard Childress, CEO & Chairman, Richard Childress Racing Enterprises; Board Member NRA Jeff Crane, President, Congressional Sportsmen's Foundation Bruce Culpepper, Executive Vice President, Shell Americas John Doerr, President & CEO, Pure Fishing, Inc. Jim Faulstich, Vice Chair, Partners for Conservation; Owner Daybreak Ranch John Fitzpatrick, Director, Cornell Lab of Ornithology Greg Hill, President & COO, Hess Corporation Becky Humphries, Executive Vice President, National Wild Turkey Federation Stephen Keller, Professor Emeritus, Yale School of Forestry and Environmental Studies Jennifer Mull, CEO, Backwoods Equipment, Inc.; President Outdoor Industry Association John Newman, Board Member, Ducks Unlimited, Inc. Mike Nussman, President & CEO, American Sportfishing Association Margaret O'Gorman, President, Wildlife Habitat Council Glenn Olson, Donal O'Brien Chair in Bird Conservation and Public Policy, National Audubon Society Collin O'Mara, President and CEO, National Wildlife Federation Connie Parker, CEO, 12 North Capital LLC; Board Member Teddy Roosevelt Conservation Partnership Charlie Paffar, CEO, Max McGraw Wildlife Foundation Steve Sanetti, President & CEO, National Shooting Sports Foundation John Tomke, Chair, Wildlife & Hunting Heritage Conservation Council Jeff Trandahl, Executive Director & CEO, National Fish & Wildlife Foundation James Walker, Board Vice Chairman, EDF Renewable Energy; Board Member American Wind Wildlife Institute Steve Williams, President, Wildlife Management Institute Bob Ziehm, Director, Missouri Department of Conservation
EX OFFICIO MEMBERS	Michael Bean, Principal Deputy Asst. Secretary for Fish, Wildlife and Parks, US Department Interior Ronald Regan, Executive Director, Association of Fish & Wildlife Agencies



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THE
BLUE RIBBON PANEL
ON SUSTAINING AMERICA'S DIVERSE FISH & WILDLIFE RESOURCES

WE BELIEVE
America's fish and wildlife are
resources worth sustaining.

The diversity of wild species that inhabit our nation's lands and waters is one of America's greatest treasures. These resources belong to every American to experience, use and enjoy. Our quality of life, outdoor heritage and fiscal prosperity are intrinsically tied to the future of fish and wildlife.

Conservation means balancing the sustainability of fish and wildlife resources with the many needs of humans for clean air and water, land, food and fiber; dependable energy and economic development; and recreation.

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ASSOCIATION of
FISH & WILDLIFE
AGENCIES

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RESEARCH

BIODIVERSITY LOSS

Decline of the North American avifauna

Kenneth V. Rosenberg^{1,2*}, Adriaan M. Dokter¹, Peter J. Blancher³, John R. Sauer⁴, Adam C. Smith⁵, Paul A. Smith³, Jessica C. Stanton⁶, Arvind Panjabi⁷, Laura Helft⁸, Michael Parr², Peter P. Marra^{8,9}

Species extinctions have defined the global biodiversity crisis, but extinction begins with loss in abundance of individuals that can result in compositional and functional changes of ecosystems. Using multiple and independent monitoring networks, we report population losses across much of the North American avifauna over 48 years, including once-common species and from most biomes. Integration of range-wide population trajectories and size estimates indicates a net loss approaching 3 billion birds, or 29% of 1970 abundance. A continent-wide weather radar network also reveals a similarly steep decline in biomass passage of migrating birds over a recent 10-year period. This loss of bird abundance signals an urgent need to address threats to avert future avifaunal collapse and associated loss of ecosystem integrity, function, and services.

Slowing the loss of biodiversity is one of the defining environmental challenges of the 21st century (1–5). Habitat loss, climate change, unregulated harvest, and other forms of human-caused mortality (6, 7) have contributed to a thousandfold increase in global extinctions in the Anthropocene compared to the presumed prehuman background rate, with profound effects on ecosystem functioning and services (8). The overwhelming focus on species extinctions, however, has underestimated the extent and consequences of biotic change, by ignoring the loss of abundance within still-common species and in aggregate across large species assemblages (2, 9). Declines in abundance can degrade ecosystem integrity, reducing vital ecological, evolutionary, economic, and social services that organisms provide to their environment (8, 10–15). Given the current pace of global environmental change, quantifying change in species abundances is essential to assess ecosystem impacts. Evaluating the magnitude of declines requires effective long-term monitoring of population sizes and trends, data that are rarely available for most taxa.

Birds are excellent indicators of environmental health and ecosystem integrity (16, 17), and our ability to monitor many species over vast spatial scales far exceeds that of any other animal group. We evaluated population change for 529 species of birds in the continental

United States and Canada (76% of breeding species), drawing from multiple standardized bird-monitoring datasets, some of which provide close to 50 years of population data. We integrated range-wide estimates of population size and 48-year population trajectories, along with their associated uncertainty, to quantify net change in numbers of birds across the avifauna over recent decades (18). We also used a network of 143 weather radars (NEXRAD) across the contiguous United States to estimate long-term changes in nocturnal migratory passage of avian biomass through the airspace in spring from 2007 to 2017. The continuous operation and broad coverage of NEXRAD provide an automated and standardized monitoring tool with unrivaled temporal and spatial extent (19). Radar measures cumulative passage across all nocturnally migrating species, many of which breed in areas north of the contiguous United States that are poorly monitored by avian surveys. Radar thus expands the area and the proportion of the migratory avifauna that is sampled relative to ground surveys.

Results from long-term surveys, accounting for both increasing and declining species, reveal a net loss in total abundance of 2.9 billion [95% credible interval (CI) = 2.7–3.1 billion] birds across almost all biomes, a reduction of 29% (95% CIs = 27–30%) since 1970 (Fig. 1 and Table 1). Analysis of NEXRAD data indicates a similarly steep decline in nocturnal passage of migratory biomass, a reduction of 13.6 ± 9.1% since 2007 (Fig. 2A). Reduction in biomass passage occurred across the eastern United States (Fig. 2, C and D) where migration is dominated by large numbers of temperate- and boreal-breeding songbirds; we observed no consistent trend in the Central or Pacific flyway regions (Fig. 2, B to D, and table S5). Two completely different and independent monitoring techniques thus signal major population loss across the continental avifauna.

Species exhibiting declines (57%, 303 out of 529 species) on the basis of long-term survey data span diverse ecological and taxonomic

groups. Across breeding biomes, grassland birds showed the largest magnitude of total population loss since 1970—more than 700 million breeding individuals across 31 species—and the largest proportional loss (53%); 74% of grassland species are declining (Fig. 1 and Table 1). All forest biomes experienced large avian loss, with a cumulative reduction of more than 1 billion birds. Wetland birds represent the only biome to show an overall net gain in numbers (13%), led by a 56% increase in waterfowl populations (Fig. 3 and Table 1). Unexpectedly, we also found a large net loss (63%) across 10 introduced species (Fig. 3, D and E, and Table 1).

A total of 419 native migratory species experienced a net loss of 2.5 billion individuals, whereas 100 native resident species showed a small net increase (26 million). Species overwintering in temperate regions experienced the largest net reduction in abundance (1.4 billion), but proportional loss was greatest among species overwintering in coastal regions (42%), southwestern aridlands (42%), and South America (40%) (Table 1 and fig. S1). Shorebirds, most of which migrate long distances to winter along coasts throughout the hemisphere, are experiencing consistent, steep population loss (37%).

More than 90% of the total cumulative loss can be attributed to 12 bird families (Fig. 3A), including sparrows, warblers, blackbirds, and finches. Of 67 bird families surveyed, 38 showed a net loss in total abundance, whereas 29 showed gains (Fig. 3B), indicating recent changes in avifaunal composition (table S2). Although not optimized for species-level analysis, our model indicates that 19 widespread and abundant landbirds (including two introduced species) each experienced population reductions of >50 million birds (data S1). Abundant species also contribute strongly to the migratory passage detected by radar (19), and radar-derived trends provide a fully independent estimate of widespread declines of migratory birds.

Our study documents a long-developing but overlooked biodiversity crisis in North America—the cumulative loss of nearly 3 billion birds across the avifauna. Population loss is not restricted to rare and threatened species, but includes many widespread and common species that may be disproportionately influential components of food webs and ecosystem function. Furthermore, losses among habitat generalists and even introduced species indicate that declining species are not replaced by species that fare well in human-altered landscapes. Increases among waterfowl and a few other groups (e.g., raptors recovering after the banning of DDT) are insufficient to offset large losses among abundant species (Fig. 3). Notably, our population loss estimates are conservative because we estimated loss only in breeding populations. The total loss and

¹Cornell Lab of Ornithology, Cornell University, Ithaca, NY 14853, USA. ²American Bird Conservancy, Washington, DC 20008, USA. ³National Wildlife Research Centre, Environment and Climate Change Canada, Ottawa, ON K1A 0H3, Canada. ⁴Potomac Wildlife Research Center, United States Geological Survey, Laurel, MD 20706-4017, USA. ⁵Canadian Wildlife Service, Environment and Climate Change Canada, Ottawa, ON K1A 0H3, Canada. ⁶Upper Midwest Environmental Sciences Center, United States Geological Survey, La Crosse, WI, USA. ⁷Bird Conservancy of the Rockies, Fort Collins, CO 80521, USA. ⁸Migratory Bird Center, Smithsonian Conservation Biology Institute, National Zoological Park, P.O. Box 37012, MRC 5602, Washington, DC 20013-7012, USA. ⁹Corresponding author. Email: kvr2@cornell.edu

*Present address: Department of Biology and McCourt School of Public Policy, Georgetown University, 37th and O Streets NW, Washington, DC 20057, USA.

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Mr. BENTZ. No, thank you. I now recognize CEO Tenny for 5 minutes.

**STATEMENT OF DAVID P. TENNY, PRESIDENT AND CEO,
NATIONAL ALLIANCE OF FOREST OWNERS, WASHINGTON, DC**

Mr. TENNY. Good morning, friends. Thank you for inviting me to participate this morning. I want to focus my attention today on why it is so important for all of us to work together to advance voluntary, proactive species conservation as the prevailing paradigm for conservation on lands, private lands, everywhere.

Back in the 1990s, I was a brand-new forestry staffer for then-Congressman Wally Herger. The prevailing issue of the day? The northern spotted owl. My first impression coming in the door was this was a war between owls and people, and I had been enlisted to defend the people. Well, I had just completed my first woods tour in Wally's district in Northern California when, on a Thursday, I had dinner with then-President of the California Forestry Association, Gilbert Murray. The following Monday he was blown up by the Unabomber. So, there I was, wondering had I just made a terrible mistake? What had I got myself into? How could it be possible that a bird could be the source of so much conflict and tragedy?

Fight or flight kicked in. My initial instinct was to fight. But then I met a remarkable group of people from the small town of Quincy, California. Quincy was at that time the epicenter of conflict over the California spotted owl, which is a close cousin to the northern spotted owl. A few years before, local leaders from opposing viewpoints met in the Quincy Library to resolve their differences. They chose the library because it was the only place in town where they wouldn't yell at each other.

That was the humble beginning of what became known as the Quincy Library Group, or the QLG. The QLG was one of the first local forest collaboratives that sought to replace conflict with cooperation and collaboration. Eventually, QLG earned its own legislation, the Quincy Library Group Forest Recovery and Economic Stability Act. That was the first bill I ever wrote as a member of Congressional staff. Well, the bill passed 429 to 1 in the House, and then it passed unanimous consent in the Senate, and President Clinton signed it into law. But this was an inflection point for me.

I saw a group of good, ordinary people rise above conflict, and show the nation that voluntary collaboration cannot only conserve owls, but also change their culture in ways that could benefit species and communities everywhere.

So, let's fast forward a few decades. For nearly 8 years, NAFO, the National Council for Air and Stream Improvement (NCASI), and the Fish and Wildlife Service have collaborated with other partners at the state and local level on a new approach to species conservation. We call it the Wildlife Conservation Initiative, or the WCI. Like QLG, the WCI seeks to empower ordinary people like us to do extraordinary things to benefit species and communities everywhere.

The WCI has a very simple objective that is to conserve common, at-risk, and listed species on private working forests through sustainable forest management. It also operates very simply. We jointly identify priority species that need our forests for their habitat. We collect field data on those species, and then we decide together how to use sustainable forest management to conserve

those species. Today, the WCI is a nationwide effort, and it is setting a standard for collaboration between private landowners, Federal and state agencies, and local stakeholders.

NAFO member companies have committed 44 million acres to this effort. To put that in perspective, that is more acres than Virginia and West Virginia combined. Last year, NAFO, NCASI, and the Service signed a programmatic MOU to apply the WCI nationwide. A few weeks ago, we signed another MOU with AFWA to be a companion to what we are doing with the Service, and bring us all together in a common effort.

A wonderful example of our success is the gopher tortoise in the South. It is a species that has habitat upon which 350 other species rely for their survival. In 2022, the Service found that it was unnecessary to list the eastern population segment of the gopher tortoise because of the data that was provided through the WCI. So, it is doing what we want it to do. It is conserving common, at-risk species and, in this case, preventing the need for listing. It is showing that proactive collaboration is more powerful than waiting for reactive regulation.

Though the most important and enduring thing that is happening is the change in our culture. And we are finding that culture is the most important aspect of the WCI. In fact, that is what we are doing in California right now. It is because of this culture that we have been able to conserve the California spotted owl and make it unnecessary for listing, which brings us to the purpose of this hearing.

We welcome the efforts of this Committee, Chairman Westerman, and his colleagues to try to advance this concept forward. We welcome the efforts of others to push RAWA forward. These are good ideas. We think we can work together to find solutions that will advance this paradigm, and we look forward to doing that with you. Thank you.

[The prepared statement of Mr. Tenny follows:]

PREPARED STATEMENT OF DAVID P. TENNY, NATIONAL ALLIANCE OF FOREST OWNERS

Chairman Bentz, Ranking Member Huffman, and distinguished Members of the Water, Wildlife, and Fisheries Subcommittee, on behalf of the National Alliance of Forest Owners (NAFO), thank you for the opportunity to testify on private working forests and the important role they play conserving at-risk, threatened, and endangered species.

NAFO is a national advocacy organization advancing Federal policies that ensure private working forests provide clean air, clean water, wildlife habitat, and jobs through sustainable practices and strong markets. NAFO member companies own and manage 44 million acres of private working forests across the U.S. NAFO's membership also includes State associations and national associations representing tens of millions of additional acres. Our members embrace a culture of stewardship for their forests and the wildlife that depend on them.

Since the passage of the Endangered Species Act (ESA) 50 years ago, species conservation has frequently mired stakeholders in inefficient and ineffective conflict, especially on Federal lands. However, decades of experience have proven that, on privately owned lands, conservation efforts are most effective when landowners, Federal and State agencies, and stakeholders identify shared conservation objectives and proactively and voluntarily work together to accomplish them. Such collaboration has built the trust necessary to innovate on better and more enduring approaches to species conservation and has increased our understanding of conservation at both the local and landscape level.

As we consider our course for the next 50 years of species conservation under the ESA, we would be wise to draw from what our experience has taught us—culture

is more powerful than law or policy, and a culture of voluntary, collaborative conservation will always be more effective than reactive regulation and conflict. That is the focus of my testimony today.

Private Working Forest Owners as Conservation Partners

Across the country, NAFO members join other private working forest owners in meeting some of the highest sustainable forest management standards in the world. Wildlife habitat, clean water, clean air, carbon mitigation benefits, long-term forest health, and rural prosperity are all well-established outcomes of sustainable forest management. That is why private forest management in the U.S. leads the world in quality and productivity across a variety of performance measures.

Private working forests—or those managed to provide a sustainable supply of wood and fiber for homes, building construction, and over 5,000 consumer products that we use every day—are critical to successful species conservation because of the scale of private ownership in the United States. Forty-seven percent of forests in the U.S. are privately owned. In some areas of the country, 80% or more of our forests are privately owned. NAFO members invest substantially in maintaining habitat for terrestrial and aquatic species as a fundamental management objective. Forest owners also invest in collaborative research to understand how sustainable forest management can further benefit the conservation of both game and non-game wildlife species, particularly at-risk wildlife species.

Multiple approaches to wildlife conservation can work together to provide conservation benefits. At a baseline, sustainable forest management promotes forest health and resilience, which supports all forest-dependent species; and forest certification provides additional assurances of sustainable forest management implementation. Beyond that baseline, NAFO members also participate in conservation projects and programs to conserve a wide variety of species. Nearly 11 million acres of NAFO member land are participating in conservation programs or projects. Together, these complementary layers of conservation have become standard operating procedure for NAFO members, proactively conserving species before they require emergency conservation measures or regulatory intervention.

The Importance of Sustainable Forest Management for Creating Diverse Forest Types

Private working forests provide habitat for thousands of common, at-risk, and listed species. Sixty percent of at-risk species depend on private working forests for survival. Through sustainable forest management, private forest owners create a mosaic of interconnected forest conditions. This variability across the landscape provides a diversity of high-quality species habitat.

For example, sustainable forest management creates healthy young forests, characterized by open fields and low, thick brush. Young forests are home to species of conservation concern such as Kirtland's warbler, the New England cottontail rabbit, and the American woodcock. Other wildlife species that depend on young forest for at least part of their habitat requirements include wild turkey, grouse, elk, white-tailed deer, eastern cottontail rabbit, black bear, and native pollinators like honeybees and butterflies.

Sustainable forest management also provides open-canopy forests, characterized by widely spaced trees that allow sunlight to reach the forest floor. Several leafy plant species that provide food and habitat for many at-risk species require a lot of sunlight to grow and thrive in these conditions. Examples of at-risk species that depend on these conditions are the gopher tortoise, Louisiana pine snake, southern hog-nosed snake, and gopher frog. Numerous at-risk plant species that need additional sunlight are also found in open-canopy forests.

Sustainable forest management protects rivers and streams by leaving a buffer along watercourses called Streamside Management Zones (SMZs). Forest landowners implement State-based Best Management Practices (BMPs) in SMZs during harvests to protect water quality. SMZs also facilitate wildlife travel and include riparian species, providing further habitat diversity on the landscape. Additionally, these riparian forest buffers filter sediment from runoff after rain and snow, keeping the water in streams and rivers clean for aquatic species, like at-risk mollusks and fish.

The Wildlife Conservation Initiative (WCI)

Eight years ago, NAFO member companies established the Wildlife Conservation Initiative (WCI) as a voluntary, collaborative partnership to conserve common, at-risk, and listed fish and wildlife species on private working forests. This groundbreaking initiative is building a culture of trust and collaboration between regulators and landowners.

Last year, NAFO, the National Council on Air and Stream Improvement (NCASI), and the U.S. Fish & Wildlife Service (USFWS) signed a programmatic Memorandum of Understanding (MOU) to implement the WCI nationwide. A weeks ago, NAFO and the Association of Fish & Wildlife Agencies (AFWA) signed a companion MOU to connect NAFO member companies, the USFWS, and State agencies in a common WCI effort.

What began as regional collaboration between NAFO member companies and USFWS field offices has now grown into a national, agency-wide initiative and a model for engaging forest owners, Federal and State agencies, and other stakeholders in effective voluntary species conservation. The WCI is demonstrating the value of active forest management as a wildlife conservation tool.

The WCI operates simply. NAFO member companies partner with NCASI, the USFWS, State agencies, and other collaborators to identify priority species and collect and share field data on the species and how sustainable forest management affects them. In some cases, data helps to identify better management approaches to maintain and improve conservation benefits.

The reduction of regulatory risk to landowners, the growing culture of trust between landowners and regulators, and the formal recognition of the conservation value of sustainable forest management serve as powerful incentives for private forest owners to engage in collaborative conservation projects through the WCI. NAFO members have partnered with researchers and regulators through the WCI to conduct much-needed research on mussels in Louisiana, pollinators in California, wood turtles in Michigan, habitat needs across landscapes in Alabama and Florida, Humboldt martens in Oregon, and migratory birds across the entire Eastern Seaboard.

Collaborative Success Outcomes

Collaborative conservation through the WCI delivers positive outcomes for wildlife while reducing the regulatory burden on private landowners.

The USFWS has cited the benefits of sustainable forest management, private land access for researchers through the WCI, and forest certification as significant contributions to species conservation, often negating the need for further Federal action. One example of WCI success is the gopher tortoise.

The gopher tortoise is a keystone species, benefiting more than 350 other species—including snakes, insects, frogs, and owls—that all depend on tortoise burrows and surrounding habitat to survive. In 2022, the USFWS found that the eastern population of the gopher tortoise did not warrant listing. Data and habitat information provided by NAFO members showed that the open-canopy forest conditions on sustainably managed private working forests across the range of the gopher tortoise had provided high-quality habitat that conserved more gopher tortoises than scientists originally anticipated. The survey work leading to the USFWS decision was conducted through the WCI.

A second example of WCI success is the red tree vole—a small, furry mammal that nests in forest canopies and feeds almost exclusively on Douglas-fir needles. Just a few weeks ago, the USFWS decided not to list the red tree vole under the ESA and credited the WCI as a factor in its decision. The WCI identified the red tree vole as a species of common interest, and the WCI supported the resultant inventory work with funding. Ultimately, the USFWS' Species Status Assessment cited valuable information from NCASI and WCI researchers as the USFWS made its “not warranted” decision.

Through our ground-breaking WCI work, we are developing new and unprecedented tools and approaches that were not possible eight years ago. For example, a NAFO member company will soon conduct a zero-baseline or “no-risk” reintroduction of a listed species, the flatwood salamander, on its land in the Florida panhandle. Additionally, we are working with the USFWS on a pioneering cooperative agreement to provide data and research on several bat species, including the northern long-eared bat. The agreement will allow the USFWS to conduct surveys and research on private forests owned by NAFO members who volunteer to participate and will safeguard covered forest management activities.

These conservation achievements, and many others, are only possible because of a fundamental, profound culture shift within the forest-owner community and the State and Federal agencies. Trust and collaboration are replacing cynicism and conflict. Through the WCI, we are demonstrating that culture is more powerful than law or policy and that proactive collaboration is far more effective than reactive regulation.

Collaborative Conservation Leads to Enduring Success

In the interest of advancing enduring conservation solutions, like the WCI, we support every legislative effort to make voluntary, collaborative conservation more accessible to, and effective for, all private landowners, including the America's Wildlife Habitat Conservation Act and the Recovering America's Wildlife Act.

A number of provisions in the America's Wildlife Habitat Conservation Act, which the Committee is considering today, help advance voluntary, collaborative conservation on private working lands. These include:

- **Providing funding to State fish and wildlife agencies and tribes.** States and Tribes can use such funding for voluntary, collaborative conservation work with willing landowners.
- **Waiving public disclosure requirements when landowners voluntarily share species data with USFWS.** Protecting proprietary data and information will encourage landowners to provide sensitive, yet vital data on threatened and endangered species more freely with their Federal partners. Such data is crucial to Species Status Assessments and listing decisions. Protection from disclosure will also enable more targeted and robust collaborative conservation efforts to occur on private land.
- **Precluding critical habitat designations from occurring on private lands with tailored land management plans.** Extending Sikes Act authority applied to Department of Defense land to private landowners willing to follow the same process and abide by the same criteria will enable private landowners to work with the USFWS to develop land management plans to protect listed species in ways that are significantly more efficient and impactful than simply designating critical habitat.
- **Codifying and Expanding the Candidate Conservation Agreements with Assurances (CCAA) Program.** CCAAs encourage landowners to voluntarily work with the USFWS to develop and implement conservation plans for declining species prior to listing decisions. NAFO members have used CCAAs for years and are now developing new and innovative cooperative agreements with the USFWS that we believe will be even more effective than CCAAs. We welcome the opportunity to work with the Subcommittee staff to provide technical suggestions to strengthen this section.
- **Extending Good Neighbor Authority to the USFWS.** Allowing the USFWS to enjoy the same successes enjoyed by the Bureau of Land Management and the Forest Service will benefit wildlife. Authorizing the USFWS to collaborate with their State, local, and Tribal partners to help improve land management by leveraging more resources for habitat and species recovery projects will have a significant, positive impact.

Conclusion

NAFO supports every effort that will enable private landowners to conserve species, prosper as land stewards, and provide other public benefits to communities and the Nation. We encourage Committee members to seek common ground and to work with their House and Senate colleagues to advance policy approaches that encourage and reward voluntary, collaborative conservation and that foster positive cultural change among Federal and State agencies, landowners, stakeholders, and affected communities across the Country.

Thank you again for the opportunity to participate in this hearing. We appreciate the Subcommittee's commitment to species conservation, and we stand ready as a resource to you and your staffs as we work together on enduring solutions for America's wildlife.

Mr. BENTZ. Thank you. I want to thank the witnesses for their testimony. We will now recognize Members for 5 minutes each for questions. We will begin with Congresswoman Radewagen.

You have 5 minutes.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. Talofa lava.

I have a couple of questions for you, Mr. Booth. As you know, discussions about spending and the budget have impacted nearly every committee over recent months and years. One provision of

this bill requires states to submit reports on results of activities carried out with the funds provided by this bill's programs. Can you talk about how this aligns both good stewardship of taxpayer resources, while also effectively highlighting the great work being done at the state and local level?

Mr. BOOTH. Yes, ma'am. Thank you for the question.

When we look at the long-term success of conservation, one of the resources that we believe is most important to us, whether we are in Arkansas or the Samoan Islands, is the support from the people. And we think one of the best ways to maintain that long-term support for conservation is by showing people how we are shepherding and using their taxpayer dollars.

We try to operate, whether it is Pittman-Robertson dollars, or our own license fees, or in Arkansas our conservation sales tax dollars, we always try to utilize those with transparency and accountability to the public.

Will these reporting requirements be an administrative burden? Maybe to some extent. But if it ensures that we can maintain some of the long-term support for conservation with the public by showing them how we are utilizing these dollars, and also the confidence of members from this body when it comes time for annual appropriations, then I think that is time and effort well spent.

Mrs. RADEWAGEN. Thank you. For my next question, Mr. Booth, America's Wildlife Habitat Conservation Act makes changes to this formula that is one-half based on the land area of a state, one-quarter based on a state's population, and one-quarter based on the number of species in a state listed under the ESA.

Would taking the number of listed species in a state into account when awarding funds, rather than solely factoring in population and land area, serve as a more effective way of awarding grant dollars to conserve wildlife?

Mr. BOOTH. I think so, ma'am.

If you look at Arkansas, compared to some of our neighbors, we are a lot smaller than Texas in both surface area and population, and we can probably say the same thing for our wonderful competitor, partner, and neighbor to the north, Missouri. So, yes, we think that looking at what the actual qualitative conservation challenges every state or territory is up against is a good way to analyze it.

Mrs. RADEWAGEN. And as a follow-up, would this allow us to more effectively use taxpayer resources to address endangered and threatened species?

Mr. BOOTH. I would defer to some of my other colleagues, ma'am, but from my perspective the answer is yes.

If you look at the amount of taxpayer dollars that we are able to allocate towards this challenge right now, it is very low. I meant what I said in my opening remarks, that the most compelling reason to support H.R. 7408 is the urgency that we see every single day on the landscape. And we believe that is the case, and that H.R. 7408 would go a long way to do that.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Ranking Member Huffman for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman. Chair Westerman's press release claimed this bill "will invest \$320 million annually in

grant funding to states for wildlife habitat conservation,” and “provides additional resources for state governments.” To be clear, that is not exactly true.

This bill doesn’t invest anything because it doesn’t appropriate any additional money. And in the unlikely event that it became law, anyone who thinks that this Republican Majority would actually appropriate \$320 million without draconian cuts to other environmental and conservation programs, probably thinks that this pretend money that we have printed up is real, and you can go buy stuff with it.

So, Mr. Chairman, I would like to enter into the record a stack of pretend money, we affectionately call it “Bruce bucks,” as evidence of the actual value of the investments from this legislation.

And the interesting thing about these Bruce bucks, and Chair Westerman, I am feeling especially generous, so I have a large stack of these for you, the interesting thing about them is they have negative value. The Fish and Wildlife Service has actually done an estimate of the impact of this bill, which claims to increase wildlife funding. They found that it, in fact, decreases funding for 38 out of 56 states, territories, and the District of Columbia, including the state of Arkansas, where Mr. Westerman, I believe, has some explaining to do.

Mr. Chairman, I would like to enter into the record the spreadsheet of these cuts to wildlife funding in most states and territories.

Mr. BENTZ. Without objection.

[The information follows:]

WESTERMAN BUCKS

JUST ANNOUNCED

IT'S DEFINITELY REAL MONEY!
- No One

DISCLAIMERS: *

- This funding promise is only an authorization and is unlikely to ever actually happen.
- Funding is based on what is politically palatable to MAGA Republicans, not science or facts.
- Tribes shall provide matching funds.
- Many states will actually lose wildlife funding under this bill.
- Funding cannot be used for many types of habitat restoration deemed politically undesirable by Republicans.

**NO CASH VALUE UNLESS YOU'RE OIL & GAS*



Sample State Apportionment Estimations for AWHCA and RAWA

Estimates provided below are for informational purposes only and do not imply a FWS or DOI legislative position or any guarantee of funding. Amounts are calculated based on FWS current understanding of H.R. 7408 - America's Wildlife Habitat Conservation Act (AWHCA), and H.R. 2773 (117th) - Recovering America's Wildlife Act (RAWA). These estimates may change based on bill revisions or refinement in our understanding.

'STATE' (State, Territory, or District of Columbia)	State Wildlife Grant (SWG)* FY 2023 Appointments	AWHCA Estimates Based on H.R. 7408* (2025-2029)	AWHCA Estimates Based on FY23 Funding Levels**	RAWA - Year 1 Estimates Based on H.R. 2773†	RAWA - Year 2 Estimates Based on H.R. 2773†	RAWA - Year 3 Estimates Based on H.R. 2773†	RAWA - Year 4 Estimates Based on H.R. 2773†	RAWA Based on post-AWHCA (2030)
ALABAMA	861,543	6,124,104	1,098,501	16,056,832	20,781,055	22,668,468	24,557,507	24,557,507
ALASKA	2,824,693	8,385,381	1,504,114	22,078,667	28,572,254	31,169,882	33,767,372	33,767,372
AMERICAN SAMOA	141,235	885,100	158,763	2,334,109	3,020,612	3,295,213	3,569,814	3,569,814
ARIZONA	1,468,073	7,347,207	1,217,893	19,277,971	24,948,665	27,215,959	29,483,955	29,483,955
ARKANSAS	649,197	3,493,403	626,623	9,173,706	11,873,289	12,951,115	14,030,375	14,030,375
CALIFORNIA	2,824,693	13,410,599	2,405,504	35,365,290	45,766,846	49,927,469	54,088,091	54,088,091
COLORADO	1,257,447	5,935,821	1,064,728	15,577,832	20,159,598	21,992,233	23,824,919	23,824,919
CONNECTICUT	564,939	2,719,894	487,877	7,166,084	9,273,378	10,116,825	10,959,894	10,959,894
DELAWARE	564,939	2,719,894	487,877	7,166,084	9,273,378	10,116,825	10,959,894	10,959,894
DC	282,469	670,530	120,275	3,536,529	4,576,685	4,992,747	5,408,809	5,408,809
FLORIDA	2,717,771	9,317,785	1,671,362	24,473,663	31,674,384	34,551,053	37,430,307	37,430,307
GEORGIA	1,529,756	6,472,776	1,161,043	16,976,638	21,972,123	23,967,018	25,964,270	25,964,270
GUAM	141,235	885,100	158,763	2,334,109	3,020,612	3,295,213	3,569,814	3,569,814
HAWAII	564,939	13,410,599	2,405,504	35,830,421	46,350,937	50,884,124	54,799,468	54,799,468
IDAHO	702,248	4,286,049	768,803	11,257,556	14,568,496	15,893,021	17,217,439	17,217,439
ILLINOIS	1,745,099	5,609,018	1,006,108	14,715,850	19,044,086	20,775,317	22,506,594	22,506,594
INDIANA	962,211	3,415,000	612,560	8,970,926	11,609,679	12,664,837	13,720,240	13,720,240
IOWA	697,367	3,203,433	574,610	8,415,087	10,890,104	11,890,122	12,870,132	12,870,132
KANSAS	815,261	4,236,987	760,003	11,128,727	14,401,783	15,711,144	17,020,406	17,020,406
KENTUCKY	736,967	3,475,592	623,429	9,116,857	11,798,934	12,870,857	13,943,429	13,943,429
LOUISIANA	797,699	3,645,342	653,877	9,564,678	12,378,084	13,503,075	14,628,331	14,628,331
MAINE	564,939	2,719,894	487,877	7,166,084	9,273,378	10,116,825	10,959,894	10,959,894
MARYLAND	741,482	3,469,518	622,339	9,172,495	11,869,735	12,949,405	14,028,522	14,028,522
MASSACHUSETTS	822,074	3,556,462	637,935	9,400,917	12,165,225	13,271,883	14,377,873	14,377,873
MICHIGAN	1,457,715	6,329,328	1,135,313	16,610,132	21,495,204	23,449,598	25,403,731	25,403,731
MINNESOTA	1,132,133	4,951,622	888,189	12,995,700	16,817,792	18,346,871	19,875,777	19,875,777
MISSISSIPPI	610,843	3,833,761	687,675	10,063,865	13,034,783	14,207,809	15,391,793	15,391,793
MISSOURI	1,093,531	4,730,781	848,576	12,413,209	16,064,396	17,524,530	18,984,908	18,984,908
MONTANA	999,168	6,607,578	1,185,223	17,354,146	22,457,775	24,999,971	26,541,635	26,541,635
N. MARIANA ISLANDS	141,235	885,100	158,763	2,334,109	3,020,612	3,295,213	3,569,814	3,569,814
NEBRASKA	678,465	3,959,065	710,151	10,899,568	13,458,101	14,681,743	15,905,222	15,905,222
NEVADA	1,002,021	5,900,934	1,058,470	15,493,048	20,052,248	21,873,809	23,696,627	23,696,627
NEW HAMPSHIRE	564,939	2,719,894	487,877	7,166,084	9,273,378	10,116,825	10,959,894	10,959,894
NEW JERSEY	1,067,351	4,007,012	718,751	10,582,809	13,694,645	14,940,437	16,185,473	16,185,473

'STATE' (State, Territory, or District of Columbia)	State Wildlife Grant (SWG)* FY 2023 Appropriations	AWHCA	AWHCA	RAWA -	RAWA -	RAWA -	RAWA -	RAWA
		Estimates Based on H.R. 7408 ^a (2025-2029)	Estimates Using SWG Levels ^{aa} FY23 Funding	Year 1 Estimates Based on H.R. 27731	Year 2 Estimates Based on H.R. 27731	Year 3 Estimates Based on H.R. 27731	Year 4 Estimates Based on H.R. 27731	Based on H.R. 27731 (2030)
NEW MEXICO	960,396	6,568,711	1,178,252	17,245,719	22,318,516	24,346,897	26,375,805	26,375,805
NEW YORK	2,513,782	6,356,157	1,140,125	15,734,295	21,629,365	23,556,652	25,563,040	25,563,040
NORTH CAROLINA	1,462,368	5,999,171	1,076,091	15,734,584	20,365,613	22,213,531	24,064,658	24,064,658
NORTH DAKOTA	564,939	3,547,852	636,390	9,320,875	12,062,022	13,158,882	14,255,455	14,255,455
OHIO	1,543,980	4,763,593	854,462	12,497,429	16,173,152	17,643,429	19,113,715	19,113,715
OKLAHOMA	853,419	3,961,349	710,560	10,396,275	13,453,394	14,677,095	15,900,186	15,900,186
OREGON	1,046,490	6,233,944	1,118,203	16,355,818	21,170,369	23,090,567	25,014,781	25,014,781
PENNSYLVANIA	1,699,966	4,971,459	891,747	13,043,164	16,879,265	18,413,878	19,948,368	19,948,368
PUERTO RICO	282,469	2,682,120	481,101	7,073,058	9,153,369	9,985,494	10,817,618	10,817,618
RHODE ISLAND	564,939	2,719,894	487,877	7,166,084	9,273,378	10,116,825	10,959,894	10,959,894
SOUTH CAROLINA	748,718	3,832,471	651,568	9,539,071	12,245,537	13,466,923	14,589,167	14,589,167
SOUTH DAKOTA	564,939	3,950,248	708,569	10,376,417	13,429,160	14,649,059	15,869,814	15,869,814
TENNESSEE	1,011,633	5,381,288	965,260	14,110,326	18,261,303	19,920,460	21,580,499	21,580,499
TEXAS	2,824,693	12,644,916	2,268,161	33,336,339	43,142,183	47,063,066	50,984,988	50,984,988
UTAH	867,608	4,925,204	883,450	12,931,835	16,735,769	18,256,709	19,778,101	19,778,101
VERMONT	564,939	2,719,894	487,877	7,166,084	9,273,378	10,116,825	10,959,894	10,959,894
VIRGIN ISLANDS	141,235	885,100	158,763	2,384,109	3,020,612	3,295,213	3,569,814	3,569,814
VIRGINIA	1,192,486	5,384,016	965,749	14,178,401	18,347,967	20,016,567	21,684,614	21,684,614
WASHINGTON	1,254,695	5,818,712	1,043,722	15,264,208	19,754,570	21,549,470	23,345,259	23,345,259
WEST VIRGINIA	564,939	2,741,816	491,809	7,212,813	9,339,643	10,182,791	11,031,361	11,031,361
WISCONSIN	983,715	4,244,048	761,269	11,137,143	14,412,776	15,723,026	17,033,278	17,033,278
WYOMING	564,939	4,759,440	853,717	12,501,073	16,177,610	17,648,573	19,119,287	19,119,287
	56,493,864	268,211,970	48,110,075	707,305,804	915,336,923	998,549,370	1,081,761,818	1,081,761,818

* This column reflects the individual apportionments from the FY23 SWG appropriation of \$73,812,000 after required set-asides are removed. As such, it does not include funding set asides for administration (\$4,231,560); for Competitive SWG (\$7,612,000); or for Tribal Wildlife Grants (TWG; \$6,200,000).
Tribal Nations do not receive annual apportionments; all TWG funding is awarded through a national grant competition; ~ 30 of the 574 federally recognized tribes receive these funds each year. In FY24, the Services anticipates \$6.2 million in TWG funds, with a maximum award of \$200,000.
The SWG apportionment formula used to calculate these amounts is a two-part formula using 1/3 land area and 2/3 population numbers. The SWG formula does not include a factor for the number of listed species in each State as AWHCA and RAWA would require.
SWG apportionments have varied over time, with the average funding level for SWG apportionments over the past 5 years was \$54,557,096.
^a Per H.R. 7408, the AWHCA apportionment formula is a three-part formula based on 50% land and water area, 25% population numbers, and 25% Federal Threatened and Endangered species, with prescribed rates for Territories and D.C. and minimum/maximum amounts for all.
AWHCA apportionments are based on the appropriation identified in H.R. 7408 (\$300,000,000). They are calculated after deductions for: FWS formula grant administration (0.33%); the competitive Innovation Grant Program (10%); and FWS Innovation Grant Program administration (3%).
^{aa} These AWHCA apportionments, based on the funding amount from the SWG FY23 appropriation (\$73,812,000), are calculated after deductions for: AWHCA's Tribal program (\$20M); FWS formula grant administration (0.33%); the competitive Innovation Grant Program (10%); and FWS Innovation Grant administration (3%). The addition of listed species to the formula with AWHCA results in a different distribution for the individual State apportionments than seen with the SWG funding.
[†] Per H.R. 2773, RAWA funding would begin with \$850M, increase to \$1.1B in Year 2 and \$1.2B in Year 3, and reach full funding level of \$1.3 B in Year 4 and beyond. Like AWHCA, the RAWA apportionment formula is a three-part formula based on 50% land and water area, 25% population numbers, and 25% Federal Threatened and Endangered species, with prescribed rates for Territories and D.C. and minimum/maximum amounts for all.
RAWA State apportionments are calculated after deductions for: FWS formula grant administration (1.85%); the Innovation Grant Program (10%); FWS Innovation Grant Program administration (3%); the Office of the Inspector General (0.5%); and a set-aside reserved for plant Species of Greatest Conservation Need (5%).

Mr. HUFFMAN. Thank you. I would like to ask the witnesses about the question of permanent funding, which was in Representative Dingell's RAWA, consistent with the blue ribbon panel's recommendations, versus the hollow authorization that we get in this bill.

And Mr. Olson, I want to make it very simple for you. Would you rather have \$1.3 billion of guaranteed funding every year, or \$320 million in discretionary authorizations, which is not guaranteed, for 5 years and then it sunsets?

Mr. OLSON. We would prefer the \$1.3 billion of dedicated funding annually.

Mr. HUFFMAN. Even if I throw in a stack of Bruce bucks?

Mr. OLSON. Yes.

[Laughter.]

Mr. HUFFMAN. Mr. Strickler, same question for you.

Mr. STRICKLER. Representative Huffman, the Department feels that the greater amount of dedicated funding would be better for long-term planning and species recovery.

Mr. HUFFMAN. And Mr. Booth, would you prefer \$1.3 billion in guaranteed permanent funding over the authorization in this legislation? Simple question.

Mr. BOOTH. We would take whatever tranche of funding makes its way to the state, sir.

Mr. HUFFMAN. All right. Mr. Strickler, whether or not states get the full \$320 million, we know for sure that under this bill there are going to be some cuts: \$1.4 billion rescinded from the IRA and

IIJA. In other words, even if a future Congress never appropriates any money under this bill, those cuts are going to happen.

What specific conservation programs at DOI would get defunded to offset this legislation?

Mr. STRICKLER. Representative Huffman, specifically, the largest amount of funding that is proposed to be rescinded in this bill is for the Bureau of Reclamation focused on its aging infrastructure program. That is funding that goes to do things like line canals, replace water infrastructure, and farm infrastructure to help with irrigation in the West. And then there is additional funding for their aquatic ecosystem restoration efforts that is rescinded along with a pot of NOAA money.

Mr. HUFFMAN. All right. Thank you. We asked NOAA a similar question and got a similar answer.

The moral of the story here is this bill would pull back hundreds of millions of dollars in funding for wildlife and habitat conservation. It would rescind nearly \$400 million in tribal wildlife priorities, including recovering endangered Pacific salmon, and rescind hundreds of millions for coastal habitat resilience, red snapper, North Atlantic right whale, oyster reefs, and more. Again, the bill would do more harm than good for wildlife.

And to the organizations here that have either grudgingly or otherwise seen fit to say nice things about this bill, I want you to know that I get it. When the Chairman of the Natural Resources Committee proposes a bill, there is a certain amount of courtesy and deference involved. But when he tells you that wet stuff coming down on your head is rain, you really should smell it a little. It is not rain, folks.

I yield back.

Mr. BENTZ. The Chair recognizes Congressman Duarte for 5 minutes.

I recognized him, but he is not here. The Chair recognizes Congresswoman Kiggans for 5 minutes.

Mrs. KIGGANS. Thank you, Mr. Chair. I am proud to co-sponsor this important legislation to promote habitat conservation from the ground up by enabling our state agencies to take reins while providing them with the resources they need to do so.

Mr. Booth, I understand that the vast majority of lands in your home state of Arkansas are privately owned. I represent the Commonwealth of Virginia, and while Virginia is home to 22 of our nation's beautiful national parks, most of the forest land and working forests are privately owned, as well. This means that state agencies have a major role to play in conservation and habitat management. Can you speak to the work that your agency does to partner with private landowners in Arkansas to conserve species on the endangered species list, and how this bill will encourage more of that work?

Mr. BOOTH. Yes, ma'am. Thank you for the question. Like Chairman Westerman said this morning, it was Aldo Leopold that taught us that the ultimate success of conservation will be how we reward private landowners for the public interest. We certainly see that ethos in H.R. 7408, and that is one of the reasons why we think the legislation would be a great thing for conservation.

Arkansas Game and Fish Commission has had a private lands biologist within our agency since the 1950s. We have kind of reinvigorated that the past 2 years, and basically created our own private lands division. As we try to resource and elevate that division by focusing on private landowner conservation throughout Arkansas, which, as you mentioned, ma'am, is over 90 percent privately owned, we see three things.

No. 1, we see a huge need for private lands conservation around Species of Greatest Conservation Need.

The second thing that we see is a tremendous amount of interest from landowners. People in Arkansas want to do the right thing for the natural resources.

And the third thing that we see is an immense gap in resources. This legislation would go a very long way in filling that resource gap to make sure that we can maximize the human capital that we have in Arkansas, that passion for the natural resources.

One of the ways that we see our Species of Greatest Conservation Need flourishing in Arkansas through private landowners is around quail. This was once a native ground nesting bird to Arkansas that has recently had some challenges. Through our own private lands division, our quail program, we get lots of landowners that are very interested in quail, and this legislation would help us make them more of a priority.

Mrs. KIGGANS. Thank you very much.

And Mr. Strickler, Virginia's 2nd District is home to nine national wildlife refuges, including Back Bay, Great Dismal Swamp, and Chincoteague, all administered by your agency. It is obvious that the Fish and Wildlife Service understands and appreciates the vital role state wildlife agencies play in active forest and habitat management, and this bill strengthens the Service's contracting authority to work with non-Federal partners.

Can you speak to how Title III will improve the working relationship between state and Federal agencies and their shared goal of habitat management and conservation?

Mr. STRICKLER. Representative Kiggans, thank you for the question. It is good to see you again. As one of your constituents from Northampton County, Virginia, I am very familiar with, particularly, the wildlife refuges on the Eastern Shore. Fisherman's Island in the Eastern Shore of Virginia are my home refuges.

And as a former natural resources Secretary of the Commonwealth, I can definitely speak to the importance of partnerships with the states in the Fish and Wildlife Service, partnerships with private landowners and the states in the Fish and Wildlife Service, et cetera. And the concepts of stewardship, contracting authority, and Good Neighbor Authority are certainly things that the Department supports.

And we have worked with Chairman Westerman on the language. We have some technical assistance we would like to provide to maybe tighten things up a little bit, but certainly appreciate the spirit of that language. And definitely it is authority that we think we could use positively to benefit National Wildlife Refuges.

Mrs. KIGGANS. Thank you.

I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Representative Dingell for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chair.

I have tremendous respect for the Chairman of this Committee, and appreciate his focus on habitat conservation. However, I must disagree today that the America's Wildlife Habitat Conservation Act is the best approach, and I am concerned that this bill does not address the biodiversity crisis with the urgency, the resources, or funding it requires.

Many of you know, I lead the Recovery in America's Wildlife Act, or RAWA, which is legislation that was based on the recommendations from the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources. This panel was convened in 2015, and was made up of a group of national business and conservation leaders, not a radical group, a group of business and conservation leaders across the political spectrum to recommend a new mechanism to sustainably fund fish and wildlife conservation.

The enactment of RAWA remains one of my top priorities in Congress, which is why I want to use my time to better explain why I believe RAWA is the best path forward, and why, with great respect but strong disagreement, the Chairman's bill does not meet the mark. I am going to address my questions to Mr. Olson, who was on the blue ribbon panel.

In March 2016, the blue ribbon panel recommended creating a dedicated funding stream to support the implementation of State Wildlife Action Plans in every state, territory, and the District of Columbia. Mr. Olson, is it true that the Chairman's bill does not include a permanent and dedicated funding stream, but rather authorizes up to \$320 million annually, and let me emphasize "up to," since this bill's funding is discretionary, and that it sunsets after 5 years?

Mr. OLSON. Yes, that is true.

Mrs. DINGELL. Thank you. In contrast, RAWA would allocate nearly \$1.4 billion annually, and permanent mandatory funding for state and tribal fish and wildlife management agencies, per the blue ribbon panel's recommendations.

Mr. Olson, why is permanent, dedicated funding so important when it comes to wildlife and habitat management?

Mr. OLSON. Well, it takes a long time to conserve species and to arrest the decline of declining species. The Audubon Society, along with the Fish and Wildlife Service, opened the Condor Recovery Office in 1980 with 22 birds. It is North America's largest flying bird. There were 22 birds left in the wild. We are now up to 300. And this is nearly, what, 44 years later. It is still in danger. They are breeding in the wild successfully. They have been restored into Utah, Arizona, and northern Mexico, and they are breeding successfully throughout Southern California and the Coast Range. It just takes a long time.

The peregrine falcon, the bald eagle, extraordinary success stories from the Endangered Species Act. But it was a concerted effort. State and Federal agencies, the Peregrine Fund, Audubon Societies. We completely eliminated as a breeding species peregrine falcons in the eastern United States. There were two pair left in

the Rocky Mountains sitting on addled eggs because of DDT, eggshell thinning, and two pair in California.

It is an extraordinary thing. We now have 250 pairs of peregrine falcons in California, but it has taken 20 to 25 years. And it is dedicated funding, so that the state agencies can hire people and realize that you are not on a temporary assignment, and next year your appropriation is gone, and we are out of doing the business. It just takes dedicated funding and significant funding.

We can avert the biological crisis. One in four birds in North America is no longer here. We have lost 3 billion birds in the last 50 years. It is on our watch.

Mrs. DINGELL. I agree with you. I am going to ask you just to answer this question shortly. And it is why RAWA matters.

Is it also true that the Chairman's bill rescinds funding for programs managed by the National Oceanic and Atmospheric Administration and the Bureau of Reclamation under the Inflation Reduction Act and the Infrastructure Investment and Jobs Act, which includes funding for tribes to cover the cost of the discretionary funding that may or may not be appropriated for this bill?

Mr. OLSON. It is true.

Mrs. DINGELL. Thank you. It is especially troubling to learn how these clawbacks impact tribes, since it is my understanding how many feel that they have been left out of this process.

I just, in my remaining time, want to emphasize the strong support RAWA has earned over the years. I really want to work with the Chairman, but I cannot support the America's Wildlife Habitat Conservation Act because, simply put, it doesn't meet the recommendations laid out by the blue ribbon panel.

And I would like to ask for unanimous consent to insert in the record a number of documents. The first would be the bipartisan co-sponsor list for last Congress' version of RAWA; this year's bipartisan Senate co-sponsor list; and the bipartisan vote for RAWA on the House Floor during the 117th Congress. The recommendations of the blue ribbon panel outlining the need for \$1.3 billion and permanent mandatory funding, along with the list of panelists on the blue ribbon panel, spanning the ideological spectrum representing conservation, sportsmen, scientists, states, businesses, and more. The House-passed H.R. 2773, Recovering America's Wildlife Act, which would provide almost \$1.4 billion of permanent mandatory funding for states and tribes to carry out wildlife conservation. Support letters for RAWA from 61 Tribal Nations and thousands of business and conservation interests. And lastly, a Committee Report from the 116th Congress showing the markup vote count on RAWA. The Chairman voted for RAWA at that time.

Mr. BENTZ. Without objection.

[The information follows:]

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H.R.2773 - Recovering America's Wildlife Act of 2021

117th Congress (2021-2022)

[Summary\(3\)](#) [Text\(4\)](#) [Actions\(42\)](#) [Titles\(4\)](#) [Amendments\(5\)](#) **Cosponsors(194)** [Committees\(1\)](#) [Related Bills\(2\)](#)
Sponsor: [Rep. Dingell, Debbie \[D-MI-12\]](#) | Cosponsor statistics: 194 current - includes 9 original

* = Original cosponsor

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 06/09/2022 - Rep. Garbarino, Andrew R. [R-NY-2]
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 06/09/2022 - Rep. Wasserman Schultz, Debbie [D-FL-23]
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Party of Cosponsor

Democratic [152] Republican [42]

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 New Jersey [7] Washington [7] Massachusetts [6] Arizona [5] Maryland [5] Ohio [5] Colorado [4] Connecticut [4] Missouri [4]
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 New Mexico [2] Rhode Island [2] Alaska [1] American Samoa [1] Arkansas [1] Delaware [1] District of Columbia [1] Hawaii [1]
 Idaho [1] Indiana [1] Iowa [1] Kansas [1] Kentucky [1] Louisiana [1] Mississippi [1] Northern Mariana Islands [1] Oklahoma [1]
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S.1149 - Recovering America's Wildlife Act of 2023

118th Congress (2023-2024) | [Get alerts](#)

Sponsor: [Sen. Heinrich, Martin \[D-NM\]](#) (Introduced 03/30/2023)

Committees: Senate - Environment and Public Works

Latest Action: Senate - 03/30/2023 Read twice and referred to the Committee on Environment and Public Works. ([All Actions](#))

Tracker: 📍 [Introduced](#) > [Passed Senate](#) > [Passed House](#) > [To President](#) > [Became Law](#)

Summary(1) Text(1) Actions(1) Titles(2) Amendments(0) **Cosponsors(17)** Committees(1) Related Bills(0)

Sponsor: [Sen. Heinrich, Martin \[D-NM\]](#) | Cosponsor statistics: 17 current - includes 1 original

* = Original cosponsor

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- 03/30/2023 - Sen. Tillis, Thomas [R-NC]*
- 05/09/2023 - Sen. Stabenow, Debbie [D-MI]
- 05/09/2023 - Sen. Collins, Susan M. [R-ME]
- 05/09/2023 - Sen. Carper, Thomas R. [D-DE]
- 05/09/2023 - Sen. Graham, Lindsey [R-SC]
- 05/09/2023 - Sen. Rosen, Jacky [D-NV]
- 05/09/2023 - Sen. Moran, Jerry [R-KS]
- 05/09/2023 - Sen. Tester, Jon [D-MT]
- 05/09/2023 - Sen. Boozman, John [R-AR]
- 05/09/2023 - Sen. Sinema, Kyrsten [I-AZ]
- 05/09/2023 - Sen. Budd, Ted [R-NC]
- 09/13/2023 - Sen. King, Angus S., Jr. [I-ME]
- 09/13/2023 - Sen. Wicker, Roger F. [R-MS]
- 09/13/2023 - Sen. Brown, Sherrod [D-OH]
- 09/13/2023 - Sen. Hyde-Smith, Cindy [R-MS]
- 02/01/2024 - Sen. Casey, Robert P., Jr. [D-PA]
- 02/01/2024 - Sen. Rubio, Marco [R-FL]

Party of Cosponsor

Republican [9] Democratic [6] Independent [2]

Cosponsors by U.S. State or Territory

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FINAL VOTE RESULTS FOR ROLL CALL 267(Democrats in roman; Republicans in *italic*; Independents underlined)

H R 2773 YEA-AND-NAY 14-Jun-2022 6:06 PM

QUESTION: On Passage

BILL TITLE: Recovering America's Wildlife Act

	<u>YEAS</u>	<u>NAYS</u>	<u>PRES</u>	<u>NY</u>
DEMOCRATIC	215	2		2
REPUBLICAN	16	188		4
INDEPENDENT				
TOTALS	231	190		6

--- YEAS 231 ---

Adams	Gottheimer	O'Halleran
Aguilar	Green, Al (TX)	Ocasio-Cortez
Allred	Grijalva	Omar
Auchincloss	Harder (CA)	Pallone
Axne	Hayes	Panetta
Barragán	Higgins (NY)	Pappas
Bass	<i>Hill</i>	Pascrell
Beatty	Himes	Payne
Bera	Horsford	Perlmutter
Beyer	Houlihan	Peters
Bishop (GA)	Hoyer	Phillips
Blumenauer	Huffman	Pingree
Blunt Rochester	Jackson Lee	Pocan
Bonamici	<i>Jacobs (NY)</i>	Porter
Bourdeaux	Jayapal	Pressley
Bowman	Jeffries	Price (NC)
Boyle, Brendan F.	Johnson (GA)	Quigley
Brown (MD)	Johnson (TX)	Raskin
Brown (OH)	Jones	Rice (NY)
Brownley	<i>Joyce (OH)</i>	Ross
Bush	Kahele	Roybal-Allard
Bustos	Kaptur	Ruiz
Butterfield	<i>Katko</i>	Ruppersberger
Carbajal	Keating	Rush
Cárdenas	Kelly (IL)	Ryan
Carson	Khanna	<i>Salazar</i>
Carter (LA)	Kildee	Sánchez
Cartwright	Kilmer	Sarbanes
Case	<i>Kim (CA)</i>	Scanlon
Castor (FL)	Kim (NJ)	Schakowsky
Castro (TX)	Kind	Schiff
Cherfilus-McCormick	<i>Kinzinger</i>	Schneider
Chu	Kirkpatrick	Schrader
Cicilline	Krishnamoorthi	Schrier

Clark (MA)	Kuster	Scott (VA)
Clarke (NY)	Lamb	Scott, David
Cleaver	Langevin	Sewell
Clyburn	Larsen (WA)	Sherman
Cohen	Lawrence	Sherrill
<i>Cole</i>	Lawson (FL)	<i>Simpson</i>
Connolly	Lee (CA)	Sires
Cooper	Lee (NV)	Slotkin
Correa	Leger Fernandez	Smith (WA)
Costa	Levin (CA)	Soto
Courtney	Levin (MI)	Spanberger
Craig	Lieu	Speier
Crist	Lofgren	Stansbury
Crow	Lowenthal	Stanton
Cuellar	Luria	Stevens
Davids (KS)	Lynch	Strickland
Davis, Danny K.	Malinowski	Suozi
Dean	Maloney, Carolyn B.	Swalwell
DeFazio	Maloney, Sean	Takano
DeGette	Manning	Thompson (CA)
DelBene	Matsui	Thompson (MS)
Demings	McBath	Titus
DeSaulnier	<i>McCaul</i>	Tlaib
Deutch	McCullum	Tonko
Dingell	McEachin	Torres (CA)
Doggett	McGovern	Torres (NY)
Doyle, Michael F.	<i>McKinley</i>	Trahan
Escobar	McNerney	Trone
Eshoo	Meeks	<i>Turner</i>
Espallat	<i>Meijer</i>	Underwood
Evans	Meng	<i>Upton</i>
<i>Fitzpatrick</i>	Mfume	Vargas
Fletcher	Moore (WI)	Veasey
Foster	Morelle	Velázquez
Frankel, Lois	Moulton	Wasserman Schultz
Gallego	Mrvan	Waters
Garamendi	Murphy (FL)	Watson Coleman
<i>Garbarino</i>	Nadler	Welch
Garcia (IL)	Napolitano	Wexton
Garcia (TX)	Neal	Wild
Golden	Neguse	Williams (GA)
Gomez	Newman	Wilson (FL)
Gonzalez, Vicente	Norcross	Yarmuth

--- NAYS 190 ---

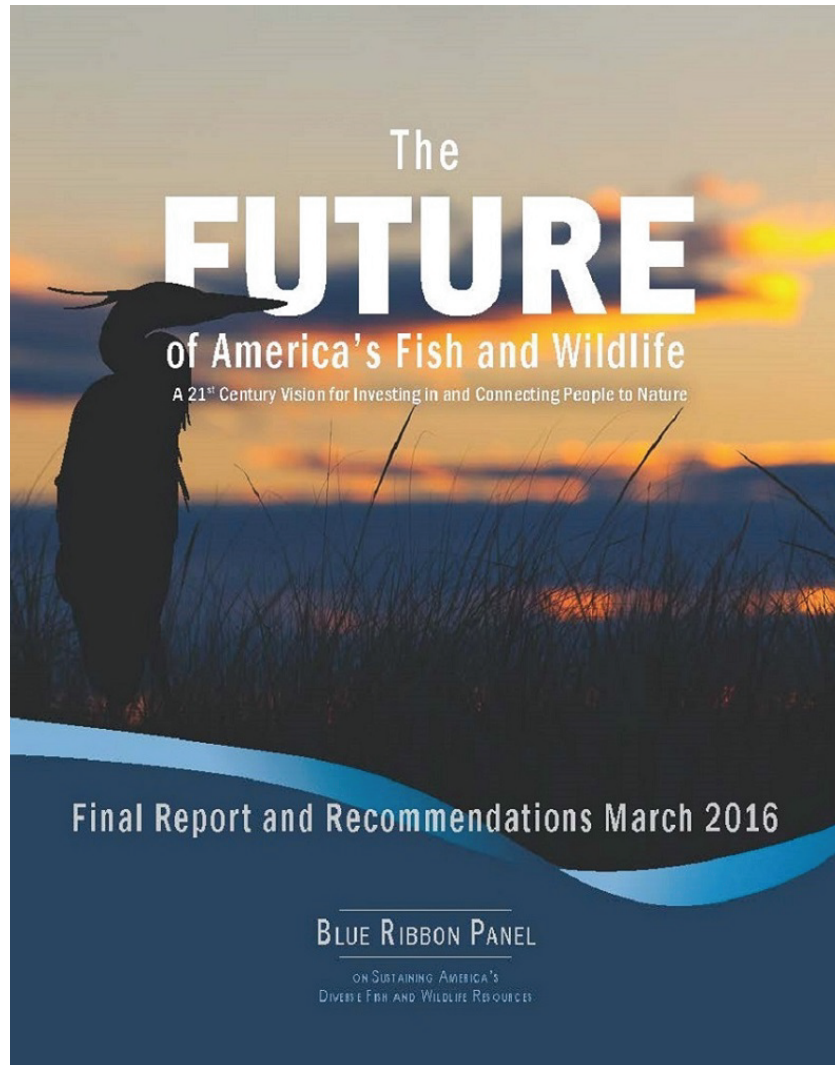
<i>Aderholt</i>	<i>Garcia (CA)</i>	<i>Moolenaar</i>
<i>Allen</i>	<i>Gibbs</i>	<i>Mooney</i>
<i>Amodei</i>	<i>Gimenez</i>	<i>Moore (AL)</i>
<i>Armstrong</i>	<i>Gohmert</i>	<i>Moore (UT)</i>
<i>Arrington</i>	<i>Gonzales, Tony</i>	<i>Mullin</i>
<i>Babin</i>	<i>Gonzalez (OH)</i>	<i>Murphy (NC)</i>
<i>Bacon</i>	<i>Good (VA)</i>	<i>Nehls</i>

Baird	Gooden (TX)	Newhouse
Balderson	Gosar	Norman
Banks	Granger	Oberholte
Barr	Graves (LA)	Owens
Bentz	Graves (MO)	Palazzo
Bergman	Green (TN)	Palmer
Bice (OK)	Greene (GA)	Pence
Biggs	Griffith	Perry
Bilirakis	Grothman	Pfuger
Bishop (NC)	Guthrie	Posey
Boebert	Harris	Reschenthaler
Bost	Harshbarger	Rice (SC)
Brady	Hartzler	Rodgers (WA)
Brooks	Hern	Rodgers (AL)
Buchanan	Herrell	Rodgers (KY)
Buck	Herrera Beutler	Rose
Bucshon	Hice (GA)	Rosendale
Budd	Higgins (LA)	Rouzer
Burchett	Hinson	Roy
Burgess	Hollingsworth	Scalise
Calvert	Hudson	Schweikert
Cammack	Huizenga	Scott, Austin
Carey	Issa	Sessions
Carl	Jackson	Smith (MO)
Carter (GA)	Johnson (LA)	Smith (NE)
Carter (TX)	Johnson (OH)	Smith (NJ)
Cawthorn	Johnson (SD)	Smucker
Chabot	Jordan	Spartz
Cheney	Joyce (PA)	Stauber
Cline	Keller	Steel
Cloud	Kelly (MS)	Stefanik
Clyde	Kelly (PA)	Steil
Comer	Kustoff	Stenbe
Crawford	LaHood	Stewart
Crenshaw	LaMalfa	Taylor
Curtis	Lamborn	Tenney
Davidson	Larson (CT)	Thompson (PA)
Davis, Rodney	Latta	Tiffany
DeLauro	LaTurner	Timmons
DesJarlais	Lesko	Valadao
Diaz-Balart	Letlow	Van Drew
Donalds	Long	Van Duyne
Duncan	Loudermilk	Wagner
Dunn	Lucas	Walberg
Ellzey	Luetkemeyer	Walorski
Emmer	Mace	Waltz
Fallon	Malliotakis	Weber (TX)
Feenstra	Mann	Webster (FL)
Ferguson	Massie	Wenstrup
Fischbach	Mast	Westerman
Fitzgerald	McCarthy	Williams (TX)
Fleischmann	McClain	Wilson (SC)
Foxx	McClintock	Wittman
Franklin, C. Scott	McHenry	

Fulcher	Meuser	Womack
Gaetz	Miller (WV)	Zeldin
Gallagher	Miller-Meeks	

---- NOT VOTING 6 ----

Casten	Guest	Miller (IL)
Estes	Jacobs (CA)	Rutherford



The full document is available for viewing at:
<https://docs.house.gov/meetings/II/II13/20240306/116892/HHRG-118-II13-20240306-SD006.pdf>



Calendar No. 424

117TH CONGRESS
2D SESSION

H. R. 2773

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2022

Received; read twice and placed on the calendar

AN ACT

To amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

The full bill is available for viewing on Congress.gov at:
<https://www.congress.gov/bill/117th-congress/house-bill/2773>



NATIVE AMERICAN FISH & WILDLIFE SOCIETY

8515 Pearl St., Ste. 203, Thornton, CO 80229

1-866-890-7258, (303)466-1725

www.nafws.org

October 15, 2019

The Honorable Jared Huffman
Chairman
Water, Oceans, Wildlife Subcommittee
United States House of Representatives
Washington, D.C. 20510

The Honorable Tom McClintock
Ranking Member
Water, Oceans, Wildlife Subcommittee
United States House of Representatives
Washington, D.C. 20510

Dear Chairman Huffman, and Ranking Member McClintock,

The Native American Fish and Wildlife Society is composed of Indian Tribes, organizations, and people as well as federal and state agency representatives to aid in the development and protection of Native American fish and wildlife resources. We were established in recognition of the importance and respect accorded to fish and wildlife by Native American people.

Today, we are writing to express our strong support of the Recovering America's Wildlife Act (H.R. 3742), and to share letters of support from 30 tribes and tribal entities – representing a total of 61 Tribal nations. We've also included a resolution passed in support of this legislation from the Native American Fish and Wildlife Society. The number of tribes writing in support of this bill continues to grow as the nation's sovereign tribes learn more about this once in a lifetime opportunity to finally secure much-needed resources for tribal conservation.

Conservation opportunities on Tribal lands are essential. Tribes influence the management of a natural resource base of nearly 140 million acres, both on-and-off reservation, including more than 730,000 acres of lakes and reservoirs, over 10,000 miles of streams and rivers, and over 18 million acres of forested lands. Importantly, tribal lands provide habitat for fish and wildlife, and the more than 525 federally listed threatened and endangered plants and animals.

The Tribal Title in the Recovering America's Wildlife Act would provide \$97.5 million in dedicated funding for tribal nations – funding that is essential to the preservation of thousands of species – many of which have important ecological and cultural importance.

Tribal wildlife managers are on the front lines of the crisis facing our fish and wildlife. This Committee and this Congress can support the important work being done on-the-ground by supporting and swiftly passing this bipartisan legislation.

Sincerely,

Elveda Martinez, President
NATIVE AMERICAN FISH AND WILDLIFE SOCIETY

cc: Chairman Grijalva and Ranking Member Bishop

All of the letters of support for RAWA are available for viewing at:
<https://docs.house.gov/meetings/II/II13/20240306/116892/HHRG-118-II13-20240306-SD008.pdf>

The letters of support are from the following tribes:

Native American Fish & Wildlife Society	Point No Point Treaty Council
Oneida Nation	Pueblo of Santa Ana
Menominee Indian Tribe of Wisconsin	Santee Sioux Tribe of Nebraska
Swinomish Indian Tribal Community	Quileute Tribal Council
Eastern Band of Cherokee Indians	1854 Treaty Authority
Chippewa Ottawa Resource Authority	Keweenaw Bay Indian Community
Cheyenne River Sioux Tribe	Northwest Indian Fisheries Commission
Confederated Salish and Kootenai Tribes	Walker River Paiute Tribe
Grand Traverse Band of Ottawa and Chippewa Indians	Makah Tribe
The Hope Tribe	Stillaquamish Tribe of Indians
Lower Brule Sioux Tribe	Northern Cheyenne Tribe
Leech Lake Band of Ojibwe	Southwest Tribal Fisheries Commission
Quinault Indian Nation	Confederated Tribes and Bands of the Yakama Nation
Lummi Indian Business Council	Yurok Tribe
Osage Nation	



116TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 116-685
 2d Session } { Part I

RECOVERING AMERICA'S WILDLIFE ACT OF 2019

DECEMBER 24, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
 submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3742]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3742) to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:
 Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recovering America's Wildlife Act of 2019".

TITLE I—WILDLIFE CONSERVATION AND RESTORATION

SEC. 101. WILDLIFE CONSERVATION AND RESTORATION SUBACCOUNT.

(a) IN GENERAL.—Section 3 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b) is amended in subsection (c)—

(1) by redesignating paragraphs (2) and (3) as paragraphs (9) and (10); and
 (2) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT OF SUBACCOUNT.—

"(A) IN GENERAL.—There is established in the fund a subaccount to be known as the 'Wildlife Conservation and Restoration Subaccount' (referred to in this section as the 'Subaccount').

19-006

The Committee Report on H.R. 3742 is available for viewing at:
<https://docs.house.gov/meetings/II/II13/20240306/116892/HHRG-118-II13-20240306-SD010.pdf>

Mrs. DINGELL. And with that, I yield back.

Mr. BENTZ. Thank you. The Chair recognizes Representative Hageman for 5 minutes.

Ms. HAGEMAN. Thank you, Mr. Chairman, and I am grateful for all of the work that has gone into this bill, and more particularly for the discussions that I have had with Chairman Westerman in developing this legislation.

I also want to thank each of the witnesses for their willingness to testify in front of this Subcommittee. We deeply value your input, knowledge, and your expertise.

I have one quick question for Mr. Strickler, and that is, Mr. Strickler, are you aware of which agency created one of the worst environmental disasters in U.S. history?

Mr. STRICKLER. Representative Hageman, I am not entirely sure, but happy for you to enlighten me.

Ms. HAGEMAN. Well, it was the EPA, and the EPA blew out the Gold King Mine in 2015, and released 800,000 pounds of heavy metals and other things into the Animas River, turning the Animas River yellow. And in doing so, they destroyed hundreds of miles of rivers, fisheries, wildlife, and other things down in southwestern Colorado and in the remainder of the Animas River. No one has ever been held responsible for that.

So, I think that it is very important that we understand who actually has the skin in the game for conserving our natural resources and our wildlife.

Wildlife habitat, water, and resource conservation is extremely important to the state of Wyoming. Almost a year ago, we had the privilege of hearing from the Director of Wyoming Game and Fish in this Subcommittee as we spoke on my bill, the Grizzly Bear State Management Act. Mr. Brian Nesvik, the Director of the state agency, spoke on the timeline of the Greater Yellowstone Ecosystem grizzly bear listing and attempted delistings. He made it very clear in his testimony that it is our state and local managers who are putting in the hard work on the ground and who best understand our local ecosystems.

In fact, Wyoming has spent over \$59 million on grizzly recovery, whereas the U.S. Fish and Wildlife Service has spent only in the thousands. States have the responsibility, expertise, and incentives to conserve the species within their borders. And, in fact, many states take an outsized role in managing listed species.

One of the things that we discussed as we were going through the bill for the grizzly bear delisting is how the Endangered Species Act actually works, and it is the states that do so much of the heavy lifting in terms of protecting our wildlife. Like in my home state of Wyoming, the Greater Yellowstone grizzly bear, the gray wolf, et cetera have been highly successful, but that is because of state management.

Mr. Booth, do you believe that the greater regulatory opportunities that are afforded to states under this bill will empower you to command more resources at the state level to conserve species in your state?

Mr. BOOTH. Yes, ma'am, we do, relative to some of the modest ESA reforms that are in this bill.

Really, what it does is it perfectly captures the already healthy, productive, and ongoing relationship that we are very proud of in Arkansas that we have with the U.S. Fish and Wildlife Service. We work every single day with our partners at our 10 refuges, and these people have dirt on their hands and smoke in their hair, and we are really, really proud of it.

Ms. HAGEMAN. So, Mr. Booth, when the Fish and Wildlife Service has given states, landowners, and conservation groups clear recovery targets, do you believe that that has motivated the recovery efforts?

Mr. BOOTH. Yes, I do.

Ms. HAGEMAN. And when those recovery targets have been met, but yet it takes even perhaps years to get regulations in place or delisting to occur, how does that affect states' and landowners' incentives to invest in recovery efforts?

Mr. BOOTH. It is often disheartening for landowners to see that regulatory changes or improvements move slower than putting habitat down on the ground. It ultimately erodes long-term support for conservation.

Ms. HAGEMAN. Mr. Bronson, I would like to direct some of these questions to you, as well. When you have clear recovery targets from the Fish and Wildlife Service, do you believe that that motivates recovery efforts?

Mr. BRONSON. Yes.

Ms. HAGEMAN. And when a species is recovered, don't you believe that it also incentivizes people to work with more species when the Fish and Wildlife Service actually moves forward successfully with delisting a recovered species?

Mr. BRONSON. Absolutely. When you have success, it breeds more and additional success. But when you are locked in and can't move forward, on gray wolves, for instance, in the Great Lakes region, or grizzly bears in your state, it just frustrates all the managers involved in the process, all the way down the line for other species down the road.

Ms. HAGEMAN. It disincentivizes participation with the program entirely, doesn't it?

Mr. BRONSON. Correct.

Ms. HAGEMAN. Thank you.

Again, I want to thank each of you for being here today and providing the testimony that you have, working with us to put forth a bill that is actually going to succeed at recovering species, rather than being used as a zoning mechanism to control land and water use. Thank you.

With that, I yield back.

Mr. BENTZ. The Chair recognizes Congresswoman Hoyle from Oregon for 5 minutes.

Ms. HOYLE. Thank you, my fellow Oregonian and Chair. I would like to yield my time to Representative Huffman.

Mr. HUFFMAN. I thank the gentlelady from Oregon.

Mr. Strickler, I want to come back to you because you were just asked about the 2015 toxic spill into the Animas River. I am old enough to remember that incident. And it seems to me that this was not EPA's mine. As I recall, there was a deadbeat mine owner,

a problem we have faced throughout the country with abandoned mines and deadbeat mine owners.

What are we missing in the exchange that you just had with the Congresswoman from Wyoming? Not that any of it is relevant to this bill.

Mr. STRICKLER. Representative Huffman, with great trepidation, and not wanting to get in between you and Ms. Hageman here, and wanting to keep the focus on the topic of the hearing, I do believe that your recollection of that is accurate.

Mr. HUFFMAN. Right. It was a deadbeat mine owner.

OK. Mr. Olson, under RAWA, state agencies would receive nearly 25 to 30 times the current funding levels. Is that your understanding?

Mr. OLSON. Yes.

Mr. HUFFMAN. For wildlife conservation, which would be a great benefit to their work. What kind of impact would infusion of resources like that have on America's wildlife?

Mr. OLSON. Well, I think I have this correct. I think even the smallest states, Rhode Island would get a minimum of \$15 million a year focused on implementing their State Wildlife Action Plans and focused on those declining species. And with the dedicated funding, that means you could really implement a long-term plan to recover these species and keep them off the endangered species list.

Keeping it is like preventative health care for wildlife versus putting them in the emergency room. And I think part of the reason we had two oil company presidents, Shell Oil North America and Hess Oil's president, on the committee was the fact that they wanted long-term assurances of not having to get to the emergency room and start paying all the lawyers and all the delays, the train wrecks that happen when you do get in that situation. And the National Association of Realtors and the U.S. Chamber of Commerce endorsed that concept. Let's keep species out of the emergency room.

I think this bill focuses a lot on the Endangered Species Act, and I think that is fine. But what we were trying to do was prevent the endangered species becoming endangered.

Mr. HUFFMAN. Right. Thank you for elaborating a little bit on the actual composition of the panel, the reason it was formed. Could you say a little bit more about the panel's actual recommendation?

And then, listen, I want you to go woodpecker watching with Mr. Westerman, as well, but I need you to just give a cold-blooded comparison between this current bill, which is a hollow authorization of \$320 million offset by cuts to other programs that help wildlife, versus the almost \$1.4 billion in guaranteed annual funding that RAWA recommended.

Mr. OLSON. Yes. Well, I think everybody here wants to keep species from being listed. And we felt like taking a long-term dedicated funding approach reaching 12,000 species would be the best way to go about averting the crisis and beginning to recover from the crisis.

With Mr. Westerman's bill, I appreciate the fact that it is collaborative, that it sends funds to the state, but it is not dedicated

funding, and it is not clear that it would even be reauthorized or that \$300 million would be appropriated on an annual basis.

Mr. HUFFMAN. And with the sunset, it actually takes you backward, right?

Mr. OLSON. Yes, after 5 years.

Mr. HUFFMAN. Look, the main point, I believe, correct me if I am wrong, but the main point of the blue ribbon panel was this guaranteed annual funding, and the level of guaranteed annual funding needed to do the job.

Mr. OLSON. Yes, that is exactly right.

Mr. HUFFMAN. And Mr. Westerman's bill, for whatever other provisions it might have in it, doesn't include that. In fact, it puts us on a weaker financial footing going forward. Is that fair to say?

Mr. OLSON. That is fair.

Mr. HUFFMAN. Thanks, I yield back.

Mr. BENTZ. The Chair recognizes Congressman Duarte for 5 minutes.

Mr. DUARTE. Thank you, Mr. Chair. I appreciate it.

In the state of California, healthy forests are very important, our way of life. This Cottonwood Decision has caused a state of paralysis in managing our Federal forests by requiring forest plans to go through new ESA consultations every time a new species is listed. For that reason, I have been a consistent supporter of legislative efforts to provide a fix to the detrimental Cottonwood Decision.

Mr. Bronson, I have heard critics of reversing the Cottonwood Decision state that ESA consultation is a quick process that can be completed in a few days. Has that been your experience?

Mr. BRONSON. Mr. Chairman, Representative Duarte, no, that hasn't been our experience.

When we look at the very first consultation that was required from the original court case, that took 400 person days for the Forest Service to do the review. It took over 12 months and it cost \$250,000. And since that time, most reconsultations have been on par with that.

Mr. DUARTE. Thank you. Again, Mr. Bronson, as a state outside the Ninth Circuit, and therefore not currently prioritizing reversing the Cottonwood Decision, what is at play there? What do you know about that?

Mr. BRONSON. The original ruling affected the Ninth Circuit, and it actually conflicted with a ruling that had been made in the Tenth Circuit. So, what we have is a situation where there is uncertainty for the rest of the country. Which precedent is going to take effect? Is reconsultation required, as the Ninth says, or is it not required, as the Tenth says? So, that is a big part of the concern about uncertainty.

An injunction was put in place in an Arizona court, which is in the Ninth Circuit, but that affected forests that were in New Mexico, including the forests that were affected by the Hay Creek Fire, the massive, world-record-setting wildfire. There was an area of treatment that didn't get treated for over a year because of a *Cottonwood* injunction, even though New Mexico was outside of the Ninth Circuit. So, this is having impacts beyond that.

But I think the biggest concern that states outside of the Ninth Circuit should have is that this is costing the Forest Service a lot of time and money that is taking their people away from active forest management across the country. It is reducing budgets for needless litigation.

Mr. DUARTE. Thank you. Thank you very much.

Mr. Tenny, you work with a lot of forest owners. Forest management, whether public or private lands, has conjunctive uses that we all value: habitat, watershed logging, grazing, recreation. How does preservation wilderness fit into that conjunctive management scheme, and does it have a place and can it be balanced?

Mr. TENNY. Well, yes and yes. What we find with private forest owners is their primary interest is to find that balance.

Our member companies in the West have shared thousands of miles of boundary with the National Forest System lands, so what we focus on in that relationship is to maintain the health of the land on those boundaries because we have to. Now, those boundaries are usually distant from preserved areas, and those preserved areas provide a lot of benefit to a lot of people for a variety of reasons. We focus our attention on those areas that need to be managed to preserve both the benefits on the Federal land, which everybody needs, and the benefits on the private land, which everybody needs.

Mr. DUARTE. What is your experience with the history of catastrophic wildfire when it comes across the private lands that are managed as private lands for conjunctive benefits, and of public lands that are held as preservation wilderness, and basically unmanaged, overgrown, oftentimes very high fuel density?

Mr. TENNY. Well, I would be lying if I said I didn't have a little PTSD on some of that, because we have seen some very difficult fire situations in recent years, and we know that. We have seen them in California, we have seen them in Oregon. There is no doubt that fire does not know boundaries.

So, what we are doing with the Forest Service, in fact, we just signed an MOU with the Forest Service last week that will enable our private forest owners to extend fuel breaks onto Federal land, and to cooperate in these adjacent areas so that we can address that very issue.

It is a start.

Mr. DUARTE. One last question. Comparative habitat value between the private lands and the preservation wilderness lands and public ownership.

Mr. TENNY. It varies from place to place, but I can tell you that where we are managing, I will give you an example of owls. Owls is a good example that you will understand. Owls need places to sleep, they need places to forage. And when you have a mosaic of forest types, you can provide that.

Because we are managing our lands on a continuous rotation of young, older, and then mature forests, we are providing that mosaic of habitat that owls need, and this carries over to a whole variety of other species, whether it is tree voles or Pacific fishers, a whole variety of other species that we have been able to manage without the need for listing because of the way we manage.

Mr. DUARTE. So, actively-managed forest lands generally have higher habitat value than preservation wilderness forest lands.

Mr. TENNY. We know from our experience that they provide the habitat that the species need. And what happens on the Federal land, it is variable.

Mr. DUARTE. Thank you. Thank you very much.

I yield back.

Mr. BENTZ. Thank you. The Chair recognizes himself for 5 minutes.

Mr. Booth, the leverage, the synergy, the compound return of private landowners working with agencies, that, to me, seems to be one of the most important parts of this bill. And the reason it is so important is because we don't have enough money, as we have heard over and over again, to do all the work that needs to be done. So, leveraging that private landowner involvement is key because we don't have all the money in the world, as has been suggested by folks on the other side of the aisle, perhaps the gentleman sitting to my left.

So, my question to you is, do you see this bill as a means of prompting local landowners with their millions of acres of land working with agencies? Do you see this bill as a prompt to have that actually happen?

Mr. BOOTH. Without question. We see landowners in Arkansas with a very deep desire to do the right thing for the natural resource, but they are normally lacking in either two things: knowledge or resources. This important legislation will help us establish a conduit with these private landowners to help give them both.

Mr. BENTZ. It seems to me that, without the involvement of the private landowner, we are not going to be successful in recovering these species. We simply are not.

I viewed this bill based upon conversations with people like you and also back in my home state of Oregon, where I assisted as a lawyer in many ranches entering into CCAAs. And there was great fear in that space that this bill actually would address. And to me, getting people who do have thousands of acres of sagebrush land enthusiastic about entering into arrangements with the government that actually help and don't threaten is so important, and this bill does exactly that.

Mr. Strickler, I read with interest your testimony, particularly page 2, where you talk about new approaches in the Klamath. And I was just wondering if you were referring to the holes blown in those dams that are now allowing all kinds of sediment to rush down the river and kill thousands, tens of thousands, if not millions, of fish. And I wonder if that was one of the new approaches.

And I am being mean about this, Mr. Strickler, I know you didn't have much to do with what is going on there. But I must say, when I went through your assertion that the money being spent in the BIL and the IRA, the assertion is almost as though, if this bill were to pass, all of those trillions would be sucked up by this bill. And that is not the case at all, is it?

This bill suggests \$300 billion a year. Those two bills are in the trillions, am I right?

And why would you make such a suggestion, that somehow this bill would rob those two pieces of legislation of their money?

Mr. STRICKLER. Chairman Bentz, thank you for the question. It is good to see you again, and happy to talk to you about Klamath dam removal or otherwise.

The legislation states clearly that there would be funds from Bipartisan Infrastructure Law and Inflation Reduction Act rescinded, I think, ostensibly as an offset for the funding authorized, spending authorized in this legislation. It is not the entire amount, obviously, of those large pieces of legislation, but it would be significant funding for the programs we mentioned earlier.

Mr. BENTZ. All right. Well, I just want to say that that wasn't what I heard in your initial testimony. And I was taken aback by your statement that taking money from the Inflation Reduction Act is counter-productive, particularly where this bill promotes this leverage, this compounding, this synergy we just heard about from Mr. Booth.

So, if we are getting this kind of compound return on that which this bill suggests, as opposed to whatever it is that is currently happening, wouldn't you agree that if we can get more money, more bang for the buck, if you will, under this bill than under these other two Acts you referenced, we should be trying to figure out how to better use those funds. Wouldn't you agree?

Mr. STRICKLER. Mr. Chairman, I think the "if" there is important. I don't believe that we would get more bang for our buck by rescinding that funding and putting it towards different purposes.

I think to the point that others have made today, let's do both. I think the purposes of the funding that has been appropriate under BIL and IRA is really important.

Mr. BENTZ. I am going to be out of my own time here in a second.

I appreciate your answer, but it is no surprise to me that my Ranking Member brought this fake money in, because if we don't get control of our spending this is what our dollars are going to be worth. So, the question becomes, how do we appropriately use that which has already been allocated better?

And I am looking forward to hearing what Chair Westerman has to say. And since I am now going to recognize him for 5 minutes, we will get to hear that now.

Mr. WESTERMAN. Thank you, Chairman Bentz, and thank you to the witnesses today.

There has been a lot of talk about the blue ribbon commission and the recommendations. And I will admit Recommendation No. 1 says Congress dedicate up to \$1.3 billion annually. And Mr. Olson, I know you were on the blue ribbon commission.

Mr. Strickler, you talked about the blue ribbon commission.

Mr. Olson, if this language had the \$1.3 billion permanent mandatory spending in it, what would be your position on it? Would you support it if it had the \$1.3 billion of permanent mandatory annual funding?

Mr. OLSON. Well, that is a strong component of what we would like to see in the bill.

We would also like to probably, I think, take a look at the endangered species provisions. We love the idea of having private

landowners in the states building a working relationship and a partnership.

I think our concern is that Federal authority of the Endangered Species Act, there are issues with grizzly bears and wolves.

Mr. WESTERMAN. I need to move on here.

Mr. OLSON. OK.

Mr. WESTERMAN. I only read the first phrase in Recommendation No. 1. Can you finish Recommendation No. 1?

And I read, "Congress dedicate up to \$1.3 billion annually." Do you know how that recommendation ends?

Mr. OLSON. To fund state agencies, wildlife agencies, and tribal governments to be able to develop conservation plans—

Mr. WESTERMAN. You are missing it a little bit. Let me just read it.

Recommendation No. 1, "Congress dedicate up to \$1.3 billion annually in existing revenue from the development of energy and mineral resources on Federal lands and waters to the Wildlife Conservation Restoration Program." Do you remember that?

Mr. OLSON. That is correct.

Mr. WESTERMAN. Did the bill from last Congress, the RAWA bill, have offsets from development of energy and mineral resources from Federal and—

Mr. OLSON. No, it did not.

Mr. WESTERMAN. No, it was coming straight out of the Treasury with no offset.

And Mr. Strickler, you seem to think we need the \$1.3 billion annually, but you don't think it is more important than the NOAA and the Bureau of Reclamation provisions that, quite frankly, aren't being used out of IIJA and the IRA. Where would you find the money?

Mr. STRICKLER. Chairman Westerman, thank you for the question. There is a reason there was nothing about where we should find the money in my testimony, because that is not for me to say.

Mr. WESTERMAN. So, we are borrowing it from our kids and our grandkids. And with no offsets to it, that is pretty irresponsible. And it will make the money turn into play money, the value of the U.S. currency that is already being devalued with high inflation.

Mr. Bronson, you represent elk. If there is good elk habitat, does Mr. Olson get good songbird habitat? Do they usually go hand in hand?

Mr. BRONSON. Mr. Chairman, Representative Westerman, yes, normally.

We work on elk primarily, but we also work on other wildlife, and we care about a lot of species. So, good quality sage for elk is good quality sage for sage-grouse.

Mr. WESTERMAN. So, it is really not about a species, it is about habitat. And this bill is focused on restoring habitat, not somehow magically waving a wand and recovering a species. It all comes back to habitat.

Mr. Booth, let's get a little bit specific about what is in the bill. We know Arkansas has 10 percent public lands, and part of that is state lands. The private lands there, if landowners wanted to manage for wildlife habitat and your agency was available to send

biologists and foresters out to meet with them and tell them that if you implement this plan, which most of the time it is going to require thinning their forest to get the basal area right, and probably some kind of controlled burns, do you think people would do that?

Mr. BOOTH. Without question, Congressman. We have people jumping over themselves to do it right now.

Mr. WESTERMAN. And when you thin land in Arkansas, you sell the timber off. They could use that to pay for the work that is done on it, so there is no cost to the program, and the landowner might even get money back, which is a benefit for everyone.

Now, when you go to the Federal lands, which are in the same condition, and this has been proven with the red-cockaded woodpecker habitat, when you go in and manage those lands and sell the timber from the thinnings, you get to put that back in the pot. I think under RAWA you would have about \$13 million a year, but you probably have the potential to generate \$30 or \$40 million a year to do wildlife management where you don't have something like a timber resource to pay it back.

So, as far as funding goes, this is actually extremely more innovative than just saying, oh, we are going to pull \$1.3 billion out of the air from our kids and our grandkids and shove it down to the states with no responsibility.

Mr. Chairman, I yield back.

Mr. BENTZ. Thank you, and I thank the witnesses for their testimony and the Members for their questions.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. Eastern Time on Monday, March 11. The hearing record will be held open for 10 business days for these responses.

Without objection, the Subcommittee stands adjourned.

[Whereupon, at 11:45 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Statement for the Record
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
on H.R. 7408

The National Oceanic and Atmospheric Administration (NOAA) is responsible for the stewardship of the nation's living marine resources and their habitat. Backed by sound science and an ecosystem-based approach to management, NOAA Fisheries provides vital services for the nation, including sustainable management of our fisheries, ensuring safe sources of seafood, and the recovery and conservation of protected species and healthy ecosystems. The resilience of our marine ecosystems and coastal communities depends on healthy marine species, including protected species such as whales, sea turtles, salmon, and corals.

The Endangered Species Act

Under the Endangered Species Act (ESA), NOAA Fisheries works to recover marine and anadromous species while preserving robust economic and recreational opportunities. There are more than 160 endangered and threatened marine and anadromous species under NOAA's jurisdiction. Our work includes listing species under the ESA, monitoring species status, designating critical habitat, implementing actions to recover endangered and threatened species, consulting with other Federal agencies to insure their activities are not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat, developing ESA policies, guidance, and regulations, and working with partners to conserve and recover listed species. NOAA Fisheries shares the responsibility of implementing the ESA with the U.S. Fish and Wildlife Service (hereafter referred to as the Services).

Recognizing the value of our natural heritage, Congress enacted the ESA nearly unanimously in 1973, in acknowledgement of the broad public support for the prevention of species extinction and the conservation of ecosystems and biodiversity. The ESA is the nation's foremost conservation law for protecting wildlife and plants in danger of extinction. It plays a critical, science-based role in preventing the extinction of imperiled species, promoting their recovery, and conserving their habitats. It has been extraordinarily effective at preventing species from going extinct and has inspired voluntary action to conserve at-risk species and their habitat before they reach the point where they would qualify to be listed as threatened or endangered.

Since it was signed into law, more than 99 percent of the species listed have been saved from extinction.

We offer the following comments on HR 7408.

HR 7408—America's Wildlife Habitat Conservation Act

HR 7408 would amend the Pittman-Robertson Wildlife Restoration Act to authorize supplemental funds for management of fish and wildlife species to States and Tribes. It would authorize the Department of the Interior to allocate these funds to accounts established under the Pittman-Robertson Wildlife Restoration Act and to issue grants. Because NOAA Fisheries does not provide or receive funds under the Pittman-Robertson Wildlife Restoration Act, this part of the legislation does not pertain to NOAA Fisheries.

HR 7408 would also amend several provisions of the ESA including provisions pertaining to listing species, designating critical habitat, and promulgating protective regulations under section 4(d) for threatened species. NOAA has several concerns with these provisions and opposes these sections of HR 7408.

Listing Determinations [Section 401]

HR 7408 would amend the ESA to require the Services, when determining whether to list a species, to take into account the net conservation benefit of any "Candidate Conservation Agreement with Assurances" or "Programmatic Candidate Conservation Agreement with Assurances" for that species. Candidate Conservation Agreements with Assurances are voluntary agreements that are used to provide incentives for non-Federal landowners to conserve candidate and other unlisted species. The Services currently enter into these agreements when we determine that

the conservation measures that will be implemented address key current and anticipated future threats that are under the property owner's control and will result in a net conservation benefit to, and improve the status of, the covered species.

This bill's definition of "net conservation benefit" differs from that in the 2016 joint NOAA Fisheries and U.S. Fish and Wildlife Service candidate conservation agreement with assurances policy (81 FR 95164). The policy provides a clear definition of the term "net conservation benefit" that specifically refers to cumulative benefits of the conservation measures and describes how the benefits are measured. Consistent with the policy's definition, the conservation measures and property-management activities covered by the agreement must be designed to reduce or eliminate those key threats on the property that are under the property owner's control in order to increase the species' populations or improve its habitat. HR 7408 defines "net conservation benefit" as the net effect of the agreement by comparing the situation of the candidate species with and without an agreement, rather than the cumulative benefits to the species referenced in the policy. As such, the bill would allow for exemption from future listing based on a lower standard than currently applicable, undermining the ability of the ESA to prevent extinction. In addition, it is not clear how the requirement to take into account the net conservation benefit of any "Candidate Conservation Agreement with Assurances" or "Programmatic Candidate Conservation Agreement with Assurances" would apply to NOAA Fisheries, as various subsections of the bill establish responsibilities for the "Secretary"—a term that includes both Services—and the Director of the U.S. Fish and Wildlife Service, which would exclude NOAA Fisheries from the bill's application.

Critical Habitat [Sections 402]

Existing section 4(a)(3)(B)(i) of the ESA precludes the Secretary from designating as critical habitat lands or geographical areas owned or controlled by the Department of Defense that are subject to an integrated natural resources management plan prepared under the Sikes Act, if the Secretary determines that the plan provides a benefit to the species. Section 402 of HR 7408 would prohibit the Services from designating as critical habitat lands that are privately owned or controlled, and that are subject to a land management plan that the Secretary determines is similar to an integrated natural resource management plan under Section 101 of the Sikes Act. Privately controlled land is not defined.

While some of this provision in HR 7408 is similar to Section 4(a)(3)(B)(i) of the ESA, HR 7408 includes additional requirements and findings that would be very difficult to produce within the time frames the ESA requires for critical habitat to be designated. For example, section 402 provides that one way for a land management plan to be prepared is in cooperation with the Services and each applicable State fish and wildlife agency. The resource-intensive task of preparing and assessing potentially multiple plans in multiple states for wide-ranging species would strain the Services' limited resources, and cause delay. Even if land management plans are prepared independently of a multi-agency cooperative process, assessing plans that are otherwise developed and submitted to the Services would also be time-consuming and resource-intensive. In assessing those plans, the Services would be required by this bill to determine, among other things, whether the plan would result in an increase in the population of the species or would maintain the same population as the population that would likely occur if such land or other geographical area were designated as critical habitat. Such an analysis would be difficult to conduct.

Forest Service and Bureau of Land Management Plans [Section 501]

HR 7408 would revise the Forest and Rangeland Renewable Resources and Planning Act and the Federal Land Policy and Management Act to expressly provide that reinitiation of consultation under Section 7(a)(2) of the ESA and its related implementing regulation, 50 CFR 402.16, would not be required on approved, amended, or revised U.S. Forest Service (USFS) land management plans or Bureau of Land Management land use plans when new species are listed, new critical habitat is designated, or new information regarding listed species or critical habitat becomes available.

The USDA, Department of the Interior (DOI), and NOAA are committed to continuing to work together towards a legislative solution that allows for timely decision making, while maintaining the important wildlife protections afforded by the Endangered Species Act. As drafted, the Administration has concerns with this section of HR 7408 and looks forward to working with the Committee and the bill sponsor to address concerns with the bill. We want to ensure clarity on how consultation for specific actions or projects facilitates the agencies fulfilling their

responsibilities to protect listed species and designated critical habitats while providing the many benefits we gain by managing our forests.

Protective Regulations for Threatened Species [Section 601]

Section 9 of the ESA lists seven specific prohibited actions with respect to endangered species, which include prohibitions on import, export, interstate and foreign commerce, and take of endangered species of fish and wildlife. The Section 9 prohibitions for endangered species do not automatically apply to threatened species.

The ESA recognizes the different status of threatened and endangered species and provides greater flexibility in the conservation and management of threatened species under Section 4(d). NOAA Fisheries has utilized section 4(d) to provide a flexible, targeted approach to the management and conservation of threatened species.

HR 7408 would amend Section 4(d) of the ESA to require that, when a 4(d) rule for a threatened species prohibits an act in Section 9(a) of the ESA, the Services develop incremental recovery goals for that species and provide for the stringency of the regulation to decrease as those recovery goals are met. In addition, under this bill, States could develop a recovery strategy for threatened or candidate species that the Service would adopt as the 4(d) rule within that State if certain criteria are met. These provisions may be difficult to implement because the recovery goals for a threatened species may not be known or may have not been identified at the time of listing the species, and undertaking the activities required by the bill could result in delays in putting protective regulations in place for threatened species. The development of recovery goals and strategies is best done through the development of a recovery plan under Section 4(f) of the ESA. Recovery plans include comprehensive recovery criteria, goals and strategies developed through a collaborative, inclusive process. The additional requirements and the process of reviewing and approving State recovery strategies required by the bill would be a resource-intensive effort that could divert NOAA Fisheries' resources from implementing conservation actions for the species and delay activities that could prevent a species from declining to the point where the statute requires listing it as endangered. Moreover, the petition process also appears to limit the public's ability to provide substantive input in the informal rulemaking process to adopt a 4(d) rule if a state's petition is approved.

IRA Rescissions Impacts to Coastal Communities and NOAA Facilities [Section 701]

NOAA opposes this provision. At this critical time in our planet's history, HR 7408's rescission of funds allocated in Public Law 117-169 would divest resources from coastal, fishing, and Tribal communities across the nation and jeopardize critical NOAA facilities and infrastructure, affecting U.S. communities' resilience to extreme weather and climate change. Furthermore, NOAA is already actively soliciting contract and grant applications in order to comply with the Public Law 117-169, or the Inflation Reduction Act (IRA).

Coastal communities contribute approximately \$400 billion annually to the U.S. economy and house facilities and infrastructure critical to the U.S. economy and national security, such as ports and military installations. Through the historic funding made available through the IRA, NOAA is supporting community resilience through funding and technical assistance for capacity building, transformational adaptation and resilience planning, conserving and protecting fisheries and other critical resources, supporting Tribal nation priorities, creating high quality climate-ready jobs, and improving delivery of climate services to communities and businesses.

To that end, NOAA is investing \$575 million through the Climate Resilience Regional Challenge (CRRC) to support holistic approaches to building community resilience at the regional scale. These investments are critically needed, as communities across the nation are experiencing increasing impacts from extreme weather and climate change, such as flooding, wildfires, drought, extreme heat, and more. NOAA received nearly 870 letters of intent and more than 33 letters of support from Members of Congress requesting more than \$16 billion in funding through the CRRC program, which amounts to 28 times more in requests than we have in available funding. NOAA is working to meet the needs of communities and build resilience along our nation's coasts; however, the bill's rescission of funds puts the success of these projects (which we expect to announce in the coming months) in peril.

Additionally, NOAA is investing \$349 million to support Climate Ready Fisheries to strengthen the agency's science, management, and survey enterprise to build a

dynamically managed fisheries system. As with all of NOAA's plans for IRA funds, this funding has been fully planned and work is underway to execute funds to invest in advanced data technologies and modern infrastructure, to support the critically endangered North Atlantic Right Whale, to implement improvements in recreational fishery surveys for red snapper, among other things. Reversing these plans would threaten NOAA's efforts to provide real-time advice and long-range projections to inform and support fishery management decisions for affected sectors and communities. In addition, rescissions through the America's Wildlife Habitat Conservation Act would impact \$390 million in investments that are directly responsive to priorities identified by Tribes in our March 2023 consultation sessions and written comments. These priorities include support for restoring Pacific salmon and fish passage to help Tribal communities enhance their resilience to impacts from extreme weather and climate change.

NOAA is investing IRA funds to help organizations recruit, train and place workers in climate resilience fields and catalyze public-private partnerships to develop and bring to market the next generation of innovative new products and services to solve challenges related to impacts from extreme weather and climate change. This work will contribute to economic development and growth while developing and growing new businesses and putting Americans to work in high-paying jobs across the country.

Finally, NOAA's facilities portfolio is vast with over 620 facilities, including over 400 owned properties, and an estimated replacement value which exceeds \$3 billion. Each facility requires financial investments for maintenance, repairs, modernization, and even replacement to effectively sustain and evolve NOAA's science capabilities to support current and future missions. Sections 40001 and 40002 of the IRA provide funding for necessary updates to NOAA facilities and infrastructure to continue to operate our science and research missions. The rescission of funds through the America's Wildlife Habitat Conservation Act would disrupt the success of NOAA's overarching science priorities and service to the public by canceling investments for the Northwest Fisheries Science Center, fishery survey vessels' mid-life repair, and marine sanctuary facilities across the country.

Conclusion

NOAA is proud to continue to be a leader in conducting ocean science, serving the nation's coastal communities and industries, and ensuring responsible stewardship of our ocean and coastal resources. We value the opportunity to continue working with this Subcommittee on these important issues. NOAA shares and supports many of the goals identified in the legislation, including conserving and restoring species' habitat, recovering listed species and preventing the need to list species under the ESA. However, NOAA opposes the proposed funding offsets and many of the provisions related to ESA implementation.

Submissions for the Record by Rep. Westerman

**Florida Fish and Wildlife Conservation Commission
Tallahassee, Florida**

March 4, 2024

Hon. Bruce Westerman, Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Westerman:

The Florida Fish and Wildlife Conservation Commission (FWC) is pleased to support H.R. 7408, the America's Wildlife Habitat Conservation Act.

H.R. 7408 would provide a much-needed investment in America's habitat and wildlife conservation. Throughout the nation, and here in Florida, America's wildlife and their habitats need help. The State of Florida has committed significant resources to the conservation of our fish, wildlife and habitats and leads the nation in our programs for land acquisition and to keep working lands working. Management of these lands is critical to maintaining their value for fish and wildlife. According to Florida's State Wildlife Action Plan (2019), 690 animals are listed as Species of Greatest Conservation Needs. We must continue to restore and provide ongoing management of habitats to prevent more species from being listed as Threatened or Endangered and aid in the recovery of species that are already listed.

The America's Wildlife Habitat Conservation Act is a step to provide immediate funding assistance to these habitats and species. As you know, the America's Wildlife Habitat Conservation Act would provide \$300 million each year for five years to the states for habitat and species conservation.

Thank you for introducing H.R. 7408, and FWC looks forward to working with you to advance this legislation and improve our country's natural resources.

Sincerely,

RODNEY BARRETO,
Chairman

**National Cattlemen’s Beef Association
and
Public Lands Council**

March 6, 2024

Hon. Bruce Westerman, Chairman
Hon. Raul Grijalva, Ranking Member
House Natural Resources Committee
U.S. House of Representatives
Washington, DC 20515

Hon. Cliff Bentz, Chair
Hon. Jared Huffman, Ranking Member
Subcommittee on Water, Wildlife and Fisheries
Natural Resources Committee
Washington, DC 20515

Chairman Westerman, Chairman Bentz, Ranking Member Grijalva, and Ranking Member Huffman:

Livestock producers conserve and enhance millions of acres of high-quality wildlife habitat on both public and privately owned land across the United States. These farmers and ranchers treat against invasive plant species, cultivate and restore native grasslands, mitigate the risk of wildfire, work with state and federal authorities to support migration corridors, and participate in voluntary conservation agreements to support wildlife recovery, all while raising high-quality protein to feed our nation. The National Cattlemen’s Beef Association (NCBA) is the oldest and largest trade association representing the American cattle industry, with roughly 26,000 individual members and more than 178,000 members through 44 state affiliate organizations. The Public Lands Council (PLC) is the only national group dedicated solely to representing the ranchers who hold roughly 22,000 federal grazing permits and steward more than 220 million acres of public lands across the West. United in our goal of providing healthy, green, open acres of habitat on productive working lands for a host of different wildlife species, we write today in support of H.R. 7408, the America’s Wildlife Habitat Conservation Act, and urge members of the Committee to vote Yes on the bill.

Despite the best original intentions of Congress to enact protections and leverage federal resources to recover imperiled species, the Endangered Species Act (ESA) has become an endless source of bureaucratic delay, federal government overreach, and frivolous litigation by extreme activist groups. In response to the urgent need for commonsense ESA reforms, H.R. 7408 provides commonsense solutions:

Vital, statutory certainty for landowners who make essential, voluntary investments in conserving wildlife habitat on private land. The U.S. Fish and Wildlife Service (USFWS) cannot achieve their goals without the participation of private landowners; by their own estimate, two-thirds of all species listed under the ESA have some habitat on private acres.¹ Producer participation in voluntary agreements can be an incredibly powerful tool. For example, across the range of the lesser prairie-chicken, more than 1.8 million acres of habitat was enrolled in the Conservation Reserve Program, more than 1.6 million acres of agricultural land was enrolled in the Working Lands for Wildlife initiative, more than 2 million acres were enrolled by ranchers in New Mexico under Candidate Conservation Agreements (CCAs) and Candidate Conservation Agreements with Assurances (CCAAs), and more than 1 million acres were enrolled by landowners in Texas and Oklahoma under their respective CCAAs.² Despite these efforts, the lesser prairie-chicken was listed anyway, and an overreaching 4(d) rule issued for the threatened population soured many farmers and ranchers on any future intent to conserve habitat for the species. After years of this broad-brush, one-size-fits-all approach by USFWS, many producers and landowners are understandably skeptical of enrolling in these voluntary agreements in the first place if they ultimately won’t count as “real” habitat management in the eyes of the agency. H.R. 7408 would codify CCAs and CCAAs, and

¹“ESA Basics: 50 Years of Conserving Endangered Species.” U.S. Fish and Wildlife Service. February 1, 2023.

²“Partners in lesser prairie-chicken conservation.” U.S. Fish and Wildlife Service.

prevent landowners from falling under a critical habitat designation if they are already implementing habitat conservation and restoration work for the species. This is essential to incentivizing continued participation in these efforts.

Robust funding for states and tribes to implement their own wildlife habitat conservation and restoration plans, rather than a top-down federal approach. USFWS has a track record of imposing species management plans on specific areas without local buy-in. For example, the agency is pursuing translocation of grizzly bears to the North Cascades Ecosystem despite years of objections by local ranchers, families, and elected officials. H.R. 7408 empowers states and tribes to implement their own plans for species—especially predator species—without having to cave to a federal initiative cooked up a thousand miles away. This local leadership is key in ensuring durable solutions, as local communities and experts are ultimately those responsible for the factors that are able to ensure long-term species conservation.

Mechanisms to curb the overreach of “blanket 4(d)” rules and to force USFWS to set concrete, incremental recovery goals that trigger state management of the species when met. Over the past half-century, the ESA has become a waiting room for species rather than a dynamic, tool for listing, recovery, and delisting. This legislation would restore the distinction between threatened and endangered listings—per Congress’s intent in the Act—and create a structure by which USFWS would be held accountable for timely delisting when a species hits its recovery goals.

Flexibility for limited take of a threatened species at the discretion of the Secretary of the Interior, allowing for management of species that are abundant but not yet delisted. This is another key measure that will help livestock producers and rural families live with listed species—particularly apex predators—with as little danger to human life and as little destruction of livestock and property as possible. Species recovery plans must be adaptable enough to respond to changing conditions and respond to potential dangers, to both humans and the species. Unfortunately, today’s rigid approach far too often leads to avoidable social and ecological conflict.

An overdue correction of the inflated ESA consultation burden that has fallen on the U.S. Forest Service as a result of *Cottonwood Environmental Law Center v. United States Forest Service* (2015.) The wildfire crisis continues to ravage the West each spring, summer, and fall, and catastrophic fires are moving further East with each passing year. The U.S. Forest Service continues to face budget shortfalls and staffing shortages post-COVID-19, and their limited resources must be focused on the most immediate threat to the nation’s forests. Diverting the agency’s attention to needless, bureaucratic hoop-jumping shows reckless disregard for the critical role national forests play in providing wildlife habitat, timber production, grazing land, carbon sinks, and headwaters.

Authority for the National Wildlife Refuge System to leverage public-private partnerships to address ecosystem challenges and conserve habitat. Extending Good Neighbor Authority to USFWS will encourage the maintenance of contiguous habitat, and minimize red tape to expedite much-needed range improvements and recreation infrastructure.

Wildlife conservation is a mission that American farmers and ranchers hold dear. The presence of healthy wildlife populations brings revenue to rural communities through hunting, angling, and tourism. Healthy, balanced populations support the health and resiliency of the pastures and rangelands that livestock graze for the majority of the year. And for many livestock producers, the beauty and enjoyment brought by native wildlife is one of the things they love most about living, working, and raising their families in rural America. H.R. 7408 represents a landmark step forward in improving broken aspects of ESA implementation and ensuring that the Act can endure for another 50 years. We urge the Committee to favorably report the America’s Wildlife Habitat Conservation Act so that the historically fruitful partnership between livestock producers and state, Tribal, and federal authorities can continue to yield durable conservation results.

Sincerely,

National Cattlemen’s Beef Assoc.

Public Lands Council

Property and Environment Research Center

March 4, 2024

Hon. Bruce Westerman, Chairman
 Hon. Raul Grijalva, Ranking Member
 House Natural Resources Committee
 U.S. House of Representatives
 Washington, DC 20515

Hon. Cliff Bentz, Chair
 Hon. Jared Huffman, Ranking Member
 Subcommittee on Water, Wildlife and Fisheries
 Natural Resources Committee
 Washington, DC 20515

Dear Chairman Westerman, Ranking Member Grijalva, Chairman Bentz, Ranking Member Huffman, and members of the House Natural Resources Committee—Water, Wildlife, and Fisheries Subcommittee:

Since the Endangered Species Act became law five decades ago, most species listed under it have avoided extinction. Only a tiny fraction of listed species, however, have ever recovered and come off the list. The vast majority remain at risk, not quite plunging over the cliff to extinction, but not backing away a safe distance from the edge either. The key challenge in the Endangered Species Act's second half-century will be to dramatically boost the rate at which endangered and threatened species recover.¹

The Property and Environment Research Center (PERC) is the national leader in market solutions for conservation, with over 40 years of research and a network of respected scholars and practitioners. Through research, law and policy, and innovative applied conservation projects, PERC explores how aligning incentives for environmental stewardship produces sustainable outcomes for land, water, and wildlife. We have emphasized the importance of making species an asset rather than a liability and the dire consequences for wildlife when we get the incentives wrong. PERC has also studied how policies can encourage collaboration between federal and state wildlife agencies, private landowners, and conservation organizations—or can create endless and counterproductive conflict if done wrong.

The America's Wildlife Habitat Conservation Act (H.R. 7408) is an important proposal to promote recovery by fostering collaboration between these stakeholders. It recognizes the necessary role of states, tribes, and private partners in conserving wildlife. This bill pairs \$1.6 billion in additional funding for state and tribal wildlife conservation efforts with policy reforms that would improve incentives for habitat restoration and species recovery efforts. These improvements include:

- Incentivizing proactive habitat restoration by rewarding progress toward a species' recovery with incremental regulatory relief.
- Removing duplicative and unnecessary red tape that delays forest restoration and leaves wildlife habitat at risk of catastrophic wildfire.
- Authorizing the Fish and Wildlife Service to partner with states, counties, and tribes to restore habitat in national wildlife refuges.
- Codifying several existing U.S. Fish and Wildlife Service policies that have helped encourage voluntary species recovery efforts on private lands.

When it comes to wildlife, we can and should do better. With wildlife conservation, the “how” is just as important as the “how much.” By improving incentives for proactive species recovery and habitat restoration, America's Wildlife Habitat Conservation Act contains several smart ideas for making conservation dollars go further for wildlife. These policy reforms have also been supported by Republican and Democratic administrations, as well as a large number of conservation organizations.²

¹See “A Field Guide for Wildlife Recovery,” PERC Report (September 2023).

²See Jonathan Wood, “America's Wildlife Habitat Conservation Act, Explained,” (February 2024).

Amidst so much conflict over wildlife policy, this bill is a real, substantive, and serious solution that addresses real conservation challenges. It is an important step to improving the future of species recovery. Congress should take this opportunity to support the future of wildlife conservation with the America's Wildlife Habitat Conservation Act.

Sincerely,

THE PROPERTY AND ENVIRONMENT RESEARCH CENTER

Non-Hunting Sport Shooters' and Firearm Owners' Attitudes Toward the Federal Aid in Wildlife Restoration Program



Conducted by the Southeastern Association of Fish
and Wildlife Agencies and Responsive Management
under Multistate Conservation Grant F23AP00486

2023



The full document is available for viewing at:
<https://docs.house.gov/meetings/II/II13/20240306/116892/HHRG-118-II13-20240306-SD018.pdf>

Outside Groups Supporting H.R. 7408

- Association of Fish and Wildlife Agencies
 - Boone and Crockett Club
 - Congressional Sportsmen's Foundation
 - ConservAmerica
 - Delta Waterfowl
 - Ducks Unlimited
 - Property and Environment Research Center
 - Federal Forest Research Coalition
 - National Alliance of Forest Owners
 - Safari Club International
 - Florida Fish and Wildlife Conservation Commission
 - Rocky Mountain Elk Foundation
 - National Cattlemen's Beef Association
 - The Public Lands Council
-

**Associated Builders and Contractors
Washington, DC**

March 6, 2024

Hon. Cliff Bentz, Chair
Hon. Jared Huffman, Ranking Member
Subcommittee on Water, Wildlife and Fisheries
Natural Resources Committee
Washington, DC 20515

Dear Chairman Bentz, Ranking Member Huffman and Members of the Committee on Natural Resources Subcommittee on Water, Wildlife and Fisheries:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 23,000 members, I write today to thank you for holding a legislative hearing on H.R. 7408, America's Wildlife Habitat Conservation Act. ABC is thankful for the subcommittee's continued examination of how the Endangered Species Act is implemented by federal agencies, its practical impacts on the American people, how litigation is driving ESA decision-making and how success is defined under the ESA.

ABC supports the ESA's purpose of protecting species threatened with extinction and recognizes the need for science-based, data-driven actions that conserve those species and the habitats on which they depend. ABC believes that reforms to modernize the ESA, including efforts to make the act's consultations more efficient and effective, are needed as the Biden administration implements over \$1 trillion in federal spending for critical infrastructure, energy and technology projects throughout the country.

The AWHCA would require the federal government to establish objective, incremental recovery goals for species listed under the ESA and provide relief from regulations when those goals are met. By investing \$320 million annually in grant funding to states for wildlife habitat conservation, this bill gives states a more active role in regulating species, allowing them to better develop their own recovery strategies that may become the governing regulations for these species. This creates a path toward state management of at-risk species when federal goals are met, leading to more efficient delisting of species that no longer require federal protections. Additionally, the bill provides \$20 million in funding for habitat restoration projects and forest management on tribal lands and encourages private partners to conserve listed species.

ABC understands that a collaborative effort among states, tribes, private landowners and the federal government will lead to a more efficient ESA designed to better serve our nation's communities and endangered species. By providing these partners with the proper tools and incentives, the AWHCA will streamline the ESA, reduce regulation and remove unnecessary permitting hurdles that a one-size-fits-all federal government approach has proven incapable of doing. ABC hopes that the AWHCA will lead to better outcomes for species and, in turn, reduce unnecessary regulatory burdens on our nation's builders and contractors and their construction services clients.

ABC encourages the consideration of H.R. 7408 and further efforts to improve and modernize the ESA. ABC members stand ready for the opportunity to build and maintain America's infrastructure to the benefit of the communities that it will serve and appreciates your consideration of our concerns.

Sincerely,

KRISTEN SWEARINGEN,
Vice President, Legislative & Political Affairs

Submissions for the Record by Rep. Huffman

March 5, 2024

Hon. Bruce Westerman, Chairman
 Hon. Raul Grijalva, Ranking Member
 Natural Resources Committee
 U.S. House of Representatives
 Washington, DC 20515

Re: Opposition to H.R. 7408, the “America’s Wildlife Habitat Conservation Act”

Dear Chairman Westerman and Ranking Member Grijalva:

On behalf of our 70+ organizations and our millions of members and supporters, we write to express our strong opposition to H.R. 7408, the America’s Wildlife Habitat and Conservation Act. This bill is a transparent attempt to weaken the Endangered Species Act and hamstring the conservation of our most imperiled species and their habitats. It also undermines a years-long bipartisan effort to pass the Recovering America’s Wildlife Act (“RAWA”), which would provide \$1.4 billion to address extinction and biodiversity loss in the United States and is widely supported by many Members of Congress from both parties, States, Indigenous communities, and conservation and sporting groups. Unlike RAWA, however, H.R. 7408 is a partisan bill that was introduced with little to no input from impacted stakeholders, including state wildlife agencies. This bill would also cut over a billion dollars in Inflation Reduction Act funding for NOAA, the Council on Environmental Quality, and the Bureau of Reclamation, further harming habitat and wildlife by taking away vital habitat restoration resources. Thus, we urge you to oppose H.R. 7408.

H.R. 7408 would authorize \$300 million per year for the next five years for state wildlife conservation. This comes far short of the funds needed to stop the decline of at-risk species across the country. Based on the U.S. Fish and Wildlife Service’s own estimates, it would cost approximately \$1.6-\$2.3 billion to save federally listed species alone. An exponential increase in funding—on par with RAWA—is needed to save the thousands of additional unlisted species that continue to decline across the country. Further, H.R. 7408 does not guarantee funding, but rather makes it dependent on sufficient Congressional appropriations. Given Congress’ polarization and difficulty passing annual appropriations bills, it is highly unlikely that Congress would ever allocate the full \$300 million. Moreover, the bill would only make it significantly harder to address the wholly inadequate level of annual appropriations for the Endangered Species Act, a problem which our organizations strongly support remedying. The bill also drastically cuts funding for tribal wildlife conservation from \$97 million in RAWA to only \$20 million.

H.R. 7408 would also gut critical protections for hundreds of threatened and endangered species across the country, and undermine basic scientific processes. For instance, Title V includes the Forest Information Reform (FIR) Act, which eliminates reinitiation of consultation requirements under the Endangered Species Act designed to ensure that federal land management decisions are not driving species toward extinction. Specifically, this section expands the 2018 “Cottonwood” rider—which exempts land management agencies from updating their plans when a species is newly listed under the Act or when critical habitat is designated—to now exempt those agencies from updating their plans based on “new information” about the harm occurring to endangered species that live on public lands.

Such new information often includes the increasingly severe impacts of climate change, including drought and uncharacteristic forest and grassland or sagebrush fires, which are rapidly degrading and destroying endangered species habitat. Reinitiation of consultations at the plan level is extremely rare but incredibly important. The Forest Service’s own data show that compliance with existing law is not a burden. In fact, there were only four instances in 2022 where a national forest was required to reinitiate consultation on a forest plan—and none were based on any of the three reasons above.

Additionally, H.R. 7408 includes an extreme provision which would strip protections for threatened species by allowing states to develop their own recovery strategy for the species, which can then be used as the basis for an individual 4(d) rule under Section 4 of the Act—even if such strategy is not based on the best available science. The bill would further weaken 4(d) rules by forcing the Services to build in provisions to those rules that weaken protective regulations as the species meets recovery goals, forcing the agencies to sabotage their own recovery goals as they

achieve success. The bill also weakens protections for more than 70% of listed species that depend on private lands by severely limiting when the U.S. Fish and Wildlife Service can designate critical habitat on such lands, and codifies into law a wholly inadequate process for protecting “candidate” species, which are plants and animals that warrant protections under the Act but are precluded by higher priority listing activities.

Title III of H.R. 7408 would extend Good Neighbor and Stewardship Contracting Authorities (GNA) and Stewardship End Results Contracting (SA) to lands managed by the U.S. Fish and Wildlife Service, non-Federal land, and land owned by an Indian Tribe ostensibly for “restoration” and recreation activities. However, the bill fundamentally changes these authorities in a manner that subverts the authority of the Secretary of Interior, creates perverse incentives that can lead to damaging activities, and waives relevant laws. Specifically, for GNA contracts, the bill allows for commercial logging in exchange for conducting restoration activities. Logging may occur on federal lands and appears to not be limited to Service lands. The bill also requires the Secretary of Interior to approve logging prescriptions on all timber sale projects, relinquishing her authority to approve or modify logging prescriptions. Even more concerning, revenue from commercial logging activities can be retained by the governor, county or tribe. Retaining revenues to generate funds for restoration creates a perverse incentive to increase commercial logging, which most often harms ecosystems.

Title III also allows for Stewardship Contracts including logging “without regard to any other provision of law.” This could result in logging of mature and old growth forests, logging of other sensitive habitat as well as building new and temporary roads which most often fragment and degrade habitat and water quality as well as contribute to elevated fire risks. GNA are also available for recreation activities which may be harmful to or not compatible with lands managed by the Service, including shooting ranges, permanent paved roads, and other infrastructure.

For these reasons, we urge you to oppose H.R. 7408.

Sincerely,

Center for Biological Diversity	Natural Resources Defense Council
Alameda Creek Alliance	New Hampshire Audubon
Alaska Wilderness League	North Central Washington Audubon Society
American Bird Conservancy	Northern California Council, Fly Fishers International
Animal Legal Defense Fund	NY4WHALES
Animal Welfare Institute	Oceanic Preservation Society
Born Free USA	Oregon Wild
Cetacean Society International	Predator Defense
Christian Council of Delmarva	Project Coyote
Creation Justice Ministries	Project Eleven Hundred
Defenders of Wildlife	Resource Renewal Institute
Earthjustice	Save Animals Facing Extinction
Endangered Habitats League	Save the Manatee Club
Endangered Species Coalition	Sierra Club
Environmental Law & Policy Center	Silvix Resources

Environmental Protection Information Center-EPIC	Southern Environmental Law Center
FOUR PAWS USA	Southern Utah Wilderness Alliance
Friends of the Earth	The #RelistWolves Campaign
Friends of Wisconsin Wolf and Wildlife	The Conservation Angler
Humane Action Pennsylvania	The Urban Wildlands Group
Humane Action Pittsburgh	Trap Free Montana
Inland Ocean Coalition	Turtle Island Restoration Network
Interfaith Power & Light	Voice for Animals of Maine and New Hampshire
International Marine Mammal Project of Earth Island Institute	Washington Wildlife First
Kentucky Heartwood	Waterkeeper Alliance
Klamath Forest Alliance	Western Nebraska Resources Council
Klamath Siskiyou Wildlands Center	Western Watersheds Project
League of Conservation Voters	WildEarth Guardians
Los Angeles Audubon Society	Wilderness Watch
Los Padres ForestWatch	Wilderness Workshop
Maine Audubon	Wolf Conservation Center
Marine Mammal Alliance Nantucket	World Animal Protection
Mass Audubon	Wyoming Untrapped
National Ocean Protection Coalition	Wyoming Wildlife Advocates
National Wolfwatcher Coalition	Xerces Society for Invertebrate Conservation
Natural Resources Council of Maine	

March 6, 2024

Hon. Bruce Westerman, Chairman
 Hon. Raul Grijalva, Ranking Member
 House Natural Resources Committee
 U.S. House of Representatives
 Washington, DC 20515

Hon. Cliff Bentz, Chair
 Hon. Jared Huffman, Ranking Member
 Subcommittee on Water, Wildlife and Fisheries
 Natural Resources Committee
 Washington, DC 20515

Re: Council on Environmental Quality Funding Cuts in H.R. 7408, America's
 Wildlife Conservation Act

Dear Chair Bentz and Ranking Member Huffman:

We are writing to express our strong opposition to provisions in H.R. 7408, America's Wildlife Conservation Act," that will completely rescind critical funding to the White House Council on Environmental Quality (CEQ). Under the guise of wildlife conservation legislation, provisions in this bill would fundamentally undermine CEQ's ability to ensure federal decisionmaking adequately and efficiently considers not only wildlife conservation, but also critical issues related to environmental justice, public health, and environmental consequences of essential infrastructure and energy development across the federal government.

Section 701 of Chair Westerman's bill would repeal \$62 million in funding to CEQ allocated under sections 60401 and 60402 of the Inflation Reduction Act (Public Law 117-169) (IRA). The IRA rightly made historic investments across the federal government to facilitate timely, efficient, and meaningful environmental reviews. Congress established CEQ in the National Environmental Policy Act (NEPA) to not only serve as the President's and the nation's foremost environmental advisor, it also charged CEQ with overseeing the environmental review and public engagement process under NEPA for over 80 federal agencies. Recognizing the critical role CEQ plays in ensuring the federal government meet national conservation and climate goals, Congress allocated money to CEQ fulfill its considerable statutory mandates.

Specifically, the IRA allocated \$32 million to support data collection and disclosure of disproportionate impacts of climate change as well as the cumulative impacts of pollution and temperature rise. An additional \$30 million was provided to provide CEQ with the resources necessary to carry out efficient environmental reviews, enhance government transparency, and improve community engagement. These investments in CEQ, which historically has had an anemic budget of around \$3 million dollars, could transform the efficiency and quality of agency decision-making across the federal government. Withdrawing the funding at a time when the Nation is making historic investments in infrastructure and a clean energy economy will only serve to slow down permitting, sideline meaningful public input, ossify historic environmental injustices, and codify climate denial in to agency decision-making.

We strongly urge you to oppose this legislation.

Sincerely,

Center for Biological Diversity	Oxfam
Earthjustice	Sierra Club
Environmental Law & Policy Center	Southern Environmental Law Center
GreenLatinos	Union of Concerned Scientists
League of Conservation Voters	WE ACT for Environmental Justice
Natural Resources Defense Council	

March 6, 2024

Hon. Cliff Bentz, Chair
 Hon. Jared Huffman, Ranking Member
 Subcommittee on Water, Wildlife and Fisheries
 Natural Resources Committee
 Washington, DC 20515

Re: Coastal Resilience Funding Cuts in H.R. 7408, America's Wildlife Habitat Conservation Act

Dear Chair Bentz and Ranking Member Huffman:

We are writing to express our strong opposition to Congressman Bruce Westerman's H.R. 7408, "America's Wildlife Habitat Conservation Act" with specific concern about the provision that would rescind critically needed funds for coastal resilience at the National Oceanic and Atmospheric Administration (NOAA). This bill is posing as wildlife conservation legislation, when further inspection shows that this bill is instead working to revoke funding from critical programs for conservation.

In regard to the ocean specifically, Chair Westerman's bill would repeal \$700 million in funding allocated to the NOAA under Section 40001 of the Inflation Reduction Act (Public Law 117-169) (IRA). The IRA was the most significant investment in climate and clean energy in our nation's history. The funding to NOAA was essential to combating the climate crisis and readying our nation to be resilient against increasing climate impacts. Unfortunately, Chair Westerman's bill is hardly unique as we have seen Republican Members of Congress make numerous attempts to undo IRA provisions since it was passed in 2022.

We applauded the Inflation Reduction Act's historic investment of \$2.6 billion for NOAA to invest in coastal communities and climate resilience. This funding was intended to be used for conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities.¹

The ocean and coastal impacts of climate change are already impacting daily activities in communities across the US. Warming oceans, rising sea levels, shifting fish stocks, melting sea ice, ocean acidification, frequent and intense floods, severe storms, and droughts all require building resilience. Sea levels are expected to rise up to a foot along the U.S. coastlines in the next 30 years, with damaging flooding expected to occur more than 10 times as often as it does today. This will create a profound shift in coastal flooding, causing tide and storm surge heights to increase and reach further inland. Failing to curb future emissions could cause an additional 1.5–5 feet of rise. Flooding already exacerbates racial and social inequality, with a history of disproportionate harms for communities of color. Coastal flooding will become an increasingly severe environmental justice issue as sea levels rise.

The ocean and coasts are critical to all Americans as ports of commerce, food sources, carbon sinks, and more. Resilience investments create a multitude of co-benefits such as creating jobs, reducing disaster losses, protecting critical habitat, and supporting US innovation. An investment in coastal resilience is an investment in America's future.

Coastal resilience funding at NOAA is already making its way into communities and regions around the country that need it most. The Climate Resilience Regional Challenge and Climate-Ready Workforce funding opportunities will build historic workforce capacity and implement adaptation actions which will protect communities, military bases, and ecosystems.² The Climate Resilience Accelerator is funding critical private sector solutions, demonstrating the power of public-private partnerships and creating jobs for Americans. Climate-Ready Fisheries investments are currently protecting and managing America's iconic fish populations. The \$2.6 billion invested in the US coastal regions by Congress is already making a difference by building more resilient economies, ecosystems, and communities.

¹ CleanEnergy.gov. Building a Clean Energy Economy: A Guidebook to the Inflation Reduction Act's Investments in Clean Energy and Climate Action <https://www.whitehouse.gov/wp-content/uploads/2022/12/Inflation-Reduction-Act-Guidebook.pdf>

² National Oceanic and Atmospheric Administration. Inflation Reduction Act: Climate-Ready Coasts and Communities <https://www.noaa.gov/inflation-reduction-act/inflation-reduction-act-climate-ready-coasts-and-communities>

These projects will create new jobs in a wide variety of sectors, from construction to fishermen to planners to engineers, for coastal restoration requires specialized skills that cannot be mechanized or exported. The surrounding coastal environments also benefit from restored natural infrastructure like salt marshes, mangroves, and seagrass beds, which remove carbon from the atmosphere, reduce storm impacts, and provide habitat for fish and wildlife. Trying to reverse this funding now would be a detriment to constituents, districts, and states around the country.

The bill's funding cut to NOAA will have severe ocean and environmental justice implications, with Indigenous communities facing a particularly acute impact. Within the \$2.6 billion to NOAA from the IRA, NOAA has stated they will provide approximately \$390 million for tribal priorities that incorporate comments received during the IRA tribal consultation. Without this funding, technical assistance and capacity building will be reduced, perpetuating environmental injustices. Tribes and Tribal communities have stewarded the ocean since time immemorial and must continue to rely on it for subsistence, food security, and traditional ways of life and culture.

Clawing back \$700 million of Inflation Reduction Act funds designated for coastal resilience funding at NOAA, as Rep. Westerman's bill attempts to do, would move us in the wrong direction toward preparing our coastal communities for climate impacts and advancing environmental justice. In fact, grant applications for NOAA show that this program is dramatically underfunded, with a recent request for proposals generating 869 eligible letters of intent requesting approximately \$16 billion in funding. It is clear that ocean, coastal, and Great Lakes communities across the nation urgently need this funding and they are ready to implement it now.

We urge you to consider the severe implications of this bill in the Water, Wildlife, and Fisheries Subcommittee hearing, ensure this bill does not move forward to a markup, halt the bill from being reported out of committee, and vote no on H.R. 7408, America's Wildlife Habitat Conservation Act, if it reaches the House floor.

Sincerely,

Alaska Wilderness League	Milwaukee Riverkeeper
Animal Welfare Institute	Mystic Aquarium
Azul	National Marine Sanctuary Foundation
California Environmental Voters	National Ocean Protection Coalition
Californians for Western Wilderness	Natural Resources Defense Council
Center for Biological Diversity	New York League of Conservation Voters
Center for the Blue Economy	Ocean Conservancy
Cetacean Society International	Ocean Conservation Research
Chispa Texas	Ocean Defense Initiative
Clean Water Action	Oceana
Climate Law & Policy Project	Oceanic Preservation Society
Coastal Quest	Pacific Environment
Coastal States Organization	Patagonia
Cooperative Energy Futures	Rachel Carson Council
Creation Justice Ministries	Restore America's Estuaries
EarthEcho International	Sachamama
Earthjustice	Save the Manatee Club

Endangered Species Coalition	Seattle Aquarium
Florida Wildlife Federation	Shedd Aquarium
FOUR PAWS USA	Sierra Club
Friends of the Earth U.S.	Sustainable Ocean Alliance
Friends of the Mariana Trench	Southern Environmental Law Center
Georgia Interfaith Power and Light	Surfrider Foundation
Gotham Whale	Sustain Cities
GreenLatinos	The #RelistWolves Campaign
Healthy Ocean Coalition	The Ocean Project
Inland Ocean Coalition	Union of Concerned Scientists
Interfaith Power & Light	Urban Ocean Lab
League of Conservation Voters	Waterfront Alliance
Marine Conservation Institute	Waterkeeper Alliance
Marine Mammal Alliance Nantucket	

