

**H.R. 276, H.R. 845, H.R. 1897,  
AND H.R. 1917**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON WATER, WILDLIFE AND  
FISHERIES

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

\_\_\_\_\_  
Tuesday, March 25, 2025

\_\_\_\_\_  
**Serial No. 119-14**

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Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>  
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59-876 PDF

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HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Committee on Natural Resources Republican Members

**From:** Subcommittee on Water, Wildlife and Fisheries staff: Annick Miller, (annick.miller@mail.house.gov), Doug Levine (doug.levine@mail.house.gov), Kirby Struhar (kirby.struhar@mail.house.gov), and Thomas Shipman (thomas.shipman@mail.house.gov) x58331

**Date:** March 23, 2025

**Subject:** Legislative Hearing on H.R. 276, H.R. 845, H.R. 1917, and H.R. 1897

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on H.R. 276 (Rep. Greene), “*Gulf of America Act of 2025*”; H.R. 845 (Rep. Boebert), “*Pet and Livestock Protection Act of 2025*”; H.R. 1897 (Rep. Westerman) “*ESA Amendments Act of 2025*”; and H.R. 1917 (Rep. Dingell), “*Great Lakes Mass Marking Program Act of 2025*” on Tuesday, March 25, 2025, at 10:15 a.m. (EDT) in 1324 Longworth House Office Building.

Member offices are requested to notify Jackson Renfro (jackson.renfro@mail.house.gov) by 4:30 p.m. on Monday, March 24, 2025, if their Member intends to participate in the hearing.

#### **I. KEY MESSAGES**

- With a whopping three percent success rate of recovering species, it’s safe to say the ESA is failing at its main goal, which is recovery. For far too long, radical environmentalists have weaponized the Endangered Species Act, causing wildlife managers to spend more time tied up in litigation than recovering species.
- H.R. 1897, the *ESA Amendments Act of 2025*, will make critical reforms to the ESA and ensure the success of America’s wildlife. H.R. 1897 would refocus the ESA on species recovery, empower state and privately led species conservation, ensure accountability for regulatory agencies, and streamline the permitting process.
- H.R. 845 would remove the gray wolf from the ESA in acknowledgment of the recovery of the species. The ESA was not meant to keep species listed in perpetuity and it is more than past time to return wolves to state management in all of the lower 48 states.
- H.R. 276 would codify the portion of President Trump’s Executive Order 14172 which renamed the area formerly known as the Gulf of Mexico as the Gulf of America, recognizing its strategic importance to our nation’s future energy security and national security.

#### **II. WITNESSES**

##### **Panel I**

- **Members of Congress TBD**

## Panel II

- **Dr. Nathan Roberts**, Professor, College of the Ozarks, Point Lookout, Missouri [H.R. 845]
- **Mr. Mauricio Guardado**, General Manager, United Water Conservation District, Oxnard, California [H.R. 1897]
- **Mr. Erik Milito**, President, National Ocean Industries Association, Washington DC [H.R. 276 and H.R. 1897]
- **Mr. Peter Kareiva**, President and CEO, Aquarium of the Pacific, Long Beach, California [Minority Witness, H.R. 845 and H.R. 1897]

## III. BACKGROUND

### H.R. 276 (Rep. Greene, R-GA), “*Gulf of America Act of 2025*”

H.R. 276, the Gulf of America Act of 2025 was introduced by Representative Marjorie Taylor Greene on January 9, 2025. The bill would rename the area formerly known as the Gulf of Mexico as the Gulf of America. Acting through the Secretary of the Interior (Secretary), this legislation requires the Chairman of the U.S. Board on Geographic Names (Board) to oversee the implementation of the renaming. This legislation codifies actions taken by President Trump through Executive Order (E.O.) 14172, Restoring Names That Honor American Greatness, signed on January 20, 2025.<sup>1</sup>

The Board was established in 1890 by President Benjamin Harrison to help resolve naming disputes within the executive branch following the Civil War.<sup>2</sup> President Theodore Roosevelt expanded the Board’s powers in a 1906 E.O., which granted the Board advisory power over the governmental preparation and composition of maps.<sup>3</sup> The Board was later abolished in 1934 by President Franklin Roosevelt in an effort to reorganize the executive branch, and all functions were transferred to the Department of the Interior under the supervision of the Secretary.<sup>4</sup> In 1947, the Board was re-established in its current form by P.L. 80-242.<sup>5</sup>

The Board is comprised of officials representing ten executive departments and agencies: the Departments of Agriculture, Commerce, Defense, Homeland Security, State, and the Interior, the Central Intelligence Agency, the Government Publishing Office, the Library of Congress, and the U.S. Postal Service. The U.S. Geological Survey provides staff and technical support to the Board, which operates under the supervision of the Secretary. The Board’s decisions are binding for all departments and agencies within the federal government.

### H.R. 845 (Rep. Boebert, R-CO), “*Pet and Livestock Protection Act of 2025*”

This bill would require the Department of the Interior to reissue the final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife” and published on November 3, 2020 (85 Fed. Reg. 69778). The bill would also prohibit the rule from being subject to judicial review.

After the passage of the Endangered Species Act (ESA) in 1978, the U.S. Fish and Wildlife Service (FWS) listed the gray wolf as threatened in Minnesota and endangered in the remainder of the lower 48 states.<sup>6</sup> The rule specified that “biological subspecies would continue to be maintained and dealt with as separate entities.”<sup>7</sup> As such, FWS implemented gray wolf recovery programs in three regions: the northern Rocky Mountains, the southwestern United States for the Mexican wolf, and the eastern United States (including the Great Lakes States) for the eastern timber wolf.<sup>8</sup>

<sup>1</sup>Executive Order 14172, The White House, January 2025, <https://www.govinfo.gov/content/pkg/DCPD-202500139/pdf/DCPD-202500139.pdf>

<sup>2</sup>Library of Congress, Image of Third report on the United States board on geographic names, 1890-1906. <https://www.loc.gov/resource/gdcmassbookdig.thirdreportofuni00unit/?sp=15&r=0.064,0.902,1.096,0.913,0>

<sup>3</sup>Central Intelligence Agency, United States Geographic Board Executive Orders, January 2002. <https://www.cia.gov/readingroom/docs/CIA-RDP78-04901A000100010220-3.pdf>

<sup>4</sup>Id.

<sup>5</sup>43 U.S.C. 364

<sup>6</sup>“U.S. District Court Vacates Gray Wolf Delisting Rule.” Erin H. Ward. Congressional Research Service. LSB10697 (congress.gov)

<sup>7</sup>43 FR 9607, March 9, 1978

<sup>8</sup>Id.

The Great Lakes region has the largest concentration of gray wolves in the lower 48 states, with approximately 4,200 wolves inhabiting Minnesota, Wisconsin, and Michigan.<sup>9</sup> Under the current management framework, wolves in Minnesota are listed as threatened, whereas wolves in Wisconsin and Michigan are listed as endangered.<sup>10</sup> The recovery plan for the gray wolf in the Great Lakes is quite clear regarding the criteria for delisting: a stable or increasing population of wolves in Minnesota and a population of at least 200 wolves outside of Minnesota.<sup>11</sup>

Between 2003 and 2015, the FWS published several rules revising the 1978 rule to incorporate new information and recognize the biological recovery of gray wolves in the northern Rocky Mountains and eastern United States (including the Great Lakes States). These rules were challenged in court and invalidated or vacated, in part, on the determinations that the FWS distinct population segment (DPS) designations were legally flawed.<sup>12</sup>

In 2009, the FWS published final rules designating and delisting the western Great Lakes DPS and the northern Rocky Mountain DPS, except it did not delist the gray wolf in Wyoming after finding the state's management plan inadequate.<sup>13</sup> The Humane Society challenged the western Great Lakes DPS on the grounds that the FWS violated the Administrative Procedures Act's notice and comment requirements. Ultimately, the FWS reached a settlement agreement and withdrew the rule.<sup>14</sup> Defenders of Wildlife challenged the northern Rocky Mountain DPS rule, and the Montana federal district court vacated the 2009 Northern Rocky Mountain DPS rule after concluding that the ESA did not allow the FWS to list a partial DPS.<sup>15</sup> However, an act of Congress in 2011 directed the FWS to reinstate the 2009 rule designating and delisting the northern Rocky Mountain DPS without Wyoming.<sup>16</sup>

In 2017, after several years of litigation, the FWS delisted the gray wolf in Wyoming. As a result, starting in 2017 there were three distinct regulatory frameworks for gray wolf population areas: (1) the northern Rockies Mountains where the wolf was not listed; (2) in Minnesota, where the gray wolf is listed as threatened; and (3) in all other areas of the lower 48 states where the gray wolf is listed as endangered.<sup>17</sup> In November 2020, the Trump administration finalized a rule that delisted the gray wolf, except for the Mexican wolf, and returned management to each of the lower 48 states.<sup>18</sup>

Defenders of Wildlife, WildEarth Guardians, and other environmental groups challenged the 2020 rule, and in February 2022, the U.S. District Court for the Northern District of California vacated it.<sup>19</sup> The court found that the FWS had failed to show that gray wolf populations could be sustained outside of the core populations in the western Great Lakes and northern Rocky Mountains.<sup>20</sup> This ruling reinstated ESA protections for the gray wolf in the lower 48 states, except for the congressionally delisted Northern Rockies Ecosystem.<sup>21</sup> The Biden administration's Department of Justice appealed the ruling and continued to submit legal filings in support of the 2020 rule as late as September 2024.<sup>22</sup>

<sup>9</sup>“America's Gray Wolves Get Another Chance at Real Recovery.” Natural Resources Defense Council. Shelia Hu. April 21, 2022. America's Gray Wolves Get Another Chance at Real Recovery (nrdc.org)

<sup>10</sup>“U.S. District Court Vacates Gray Wolf Delisting Rule.” Erin H. Ward. Congressional Research Service. LSB10697 (congress.gov)

<sup>11</sup>“Recovery Plan For the Eastern Timber Wolf.” U.S. Fish and Wildlife Service, Region 3. January 31, 1992. <https://www.govinfo.gov/content/pkg/GOVPUB-I49-PURL-LPS37439/pdf/GOVPUB-I49-PURL-LPS37439.pdf>

<sup>12</sup>Id.

<sup>13</sup>74 Fed. Reg. 15,070 (Apr. 2, 2009); 74 Fed. Reg. 15,123 (Apr. 2, 2009).

<sup>14</sup>Humane Soc'y of the U.S. v. Salazar, No. 1:09-CV-1092 (D.D.C. July 2, 2009) (settlement order).

<sup>15</sup>Defenders of Wildlife v. Salazar, 812 F. Supp. 2d 1205, 1207 (D. Mont. 2009).

<sup>16</sup>Public Law 112-10, Department of Defense and Full-year Continuing Appropriations Act of 2011, Section 1713.

<sup>17</sup>“U.S. District Court Vacates Gray Wolf Delisting Rule.” Erin H. Ward. Congressional Research Service. LSB10697 (congress.gov)

<sup>18</sup>85 Fed. Reg. 69,778 (Nov. 3, 2020).

<sup>19</sup>“U.S. District Court Vacates Gray Wolf Delisting Rule.” Erin H. Ward. Congressional Research Service. LSB10697 (congress.gov)

<sup>20</sup>U.S. District Court Northern District of California. *Defenders of Wildlife, Et. Al. v. U.S. Fish and Wildlife Service, Et Al.* February 10, 2022.

<sup>21</sup>“Judge restores gray wolf protections.” Michael Doyle. E&E News. February 10 2022. Judge restores gray wolf protections—E&E News (eenews.net)

<sup>22</sup>Federal Appellants' Opening Brief. *Defenders of Wildlife, et al., v. U.S. Fish and Wildlife, et al., and State of Utah, et al.* September 13, 2024. [https://naturalresources.house.gov/uploadedfiles/chairman\\_westerman\\_ftr\\_--9th\\_cir\\_court\\_defenders\\_v\\_usfws\\_--\\_wolves.pdf](https://naturalresources.house.gov/uploadedfiles/chairman_westerman_ftr_--9th_cir_court_defenders_v_usfws_--_wolves.pdf)

In the 118th Congress, the House of Representatives passed legislation identical to H.R. 845, the “Trust the Science Act,” by a vote of 209–205, with four Democrats voting in support of the legislation.<sup>23</sup>

#### **H.R. 1897 (Rep. Westerman, R-AR), “ESA Amendments Act of 2025”**

During the 118th Congress, the House Committee on Natural Resources (Committee) held two oversight hearings and three legislative hearings focused on the ESA, both on species-specific issues and reforming the Act as a whole. These hearings resulted in eight bills related to the ESA being favorably reported by the Committee, three of which passed the House of Representatives. One of the bills reported favorably by the Committee, was the “ESA Amendments Act of 2024,” which would have reauthorized the Act with a series of reforms (more information can be seen [HERE](#)), H.R. 1897 contains many of the same provisions from this bill. In addition, last month the Water, Wildlife and Fisheries Subcommittee held an oversight hearing on the implementation of the ESA and Marine Mammal Protection Act. The hearing memo from that hearing can be seen [HERE](#).

#### ***Definitional Changes and Additions***

H.R. 1897 codifies the Trump administration’s framework for determining the “foreseeable future” when determining whether a species qualifies as threatened under the Endangered Species Act (ESA).<sup>24</sup> This means that when the U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA; collectively, “the Services”) consider the “foreseeable future,” it can extend only so far into the future as the Services can reasonably determine that both the threats and the species’ responses to those threats are likely.<sup>25</sup> Prior to the adoption of this framework by the Trump administration, the “foreseeable future” was undefined, causing inconsistencies in how the term was applied.<sup>26</sup>

The bill also codifies a new definition of “habitat” related to critical habitat designation. On December 16, 2020, the Services published a final rule “[f]or the purposes of designating critical habitat only, habitat is the abiotic and biotic setting that currently or periodically contains the resources and conditions necessary to support one or more life processes of a species.”<sup>27</sup> This was in response to the 2018 U.S. Supreme Court decision in *Weyerhaeuser Co. v. U.S. FWS*, which stated that an area must logically be considered “habitat” for that area to meet the definition of “critical habitat” under the ESA.<sup>28</sup> H.R. 1897 adopts the 2020 definition and adds additional language ensuring that if an area cannot support all of a species’ life processes, the species must have access to an area that does in order for it to be designated critical habitat. By codifying a definition of “habitat” as it relates to critical habitat, this bill provides certainty and brings the Services into compliance with the *Weyerhaeuser* decision.

Additionally, the legislation would codify the definition of “environmental baseline” in the ESA. When conducting interagency consultations on federal actions, the Services use the environmental baseline to help determine the effect of that action on listed species and critical habitat. On April 5, 2024, the Services finalized a rule that mandated the following factors be considered when calculating the environmental baseline: 1) the past and present effects of all activities in an action area; 2) the anticipated effects of each proposed federal project in an action area where consultation has been completed; 3) the effects of state and private actions that are contemporaneous with the consultation process; and 4) the impacts to listed species or designated critical habitat from ongoing federal agency activities or existing federal agency facilities that are not within the agency’s discretion to modify.<sup>29</sup>

This bill amends and replaces the fourth consideration with: “existing structures and facilities and the past, present, and future effects on the species or the critical habitat of the species from the physical existence of such structures and facilities.” The environmental baseline should act as a “snapshot” of species health at the time

<sup>23</sup> H.R. 764, “Trust the Science Act.” H.R. 764—118th Congress (2023–2024): Trust the Science Act/[Congress.gov/Library of Congress](https://www.congress.gov/library/congress)

<sup>24</sup> 84 FR 45020

<sup>25</sup> *Id.*

<sup>26</sup> 89 FR 23919

<sup>27</sup> “Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat.” 87 FR 37757. Federal Register: Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat

<sup>28</sup> “Final Rules Amending ESA Critical Habitat Regulations.” Erin H. Ward and Pervaze A. Sheikh. Congressional Research Service. IF11740 ([congress.gov](https://www.congress.gov))

<sup>29</sup> 89 FR 24268



of the consultation. However, the Services have often used the environmental baseline to create a hypothetical environment that ignores existing infrastructure. This change would require the Services to use a more complete picture of current impacts to species.

### ***Title I: Optimizing Conservation Through Resource Prioritization***

Title I amends Section 4 of the ESA to codify existing efforts to address backlogs in listing petitions and critical habitat designation through a “National Listing Work Plan.”<sup>30</sup> The Services would be required to submit a work plan to Congress at the beginning of each fiscal year that covers listing actions for the next seven fiscal years. The work plan must include information on species status reviews, listing determinations, and critical habitat designations. These changes decrease the risk of litigation in the listing process and allow the Services to better allocate their resources toward species most needing protection.

The Services would be required to assign each species included in the work plan a priority classification, with priority one being the highest and priority five being the lowest. For example, a priority one species would be classified as critically imperiled and in need of immediate action. In contrast, a priority five species is a species for which little information exists regarding threats and its status.

### ***Title II: Incentivizing Wildlife Conservation on Private Lands***

The ESA has been ineffective in accomplishing its goal of recovering species and removing them from the endangered species list. Only three percent of species listed under the Act have ever been delisted.<sup>31</sup>

To incentivize private landowners to invest in wildlife conservation on their lands, the legislation amends the ESA to provide regulatory certainty to private landowners. This is done by codifying Candidate Conservation Agreements (CCAs) and Candidate Conservation Agreements with Assurances (CCAAs) into law. These agreements allow private landowners to commit to implementing voluntary actions designed to reduce threats to a species that is a candidate to be listed under the ESA. In return, if the species is listed, landowners who are part of the agreement could continue their operations should a listing occur. Currently, these agreements only exist through executive action and secretarial orders, giving the Services great discretion in how they take these agreements into account when making listing decisions. The bill explicitly states that the Services must consider the conservation benefit of these agreements when making listing decisions.

Title II also contains provisions intended to streamline and provide certainty in the permitting process for incidental take permits (ITP) and associated voluntary conservation agreements under Section 10 of the ESA, such as Habitat Conservation Plans (HCPs). ITPs are issued to private, non-federal entities undertaking otherwise lawful projects that might result in the taking of a listed species. To issue an ITP, the Services must confirm several criteria, including that issuing such a permit “will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.”<sup>32</sup>

HCPs are species conservation agreements private entities can enter with the Services after a species has already been listed under the ESA. Like CCAAs, they allow private entities to continue operations through an ITP if the conservation measures contained in the HCP are followed. Unfortunately, these agreements can take as long as a decade to be approved by the Services and, in some cases, the Services have reneged on HCPs or used other federal and state regulatory processes to place additional restrictions.

To streamline and provide certainty in the permitting process, Title II requires all parties to establish an HCP, including the Services, to be legally bound to the plan’s requirements. In addition, the Services would be explicitly prohibited from using other federal or state regulatory processes to require additional conservation measures in addition to what is included in the HCP. Federal agencies would also be required to adopt the measures included in the HCP for any authorization related to the action that is the subject of the HCP. ITPs issued under Section 10 would also be exempted from the duplicative requirements to conduct Section 7 consultation and a National Environmental Policy Act review.

<sup>30</sup> “National Listing Workplan.” U.S. Fish and Wildlife Service. National Listing Workplan/ U.S. Fish & Wildlife Service (fws.gov)

<sup>31</sup> “Missing the Mark: How the Endangered Species Act Falls Short of Its Own Recovery Goals.” Property and Environment Research Center. Katherine Wright and Shawn Regan. July 26, 2023. Missing the Mark/PERC

<sup>32</sup> 16 U.S.C. 1539

### ***Title III: Providing for Greater Incentives to Recover Listed Species***

The ESA requires the Services to “cooperate to the maximum extent practicable with the states” in implementing the Act, including “consultation with the States concerned before acquiring any land or water, or interest therein, for the purpose of conserving any endangered species or threatened species.”<sup>33</sup> Unfortunately, over the course of the ESA’s fifty-year history, states have often been left out of the process, with power being consolidated in the hands of officials at the Services. This title reasserts congressional intent by giving regulatory incentives and opportunities for states in the ESA process.

Section 9 prohibits the “take” of an endangered species. Take is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.”<sup>34</sup> The Act, however, does not automatically apply the same prohibitions to threatened species. Instead, Section 4(d) allows the Services to grant some exceptions to the take prohibitions for threatened species.<sup>35</sup> While NOAA has taken advantage of this flexibility,<sup>36</sup> the FWS continues to take steps to manage threatened species as endangered species, contrary to congressional intent.<sup>37</sup>

The FWS began issuing 4(d) rules in 1974, but in 1975 they finalized what has become known as the “blanket 4(d) rule” (blanket rule).<sup>38</sup> This rule allowed the FWS to extend all Section 9 prohibitions to threatened species unless a specific 4(d) rule for the species was drafted that exempted certain activities from those prohibitions. The blanket rule effectively removes incentives for parties impacted by threatened species and any benefits resulting in downlisting a listed species because no regulatory burdens are lowered. In 2019, the Trump administration finalized a rule-making that took away the FWS’s ability to issue blanket rules,<sup>39</sup> but the Trump administration’s rule was rescinded by the Biden administration in April 2024.<sup>40</sup>

The legislation changes this dynamic by requiring the Services to include the following whenever they issue a 4(d) rule that contains take prohibitions: (1) objective, incremental recovery goals for the species in question; (2) provide for the stringency of the prohibitions to decrease as such recovery goals are met; and (3) provide for state management of the species once all recovery goals are met in preparation for the species being delisted.

These steps create greater accountability, transparency, and incentives to take conservation actions that restore habitat and recover listed species because tangible regulatory relief will come with it. The bill also adopts a similar approach for the recovery of species listed as endangered. Specifically, the bill requires the Services to propose objective and incremental recovery goals for endangered species. Those goals would form the basis for a 4(d) rule when the species is downlisted from endangered to threatened.

This gives states the opportunity to propose a “recovery strategy” for threatened species and species that are candidates for listing in that state. The bill requires the Services to review the proposed recovery strategy and determine whether 1) the state would be able to implement the strategy and 2) whether that strategy would be effective in conserving the species in question. If it is determined that both of those tests are satisfied, the strategy is approved, and it would become the regulation governing the species in that state.

Title III also amends Section 4 to prohibit judicial review of the delisting of species during the five-year post-delisting monitoring period. Many species, such as wolves and grizzly bears, have been successfully delisted through rigorous scientific decisions, only to have a court overrule the decision.

Lastly, Title III gives regulatory certainty to the private landowners who are investing in, or want to invest in, habitat conservation on their lands. Specifically, the bill prohibits the Services from designating critical habitat on private lands that are implementing habitat conservation and restoration actions designed to conserve the species in question and approved by the Services. This language mirrors language

<sup>33</sup> Endangered Species Act of 1973, 16 U.S.C., 1531-1544 (1973).

<sup>34</sup> 16 U.S.C. 1532.

<sup>35</sup> 16 U.S.C. 1533.

<sup>36</sup> 88 FR 40742.

<sup>37</sup> Revisions of the Regulation for Prohibitions to Threatened Wildlife and Plants.” Megan E. Jenkins and Camille Wardle. The Center for Growth and Opportunity at Utah State University. 10/17/18. Regulations for Prohibitions to Threatened Wildlife and Plants—The CGO.

<sup>38</sup> “Unlocking the Full Power of Section 4(d) to Facilitate Collaboration and Greater Species Recovery.” David Willms, J.D. [https://republicans-naturalresources.house.gov/UploadedFiles/Codex\\_II\\_Chapter\\_3.pdf](https://republicans-naturalresources.house.gov/UploadedFiles/Codex_II_Chapter_3.pdf).

<sup>39</sup> 84 FR 44753

<sup>40</sup> 89 FR 23919

from the Sikes Act (16 U.S.C. 670a), which prevents critical habitat designations on lands controlled by the Department of Defense if those lands are implementing approved habitat conservation measures.

***Title IV: Creating Greater Transparency and Accountability in Recovering Listed Species***

Title IV amends the ESA to require that the “best scientific and commercial data available” used to make listing and critical habitat decisions be readily available and accessible online. ESA-related regulations are often controversial and impact the public in many ways, including land use, access to natural resources, and property value. In many cases, all the public gets to see is the result of a decision-making process, but not the information that led to that decision being made. H.R. 1897 gives the public the ability to see and understand what data the Services identified as the “best scientific and commercial data available.”

Additionally, the Services would be required to coordinate with states when making listing and critical habitat decisions. Before finalizing an ESA regulation, the Services must provide each affected state with the data used as the basis of a regulation. The bill defines “best scientific and commercial data available” to include all such data submitted to the Services by state, tribal, and local governments.

The Services would be required to disclose to Congress and publicly disclose all federal government expenditures on ESA-related lawsuits each fiscal year. The ESA has become a magnet for lawsuits designed to frustrate the process laid out in the underlying statute, with the Services often settling with litigious environmental groups.

Lastly, Title IV requires an analysis of the economic impacts, national security impacts, impacts on human health and safety, and any other relevant impacts concurrently with any listing decision. This section wouldn’t preclude a species from being listed for those reasons but would give the public necessary information on how a listing may impact them. Currently, the ESA only requires an analysis of economic and national security impacts when designating critical habitats. Areas can be excluded from critical habitat for these reasons.

***Title V: Streamlining Permitting Process***

On April 5, 2024, the Services finalized a rule that changed the interagency consultation process on federal projects.<sup>41</sup> This rule includes a provision that allows the Services to impose measures that “offset” any remaining impacts on a species caused by an agency action after avoidance and minimization measures have been imposed. This provision greatly expands the Services’ discretion. Allowing the Services to require offsets for any residual impacts from an agency action on a listed species is not supported by ESA statute. As written, Section 7 of the ESA requires federal agencies and project applicants to “minimize” impacts to listed species and critical habitat.<sup>42</sup> The words “offset” or “mitigate” are not mentioned. To further clarify this, the bill amends Section 7 to explicitly state that federal agencies and project applicants are not required to fully offset impacts to listed species and critical habitat.

Title V also requires the Services to conduct a retrospective review of modifications that have been adopted to proposed actions during successive Section 7 consultations. This provision would require the Services, for any consultation that occurs 10 years or more after the original consultation, to determine if those modifications will improve the likelihood of the species’ survival. During the Section 7 consultation process, the Services often propose Reasonable Prudent Alternatives (RPA) or Reasonable and Prudent Measures (RPM) to modify federal actions to avoid jeopardizing a listed species. Often these RPAs and RPMs add additional cost and, in some cases, significantly change the action. If the Services determine that continuing the modification will not increase the likelihood of the species’ survival, they shall discontinue the modification.

In addition, Title V requires the Services to conduct Section 7 consultations without a substantive presumption in favor of the listed species. This provision is a response to the *Maine Lobsterman’s Association v. National Marine Fisheries Service* case in which the U.S. Court of Appeals for the District of Columbia Circuit ruled that NOAA distorted the science, driving regulations for the Maine lobster industry

<sup>41</sup> “Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation” 89 FR 24268 <https://www.federalregister.gov/documents/2024/04/05/2024-06902/endangered-and-threatened-wildlife-and-plants-regulations-for-interagency-cooperation>

<sup>42</sup> 16 U.S.C. 1536

and their interaction with whales.<sup>43</sup> The Court stated that the National Marine Fisheries Service (NMFS) improperly relied on assumptions and worst-case scenarios when determining the risk posed by the industry to right whales. Title V ensures that the ESA statute requires the Services to comply with this ruling.

Lastly, Title V ensures that the Services can only issue a jeopardy opinion on a proposed action if they determine that the action itself causes jeopardy. This language is intended to prevent the Services from utilizing factors outside the scope of the proposed action to justify a jeopardy opinion. During a February 26, 2025, oversight hearing, the Subcommittee heard testimony on how different interpretations from regional offices and court rulings have created significant variability in how the Services levy jeopardy opinions.<sup>44</sup> This clarifying language provides greater certainty by giving the Services clear direction on how they can issue a jeopardy opinion.

#### ***Title VI: Removing Barriers to Conservation***

Title VI amends Sections 9 and 10 of the ESA to remove duplicative permitting processes related to importation and exportation of species that are not native to the U.S. It does so by clarifying that standards used in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) should be used to regulate trade of non-native species, not additional ESA regulations that stifle conservation efforts.

CITES is an international agreement signed in 1973 that governs the trade of endangered plants and animals.<sup>45</sup> The United States, 182 other countries, and the European Union are parties to CITES, which is implemented in Section 8a of the ESA.<sup>46</sup> Over 40,000 species are granted some level of protection by CITES, which in many ways mirrors protection under the ESA, with species listed in CITES Appendix I being considered most at risk of extinction.<sup>47</sup> However, there are many species not native to the United States that are also listed under the ESA because the Act requires the Services to list species regardless of what country the species lives in.

In most cases, private entities who wish to legally import a CITES or ESA-listed species into the U.S. must receive an import permit from the Services. Title VI removes the duplicative process of receiving an ESA import permit if the species is not native to the U.S. and if all CITES requirements are met. This provision streamlines the permitting process and removes the uncertainty entities like zoos, aquariums, and sportsmen face when conducting conservation activities abroad.

Title VI clarifies that the Services must use the CITES “not detrimental to the survival of the species” standard instead of the current “enhancement” standard when issuing permits related to species that are not native to the U.S.<sup>48</sup> Currently, for the Services to issue permits related to non—native CITES and ESA-listed species, they must certify that issuing the permit would “enhance the propagation or survival of the species.” This standard is vague and has caused delays in the permitting process.<sup>49</sup> By clarifying that the “not detrimental to the survival” standard should govern the permitting process, Title VI aligns the U.S. with other CITES nations and streamline the permitting process.

#### ***Title VII: Restoring Congressional Intent***

Title VII limits the application of Section 11(f) of the ESA to enforcing Section 11 and Section 8a. This ensures the Services cannot issue regulations to prohibit a range of otherwise lawful activities without specific provisions authorizing them to do so. Section 11 is the enforcement section of the Act, granting federal agencies the ability to enforce the ESA and giving private citizens the ability to file lawsuits related to the Act’s enforcement.<sup>50</sup> Section 11(f) states that “[t]he Secretary [is] authorized to promulgate such regulations as may be appropriate to enforce this

<sup>43</sup> U.S. Court of Appeals for the District of Columbia Circuit. Decision No. 22-5238. Decided June 16, 2023. *Maine Lobstermen’s Association v. National Marine Fisheries Service*, No. 22-5238 (D.C. Cir. 2023) :: Justia

<sup>44</sup> Questioning by Rep. Bruce Westerman to Mr. Parker Moore, House Committee on Natural Resources, February 26, 2025. Evaluating the Implementation of the Marine Mammal Protection Act and the Endangered Species Act/Water, Wildlife and Fisheries Subcommittee/House Committee on Natural Resources

<sup>45</sup> “What is CITES.” What is CITES?/CITES

<sup>46</sup> 16 U.S.C. 1537a

<sup>47</sup> “The CITES Species.” The CITES species/CITES

<sup>48</sup> Articles III and IV of the Convention on International Trade in Endangered Wild Flora and Fauna.

<sup>49</sup> 16 U.S.C. 1539

<sup>50</sup> 16 U.S.C. 1540

chapter . . .”<sup>51</sup> Thus, the plain language of this provision explicitly limits the agency’s rulemaking authority to regulations that will further statutory enforcement.

However, the Services have recently exploited Section 11(f) as a justification for regulations that lower the chance of taking a listed species, against congressional intent. An example of this misuse is the recently withdrawn 2022 rule from NMFS that expanded vessel speed restrictions related to the North Atlantic Right Whale (NARW). The essence of that regulation was to place requirements on vessel operators that were designed to lower the likelihood of striking an endangered NARW.<sup>52</sup> During a February 26, 2025, oversight hearing, the Subcommittee heard testimony on how Section 11(f) does not give NMFS the ability to issue such a regulation. As Paul Weiland, Partner at Nossaman LLC who has worked on numerous ESA issues, stated in his testimony:

“Those means Congress included in the ESA do not include regulations to prevent take. The vessel speed rule purports to impose an enforceable requirement on vessel operators under the ESA, even when those operators have not engaged in prohibited take of Right Whales and there is a *de minimis* risk that their conduct could result in prohibited take.”<sup>53</sup>

#### **H.R. 1917 (Rep. Dingell, D-MI), “Great Lakes Mass Marking Program Act of 2025”**

According to the Great Lakes Fishery Commission, the tribal, commercial, and recreational fisheries in the five Great Lakes are home to 177 different species of fish, including 139 native species.<sup>54</sup> These tribal, commercial, and recreational fisheries have an economic value of more than \$7 billion annually<sup>55</sup> and support upwards of 75,000 jobs.<sup>56</sup>

One of the challenges that the Great Lakes’ fisheries have faced is the prominence of invasive species that place pressure on native fish populations and their ecosystems.<sup>57</sup> One species, the Sea Lamprey (*Petromyzon marinus*), is native to the Atlantic Ocean but first entered the Great Lakes in the 1920s and 1930s.<sup>58</sup> In the roughly 100 years since sea lampreys first reached this region, Canada and the United States went from harvesting roughly 15 million pounds of lake trout annually in the upper Great Lakes in the 1940s to roughly 300,000 pounds in the 1960s.<sup>59</sup> Four carp species—grass, black, bighead, and silver carp—also threaten the Great Lakes’ fisheries.<sup>60</sup>

To counter the threat of these invasive species, tribal, federal, and state agencies introduce hatchery fish to encourage native species recovery. For example, in 2018, the Michigan Department of Natural Resources announced that they had introduced more than 21 million fish into the state’s waters, including the Great Lakes.<sup>61</sup> More recently, the FWS’ ten hatcheries that support the Great Lakes region introduced more than 4.7 million hatchery fish in all five Great Lakes in 2024.<sup>62</sup> However, the FWS does not currently tag all of the fish that are introduced,<sup>63</sup> which leads to knowledge gaps in the effectiveness of these efforts.

H.R. 1917 would create the Great Lakes Mass Marking Program, a new program that would authorize FWS to purchase fish tags and other related equipment to improve management decisions and evaluate the effectiveness of these operations, expanding on the tagging efforts that have already been occurring across the Great Lakes region.

<sup>51</sup>*Id.*

<sup>52</sup>87 FR 46921

<sup>53</sup>Testimony of Mr. Paul Weiland. House Committee on Natural Resources. February 26, 2025. HHRG-119-II13-Wstate-WeilandP-20250226.pdf

<sup>54</sup>Great Lakes Fishery Commission. The Great Lakes Fishery: A world-class resource! <http://www.glfc.org/the-fishery.php>

<sup>55</sup>*Id.*

<sup>56</sup>*Id.*

<sup>57</sup>Great Lakes Fishery Commission. Invasive Species. <https://www.glfc.org/invasive-species.php>

<sup>58</sup>Great Lakes Fishery Commission. Sea Lamprey: A Great Lakes Invader. <https://www.glfc.org/sea-lamprey.php>

<sup>59</sup>*Id.*

<sup>60</sup>Great Lakes Fishery Commission. Invasive Carps. <https://www.glfc.org/invasive-carps.php>

<sup>61</sup>Manistee News Advocate. DNR: More than 21 million fish stocked in 2018. October 22, 2018.

<sup>62</sup>U.S. Fish and Wildlife Service Hatchery Statistics. Prepared For: House Committee on Natural Resources, Subcommittee on Water, Wildlife, and Fisheries. March 14, 2025. <https://naturalresources.house.gov/uploadedfiles/final-great-lakes-hatchery-stocking-fac-marc-2025.pdf>

<sup>63</sup>H.R. 1917. The “Great Lakes Mass Marking Program Act of 2025.” <https://debbiedingell.house.gov/uploadedfiles/dingmi015.pdf>

H.R. 1917 would authorize \$5 million per fiscal year from fiscal year (FY) 2026 through FY 2030 to carry out this program.

#### **IV. MAJOR PROVISIONS & ANALYSIS**

##### **H.R. 276 (Rep. Greene, R-GA), “*Gulf of America Act of 2025*”**

- Would codify “Gulf of America” as the name for the area previously known as the Gulf of Mexico. Requires the Secretary of the Interior, acting through the Board on Geographic Names, to oversee the implementation of this renaming across the federal government.

##### **H.R. 845 (Rep. Boebert, R-CO), “*Pet and Livestock Protection Act of 2025*”**

- Requires the Secretary of the Interior to reissue the final rule entitled “Endangered and Threatened Wildlife and Plants; Removing the gray wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife,” which was first issued on November 3, 2020. This legislation would delist the gray wolf under the Endangered Species Act.

##### **H.R. 1897 (Rep. Westerman, R-AR), “*ESA Amendments Act of 2025*”**

- Title by Title Analysis

[https://naturalresources.house.gov/uploadedfiles/esa\\_amendments\\_act\\_of\\_2025\\_title\\_by\\_title\\_119th\\_final.pdf](https://naturalresources.house.gov/uploadedfiles/esa_amendments_act_of_2025_title_by_title_119th_final.pdf)

##### **H.R. 1917 (Rep. Dingell, D-MI), “*Great Lakes Mass Marking Program Act of 2025*”**

- Authorizes a Great Lakes Mass Marking Program within the U.S. Fish and Wildlife Service expand fish tagging efforts within the Great Lakes ecosystem.

#### **V. EFFECT ON CURRENT LAW H.R. 1897**

##### **H.R. 1897**

[https://naturalresources.house.gov/uploadedfiles/bill-to-law\\_esa\\_amendments\\_text\\_1.pdf](https://naturalresources.house.gov/uploadedfiles/bill-to-law_esa_amendments_text_1.pdf)

**LEGISLATIVE HEARING ON H.R. 276, TO RE-  
NAME THE GULF OF MEXICO AS THE ‘GULF  
OF AMERICA’, “GULF OF AMERICA ACT OF  
2025”; H.R. 845, TO REQUIRE THE SEC-  
RETARY OF THE INTERIOR TO REISSUE  
REGULATIONS REMOVING THE GRAY WOLF  
FROM THE LIST OF ENDANGERED AND  
THREATENED WILDLIFE UNDER THE EN-  
DANGERED SPECIES ACT OF 1973, “PET AND  
LIVESTOCK PROTECTION ACT OF 2025”; H.R.  
1897, TO AMEND THE ENDANGERED  
SPECIES ACT OF 1973 TO OPTIMIZE CON-  
SERVATION THROUGH RESOURCE  
PRIORITIZATION, INCENTIVIZE WILDLIFE  
CONSERVATION ON PRIVATE LANDS, PRO-  
VIDE FOR GREATER INCENTIVES TO RE-  
COVER LISTED SPECIES, CREATE GREATER  
TRANSPARENCY AND ACCOUNTABILITY IN  
RECOVERING LISTED SPECIES, STREAM-  
LINE THE PERMITTING PROCESS, ELIMI-  
NATE BARRIERS TO CONSERVATION, AND  
RESTORE CONGRESSIONAL INTENT, “ESA  
AMENDMENTS ACT OF 2025”; AND H.R. 1917,  
TO ESTABLISH THE GREAT LAKES MASS  
MARKING PROGRAM, AND FOR OTHER PUR-  
POSES, “GREAT LAKES MASS MARKING  
PROGRAM ACT OF 2025”**

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**Tuesday, March 25, 2025  
U.S. House of Representatives  
Subcommittee on Water, Wildlife and Fisheries  
Committee on Natural Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to notice, at 10:15 a.m., in Room 1324, Longworth House Office Building, Hon. Harriet M. Hageman [Chair of the Subcommittee] presiding.

Present: Representatives Hageman, LaMalfa, Webster, Boebert, Bentz, Walberg, Ezell, Maloy, Crank, Westerman; Hoyle, Dingell, Min, Elfreth, Rivas, Soto, and Huffman.

Also present: Representatives Bergman, Downing, Fulcher, Gosar, Greene, Hurd, and Tiffany.

Ms. HAGEMAN. 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 in 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 Chair 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.

I also ask unanimous consent that the Congressman from Arizona, Mr. Gosar; the Congressman from Minnesota, Mr. Stauber; the Congressman from Wisconsin, Mr. Tiffany; the Congressman from Idaho, Mr. Fulcher; the Congressman from Colorado, Mr. Hurd; the Congressmen from Michigan, Mr. Bergman and Mr. Huizenga; the Congresswoman from Georgia, Ms. Greene; and the Congressman from Montana, Mr. Downing, be allowed to participate in today's hearing.

Without objection, so ordered.

Before we begin, I ask for unanimous consent to recognize Mr. Westerman and Mr. Huffman on the passing of former Chairman and Ranking Member of this Committee, Mr. Raúl Grijalva.

Without objection, I now recognize Chairman Westerman.

Mr. WESTERMAN. Thank you, Madam Chair. And again, before we get started and get involved in the work of today's hearing, I want to take a moment to honor the life of former Chairman and Ranking Member Raúl Grijalva.

Raúl was renowned for his passion and his love for the Natural Resources Committee. He spent more than 20 years as a Member of Congress and served on this Committee his entire tenure, including two terms as Chairman. He had a deep respect for the people we serve in the U.S. House of Representatives, as well as for the stewardship of our environment, including our Nation's Federal lands and waters. I was honored to work closely with Representative Grijalva to deliver bipartisan wins for our country, including the EXPLORE Act and the Compact of Free Association Amendments Act last Congress. I am grateful to have served with him on this dais for many years, and look forward to continuing bipartisan work in his honor. His advocacy for natural resources issues will be deeply missed here on the Committee, and our prayers are with his loved ones as we mourn the loss of a dedicated public servant.

I can tell you something you couldn't see from the audience. Representative Grijalva was always sketching. He was always drawing these beautiful, elaborate pictures with an ink pen. And also, we got more business done sitting up here at the head of the dais. I know the Global War on Terrorism Monument, one day we talked about that and he said, that is a good idea, let's do that. I mentioned the EXPLORE Act, same thing. And although we had our differences on policy, he was always a gentleman, and kind-



hearted, and really cared about people. So we are going to miss former Chairman Grijalva.

And Madam Chair, I yield back.

Ms. HAGEMAN. Thank you. I now recognize Ranking Member Huffman.

Mr. HUFFMAN. Yes, thank you, Madam Chair.

And thank you, Chair Westerman, for those thoughts. I too will miss Raúl's incredible artwork, his ability to continuously create these intriguing doodles and images, you know, during our hearings to multi-task, one part of his brain doing this incredible artwork and the other participating in our hearing. He was a complex and fascinating guy and, you are right, with a real wonderful, disarming, gentle sense of humor that will be part of what we miss.

But I think the big part is what he taught us all about environmental justice, about standing up for folks whose voices are often not heard. He brought so much moral clarity to that. That really was his North Star. And I will think a lot about his incredible leadership working with our late friend, Don McEachin, on the Environmental Justice for All Act, his steadfast defense of tribal sovereignty and tribal interests, and, of course, the incredible accomplishments during his tenure of leadership, protection for the Grand Canyon, Oak Flat. These were things he cared so much about, and also permanent funding of the Land and Water Conservation Fund, some historic climate investments in the Inflation Reduction Act, support for ocean programs. These were things that Raúl cared deeply about, fought for, and really made a difference.

So I know we are all going to miss our friend. Many of us will be in Arizona tomorrow to honor him and his legacy. But I hope all of us also think about the moral clarity he brought to this work, and especially to Indigenous people and disadvantaged communities, and challenge ourselves to be worthy of that legacy here in the Natural Resources Committee.

Thank you, and I yield back.

Ms. HAGEMAN. Thank you, Mr. Huffman. We are saddened by the passing of Congressman Grijalva, and his family is in our thoughts and prayers. I now ask for Members on the dais and those in the room to join us in a moment of silence to honor the memory of Congressman Grijalva.

[A moment of silence was observed.]

Ms. HAGEMAN. Thank you.

We are here today to consider four legislative measures: H.R. 276, the Gulf of America Act of 2025, sponsored by Representative Greene of Georgia; H.R. 845, the Pet and Livestock Protection Act of 2025, sponsored by Representative Boebert of Colorado; H.R. 1897, the ESA Amendments Act of 2025, sponsored by Chairman Westerman of Arkansas; and H.R. 1917, the Great Lakes Mass Marking Program Act of 2025, sponsored by Representative Dingell of Michigan.

I now recognize myself for my 5-minute opening statement.

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

Ms. HAGEMAN. Last month this Committee examined two far-reaching and consequential laws, the Endangered Species Act and the Marine Mammal Protection Act, both of which have been fundamentally transformed from their original purpose, scope, and intent through endless lawsuits and administrative agency actions including guidance documents, rulemakings, and internal protocols.

As I said during our hearing, this legislative body must do a better job of writing laws. It is Congress' responsibility to be clear, concise, specific, and unambiguous when defining the authorities granted to Federal agencies. Today, we are considering four bills, of which two take direct aim at addressing and resolving the concerns that were raised last month regarding the ESA.

Our first bill, the Pet and Livestock Protection Act of 2025, exposes the ESA failures, misinterpretations, and misapplications we have lived with for far too long. For decades the Federal Government, States, Tribes, and private conservation partners have worked to recover the gray wolf populations, and they have been highly successful in doing so. Despite this achievement, however, the Fish and Wildlife Service's recognition that our gray wolf populations have not only recovered but thrived under both Republican and Democrat administrations have been met with controversy.

The endless litigation surrounding the delisting of a recovered species like the gray wolf only proves the point that the ESA must be reformed. We must find a way to end this doom loop of recovery, delisting, litigation, court intervention, relisting, the wasting of more resources on a recovered species, another attempt at delisting, and then starting it all over again, which brings me to our second bill, ESA Amendments Act of 2025, sponsored by Chairman Westerman.

This bill makes critical changes to the ESA to provide regulatory certainty, transparency, and accountability. This is done through the inclusion of definitions and parameters of previously ambiguous terms, and requiring the Service to implement incremental and objective recovery goals for listed species that are coupled with tangible regulatory relief as such goals are accomplished. I want to thank Chairman Westerman for once again leading the effort to reform the ESA and start us on a course of sound resource and species management. This legislation is a serious step towards a model of endangered species conservation that empowers local landowners and decision-makers.

We are also considering legislation sponsored by Congresswoman Greene, the Gulf of America Act of 2025, which aims to codify part of President Trump's Executive Order 14172, restoring names that honor American greatness. The bill also ensures consistency in our statutes, maps, and regulations by updating any reference by reflecting uniformity with any reference to the Gulf.

Lastly, we are considering the Great Lakes Mass Marking Program of 2025, sponsored by Congresswoman Dingell. This bill would expand the U.S. Fish and Wildlife Service's Mass Marking Program for fisheries management in the Great Lakes. The Great Lakes provide incredible economic value for the Midwest and are

a treasured natural resource. Unfortunately, the minority chose not to invite a witness to talk about the importance of this legislation.

With that I want to take the time to thank our witnesses for being here today, and I look forward to a robust conversation.

I now recognize Ranking Member Hoyle for her opening statement.

**STATEMENT OF THE HON. VAL T. HOYLE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF OREGON**

Ms. HOYLE. Thank you very much, and thank you to the people who came here to testify today.

This is the first Natural Resources Committee hearing that we have had since former Chair Raúl Grijalva passed. He was such a passionate advocate for environmental justice and for our native sovereign rights. We certainly will miss him, and my thoughts go out to his family, friends, and also to the staff that worked with him so loyally.

It has been about 2 months since Elon Musk and his unqualified, unvetted staff started causing chaos in Federal agencies. They have threatened, pushed out, and fired hundreds of Federal workers in the wildlife management agencies, the Forest Service, NOAA, and they placed many more on administrative leave. Unfortunately, the Administration declined to testify at this hearing today, as they didn't have the staff necessary to prepare.

As the authorizing Committee, we must understand how they plan to implement the changes contemplated in the bills before us today. The Trump administration hasn't responded to our request for additional information about the firings, canceled grants, hiring freezes, or lease cancellations. You know, we would like to know how the Trump administration plans to carry out the law.

And, you know, we have another hearing on the ESA. The goal of the ESA is clear: to stop extinction and recover species. H.R. 1897, the ESA Amendment Act, doesn't do anything to improve outcomes for species and communities. The Trump administration's actions make the recovery of these species even harder. For example, DOGE just cut key staff at NOAA who make ESA permitting efficient. We also lost experts who assess coastal impacts and work on recovering iconic species such as orcas or salmon. These specialists safeguard valuable species that keep our fisheries running, our communities fed. We are in a biodiversity crisis and need these core conservation laws to work. When species recover, everyone benefits.

We have Dr. Peter Kareiva, who will help us unpack why strong endangered species policies and investments are good for everyone, and I am grateful for him for taking the time to participate in the hearing.

I would ask unanimous consent to enter a full section-by-section analysis of H.R. 1897 into the record.

Ms. HAGEMAN. So ordered.

[The information follows:]

**SECTION-BY-SECTION ANALYSIS****Sec. 2. Definitions. – Makes ESA definitions less protective of species on the brink.**

- **Foreseeable future**
  - The bill would give the 2019 regulatory definition of “foreseeable future” the force and effect of law. This term is important because threatened species are defined under the ESA as species likely to become endangered within the foreseeable future. See 16 U.S.C. § 1532(20). The definition of this term therefore influences whether a whole suite of species receives ESA protection.
  - The 2019 definition reads, in part: “In determining whether a species is a threatened species, the Services must analyze whether the species is likely to become an endangered species within the foreseeable future. The term foreseeable future extends only so far into the future as the Services can reasonably determine that both the future threats and the species’ responses to those threats are likely...” 84 Fed. Reg. 45,020, 45,052 (Aug. 27, 2019).
  - By using the term “likely,” the 2019 definition appeared to depart from longstanding guidance under a 2009 Interior M-Opinion<sup>1</sup> that allows the use of extrapolation and scientifically grounded prediction, based upon available scientific data, to assess foreseeable future threats to species.
  - The current (2024) definition of the term removed the problematic “likely” standard (i.e., removed the standard this bill would reinstate). The 2024 definition reads: “The foreseeable future extends as far into the future as the Services can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats.” 89 Fed. Reg. 24,300, 24,335 (Apr. 5, 2024).
- **Commercial activity**
  - Modifies the definition of this term as follows: *The term “commercial activity” means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling. Provided, however, That it does not include exhibition of*

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<sup>1</sup> <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>

The full document is available for viewing at:

<https://docs.house.gov/meetings/II/II13/20250325/118016/HHRG-119-II13-20250325-SD001.pdf>

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Ms. HOYLE. Thank you. H.R. 845 delists the gray wolf across the United States and blocks judicial review of the delisting.

Agencies must base listing and delisting and all other decisions under the Endangered Species Act on the best available science and commercial data, and on tribal consultation, not on political whims.

Finally, one bright spot we have in the hearing today is H.R. 1917, led by Representative Debbie Dingell. It is a common-sense bill that enhances fisheries management through science-based monitoring in the Great Lakes. This program will provide critical data to improve conservation efforts, protect native species, and ensure long-term sustainability of the Great Lakes.

And finally, H.R. 276 renames the Gulf of Mexico as the Gulf of America. This does nothing to bring down costs for Americans, to address the broken Social Security system where our seniors cannot get an answer on the phone or the websites are crashing. This does nothing to bring back the health care workers that were fired that take care of our veterans. This does nothing to address the massive security breach in which war plans were sent on unsecured devices accidentally to a member of the press. These are pressing issues. Our, you know, trade wars, many, many international issues are not being addressed, but we are renaming the Gulf of Mexico. I don't think that should be one of our priorities.

But with that I look forward to the discussion, and I yield back.

Ms. HAGEMAN. Thank you. I now recognize Chairman Westerman for his opening statement.

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

Mr. WESTERMAN. Thank you, Chair Hageman, for holding this hearing, and thank you to the witnesses for being here today.

Included in today's hearing is the ESA Amendments Act of 2025. This is a bill that would reauthorize and amend the Endangered Species Act for the first time in nearly 40 years. The bill is the product of many years of work with many members of this Committee and countless experts and stakeholders.

Madam Chair, I have been on record with my thoughts on the Endangered Species Act many times in this Committee. It is a well-intentioned law that has been hijacked by litigation and executive overreach to the detriment of the species it is supposed to help recover and the communities its regulations impact.

And I realize this is a sensitive topic. I realize that emotions run high when we talk about the Endangered Species Act. And I think there is probably more agreement on both sides of the dais than we would admit to. And I was just listening to Representative Hoyle's opening statement. She said we have a biodiversity crisis. I don't necessarily disagree with that. She said, "When species recover, everyone benefits." I totally agree with that. But the Endangered Species Act is broken. And if we just leave it like it is, we are not going to get any better benefits out of it.

So putting forward legislation that promotes conservation of habitat, and therefore the recovery of listed species has been a major goal of mine as Chairman of the Resources Committee. As Gifford Pinchot, the famous 20th-century conservationist, once said, unless we practice conservation, those who come after us will have to pay the price of misery, degradation, and failure for the progress and prosperity of our day.

However, I also believe that we must approach species protection with common sense. Working together we can find solutions that

protect our wildlife and allow our farmers, ranchers, and businesses to thrive. The ESA has not been reauthorized by Congress since 1988. Since then almost 1,200 of the over 1,700 ESA-listed species have been added to the list. These new listings, along with countless other agency rulemakings, have created new challenges. Congress must examine these actions to determine if the law is being implemented as Congress originally intended.

First and foremost, it is time that Congress brings the ESA back to its original intent, which is recovering listed species to the point where they no longer need to be protected, as its current dismal 3 percent recovery rate is wholly unacceptable. H.R. 1897 prioritizes recovery in several ways. First, it builds greater incentives into the ESA by pairing species recovery goals with regulatory relief. Second, the bill provides regulatory certainty from critical habitat designations to private landowners who are investing in conservation. Third, the bill would prohibit judicial review during the statutory 5-year monitoring period after a species is delisted, preventing frivolous litigation that can often serve as an impediment to recovery efforts.

H.R. 1897 would also streamline the ESA permitting process by removing redundant requirements, focusing agency resources where Congress intended, and providing retrospective review of agency permitting actions. H.R. 1897 also contains provisions that address several issues that this Subcommittee has examined in the past. These include language to prevent the ESA being exploited to justify destructive regulations like vessel speed restrictions and language to address a verdict in the Maine Lobstermen case by preventing in statute the Services from having a bias towards listed species during ESA consultations.

After more than 50 years it is time that we make changes to bring the ESA into the 21st century. I am thankful to everyone that has contributed to the development of this legislation, and I am looking forward to discussing it in further detail today.

Madam Chair, I yield back.

Ms. HAGEMAN. Thank you. 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. Thank you, Madam Chair.

And with all due respect to Chair Westerman, the Endangered Species Act is not broken, it is just inconvenient for certain industry polluters. Any other bill in America that had a 99 percent success rate, as this legislation does, at keeping the listed species from going extinct would be held up as a model of success. And to the extent that it has failed in recovering species, which we all want to see, it is because our Republican friends are endlessly at war with the budgets of the wildlife agencies that are tasked with doing that important recovery work, with protecting these species, with doing the science, with doing the habitat restoration.

So it is deeply disingenuous to the point of gaslighting to suggest that anything about this legislation before us, which absolutely weakens the Endangered Species Act, that anything about this is about making the law work better or bringing it back to its original

intent. The original intent was to save species from extinction. This bill is part of an extinction agenda, which means that we are back in this Subcommittee once again experiencing déjà vu because there is nothing new about this. We have seen this extinction agenda for the past few years over and over again.

The other déjà vu feeling today is because there is crazy, destructive, incompetent, corrupt things happening in the executive branch of our government right now. And the independent branch of government, the Article I branch that our founders created in order to serve as a check on abuses of presidential power, as a check on corruption and incompetence is totally missing in action because this Republican majority thinks that it works for President Trump, as opposed to being an independent branch of government that serves as a check on power.

And so we see endless attempts to curry favor, to kiss up. And of course, the quintessence of that is the bill before us today to rename the Gulf of Mexico to the Gulf of America, something that was actually floated as a joke by comedian Stephen Colbert back in 2010. But now, apparently, the joke is on us.

Look, we should be talking about the mass firings of Federal employees, facility closures, chaotic government takeovers by Elon Musk and his DOGE tech bros, things that are leaving agencies unable to deliver essential services, from essential public safety to mitigating wildfire risk to protecting our irreplaceable natural resources.

The majority is holding the third hearing in 3 months focused on weakening the Endangered Species Act. This does nothing to solve the countless problems our constituents are struggling with. In fact, it does the opposite because the ESA isn't just about wildlife. It helps protect clean air, clean water, and the natural systems that sustain all of us.

Now, let's not kid ourselves about this bill. It is not the culmination of an honest working group or a thoughtful bipartisan discussion. I notice that not a single one of my suggestions from that working group was included in this bill. This is simply a rehash of pro-extinction talking points from industry polluters and dressed up like it is something new. It makes the ESA weaker. It makes it harder to do all the things that actually protect species from extinction and easier to do all of the things that leave them unprotected.

Now, our colleagues on the other side of the aisle say they want to speed up permitting timelines. Well, guess what? The Fish and Wildlife Service has lost approximately 50 percent of its information for planning and consultation team. These are the key personnel: the biologists, the recovery teams, the project managers who consult with Federal agencies and applicants early in the planning process to help avoid delays while protecting endangered species. This is the office that speeds things up, and it is being gutted. Over 400 Fish and Wildlife Service employees have been fired nationwide. This includes staff at national wildlife refuges. And we hear more cuts are coming. These cuts are causing chaos across the agency, disrupting recovery efforts, delaying critical actions to protect endangered species. If we are serious about the ESA, we

should at least be talking about that stuff, instead of recycling these tired old bills.

Now back to the Gulf of America. Stephen Colbert proposed this as a joke in 2010, and it is important to remember what was going on at the time, what led to the joke. There was a blown BP oil well that gushed oil for many, many weeks and months, killed 11 people, crushed the coastal economy of the Gulf, and Colbert used the name change as a gimmick to raise awareness of the disaster that dragged on for 5 months, something our Republican friends seem to have forgotten about as they advance their dirty drilling agenda. It is weirdly appropriate that they are taking what started out as a joke and actually moving it forward as part of their drill, baby, drill agenda. And unfortunately, that means the joke is on us.

I yield back.

Ms. HAGEMAN. I will now introduce our first panel. As is typical with legislative hearings, the bills' sponsors are recognized for 5 minutes each to discuss their bills.

I now recognize Congresswoman Boebert for 5 minutes.

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

Ms. BOEBERT. Thank you, Madam Chair.

Colorado is at the center of our Nation for the wolf battle. That is why Congressman Tom Tiffany and I introduced the Pet and Livestock Protection Act, and our bill delists the gray wolf from the Federal Endangered Species List and returns the issue of wolf management to the States and tribal wildlife agencies.

Leftists want to eliminate hunting, lock up our lands, further restrict gun use on our public lands, and pander to the interests of extreme environmentalists who don't understand any sense of our rural way of life.

In 2020, voters in Denver and Boulder voted to reintroduce gray wolves west of the Continental Divide. This ballot box biology has led Colorado to rush through the importation of the Canadian gray wolves, and has set them loose in our State, despite numerous protests and questions about the legality and dysfunctional and chaotic approach to prioritizing predators over people.

CPW began releasing gray wolves in the State without notifying landowners, livestock producers, and other reasonably concerned constituents of the location of the releases. Five of the released wolves came from packs with a known history of chronic livestock depredation. This misguided approach of importing foreign predators has received pushback from Tribes, residents, energy operators, and, most importantly, our farmers and ranchers.

Delisting the gray wolf from the Federal Endangered Species List will remove the current prohibitions and restrictions on land use activities, whether on public lands or private lands. The ESA restrictions prohibit ranchers and pet owners from protecting their livestock and pets, as ranchers who defend their sheep or cattle from wolves face potential prosecution.

Madam Chair, I would like to enter into the record a letter from American Farm Bureaus supporting the Pet and Livestock Protection Act into the record.



Ms. HAGEMAN. Without objection.  
[The information follows:]

March 24, 2025

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
House Natural Resources Committee  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chair Hageman and Ranking Member Hoyle:

Thank you for holding a hearing on H.R. 845, the Pet and Livestock Protection Act of 2025, a bill supported by American Farm Bureau and the many state Farm Bureaus listed below. The purpose of the Endangered Species Act is to recover species that are threatened with extinction. The gray wolf has exceeded recovery goals and should be celebrated as an Endangered Species Act success story.

Delisting recovered species is a critical part of the ESA process, and it removes stringent restrictions placed on habitat and land use activities that occur by virtue of a species being listed. One of the reasons that the ESA is so contentious is the onerous nature of prohibitions and restrictions on land use activities, whether on public or private land. It is important that these restrictions be removed when a species no longer needs that protection or where the species is not present. This is especially true in the present context where livestock and pet losses to wolves have been extensive and are increasing. ESA restrictions prevent ranchers from protecting their livestock and pet owners their pets. Farmers and ranchers who shoot at, injure or kill protected wolves that are stalking sheep or cattle could be subject to the stiff penalties imposed under the act.

We commend the sponsors and cosponsors of this legislation for their leadership on this important issue.

Sincerely,

American Farm Bureau Federation	Montana Farm Bureau Federation
Arizona Farm Bureau Federation	Nevada Farm Bureau Federation
California Farm Bureau	Oregon Farm Bureau
Colorado Farm Bureau	Pennsylvania Farm Bureau
Idaho Farm Bureau Federation	Utah Farm Bureau Federation
New Hampshire Farm Bureau Federation	Washington Farm Bureau
Michigan Farm Bureau	Wisconsin Farm Bureau Federation
Minnesota Farm Bureau Federation	Wyoming Farm Bureau Federation

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Ms. BOEBERT. And Madam Chair, I would also like to enter into the record a letter from the National Cattlemen's Beef Association and Public Lands Council in support of the Pet and Livestock Protection Act into the record, as well.

Ms. HAGEMAN. So ordered.  
[The information follows:]

**National Cattlemen's Beef Association • Public Lands Council •  
American Sheep Industry Association • Association of National Grasslands**

March 25, 2025

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairwoman Hageman and Ranking Member Hoyle:

The National Cattlemen's Beef Association (NCBA) and the Public Lands Council (PLC) write to express our strong support for H.R. 845, the Pet and Livestock Protection Act of 2025. This critical legislation recognizes what producers on the ground have known for years—the gray wolf has fully recovered. Yet, livestock producers face the reality of wolf depredation with little to no recourse.

NCBA represents nearly 26,000 direct members and 44 state cattle associations, totaling about 178,000 collective members nationwide. NCBA's vision is to be the trusted leader and definitive voice of the U.S. cattle and beef industry. Since 1968, PLC has been the only organization in Washington, D.C., representing the unique interest of cattle and sheep producers across the West who hold the 22,000 federal grazing permits.

Federal and state agencies have verified that wolf numbers are stable or increasing across much of their range. Despite these facts, the species remains entangled in bureaucratic delays and legal challenges that prevent responsible management. The Pet and Livestock Protection Act takes a necessary step toward aligning federal policy with the biological reality of wolf recovery while ensuring that rural communities and livestock producers are not left to bear the full burden of unchecked predation.

The impact of wolf depredation on livestock operations is significant. Each year, ranchers suffer financial losses due to direct kills, injuries, stress-related weight loss, and lower reproductive success in their herds. Federal protections have created an imbalance, where wolves can attack livestock with impunity, yet ranchers face legal obstacles when attempting to defend their livelihoods. H.R. 845 provides much-needed flexibility for states and local communities to implement science-based management strategies that balance healthy predator populations with the economic stability of livestock producers.

The legislation also acknowledges the need for common-sense policies that reflect the reality of predator-livestock interactions. Rather than allowing continued delays in wolf delisting and management decisions dictated by lawsuits rather than science, this legislation ensures that rural communities have a voice in managing these predators.

Public lands ranchers and beef producers are critical in conservation and responsible land stewardship. They work alongside wildlife daily, and their livelihood depends on a balanced and well-managed ecosystem. The Pet and Livestock Protection Act is a long-overdue step in recognizing that effective wildlife conservation does not mean sacrificing rural communities and agricultural producers.

PLC and NCBA support the passage of this legislation and encourage swift action to move it forward. Enactment of this bill will strengthen wildlife conservation efforts while ensuring that America's livestock producers can continue their essential role as stewards of our nation's natural resources and landscapes. We appreciate your leadership on this critical issue and look forward to seeing this bill signed into law.

We urge the Subcommittee to support H.R. 845 and relieve ranchers who have long been forced to shoulder the consequences of outdated policies. Thank you for your time, consideration, and commitment to supporting rural economies and science-based wildlife management.

Sincerely,

National Cattlemen's Beef  
Association

American Sheep Industry  
Association

Public Lands Council

Association of National Grasslands

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Ms. BOEBERT. Thank you, Madam Chair.

Unfortunately, wolves don't see, they aren't aware of, they don't obey arbitrary lines. They don't know what State lines are, and they don't know the difference between State, Federal, tribal, and private land. It is in their nature to travel great distances in pursuit of their prey, whether it is deer, elk, sheep, cattle, or even our pets.

Last week one of the Canadian wolves imported by CPW traveled from western Colorado up to northern Wyoming, Madam Chair, and killed five sheep. Now, these wolves were introduced west of the Continental Divide, but east of the Continental Divide last year a gray wolf from the Great Lakes region was found over 1,000 miles away in Elbert County, Colorado, in my district, not even wolves that were brought in by Colorado.

Earlier this month one of the Canadian wolves attacked and killed a working cattle dog in Jackson County, Colorado. Unfortunately, there are several stories just like this. And since 2021, 50 pets and livestock have been gruesomely attacked and killed by gray wolves.

Madam Chair, I would also like to submit CPW's wolf depredation list, which is quite extensive, into the record.

Ms. HAGEMAN. So ordered.

[The information follows:]

#### **COLORADO PARKS WILDLIFE**

##### **Confirmed Gray Wolf Depredation Information**

Information on confirmed depredations includes date of incident, county where incident occurred, whether a claim has been filed and amount received, and animals involved in the incident.

CPW defines "Confirmed Wolf Depredation" as physical trauma resulting in injury or death.

Claimants are required to file completed claim paperwork within 90 days of CPW's receipt of the claimant's last notice of loss. The claimant may also elect to delay filing their claim up to December 31 for the year when the losses occurred.

- March 9, 2025. Jackson County. No claim submitted. 1 dog involved.
- March 3, 2025. Pitkin County. No claim submitted. 1 yearling heifer involved.
- February 5, 2025. Jackson County. Claim received. \$2,097.66. 1 cow involved.
- September 20, 2024. Routt County. Claim received, pending, one calf.
- September 9, 2024. Grand County. Claim received, pending. 1 cow and 1 calf involved.
- July 28, 2024. Grand County. Claim received, pending. 8 sheep involved.
- July 19, 2024. Routt County. Claim received, pending, one calf.

- July 17, 2024. Grand County. Claim received, pending. 1 sheep involved.
- July 10, 2024. Routt County. Claim received, pending. 1 calf involved.
- July 7, 2024. Routt County. Claim received: \$1,141.17. 1 calf involved.
- June 16, 2024. Routt County. Claim received, pending. 1 calf involved.
- June 9, 2024. Jackson County. Claim received: \$1,636.07. 1 calf involved.
- May 25, 2024. Jackson County. No claim submitted. 1 calf involved.
- May 11, 2024. Grand County. Claim received, pending. 1 cattle involved.
- May 2, 2024. Jackson County. Claim received: \$1,171.59. 1 cow involved.
- April 28, 2024. Grand County. Claim received, pending. 1 calf involved.
- April 18, 2024. Grand County. Claim received, pending. 1 cattle involved.
- April 17, 2024. Grand County. Claim received, pending. 3 cattle involved.
- April 13, 2024. Jackson County. No claim submitted. 1 calf involved.
- April 7, 2024. Jackson County. Claim received: \$1,514.00. 1 calf involved.
- April 2, 2024. Grand County. Claim received, pending. 1 calf involved.
- March 15, 2024. Elbert County. Claim received, \$1,200.00. 1 llama involved.
- November 17, 2023. Jackson County. Claim received: \$489.00. 3 sheep involved.
- March 13, 2023. Jackson County. Claim received: \$15,000.00. 1 dog involved.
- November 19, 2022. Jackson County. Claim received: \$1,106.09. 1 cattle involved.
- October 8, 2022. Jackson County. Claim received: \$338.62. 1 calf involved.
- October 7, 2022. Jackson County. Claim received: \$400.00. 1 calf involved.
- August 1, 2022. Jackson County. Claim received: \$3,000.00. 1 calf involved.
- May 30, 2022. Jackson County. Claim received: \$3,000.00. 1 calf involved.
- May 2, 2022. Jackson County. Claim received: \$2,850.00. 1 calf involved.
- April 22, 2022. Jackson County. Claim received: \$779.52. 1 calf involved.
- March 15, 2022. Jackson County. Claim received: \$1,230.00. 2 cattle involved.
- January 18, 2022. Jackson County. Claim received: \$8,647.00. 3 cattle involved.
- January 9, 2022. Jackson County. Claim received: \$1,252.72. 2 dogs involved.
- December 19, 2021. Jackson County. Claim received: \$1,800.00. 1 calf involved.

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Ms. BOEBERT. Thank you, Madam Chair.

Colorado's agricultural producers have lost \$580,000 in just 1 year from wolves already introduced. We should listen to our farmers and ranchers, trust the science, and finally delist the gray wolf. Gray wolves were first listed under the Endangered Species Act in 1967. That is 58 years ago, and they are fully recovered. Take the win. Let's celebrate the Endangered Species Act. Let's take the win.

Since then, though, delisting the gray wolf has been supported by Obama, President Trump and the Biden administration. In November 2020, scientists and non-partisan career employees at the Department of the Interior once again found that the gray wolves were fully recovered, and once again issued a rule that returned management of gray wolf populations to the State and tribal wildlife agencies. And unfortunately, frivolous litigation got us back to where we are again.

The science is crystal clear on this issue. Gray wolves should no longer be on the endangered species list. Let's stop the back and forth.

And I look forward to today's discussion on our bill. Thank you, Madam Chair. I yield.

Ms. HAGEMAN. Thank you. I now recognize Congresswoman Dingell for 5 minutes.

**STATEMENT OF THE HON. DEBBIE DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN**

Mrs. DINGELL. Thank you, Madam Chair. Thank you for considering my important legislation today, and I want to thank my friends, Representative Huizenga and Walberg, for their bipartisan support. Yes, we have a bipartisan bill today.

The Great Lakes States and Tribes, along with Fish and Wildlife Service, annually stock millions of salmon and trout to restore native fish populations, diversify sport fisheries, and control invasive forage fishes within the Great Lakes. However, little is known about how well these fish survive, contribute to the fisheries, and reproduce in the wild. This is where the mass marking bill comes into play.

Mass marking is the practice of tagging large numbers of hatchery-raised fish so we can easily distinguish them from the wild fish population. The plan method within the Great Lakes is to clip the adipose fin, the small fin on the dorsal side near the tail, combined with a coded wire tag, or CWT. A CWT is a 1.1 millimeter long stainless steel wire marked with serial numbers denoting a specific group of fish. This tag can be extracted after recapture, which will provide biologists with key population characteristics such as survival, movement, contribution to fisheries, growth, and levels of natural reproduction.

This legislation would mark all hatchery-produced fish within the Great Lakes. Currently, we only tag around 9 to 11 million of the 21 million fish stocked in the Great Lakes each year. Marking all hatchery fish will improve data collection, enable better analysis of the health of wild fish stocks. It will provide valuable insights to help develop a science-based, collaborative fishery management program. The legislation also ensures that the collected data will be shared with all relevant fishery management agencies.

We have seen the effectiveness of these types of programs in the Pacific Northwest for salmon and steelhead management. With the Great Lakes fishing economy valued at \$7 billion, it is time we invest in this proven, data-driven approach that would significantly enhance the sustainability and effectiveness of hatchery operations and fisheries management.

I again want to thank the Chair for considering this important legislation today, and I encourage all of my colleagues to support its final passage.

With that, I yield back, Madam Chair.

Ms. HAGEMAN. I now recognize Congresswoman Greene for 5 minutes.

**STATEMENT OF THE HON. MARJORIE TAYLOR GREENE, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF  
GEORGIA**

Ms. GREENE. Thank you, Madam Chairwoman. Good morning.

I would like to thank Chairman Westerman and Chairwoman Hageman for considering my bill at the Subcommittee hearing today to codify President Trump's Executive Order.

The Gulf of America Act would rename the body of water formerly known as the Gulf of Mexico to the Gulf of America. The Secretary of the Interior, acting through the Chairman of the U.S. Board of Geographic Names, would oversee the implementation of the renaming.

On his first day back in office, President Trump signed Executive Order 14172 entitled, "Restoring Names That Honor American Greatness." Section 1 of the Executive Order lays out the purpose and policy of the directive, stating, "It is in the national interest to promote the extraordinary heritage of our Nation and ensure future generations of American citizens celebrate the legacy of our American heroes."

The renaming of our national treasures, including breathtaking natural wonders and historic works of art, should honor the contributions of visionary and patriotic Americans in our Nation's rich past.

Section 4 of the order states that the Gulf of America has long been an integral asset to our Nation, and has remained an indelible part of America.

First of all, our great military and Coast Guard patrol and defend the waters of the Gulf of America. They protect our Nation at the Gulf from human and drug trafficking coming from Mexico and other countries. It is only fitting that the Gulf therefore be named after America.

The Gulf was a crucial artery for America's early trade and global commerce, and remains so today. It is the largest gulf in the world, and the U.S. coastline along the Gulf spans over 1,700 miles and contains about 160 million acres. The Gulf's natural resources and wildlife are an essential part of America's economy.

It is one of the largest oil and gas regions in the world, providing about 14 percent of our Nation's crude oil production and an abundance of natural gas. The resources found in the Gulf have driven innovative technologies that have allowed our Nation to reach some of the deepest and richest oil reserves in the world.

The Gulf is also home to many fisheries teeming with snapper, shrimp, grouper, stone crab, and other species, and it is recognized as one of the most productive fisheries in the world, with the second-largest volume of commercial fishing landings by region in the Nation, contributing millions of dollars to local American economies.

The Gulf is also a vital region for the multi-billion-dollar American maritime industry, containing some of the largest ports in the world, including in Houston, New Orleans, and Mobile.

Millions of Americans visit the Gulf each year with their families and take part in all the recreation it has to offer. Given all these contributions from the Gulf to our Nation and from our Nation to the Gulf, it is clear that the States which border the Gulf: Texas,

Louisiana, Mississippi, Alabama, and Florida, are not the only ones that benefit from it.

Therefore, it is fitting that the Gulf be named in honor of America, as it will continue to be a crucial part of our Nation for generations to come.

The Gulf of America Act has 15 co-sponsors. We encourage more Members to sponsor this bill, and I thank the Subcommittee for hearing me out today.

And Madam Chairwoman, I yield back the remainder of my time.

Ms. HAGEMAN. I thank the Members for their testimony, and I will now introduce our second panel.

Mr. Erik Milito, President of the National Ocean Industries Association in Washington, D.C.; Dr. Peter Kareiva, President and CEO of the Aquarium of the Pacific in Long Beach, California; Dr. Nathan Roberts, Professor of Conservation and Wildlife Management at College of the Ozarks in Point Lookout, Missouri; and Mr. Mauricio Guardado, General Manager of the United Water Conservation District in Oxnard, California.

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 button on the microphone.

And 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 please complete your statement.

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

I now recognize Mr. Milito for 5 minutes.

**STATEMENT OF ERIK MILITO, PRESIDENT, NATIONAL OCEAN INDUSTRIES ASSOCIATION, WASHINGTON, D.C.**

Mr. MILITO. Chair Hageman, Ranking Member Hoyle, Chairman Westerman, and Ranking Member Huffman, and members of the Subcommittee, thank you for inviting me to testify today. My name is Erik Milito, and I am President of the National Ocean Industries Association, or NOIA.

For the past 50-plus years, NOIA has been the voice and advocate here in Washington for the offshore energy industry, including the men and women in the offshore oil and gas industry in the Gulf of America who work day in and day out to produce the energy that fuels America.

It is great to see President Trump and Congresswoman Greene take the steps to recognize the importance of the Gulf of America, shining a light on its strategic national energy asset for our country.

The Gulf of America has served as the backbone of U.S. energy production for decades. The U.S. has been producing oil in the Federal Gulf of America waters since 1938, and production from the Gulf has been steadily increasing since the very beginning. In fact, the Gulf of America has been producing more than 1 million barrels of oil per day since 1997, and hit its highest level of production on record, just over 2 million barrels, in August 2019, right

before the onset of the pandemic. Today, the Gulf is producing about 1.8 million barrels of oil per day. With several high-tech projects coming online, we expect this number will increase considerably and further fortify America's energy security.

In terms of energy affordability, production from the U.S. Gulf of America plays a substantial role in helping to meet domestic and global demand for energy, helping to put downward pressure on prices.

I would like to take a moment to recognize and thank the hard-working women and men of the Gulf of America oil and gas industry. For the past 80 years the people of the offshore industry have been working 24 hours a day, 7 days a week, 365 days a year to produce the energy that we all rely upon for a high quality of life. We often take it for granted, but the energy we produce in the Gulf of America makes modern life possible, lifting standards of living for all Americans.

From the moment we wake up to the moment we go to bed, oil and natural gas are making everything we do possible. From air and car travel to heating and cooling to electricity generation to farming and education and health care, oil and gas make it happen.

The Gulf of America oil and gas industry supports more than 400,000 high-paying jobs throughout the country. Most are along the Gulf Coast in places like Houma, Morgan City, Lafayette, and Covington. But there are companies and jobs in every State that get good work from the Gulf of America oil and gas industry.

And the men and women of the offshore oil and gas industry work every day to protect each other, communities, and the environment. We continue to innovate and work collaboratively to efficiently produce energy, conserve resources, and protect the environment. Quite simply, we do more with less.

Take this data point. If you take the 18 largest-producing facilities in the Gulf of America, they collectively take up the space of about 9 city blocks, yet they produce about 75 percent of all of the oil from the Gulf of America. This is more production than the entire State of North Dakota, which in and of itself is a prolific producing region.

Gulf of America oil and gas industry also stands as a major contributor of revenue to the U.S. Government and for important conservation programs. Over the past 25 years alone, our industry has paid more than \$150 billion to the Federal treasury, with specific revenues allocated for our national parks, for the Land and Water Conservation Fund, for urban parks and recreation, and for coastal restoration.

U.S. offshore oil and gas production provides Americans with the best product when it comes to low-carbon intensity barrels. Oil produced from the Gulf of America has a carbon intensity per barrel that is 46 percent lower than the foreign average. Policies that restrict domestic offshore development require imports to make up the shortfall, and that supplemental production comes from higher-emitting operations in other countries often adversarial to our national security interests.

It is critical that Federal policy promotes U.S. energy development in our offshore region through consistent leasing, permitting,



and reasonable regulation, and through open access to markets. This also includes taking important steps to streamline and provide greater certainty in the regulatory process through legislation like Chairman Westerman's ESA Amendments Act of 2025. This legislation seeks to advance the underlying purpose of the ESA of conserving and restoring endangered and threatened species while instituting logical change to actually make the law work. Importantly, the legislation seeks to both streamline the ESA permitting process and create incentives for wildlife conservation and recovery of listed species.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Milito follows:]

PREPARED STATEMENT OF ERIK MILITO, PRESIDENT, NATIONAL OCEAN  
INDUSTRIES ASSOCIATION

For more than 50 years, the National Ocean Industries Association ("NOIA") has represented the interests of all segments of the offshore energy industry. Our membership includes energy project leaseholders and developers and the entire supply chain of companies that make up an innovative energy system contributing to the safe and responsible exploration, development, and production of energy for the American people. We appreciate the opportunity to testify and put a spotlight on the strategic significance of the Gulf of America for U.S. energy security, global leadership, and national security. We also appreciate the efforts to remove obstacles to American economic development through legislative proposals such as the ESA Amendments of 2025.

For the more than 80 years, the offshore oil and gas industry has proven to be a mission—critical asset for the United States by producing vast quantities of oil in the Gulf of America to fuel our economy. We are fortunate in the United States that our Gulf of America region is up to the task of delivering the oil and gas the economy needs. Production numbers from the U.S. Gulf of America would place it among the largest oil producing countries. If the Gulf of America were its own country, it would be the fourteenth largest oil producing country in the world (source EIA). The chart below provides the top ten producers plus the Gulf of America:



The offshore energy sector is a proven leader in solving energy challenges and delivering diverse sources of energy to the global economy. For the foreseeable future, the offshore industry will play an integral role in shaping an energy system that promotes the provision of affordable and reliable energy while continuing to reduce environmental impacts. Importantly, for the coming decades, oil and gas supplies will remain a vital energy source for Americans and our allies around the globe. The U.S. Gulf of America is firmly established as a highly prospective region with abundant reserves of domestic oil and gas that will fuel our economy for decades to come.

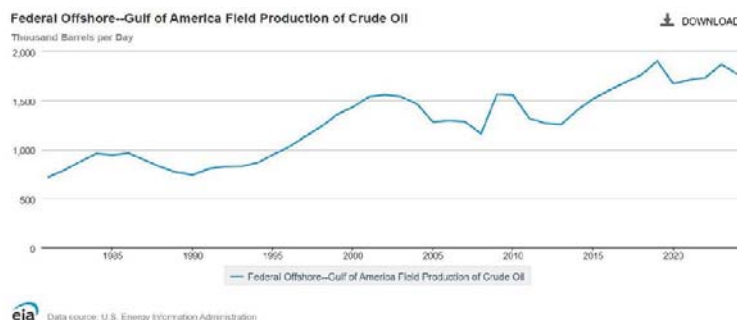
The Bureau of Ocean Energy Management (BOEM) has recognized a promising future for oil development in the Gulf of America. According to its *2021 Assessment of Technically and Economically Recoverable Oil and Natural Gas Resources of the Gulf of Mexico Outer Continental Shelf*,<sup>1</sup> the region contains estimated undiscovered technically recoverable resources in the range of 23.31 billion barrels of oil to 36.27 billion barrels of oil. According to experts at Energy and Industrial Advisory Partners, “A key requirement for continued Gulf of Mexico oil and natural gas production is continued lease sales, which enable operators to explore new acreage for previously undiscovered resources, develop new projects, and underpin existing and planned projects by allowing operators to backfill production into facilities with declining production.”<sup>2</sup>

#### THE U.S. OFFSHORE REGION WILL CONTINUE TO FUEL OUR ECONOMY

According to Rystad Energy, global oil exploration activities must ramp up to meet global demand through 2050. More than \$3 trillion in capital expenditure is estimated to be needed to add the undeveloped and undiscovered resources necessary for the global market.<sup>3</sup> Rystad analysts expect deepwater areas to play a prominent role in building essential energy supplies. According to Rystad Senior Upstream Analyst Palzor Shenga, “Upstream players may have to more than double their conventional exploration efforts in order to meet global oil demand through 2050.”

The U.S. has been producing oil offshore in the federal Gulf of America waters since the 1940s and production from the Gulf has been steadily increasing over the past 30 years. In fact, this region has been producing more than one million barrels of oil per day since 1997 and hit its highest level of production on record of 2.044 million barrels per day in August of 2019, just before the onset of the pandemic. Production today is at nearly 1.8 million barrels per day and, with many new, high-tech projects coming online, we expect production to climb considerably over the next few years.

U.S. offshore oil production has been steadily increasing for decades, demonstrating our industry’s continued commitment to innovation and investment in U.S. energy development:



<sup>1</sup> <https://www.boem.gov/sites/default/files/documents/regions/gulf-mexico-ocs-region/resource-evaluation/2021%20Gulf%20of%20Mexico%20Oil%20and%20Gas%20Resource%20Assessment%20%28BOEM%202021-082%29.pdf>

<sup>2</sup> [https://www.noia.org/noia-one-pagers-infographics/#flipbook-df\\_223664/1](https://www.noia.org/noia-one-pagers-infographics/#flipbook-df_223664/1), at page 3.

<sup>3</sup> <https://www.ogj.com/general-interest/article/14188745/rystad-exploration-must-be-accelerated-to-meet-world-oil-demand>

We know from experience that technology advancements will continue to enable the discovery and development of ever-increasing volumes, resulting in a continuous upward trend over time in the estimated recoverable resources in the Gulf of America. One of the earliest federal resources assessments, if not the earliest, was conducted by the U.S. Geological Service in 1975, which estimated a mean of 6.25 billion barrels of undiscovered crude oil in the Gulf of America.<sup>4</sup> The study reflected the geologic realities as best it could and focused only on water depths of less than 200 meters. Today, cumulative historical production from the Gulf of America is well over 21 billion barrels of oil, and, as noted earlier, the federal government estimates that there are still 23 to 36 billion barrels of oil remaining.<sup>5</sup> As we have learned through experience, government estimates inevitably end up undercounting the true amount of energy available for development, especially as the industry advances technologies to secure new sources of hydrocarbons. The offshore oil and gas industry is an exploratory, prospective business and there is often a gap between what we think is there based upon government estimates and what is actually there based on industry's exploration efforts, especially when considering the deployment of modern science and exploration techniques. Companies must have the opportunity to continue to lease acreage and conduct exploration activities through regular, formalized lease sales to close the gap. Exploration activities from seismic exploration to exploratory drilling add the necessary scientific data that is fundamental for more accurate estimates and the ultimate production of energy. These activities generally only occur once a company has secured a lease.

Moreover, the record of innovation in the Gulf of America is remarkable. Last summer, the first deepwater high-pressure development began production. Using 20,000-psi subsea technology, the Anchor project taps reservoirs at depths of 34,000 feet—thanks to industry-wide collaboration. Similar projects are moving forward in these once inaccessible geological plays, with the second project expected to produce first oil this summer, further solidifying the Gulf of America's position as a global leader in offshore energy.

Oil is a global commodity, and investment in oil production projects occurs on a global scale. Eliminating or reducing lease sales in the U.S. federal offshore leasing program only serves to shift that investment away from the U.S. Gulf of America to other regions, both offshore and onshore, throughout the world. Companies will naturally invest where there is more certainty, and the U.S. government can increase certainty by continually providing acreage for leasing, issuing permits, and ensuring a sensible regulatory framework. It is critical that the U.S. does not cede ground in offshore energy production to other regions and that it recognizes that it is in the best interests of every American to encourage and attract investment to U.S. offshore production opportunities. The numerous adverse consequences of eliminating or scaling back offshore oil and gas leasing negatively impact all Americans, most particularly those struggling to cope with increased energy costs, which continue to be threatened by geopolitical uncertainty. Offshore leasing is requisite to replenishing and building new supplies of oil and gas for Americans. It is only the first step in the process, but, without it, our nation will be left without the energy that is vital for our everyday lives, including transportation, manufacturing, agriculture, groceries, education, and healthcare. Energy affordability is fundamentally and directly tied to the supply and demand of energy sources, and energy supplies are assured through continued leasing, permitting, and reasonable, cost-effective regulations.

## ENERGY REALITIES

Energy lifts society. A system of reliable, abundant, and affordable energy is essential for meeting basic societal needs, including healthy living conditions, health care, education, and mobility, economic or otherwise. Oil, gas, and petroleum products fill the fuel tanks of passenger vehicles and airplanes. They are transformed into the essential building blocks of smartphones, clothing, and medical equipment. They are in so many products we use every day that they underpin the conveniences of modern life.

Natural gas is recognized as a key energy source for providing electricity, heating, cooling, and clean cooking. More than 750 million people around the globe do not have access to electricity, which leaves entire communities at a severe and fundamental disadvantage. According to the World Health Organization (WHO), "Access

<sup>4</sup> [https://www.boem.gov/sites/default/files/documents/about-boem/Historic%20Assessments\\_2021\\_fixed.pdf](https://www.boem.gov/sites/default/files/documents/about-boem/Historic%20Assessments_2021_fixed.pdf)

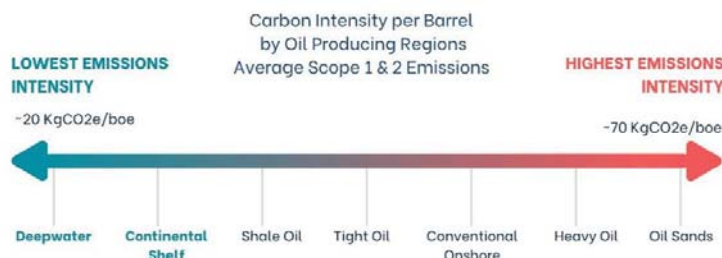
<sup>5</sup> <https://www.boem.gov/sites/default/files/documents/oil-gas-energy/BOEM%202020-028.pdf#:~:text=Cumulative%20Production%20from%20all%20fields,recoverable%20from%20459%20active%20fields.>

to energy is critical when it comes to the functionality of health-care facilities and the quality, accessibility and reliability of health services delivered. Electricity is necessary for the operation of critically needed medical devices such as vaccine refrigeration, surgical emergency, laboratory and diagnostic equipment, as well as for the operation of basic amenities such as lighting, cooling, ventilation and communications.”<sup>6</sup>

Globally, 2.6 billion people do not have the means for clean cooking and must use solid fuels such as wood, crop wastes, charcoal, and dung in open fires and inefficient stoves. The WHO attributes 3.8 million premature deaths each year to indoor air pollution caused by the fumes and soot generated by inefficient and dirty cooking. The tragic impacts of energy insecurity are not only experienced abroad; 44 percent of low-income American households experience energy insecurity, spending 10 percent to 20 percent of their income on energy expenses.<sup>7</sup> Energy insecurity has adverse consequences on both physical and mental health. Millions of Americans are faced with the “heat or eat” dilemma, regularly having to choose between paying utility bills and paying for food.<sup>8</sup>

Currently, global oil consumption is approximately 100 million barrels per day. Various scenarios forecast global oil consumption volumes through 2050 and beyond, and nearly all of them predict substantial oil production will be necessary through at least 2050. The facts, data, and our experience make clear that we should focus on the U.S. offshore region, and the Gulf of America in particular, for securing those vital resources.

Energy production in the U.S. Gulf of America demonstrates that it is possible to develop offshore resources while adhering to the highest safety and environmental standards. A multitude of companies involved in offshore energy development are working collaboratively to shrink an already small carbon footprint. From electrifying operations to deploying innovative solutions that reduce the size, weight, and part count of offshore infrastructure—thus increasing safety and decreasing emissions—the U.S. Gulf of America hosts a high-tech revolution. Oil produced from the U.S. Gulf of America has a carbon intensity one-half that of other producing regions.<sup>9</sup> The technologies used in deepwater production—which represents 92 percent of the oil produced in the U.S. Gulf of America—place this region among the lowest carbon intensity oil-producing regions in the world.<sup>10</sup> Policies that restrict domestic offshore development require imports to make up the shortfall and supplemental production may come from higher-emitting operations in other countries. Foreign providers may employ less environmentally conscientious production methods, which when combined with the added emissions from transporting oil over great distances by tanker, can increase the amount of carbon released into the atmosphere rather than decreasing it.



<sup>6</sup> <https://www.who.int/activities/accelerating-access-to-electricity-in-health-care-facilities>

<sup>7</sup> <http://large.stanford.edu/courses/2020/ph240/radzyminski2/>

<sup>8</sup> S. Jessel, S. Sawyer, and D. Hernández, “Energy, Poverty, and Health in Climate Change: A Comprehensive Review of an Emerging Literature,” *Front. Public Health* 7, 357 (2019).

<sup>9</sup> Motiwala, and Ismail, “Statistical Study of Carbon Intensities in the GOM and PB,” *ChemRxiv*, April 13, 2020.

<sup>10</sup> <https://www.woodmac.com/news/the-challenge-of-negative-emissions/>

In May 2023, NOIA released a report on emissions from global oil production by ICF International, the *GHG Emission Intensity of Crude Oil and Condensate Production*.<sup>11</sup>

According to the report, U.S. oil production, and in particular, production from the U.S. Gulf of America, has lower greenhouse gas emissions intensity than much of the rest of the world. According to ICF, increasing U.S. production (onshore and offshore) to a level that offsets foreign crude or condensate would result in a 23% reduction in the average international carbon intensity of those displaced oil production volumes. This translates to a removal of 5.7 CO<sub>2</sub>e kg/bbl from the global average outside of the U.S. and Canada of 24.4 CO<sub>2</sub>e kg/bbl. ICF estimates that increasing U.S. Gulf of America production to offset foreign crude or condensate would lead to a significant reduction in the average carbon intensity of the substituted oil volumes. Specifically, they estimate a 46% decrease, which translates to a removal of 11.3 CO<sub>2</sub>e kg/bbl from the global average.

Offshore energy is a true story of accomplishing more with less—creating more energy with less environmental impact. Offshore production platforms are incredible engineering edifices of continuously improving technology that allow enormous amounts of energy to be produced through a relatively small footprint. Incredibly, 18 deepwater facilities, which equate to about the size of only nine city blocks, produce about the same amount of oil as the entire state of North Dakota.<sup>12</sup>

Emissions reduction is a global challenge. As analysts at Wood Mackenzie explain, “Removing or handicapping a low emitter hurts the collective global average.”<sup>13</sup> Removing a proven, stable supplier such as the U.S. Gulf of America would be a poor choice with devastating consequences. The better choice is to institute government policies that promote cleaner and safer domestic production, less reliance on higher-emitting foreign suppliers like Russia and China, and the preservation of hundreds of thousands of American jobs.

Efforts to restrict U.S. energy development could eventually lead to Americans of every walk of life having to contend with the issues Europe has been experiencing as a result of disrupted supply from Russia, including potential industrial curtailment and families having to make difficult choices between heat and food. Our energy reality makes it clear that U.S. energy policy should support U.S. energy production of all types. Government policies play a substantial role in the ability to develop energy in the U.S., whether onshore or offshore, and whether the energy source is oil and gas, renewables, minerals, hydrogen, or another resource. Obstructive government policies inevitably lead to adverse consequences for our energy security, national security, economic security, and job growth.

#### THE U.S. GULF OF AMERICA SUPPORTS HIGH-PAYING JOBS

The 2021 EIAP report, *The Gulf of Mexico Oil & Gas Project Lifecycle: Building an American Energy & Economic Anchor*,<sup>14</sup> commissioned by NOIA, describes the sizable economic and employment footprint of shallow-water and deepwater project life cycles and details the vast employment benefits of offshore oil and gas development. The Gulf of America oil and gas industry supports an estimated 412,000 jobs throughout the country.<sup>15</sup> While a substantial portion of the jobs are located along the Gulf Coast, every state in the nation has companies that support Gulf of America oil and gas production. Offshore oil and gas jobs are varied and high paying, with an average industry wage of \$69,650, or 29% higher than the national average.

An average deepwater project produces about \$3 billion in total direct wages. Direct employment associated with a modern deepwater project development averages over 1,435 jobs across the project’s 30-year lifecycle. Indirect and induced employment is projected to account for an average of over 2,200 additional jobs.

While employment during the first two years of a project’s lifecycle is estimated at only an average of 880 jobs, during the most active years of the project employment impacts peak at nearly 14,400 jobs. During normal operations, total supported employment is projected at around 1,900 jobs. While these numbers are associated

<sup>11</sup> [https://www.noia.org/wp-content/uploads/2023/05/NOIA-Study-GHG-Emission-Intensity-of-Crude-Oil-and-Condensate-Production.pdf?utm\\_source=Mailchimp&utm\\_medium=email&utm\\_campaign=ICF+study+emissions+](https://www.noia.org/wp-content/uploads/2023/05/NOIA-Study-GHG-Emission-Intensity-of-Crude-Oil-and-Condensate-Production.pdf?utm_source=Mailchimp&utm_medium=email&utm_campaign=ICF+study+emissions+)

<sup>12</sup> Director Scott Angelle, BSEE Director, BSEE Presentation to the Deepwater Technical Symposium, November 13, 2020.

<sup>13</sup> <https://www.woodmac.com/news/opinion/could-restricting-oil-production-in-the-us-gulf-of-mexico-lead-to-carbon-leakage/>

<sup>14</sup> <https://www.noia.org/gulfanchor/>

<sup>15</sup> <https://www.api.org/-/media/files/news/2023/10/06/economic-impacts-of-gom-oil-and-natural-gas-vessel-transit-restrictions>

with just one project, the Gulf of America is illustrated by dozens of such projects and an investment horizon that could span several decades.

The EIAP report also covered the economic impacts of a shallow water project, which results in, on average, \$16.2 million in annual direct wages, 230 direct jobs supported annually, 390 indirect and induced jobs supported annually, and the same high average annual wage of \$69,650. BSEE reported in 2019 that there were more than 900 producing platforms in the shallow water of the Gulf of America.<sup>16</sup>

The offshore industry provides jobs to Americans of all walks of life in communities throughout the Gulf Coast and the country. Our industry includes companies owned and managed by all demographics, including women, African Americans, Latinos, Native Americans, and veterans. The offshore oil and gas industry further provides new workers with the knowledge, skills, and abilities that will be essential for not only oil and gas projects, but also for emerging energy technologies.

### **OFFSHORE ENERGY DEVELOPMENT ENHANCES QUALITY OF LIFE**

Oil and natural gas touch every part of our daily lives. Fundamentally, “Everything that is fabricated, grown, operated or moved is made possible by hydrocarbons.”<sup>17</sup> The U.S. Department of Energy states:

Oil and natural gas play an essential role in powering America’s vibrant economy and fueling a remarkable quality of life in the United States. Together, oil and natural gas provide more than two-thirds of the energy Americans consume daily, and we will continue to rely on them in the future. In addition to meeting our energy needs, oil and natural gas are integral to our standard of living in ways that are often not apparent. Several key advances in technology enabled a dramatic increase in domestic oil and natural gas production over the past 20 years. This increased production provides energy security and economic benefits to the entire country, and ongoing technology advances will help us to enjoy those benefits into the future.

Oil and natural gas are used in many ways that are familiar to consumers. Petroleum products power transportation, providing fuel for cars, trucks, marine vessels, locomotives, and airplanes. Natural gas generates more than one-third of the electricity needed for dependable heating, air conditioning, lighting, industrial production, refrigeration, and other essential services, and tens of millions of Americans rely on oil and natural gas to heat their homes directly and on clean burning natural gas to cook their food. But petroleum products do so much more than fuel our cars and power our homes and businesses.

While perhaps less recognized, oil and natural gas also play critical roles in supplying essential products and materials, increasing agricultural productivity, and supporting the expansion of new energy sources.

Oil, natural gas, and natural gas liquids are building blocks for a range of modern materials used to produce life-changing prosthetics, energy-efficient homes, safer cars that go farther on a gallon of gasoline, and hundreds more consumer products that Americans use every day. Plastics and chemicals derived from oil and natural gas make our food safer, our clothing more comfortable, our homes easier to care for, and our daily lives more convenient.

Natural gas is also a key ingredient for chemical fertilizers, helping increase crop production and yield per acre planted, and powering many important operations on the farm like crop drying.<sup>18</sup>

According to the United Nations, access to affordable, reliable, and sustainable energy is critical to achieving many international development goals, specifically, the eradication of poverty through continued improvements in education, health, and access to water.<sup>19</sup> Oil and natural gas play a central role in eliminating poverty and raising the standard of living for millions by serving as a key form of abundant and affordable energy. The Gulf of America contributes positively to societal goals

<sup>16</sup> <https://www.bsee.gov/sites/bsee.gov/files/reports/shallow-water-report-01.pdf>

<sup>17</sup> Mark Mills, Wall Street Journal, January 8, 2019

<sup>18</sup> *U.S. OIL AND NATURAL GAS: Providing Energy Security and Supporting Our Quality of Life*, U.S. Department of Energy, September 2020, p. 4.

<sup>19</sup> <https://unstats.un.org/sdgs/report/2016/goal-07/>

and standards of living by providing abundant supplies of energy for Americans, making energy more affordable, and putting Americans to work in high-paying jobs.

#### **OFFSHORE ENERGY DEVELOPMENT IMPROVES ENERGY AFFORDABILITY**

The cost of energy is fundamentally driven by supply and demand and, over the past decade, global markets have been impacted by supply disruptions in both the oil and natural gas markets. The energy paradigm has shifted over the past decade, with the United States rising to a position of energy power and emerging as the leading producer of both oil and natural gas in the world.

Vice Chairman of IHS Markit (now S&P Global) Daniel Yergin explains how things have changed:

According to the old script, United States oil production was too marginal to affect world oil prices. But the gap today between demand and available supply on the world market is narrow. The additional oil Saudi Arabia is putting into the market will help replace Iranian exports as they are increasingly squeezed out of the market by sanctions . . . But if America's increase . . . [in oil production] . . . had not occurred, then the world oil market would be even tighter. We would be looking at much higher prices—and voters would be even angrier.<sup>20</sup>

Mr. Yergin made this point in 2012 at the outset of the shale revolution, but the significance of U.S. production for global energy markets is as important as ever today. In fact, Mr. Yergin reiterated this very point in February 2022 in the aptly titled op-ed in the *Wall Street Journal*, “America Takes Pole Position on Oil and Gas.”

Analysts recognize that the downturn in the oil and natural gas industry from 2014–2020, combined with ill-conceived policies and investment approaches, led to significant underinvestment in oil and natural gas exploration and infrastructure. According to Simon Flower, Chairman, Chief Analyst at Wood Mackenzie and author of a weekly column called *The Edge*, in 2021, “Underinvestment in oil supply will lead to a tight oil market later this decade. It’s a narrative that’s gained increasing traction as capital expenditure on upstream oil and gas has shrunk. Spend in 2021 is half the peak of 2014 after slumping to new depths in [2021’s] crisis.”<sup>21</sup> Mr. Flowers poses the question, “How much *new* oil supply does the world need?” His answer is, “A lot—we reckon about 20 million b/d from 2022 to 2030.” According to Flowers, “This is the ‘supply gap’, the difference between our estimate of demand in 2030 and the volumes we forecast existing fields already onstream or under development can deliver.”<sup>22</sup> If his numbers are correct, a huge amount of new oil is needed to close the expected gap between the supply and demand and help bring stability and affordability to oil and petroleum product prices.

Saudi Aramco CEO Amin H. Nasser identified the crux of the energy crisis in his remarks during the Schlumberger Digital Forum, on September 20, 2022:

Unfortunately, the response so far betrays a deep misunderstanding of how we got here in the first place, and therefore little hope of ending the crisis anytime soon. So this morning I would like to focus on the real causes as they shine a bright light on a much more credible way forward.

When historians reflect on this crisis, they will see that the warning signs in global energy policies were flashing red for almost a decade. Many of us have been insisting for years that if investments in oil and gas continued to fall, global supply growth would lag behind demand, impacting markets, the global economy, and people’s lives.

In fact, oil and gas investments crashed by more than 50% between 2014 and last year, from \$700 billion to a little over \$300 billion. The increases this year are too little, too late, too short-term.

Meanwhile, the energy transition plan has been undermined by unrealistic scenarios and flawed assumptions because they have been mistakenly perceived as facts. For example, one scenario led many to assume that major oil use sectors would switch to alternatives almost overnight, and therefore oil demand would never return to pre-Covid levels.

<sup>20</sup> Daniel Yergin, “America’s New Energy Reality,” *The New York Times*, June 9, 2012

<sup>21</sup> <https://www.woodmac.com/news/the-edge/is-the-world-sleepwalking-into-an-oil-supply-crunch/>

<sup>22</sup> <https://www.woodmac.com/news/the-edge/is-the-world-sleepwalking-into-an-oil-supply-crunch/>

In reality, once the global economy started to emerge from lockdowns, oil demand came surging back, and so did gas.<sup>23</sup>

Mr. Nasser's remarks about the challenges ahead are similarly profound, "Oil inventories are low, and effective global spare capacity is now about one and a half percent of global demand. Equally concerning is that oil fields around the world are declining on average at about 6% each year, and more than 20% in some older fields last year. At these levels, simply keeping production steady needs a lot of capital in its own right, while increasing capacity requires a lot more."<sup>24</sup> The Gulf of America is at the ready to continue to meet the demand and deliver the fuel required for our American way of life.

#### **U.S. OFFSHORE ENERGY PRODUCTION GENERATES SUBSTANTIAL REVENUES FOR THE U.S. TREASURY AND FOR KEY CONSERVATION PROGRAMS**

Energy production from the Gulf of America generates multiple revenue streams. The first is the bonus bid, paid up front to the U.S. government by operators that acquire a federal oil and gas lease. The bonus bid is paid without complete knowledge and with no guarantees of what resources might be discovered and is retained by the federal government regardless of whether oil and gas are produced from the lease. The second revenue stream comes from annual rental payments tendered to hold the lease until it produces or expires. This revenue is paid to the federal government while companies work through internal assessments and move through the robust permitting process overseen by the Department of the Interior. The final revenue source is the royalty payment made when energy resources are produced in federal waters, at which point companies extracting those resources are required to pay the federal government a percentage of the gross proceeds of the sales of the product.<sup>25</sup>

Historically, the offshore oil and gas industry has been an important revenue generator for federal, state, and local governments. Since 2000, more than \$150 billion in high bids, royalties and rents were paid to government entities.<sup>26</sup> A portion of these revenues flow into key conservation programs, such as the Land & Water Conservation Fund (LWCF), which is funded entirely by offshore oil and gas production, and beginning in 2021, certain provisions established in the recent Great American Outdoors Acts for national park maintenance. More than \$280 billion has flowed into the federal government and corresponding programs since the inception of the leasing program.

LWCF provides recreational opportunities, preserves ecosystem benefits for local communities, and enables public access to outdoor areas in urban regions. One program—the Outdoor Recreation Legacy Partnership Program, which is funded through the National Park Service—allocates funds to build new parks and improve existing ones in economically disadvantaged urban areas throughout the country. More than \$100 million has been distributed to approximately 50 disadvantaged communities nationwide since the creation of the program by Congress 11 years ago. The Outdoor Recreation Legacy Partnership Program and programs like it have created safe, healthy outdoor recreation spaces in Atlanta, Milwaukee and Newark and other cities across the United States.

Further, in 2024, Interior disbursed more than \$350 million for coastal conservation and other programs under the Gulf of Mexico Energy Security Act (GOMESA), commenting, "With this year's disbursement, the Department has now distributed more than \$2 billion to the states and their [coastal political subdivisions] since GOMESA funds were first shared in 2009. Today's disbursement is the second consecutive year the maximum allowable amount under GOMESA has been shared, reflecting in part returns from record high oil and gas production."<sup>27</sup> These are important revenues for climate resiliency and adaptation programs. Revenues shared with Gulf Coast states through GOMESA are used by state and local governments for a host of vital programs, including wetlands preservation, coastal restoration, flood prevention and hurricane mitigation.<sup>28</sup>

<sup>23</sup> <https://www.aramco.com/en/news-media/speeches/2022/remarks-by-amin-h-nasser-at-schlumberger-digital-forum#>

<sup>24</sup> <https://www.aramco.com/en/news-media/speeches/2022/remarks-by-amin-h-nasser-at-schlumberger-digital-forum#>

<sup>25</sup> This discussion does not include taxes paid to federal, state, and local governments, which accounts for billions of dollars in additional funding.

<sup>26</sup> <https://revenuedata.doi.gov/explore/?dataType=Revenue&location=NF&mapLevel=State&offshoreRegions=true&period=Fiscal%20Year&year=2019>

<sup>27</sup> [https://dualchallenge.npc.org/files/CCUS\\_V1-FINAL.pdf](https://dualchallenge.npc.org/files/CCUS_V1-FINAL.pdf)

<sup>28</sup> <https://www.boem.gov/oil-gas-energy/energy-economics/gulf-mexico-energy-security-act-gomesa>



## OFFSHORE CARBON CAPTURE AND STORAGE

U.S. leadership in Carbon Capture and Storage (CCS) will help ensure the availability of abundant, reliable, and affordable domestic energy, while continuously driving down emissions. As it relates specifically to the offshore, the National Petroleum Council concluded that “One of the largest opportunities for saline formation storage in the United States can be found in federal waters, particularly in the Gulf of Mexico.” National Petroleum Council, *Meeting the Dual Challenge*, p. 27. The U.S. Gulf of America offshore region provides tremendous advantages for an emerging U.S. CCS sector. The Gulf of America is characterized by vast geologic prospects for CO<sub>2</sub> storage, extensive and established energy infrastructure along the Gulf Coast and throughout the outer continental shelf, a proximity to industrial centers for capturing emissions, and an assessable engineering and energy knowledge base and workforce, along with associated RD&D capabilities. The U.S. Gulf of America could very well soon be the global leader in CCS. Early projections show that 50 million tons of CO<sub>2</sub> annually could be stored beneath the Gulf of America by 2030, more than all the CCS currently operating globally. The Gulf’s storage capacity double could by 2040.

However, the build-out of the U.S. offshore carbon storage industry will depend upon certainty and predictability in U.S. laws and regulations. The Infrastructure Investment and Jobs Act of 2021 (P.L. 117-58) included Sec. 40307, explicitly authorizing the Department of the Interior to grant leases, easements, or rights-of-way on the outer continental shelf for the purposes of long-term storage of CO<sub>2</sub>. It also mandated the Secretary to issue regulations to that effect within one year of enactment, or by November 2022. Our industry stands ready to invest in federal offshore carbon sequestration projects but it cannot be done without a regulatory framework. The regulations are more than two years past the Congressional-mandated deadline and have not even been proposed yet. This unnecessary, protracted timeline for the finalization of the rules and for the initiation of leasing and project development substantially impedes U.S. Gulf Coast investment and efforts to be a world leader in offshore CCS.

## THE IMPORTANCE OF ENERGY POLICY

Ensuring a stable and predictable regulatory environment and regular access to new energy opportunities through lease sales are essential for attracting the investments needed to maintain and expand our offshore energy capabilities. The U.S. energy industry in the Gulf of America competes on a global scale, with projects that require massive commitments of capital and a long timeline to move from idea to energy production. Certainty in the legislative and regulatory framework can help elevate the Gulf of America above other regions around the world in terms of competitiveness for investment. The choice is clear—we would much rather see oil and gas produced here in U.S. waters than by our adversaries who routinely deploy energy as a geopolitical weapon.

As the Administration reviews and reworks regulations and energy programs, it will be important to ensure changes to the regulatory framework are done in a way that promotes U.S. energy development. A solid legislative and regulatory framework requires a combination of access to resources, streamlined permitting, and reasonable and cost-effective regulations. Environmental stewardship and economic progress are not mutually exclusive; members of NOIA have consistently been leaders in both arenas. Promulgating rules that balance the need for energy development with effective environmental stewardship will provide the certainty to attract and secure the massive investment commitments required for offshore energy projects.

Chairman Westerman’s ESA Amendments Act of 2025 is an example of smart energy policy that will help provide the certainty required for investment in U.S. economic development opportunities of all types, including projects in the Gulf of America. This legislation seeks to advance the underlying purpose of the Endangered Species Act (ESA) of conserving endangered and threatened species while instituting logical changes to actually make the law work. Importantly, the legislation seeks to both streamline the ESA permitting process and create incentives for wildlife conservation and recovery of listed species.

## CONCLUSION

Continued U.S. offshore oil and gas development provides vast benefits and a sensible pathway for energy security for the next few decades. To further this understanding, NOIA extends an invitation to subcommittee members to visit the Gulf Coast, where they can gain firsthand insight into the operations and significance of offshore oil and gas production.

NOIA and its members stand ready to work with policymakers to advance policies to ensure that Americans can rely upon an affordable and reliable energy system built upon strong pillars of energy, economic, national, and environmental security.

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Ms. HAGEMAN. Thank you. I now recognize Dr. Kareiva for 5 minutes.

**STATEMENT OF PETER KAREIVA, PRESIDENT AND CEO,  
AQUARIUM OF THE PACIFIC, LONG BEACH, CALIFORNIA**

Dr. KAREIVA. Good morning, Chairman Hageman and members of the Subcommittee. My name is Peter Kareiva, and I am the President of the Aquarium of the Pacific. Our aquarium attracts 1.6 million visitors every year. We are proud members of the Association of Zoos and Aquariums.

I want to begin by pointing out that zoos and aquaria in America are visited by over 147 million people every year, 147 million for whom it could be a life-changing experience, rich or poor, urban or rural, from all colors and points of view. Those 147 million visits surpass the total annual attendance to all major professional sports in America combined.

I suspect that everyone in this room has visited a zoo or aquaria, or has children or relatives who have and have heard of the joy they have seen. That joy knows no bounds. It is something we are all born with. After all, we are all each connected to a vast web of life, from the salmon on your dinner plate to the frogs in your pond to the coyotes roaming the hills where you live to your family cat or dog. That connection is visceral and far more real than the connection to our cell phones and the digital world. We and our children need nature for our health and our well-being.

And the reality is we also need nature for our economy. There is evidence that cognitive abilities are enhanced while stress levels, anxiety, and blood pressure decline when we watch animals or go out in nature. I am here to say we don't need to choose between nature and our economy. We don't need to choose between one or the other.

Some of you represent States that attract millions of tourists because of your State's natural beauty and majestic wildlife. Our parks and wildlife are the envy of the world. Tourists come from all around the globe to see them. Meanwhile, wait lists to get at our domestic campsites and public lands have never been longer. Nature drives revenue.

In other cases, nature benefits emerge through a chain of interactions. Streams with clean water provide fish to eat, water to drink, and water to support our farms. But that clean water that sustains us best when it runs through landscapes with healthy predators that prevent overgrazing of stream banks, averting erosion. Clean water is there for us only when we effectively manage the wildlife and the landscapes our waterways run through.

Natural bounty sustains, defines, and connects us as a Nation. It is why we must steward what may be our greatest asset, our natural resources. Whether it is saving icons like the bald eagle, or ensuring that we feed our families with salmon.

Nature is clearly valuable, and that value can lead to competition for its diverse uses and benefits. A fly fisherman may care most about cool, clean stream water; a rancher wants a herd free of disease and healthy rangelands that have not been invaded by inedible weeds from distant continents; a mining operator seeks access to valuable minerals; and the entrepreneur may want undisturbed ocean waters to sustain new marine aquaculture business. These values and uses of nature sometimes come into conflict; this is where research and science can provide answers.

Research can find that, by engineering bypasses for salmon around a dam and controlling flow rates, we can have both salmon and water for irrigation. Research can identify areas well suited to the booming business of ocean aquaculture, as well as other areas to protect fisheries and biodiversity.

We have gotten so used to fighting a battle between livelihoods and conservation that we wrongly assume there is no other way. But there is another way. We can invest in science so we can pursue growth and development by design, without bankrupting our economy and without losing the natural assets that set America apart from the rest of the world.

Nature is for you, me, all of us. We may all see its value in different ways, but if we all seek to maximize that value we can all have our way.

But can you imagine America without its green, rolling hills, quiet streams, towering forests, and iconic coastlines, and without the sound of birds at dawn? Americans need nature for far more than just recreation. We need a healthy, natural world, and science and scientists can help us achieve that goal and meet all the conflicting uses of nature. Thank you.

[The prepared statement of Mr. Kareiva follows:]

PREPARED STATEMENT OF DR. PETER KAREIVA, CEO AND PRESIDENT OF THE  
AQUARIUM OF PACIFIC

Good morning, Chair Hageman and members of the subcommittee. My name is Peter Kareiva, and I am the CEO and President of the Aquarium of the Pacific. Our Aquarium attracts 1.6M visitors every year. We are proud members of the Association of Zoos and Aquariums. I want to begin by pointing out that zoos and aquaria in America are visited each year by over 147 million people for whom it can be a life-changing experience, rich or poor, urban or rural, and from all colors and points of view. Those 147 million visits surpass the total annual attendance to all major professional sports in America combined.

I suspect that everyone in this room has visited a zoo or aquarium at some point. It may bring back childhood memories for you. You may also have witnessed the joy and excitement of your own children or grandchildren when visiting a zoo or aquarium. That joy knows no bounds and is something we are all born with—after all we are each connected to a vast web of life from the salmon on your dinner plate, to the frogs in your pond, to the coyotes roaming the hills where you live, to your family cat or dog. That connection is visceral and far more real than a connection to a smart phone. There is evidence our cognitive abilities are enhanced, while stress levels, anxiety and blood pressure decline when we watch animals or get out in nature. We and our children need nature for our health and well-being AND the reality is we also need nature for our economy. And I am here to say we don't need to choose between one or the other.

Some of you represent states that attract millions of tourists because of your state's natural beauty and majestic wildlife. Our parks and wildlands are the envy of the world. Tourists come from all over the world to experience our great outdoors. Meanwhile, waitlists to get campsites at our public lands have never been longer. Nature drives revenue.

In other cases, nature's benefits emerge through a chain of interactions: streams with clean water provide fish to eat, water to drink and water to support our farms. This water sustains us best when it runs through landscapes with healthy predators that prevent overgrazing of stream banks, averting erosion. Clean water is there for us only when we effectively manage the wildlife and the landscapes through which our waterways run.

Natural bounty sustains, defines, and connects us as a nation. It is why we must steward what may be our greatest asset—our natural resources, whether it is saving icons like the bald eagle or ensuring we can feed our families with the salmon that spawn in our rivers.

Nature is clearly valuable and that value can lead to competition for its diverse uses and benefits. A fly fisherman may care most about cool, clean stream water; a rancher wants a herd free of disease and healthy rangelands that have not been invaded by inedible weeds from distant continents, a mining operator seeks access to valuable minerals, and the entrepreneur may want undisturbed ocean waters to sustain their new marine aquaculture business. These values and uses of nature sometimes come into conflict.

This is where research can provide answers. Research can find that by engineering bypasses for salmon around a dam and controlling flow rates we can have both salmon and water for irrigation. Research can identify areas well suited for the booming business of ocean aquaculture as well as other locations as refugia for important fish species. Research can identify what is making our chickens sick and search for ways to protect them (and our egg supply) from bird flu. With science, we can find solutions that benefit both business and nature. We have gotten so used to fighting a battle between livelihoods and conservation, that we wrongly assume there is no other way. But there is another way. We can invest in science so we can pursue growth and development by design, without bankrupting our economy and without losing the natural assets that set America apart from the rest of the world.

Nature is for you, me, all of us. We may all see its value in different ways. But can you imagine America without its green rolling hills, quiet streams, towering forests, iconic coastlines, and the sound of birds at dawn? Americans need nature for far more than just recreation.

We need a healthy natural world, and science can help all of us achieve that goal.

It is important to acknowledge recent research on the health, cognitive and psychological benefits to connecting with animals, and experiencing nature and the great outdoors. Nature's healing powers have been recognized for centuries. But only recently has solid scientific data confirmed an age-old intuition—all manner of encounters with wildlife, our household cats and dogs, animals in an aquarium, walks along urban rivers, or hikes in remote wilderness can soothe the stress of modern life. Nature and wildlife experience can be viewed as the ultimate "medicine" for well-being. Even something as simple as a view of nature outside a hospital window can shorten a hospital stay following surgery and reduce the need for painkillers. Measures of stress hormones and skin conductance reveal that within as little as 15 minutes, nature viewing and experience markedly reduces stress. We can quantify these effects by measuring cortisol levels, taking blood pressure or administering cognitive tests. The effect spans all cultures and ethnicities in which measurements have been made. Outdoor nature experiences have been used effectively to treat PTSD in veterans. Because technology and digital screens dominate our daily lives, it is too easy to forget about the healing, spiritual, and psychological benefits of nature experience.

The benefits of species, and the value of protecting species to preserve those benefits requires science and a great deal of monitoring. If the concern is the loss of a species such as salmon that could serve recreational and commercial fishers, the benefit of ensuring the salmon does not go extinct is obvious. In many cases, the benefits arise more indirectly than consumption—they arise because of webs of interactions among species in a landscape. For example, researchers have discovered that top predators can play a disproportionate role in ecosystems—so much so they are called "keystone species". For those species, it is their role in the ecosystem that we must attend to and not just their numbers. By eliminating top predators such as mountain lions and wolves from Eastern North America, we triggered an explosion of deer and deer tick populations that has resulted in more than 20,000 new cases of Lyme disease annually. Efforts aimed at eradicating predators a century ago have jeopardized human health today.

The key to science helping us achieve a win for conservation and a win for livelihoods is for that science to be up-to-date, and to be intentional in its service to nature and people. Recent efforts by NOAA to designate areas of America's west coast waters as aquaculture development zones are a superb example of science for

development and conservation. Research has shown that the potential of the ocean for producing protein via marine aquaculture is enormous. Marine aquaculture can be an economic and conservation win-win. By farming in the ocean, we create jobs and reduce the need to use more and more land to feed everyone. But that aquaculture needs to be sited somewhere. To accelerate development and reduce permitting obstacles, NOAA's research identified Aquaculture Opportunity Areas, including one off the coast of Southern California. The combination of Aquaculture Opportunity Areas with Marine Protected Areas off the California coast testifies to the possibility of serving both development and conservation.

Strong conservation laws in combination with monitoring and a willingness to alter management when new discoveries emerge is key to securing economic growth and species protection. For instance, 20 years of counting gray whales as they migrated along the America's west coast provided sufficient data to remove the species from listing under the U.S. Endangered Species Act (ESA). And now that these whales are recovered, the whale watching industry of California generates \$20M in revenue each year. Of course, in other situations the data may indicate that it is not yet time to call recovery complete and to continue investing in conservation actions. Science does not stand still. My experience in conservation has taught me that some conservation/livelihood tensions stem from unsettled science or science that is in a state of flux such that each interested party might argue "science clearly shows" when there is still new information to be processed. The combination of new technologies such as remote sensing, drones, and the ability to collect DNA samples of wildlife from their environment has revolutionized conservation science in the last 20 years. Many recovery plans for threatened and endangered species were written more than 20 years ago and as a result some of their assumptions and recommendations could be outdated. In these situations, it is not the ESA that is flawed. Rather, it is the case that the implementation of the ESA through recovery plans needs to be dynamically updated so that the latest science and data are used.

America's \$639 billion outdoor recreation economy—hunting, fishing, and tourism—clearly depends on healthy land and wildlife. Undermining conservation threatens the industries that fuel rural livelihoods and small businesses across the country. The economic value of nature extends far beyond the outdoor recreation industry. We know that mangroves and seagrasses along our coasts reduce wave energy, providing protection against storm damage and an eroding coastline. Modern molecular biology continues to discover unique genes in wild species that promise medical or economic applications. Extreme weather events and wildfires create swaths of destruction, whose recovery depends on both rebuilding human structures but also recovering natural vegetation and animals. It is America's great variety of species that provides resilience in the face of an increasingly erratic and eruptive weather system.

The U.S. Endangered Species Act passed with overwhelming bipartisan support and was signed by President Nixon. It's one of the most effective pieces of legislation in American history. Countries around the world have copied it. Supporting it means defending a successful, conservative legacy of American leadership. There is no denying the act has yielded numerous court cases that wrestle with species versus development activities. In most of those cases, the problem is not the law itself—the problem is disputes about what the science tells us. Resolving scientific uncertainty can resolve conflict over management actions.

The success of the Endangered Species Act is impressive. Over 100 species have been either downlisted from endangered to threatened (54) or entirely delisted (56). If it were not for the ESA, we would have lost some of our nation's most iconic species: the American bald eagle, the American alligator, and the American bison to name a few. Species can be saved. And with science the way we go about saving species can also accommodate livelihoods and economic growth. When Lewis and Clark made their historic expedition from Illinois to Oregon in the early 1800s, they described 122 species they encountered along the journey. The fact that all 122 species are still with us is testimony to the effectiveness of the ESA and our nation's commitment to protecting its wildlands and wildlife legacy. No other country in the world has done such a good job of undergoing dramatic growth while also preserving its natural legacy. America has shown the world that it is possible to have both/and, rather than either/or. The American public expects a strong economy with plentiful jobs. We also value the natural beauty of our landscapes and wildlife and want to pass this natural legacy down to our grandchildren and their grandchildren. With strong conservation laws combined with the world's most advanced science, America can deliver solutions that provide both.

## QUESTIONS SUBMITTED FOR THE RECORD TO DR. PETER KAREIVA

**Questions Submitted by Representative Huffman**

*Question 1. Why do you say the wolves are not recovered when their numbers are above recovery plan goals?*

Answer. Scientific understanding has evolved drastically since the 1990s, when the original recovery plan goals were created—before GPS collars, DNA sampling, or today's ecological modeling existed. We don't manage wildfire, disease, or economic policy using 30-year-old data. Science has advanced. Our understanding of wolf ecology has improved. If we want to manage wolves responsibly, we need to update recovery plan goals to reflect current data before we can even begin to say wolves are recovered.

The Endangered Species Act defines a species as endangered if it faces extinction within all or a significant portion of its historic range. Today's gray wolves, at best, occupy 15% of their historic range. That means large areas like the Southern Rockies, parts of California, the Pacific Northwest, and the Northeast remain unoccupied, even though they offer highly suitable habitat. That is a far cry from full recovery. To put that in perspective, the Bald Eagle was not delisted until it had recovered across nearly all of its historic range. We should expect the same for gray wolves.

*Question 2. You talked about competing interests and conflicts being mitigated by science. Can you give an example with wolves?*

Answer. Minimizing livestock depredation through non-lethal methods is a great example of how science can help resolve long-standing issues. We now have peer-reviewed research showing that non-lethal deterrents like fladry, range riders, and removing dead carcasses can reduce conflicts far better than lethal removal. In fact, scientists have discovered that lethal control can even exacerbate conflicts by destabilizing pack structures, leading to unpredictable wolf behavior and increased livestock losses.

Science also shows that wolves tend to target sick or weak animals, which can improve the overall health of elk and deer herds, and helps slow the spread of diseases like Chronic Wasting Disease. While wolves may affect elk behavior in certain areas, overall elk populations in many regions remain stable and in some cases, overabundant. These findings should help land managers balance maintaining both healthy ecosystems and sustainable hunting in the lands they oversee and, ultimately, reduce friction between all stakeholders.

There are also projects underway that are using GPS collars and strategic grazing patterns to keep cattle away from known wolf activity and toxic plants. These kinds of pilot programs show what's possible when we root our solutions in science instead of politics.

*Question 3. There was much discussion of the weaponization of the ESA. You are a biologist. How do you react to those charges that the ESA has been weaponized?*

Answer. Calling the ESA 'weaponized' is a political distraction. At its core, the ESA is indeed working as it was intended to. The ESA was designed to identify species at risk, protect their habitats, and ensure that science—not politics—guides conservation decisions.

I would encourage anyone who sees the ESA as a weapon to look more closely at the science and at the cascading benefits of conservation. Protecting endangered species is not a partisan act. It's an investment in resilience, health, and the long-term viability of the natural world we all depend on.

*Question 4. Are wolves dangerous to humans?*

Answer. No. Over the last 100 years, there have been no fatal wolf attacks on humans in the contiguous US. Wolves are naturally wary of humans and avoid contact when not habituated or harassed. Recent studies show that the risks associated with a wolf attack are technically "above zero," but so low that it's statistically negligible—far lower than being struck by lightning or injured by a domestic dog.

*Question 5. How many wolves are there in MN? In the Great Lakes region as a whole?*

Answer. There are nowhere near 8,000 wolves in Minnesota or the Great Lakes region, to be clear. According to the Minnesota Department of Natural Resources, the state had an estimated 2,919 wolves during the 2022 to 2023 winter season.

Across the broader Great Lakes region, including Michigan (726), Minnesota (2,919 wolves), and Wisconsin (1,007 wolves), the estimated total is about 4,652 wolves as of 2023. But again, those numbers vary depending on the state's counting method, and many of these states have faced criticism for overestimating population size or relying on outdated or imprecise models.

*Question 6. Why do we protect predators with carnivore teeth?*

Answer. The ecological importance of a top predator such as the gray wolf is undeniable. We have known for years that wolves affect their environment relative to their abundance. As top-level predators, they are influential in shaping and maintaining the structure of their natural communities.

The presence and activities of wolves benefit numerous other species, helping determine the numbers and kinds of mammals, birds, and plants in an area. For example, bears, weasels, ravens, and eagles often scavenge on deer carcasses left by wolves. Wolves alter the feeding behavior of deer, which limits over-browsing and prevents the destruction of plants and habitats vital to many species of birds. When wolves recolonize areas, they induce vegetative changes, allowing for the return of beaver and migrating birds previously driven out of denuded habitats. Predation by wolves also removes animals that are weaker genetically or harbor sicknesses.

As selective predators, wolves provide a protective gauntlet that can help slow the spread and prevalence of Chronic Wasting Disease (CWD)—the ultra-lethal degenerative neurological illness now invading cervid populations and decimating wildlife-rich ecosystems across the American landscape.

*Question 7. What will be the impact on NOAA of recent cuts to its staff and funding?*

Answer. Slashing NOAA's budget may seem like a quick way to save money, but the long-term consequences are serious. These cuts undermine critical scientific research, disrupt wildlife monitoring, and threaten industries like farming, fishing, and hunting that depend on healthy ecosystems. NOAA's work directly supports farmers, fishers, and rural economies with data that informs weather forecasting, fish stock management, and climate resilience. Without adequate funding and staffing, that science stalls and uncertainty increases. Yes, fiscal responsibility matters. But gutting agencies like NOAA risks the health of our environment and our local economies. With proper funding and staffing, NOAA can deliver smart, bipartisan solutions that protect natural resources and ensure taxpayer dollars are used effectively.

*Question 8. Why do we need federal biologists as well as state biologists to sensibly implement the ESA?*

Answer. Collaboration between federal and state biologists is critical for effectively implementing the ESA. Many endangered species occupy large habitats spanning multiple states. Federal biologists can develop a comprehensive, ecosystem-wide approach that accounts for the entire ecosystem that endangered and threatened species depend on. In turn, state biologists can provide expertise on local biota necessary for efficiently implementing tailored conservation efforts in alignment with federal plans.

Currently, Idaho, Montana, and Wyoming have vastly different wolf management plans with different hunting regulations—this can be problematic as wolves are an extremely mobile species that do not abide by state boundaries. Inconsistent management plans can lead to disruptions in genetic connectivity and dispersal within the Northern Rocky Mountain Distinct Population Segment. These problems could be entirely avoided if the states worked collaboratively on one management plan.

*Question 9. What are some of the benefits of having wolves on the landscape, and do you think these benefits can be achieved while also taking care of ranchers' livelihoods?*

Answer. Wolves provide positive impacts to both the environment and the economy.

Wolves play a key role in keeping ecosystems healthy. They help manage prey populations, prevent overgrazing of critical habitat by ungulates, and limit the spread of disease by targeting sick animals. One example is chronic wasting disease, which is spreading rapidly through deer populations in parts of the country. Wolves have been shown to reduce the spread of chronic wasting disease in deer populations by removing infected individuals early.

There is a major economic value of having wolves on the landscape. NPS estimates that wolf watchers bring \$35M in tourism dollars to the greater Yellowstone area annually. Moreover, a 2013 NPS report shows that 3,188,030

visitors to Yellowstone National Park that year spent almost \$382 million in the surrounding communities. That spending supported 5,300 jobs in the area.

Research shows that wolves improve human safety by reducing car accidents with deer. Wolves influence the way that deer utilize their environment, making them more cautious of areas where wolves tend to hunt, including corridors like roadways. A study found that wolf presence reduced deer collisions by 24%, saving about \$10.9M per year in Wisconsin alone.

Wolves and ranchers can thrive on the same landscape, and there are already many ranches that do so. The best available science tells us that non-lethal methods—livestock guardian dogs, electric fencing, range riding, fladry, and carcass management—are the best way to protect livestock from wolves. The Blackfoot Challenge is a great example of a ranching community that has learned how to live with a host of carnivores, from wolves to grizzly bears. It's not a question of either wolves or ranching, we can have both. Science allows us to plan for both.

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Ms. HAGEMAN. Thank you. I now recognize Dr. Roberts for 5 minutes.

**STATEMENT OF NATHAN ROBERTS, PROFESSOR OF CONSERVATION AND WILDLIFE MANAGEMENT, COLLEGE OF THE OZARKS, POINT LOOKOUT, MISSOURI**

Dr. ROBERTS. Good morning, Chairman Westerman, Chair Hageman, Ranking Member Hoyle, Ranking Member Huffman. I appreciate the opportunity to be here today to discuss wolf management and the Pet and Livestock Protection Act. With 25 years experience in wildlife management, I have worked with Federal and State agencies, academic institutions, and the conservation organization Hunter Nation.

Wildlife management aims to maintain the long-term viability and sustainability of wildlife populations, and seeks to enhance the positive contributions of these species while also reducing their negative impacts on people and ecosystems.

Managing carnivores is complex and challenging due to the various factors including their intricate ecological impacts, both positive and negative; the potential for conflicts; differing public interest; and a complex legal and regulatory framework. Wildlife managers successfully address these challenges using a wide range of well-established tools and strategies. Regulations and policies are carefully designed to meet specific conservation goals, and in some cases this means temporarily prohibiting the take of a species, while in other situations, regulated take may be allowed.

In some cases, conflicts may be addressed through non-lethal methods, but in other cases lethal methods may be necessary. Similarly, in some situations, the best approach may be reactive and to respond to conflicts after they have occurred, while in other cases it is the most efficient to be proactive and reduce the probability of conflicts by managing population size and habitat. There is a time and a place for each of these approaches, but there is not a single approach that is appropriate for all cases. State wildlife agencies are best equipped to make these decisions, as they have the local knowledge and experience needed.

It is critical for wildlife managers to have a diverse toolbox, equipped with a variety of approaches and techniques to employ to achieve conservation objectives. The management of wildlife is a primary responsibility of State fish and wildlife agencies. When a species is listed under the Endangered Species Act, the Federal



Government temporarily assumes management authority while the species recovers and is no longer at immediate risk of extinction. During this temporary period certain conservation tools that are typically used to achieve management goals may be restricted while the species is at the greatest risk of extinction.

The problem comes when the ESA is abused, the intent of the Act is distorted, and the species remains listed for decades after recovery goals are met, denying professional State wildlife managers the use of all the conservation tools in their toolbox. The gray wolf is a prime example of these problems.

The gray wolf in the United States is clearly recovered and stable, yet it remains listed as an endangered species. The recovery plan established in the Great Lakes region set specific numeric goals as criteria for determining successful recovery that had been surpassed every year since at least 1994, with an estimated 4,000 to 5,000 wolves in this region alone. The Department of the Interior has issued numerous rules to delist wolves, only to have these rules vacated through litigation. Despite exceeding the population criteria for restoration by more than tenfold, wolves remain listed and State agencies still do not have management authority or their toolbox restored.

While wolves may not occupy their entire historic range, the overall population in the United States remains secure and in no danger of extinction. State wildlife management agencies have demonstrated their ability to effectively manage wolves as well as other wildlife, and the Rocky Mountain wolves have been delisted for many years. There may be debate about management strategies, but there is no question that wolves continue to inhabit and thrive in this region.

Keeping wolves listed is inappropriate and harmful to overall conservation efforts, weakens the integrity of ESA, and misallocates limited conservation resources. The ongoing cycle of litigation ignoring established scientific recovery benchmarks creates disincentive for landowners and jurisdictions to engage in species recovery, and States are needlessly restricted from effectively managing wolf populations and implementing proactive strategies such as maintaining populations within a desired range to achieve wildlife management goals and maximize positive benefits, minimize negative impacts, while also ensuring the species' long-term viability.

The Pet and Livestock Protection Act would formalize what the Department of the Interior has repeatedly stated under multiple presidential administrations, that gray wolves are recovered, have exceeded the established delisting criteria, and that states should regain management authority as originally intended under ESA.

Gray wolves are recovered in the United States, and State fish and wildlife agencies possess both the capability and the proven track record in species management and recovery to manage gray wolves effectively and sustainably for the benefit of the public they serve. The Endangered Species Act is well intended but has been exploited and misused in ways that undermine both conservation efforts and public trust. The bills discussed here today promote responsible wildlife management and stewardship, helping to restore balance and ensure effective conservation practices.

Thank you again for the opportunity to address this important issue.

[The prepared statement of Dr. Roberts follows:]

PREPARED STATEMENT OF NATHAN ROBERTS, PROFESSOR OF CONSERVATION AND WILDLIFE MANAGEMENT, COLLEGE OF THE OZARKS

Good morning, Chairwoman Hageman, Ranking Member Hoyle, and committee members.

I appreciate the opportunity to be here today to discuss wolf management and The Pet and Livestock Protection Act. With 25 years of experience in wildlife management, I have worked with federal and state agencies, academic institutions, and the conservation organization Hunter Nation. Wildlife management aims to maintain the long-term viability and sustainability of wildlife populations and seeks to enhance the positive contributions of these species while also reducing their negative impacts on people and ecosystems. Managing carnivores is complex and challenging due to various factors, including their intricate ecological impacts (both positive and negative), the potential for conflicts, differing public interests, and a complex legal and regulatory framework.

Wildlife managers successfully address these challenges using a range of well-established tools and strategies. Regulations and policies are carefully designed to meet specific conservation goals. In some cases, this means temporarily prohibiting the take of a species, while in other cases, regulated take may be allowed. In some cases, conflicts can be managed through non-lethal methods, but in other cases, lethal methods may be necessary. Similarly, in some situations, the best approach may be reactive and to respond to conflicts after they occur while in other cases, it may be most effective to be proactive and reduce the probability of conflicts by managing population size or habitats. There is a time and place for each of these approaches, but there is not a single approach that is appropriate for all cases. State wildlife agencies are best equipped to make these decisions as they have the local knowledge and experience needed. It is critical for wildlife managers to have a diverse toolbox, equipped with a variety of approaches and techniques, to employ to achieve conservation objectives.

The management of wildlife is the primary responsibility of state fish and wildlife agencies. When a species is listed under the Endangered Species Act, the federal government temporarily assumes management authority until the species recovers and is no longer at immediate risk of extinction. During this temporary period, certain conservation tools that are typically used to achieve management goals may be restricted while the species is at the greatest risk of extinction. The problem comes when the ESA is abused, the intent of the Act is distorted, and species remain listed for decades after recovery goals are met, denying professional state wildlife managers the use of all the conservation tools in their toolbox. The gray wolf is a prime example of these problems.

The gray wolf in the United States is clearly recovered and stable, yet it remains listed as an endangered species. The recovery plan established for the Great Lakes region set specific numeric goals as criteria for determining successful recovery that have been surpassed every year since at least 1994, with an estimated 4,000 to 5,000 wolves in this region alone. The Department of Interior has issued numerous rules to delist wolves, only to have these rules vacated through litigation. Despite exceeding the population criteria for restoration by more than ten-fold, wolves remain listed, and state agencies still do not have management authority, or their toolbox, restored.

While wolves they may not occupy their entire historic range, the overall population in the United States remains secure and in no danger of extinction. State wildlife agencies have demonstrated their ability to effectively manage wolves, as well as other wildlife. In the Rocky Mountains, wolves have been delisted for many years, there may be debate over specific management strategies, but there is no question that wolves continue to inhabit and thrive in this region.

Keeping wolves listed is inappropriate and harmful to overall conservation efforts, weakens the integrity of the ESA, and misallocates limited conservation resources. The ongoing cycle of litigation, ignoring established scientific recovery benchmarks, creates a disincentive for landowners and jurisdictions to engage in species recovery and states are needlessly restricted from effectively managing wolf populations and implementing proactive strategies, such as maintaining populations within a designated range, to achieve wildlife management goals that maximize positive benefits, minimize negative impacts, while also ensuring the species' long-term viability.

The Pet and Livestock Protection Act would formalize what the Department of the Interior has repeatedly stated under multiple presidential administrations—that gray wolves are recovered, have exceeded the established delisting criteria, and that states should regain management authority as originally intended under the ESA. Gray wolves are recovered in the United States and state fish and wildlife agencies possess both the capacity, and a proven track record in species management and recovery, to manage gray wolves effectively and sustainably for the benefit of the public they serve. The Endangered Species Act is well-intentioned but has been exploited and misused in ways that undermine both conservation efforts and public trust. The bills discussed today will promote responsible wildlife management and stewardship, helping to restore balance and ensure effective conservation practices.

Thank you again for the opportunity to address this important issue.

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Ms. HAGEMAN. I now recognize Mr. Guardado for 5 minutes.

**STATEMENT OF MAURICIO GUARDADO, GENERAL MANAGER,  
UNITED WATER CONSERVATION DISTRICT, OXNARD,  
CALIFORNIA**

Mr. GUARDADO. Thank you. Good morning, Chair Hageman and members of the Subcommittee. Thank you for allowing me to come back to the Committee and present on behalf of United Water Conservation District. My name is Mauricio Guardado, and I am the General Manager of United, a California special district dedicated to managing water resources in Ventura County.

United serves over 214,000 acres and around 400,000 residents, including 6 cities and U.S. Naval Base Ventura County. We operate critical infrastructure for storm water capture, groundwater recharge, and water delivery, all vital to our watershed management efforts.

I also serve on the Advisory Committee for the Family Farm Alliance, which represents farmers, ranchers, and water districts in 16 western States. The Family Farm Alliance has also submitted written testimony for this hearing.

Despite United's nearly 100 years of success in water management, we continue to face increased regulatory overreach and, in my opinion, the blatant abuse of the Endangered Species Act implementation by the National Marine Fisheries Service, NMFS. These challenges not only threaten our operations, but also impose significant economic burdens on our community, with potential overall obligations nearing half \$1 billion without providing substantial protections for endangered species because in our case there is no species present.

Consultations between United and NMFS have led to multiple, unsubstantiated jeopardy biological opinions under the ESA for the anadromous southern California steelhead. Despite there being no documented observation of steelhead, NMFS issued a jeopardy opinion for the Santa Felicia Dam. Since 2010 NMFS has mandated United to release over 14.5 billion gallons of water. Replacement costs of that water valued at approximately \$64 million, much of the release during the drought.

United has also spent over \$10 million on studies and legal fees in compliance, resulting in no benefits to the species. Despite historical evidence confirming the absence of steelhead, NMFS insists on requiring a costly fish passage system or dam removal.

NMFS's arbitrary and capricious actions are simply bad government and must be brought under control through legislative and agency cultural change. The ESA Amendments Act of 2025 addresses definitions of habitat, environmental baseline, incentives for the recovery of listed species, and increased transparency and accountability in ESA decisions, including the disclosure of data used in listing decisions, and rightfully requires limitations on overreach in mitigation requirements, all of which are critical issues for United's operations.

United is encouraged to see the addition of the definition of "habitat" in the bill, as this could provide a clear interpretation for both the regulated community and the regulatory agency staff charged with implementing projects that balance our vital resources in a way that provides a meaningful benefit to the listed species while allowing for our communities to receive what we need to be sustainable into the future.

The additions to the definition of "environmental baseline" would help to clarify the ESA consultation process, specifically those effects that would fall into the environmental baseline versus those that would fall into the effects of the action.

United also supports the proposals to improve the transparency and accountability in recovering listed species. The regulatory agencies, NMFS and U.S. Fish and Wildlife Service, should provide all information that is the basis of regulatory decisions and/or requirements under the ESA to improve agency and regulatory process transparency. In our experience, NMFS has repeatedly failed to provide adequate justification and underlying data and analysis for their determinations, which calls into question the reasoning and appropriateness of their actions.

In closing, United supports the ESA Amendments Act of 2025 and the necessary clarification and regulatory streamlining it provides to improve implementation of the ESA. It is time to restore the original Act to its congressional intent, and it is time to allow the best available science, data, and engineering lead the way over processes and costly objectives, rather than the arbitrary nature of opinions and feelings. United is committed to working with your Committee and Congress to move this legislation forward, and I greatly appreciate the opportunity to present this testimony to you today.

[The prepared statement of Mr. Guardado follows:]

PREPARED STATEMENT OF MAURICIO GUARDADO, GENERAL MANAGER, UNITED WATER CONSERVATION DISTRICT

Good afternoon, Subcommittee Chair Hageman and Members of the Subcommittee. On behalf of United Water Conservation District (United), I thank you for the opportunity to present this testimony today.

My name is Mauricio Guardado. I serve as general manager of United, a California Special District focused on managing water resources in the Santa Clara River region of Ventura County. Servicing over 214,000 acres and a population of about 400,000 people, including six cities, agricultural land and the U.S. Naval Base Ventura County, United operates and maintains stormwater capture, groundwater recharge, and water delivery infrastructure, and other water supply activities that are vital to its watershed management efforts.

United is one of California's few legislatively established Water Conservation Districts. In performing its District-wide watershed management efforts, United not only stores water at its Santa Felicia Dam and Lake Piru reservoir, it also directly

recharges the groundwater aquifers via its Freeman Diversion. United also provides surface water deliveries to agricultural groundwater users to minimize groundwater extractions near the coastline in its fight to mitigate seawater intrusion from contaminating the aquifers. Additionally, United operates a water treatment facility and wholesale potable water distribution system throughout its service area. United's efforts date back nearly 100 years and have been highly successful in meeting the historic and contemporary challenges facing groundwater management in southern California. Despite United's success and earnest efforts to meet state and federal environmental requirements, United has faced ever increasing regulatory overreach in Endangered Species Act (ESA) implementation by the National Marine Fisheries Service (NMFS), which threatens to undo decades of effective water management in the region.

Over the years, United has changed our operations numerous times to benefit species listed under the ESA while still striving to achieve our mission and statutory purpose of providing water to the region and to our constituents. With each change benefiting the listed species, United has demonstrated a commitment toward compliance with the ESA, and although the process has been increasingly costly and burdensome, the ability to attain compliance has become increasingly elusive as NMFS continues to move the goal posts. Although the overall values of the ESA are not in question, at a practical level, the current framework under which the federal agencies implement the ESA is out of balance and reforms such as those put forth in the ESA Amendments Act of 2025 are necessary to ensure that state, local, and federal projects and activities are evaluated fairly and consistently.

I offered my testimony at the July 2024 hearing of this subcommittee on the previous version of the proposed bill, and I would like to again voice my support for the bill and the important provisions it contains. With my testimony today, I would like to focus on the costs and delays associated with the status quo and the improvements that the ESA Amendments Act of 2025 would provide to stem NMFS' regulatory overreach as it relates to United's facilities and operations.

Regulatory obstacles faced by United largely stem from the listing of the southern California steelhead (*Oncorhynchus mykiss*; steelhead) distinct population segment by NMFS in 1997 (62 FR 43937) and the subsequent designation of critical habitat in 2005 (70 FR 52487) under the ESA. Following the listing, NMFS issued jeopardy biological opinions for both the Santa Felicia Dam and the Freeman Diversion, relying on Chevron deference to support their use of poor science in the issuance of egregious biological opinions. With the Supreme Court overturning Chevron, there is an opportunity to fix these past regulatory failures and achieve the objectives that we need to meet as a community and a country.

Unfortunately, consultations between United and NMFS have led to these unsubstantiated jeopardy Biological Opinions for steelhead under the ESA. For instance, NMFS issued a jeopardy opinion for the Santa Felicia Dam, despite there being no documented observation of these fish in the vicinity. In spite of historical evidence confirming the absence of steelhead, NMFS insists on requiring staggering amounts of water for bypass flows and a fish passage system costing over a hundred million dollars, claiming "absence of evidence is not evidence of absence". They designated critical habitat that is unoccupied and unsuitable for adult and juvenile steelhead, using unchecked authority to impose arbitrary requirements. NMFS has had their thumb on the scale for too long and targeted reforms are essential to balance the needs of listed species and project proponents under the ESA.

The ESA Amendments Act of 2025 legislation addresses definitions of habitat and baseline, incentives for the recovery of listed species, increased transparency and accountability in ESA decisions including the disclosure of data used in listing decisions, and rightfully requires limitations on overreach in mitigation requirements, all of which are critical issues for United's operations. This legislation would improve the regulatory process by adding important clarification to the ESA. United's specific experiences with the ESA regulatory process described below offer some insight into real-world implementation challenges faced by applicants, such as United, that provide critical public services.

### **Undue Costs and Regulatory Burdens Associated with the Status Quo**

As a non-federal entity, United and its projects are subject to the incidental take provisions of Section 7 and Section 10 of the ESA on a project-by-project basis. For example, United's Santa Felicia Dam operates under a license from the Federal Energy Regulatory Commission (FERC) and is therefore subject to Section 7 incidental take provisions due to the nexus with the federal agency. United's Freeman Diversion has no such federal nexus and is therefore subject to Section 10 incidental take provisions. However, as addressed below, NMFS has used both processes similarly to advocate for projects, operations, and other compliance requirements that

are not supported by the best available science and total nearly half a billion dollars in costs to the local community.

The Santa Felicia Dam and Lake Piru reservoir are crucial in replenishing critically overdrafted groundwater basins, combating seawater intrusion, facilitating the import of State Water Project water, and providing numerous additional benefits, including water for fighting wildfire during the 2017 Thomas Fire, 2020 Lime Fire, and 2024 Felicia Fire. Through the FERC license renewal process at the dam, which culminated in a 2008 license accompanied by a jeopardy Biological Opinion for steelhead, NMFS has mandated that United release approximately 45,000 acre feet (over 14.5 billion gallons) of water from the reservoir since 2012. The replacement cost of this water is approximately \$64 million dollars and increasing every year. On top of these nonsensical mandated water releases, NMFS' jeopardy Biological Opinion also enabled the agency to demand a fish passage system for steelhead. Costs of such a volitional fish passage facility would exceed \$100 million dollars. The additional regulatory costs to United for scientific studies, permitting, consulting, and legal fees incurred as a result of NMFS' erroneous Biological Opinion are over \$10 million dollars to date. Santa Felicia Dam ESA compliance costs would approach \$200 million dollars, and NMFS has levied these burdens on United's constituents based on designated critical habitat in lower Piru Creek that was not—and still is not—occupied by steelhead.

At the Freeman Diversion facility, United is in the process of completing a Multiple Species Habitat Conservation Plan (MSHCP) under Section 10 of the ESA. This process has been ongoing for approximately 17 years with United committing over \$12 million dollars to engineering design, scientific study, permitting, consulting, and legal fees to date. In addition, the loss of water diversions as a result of NMFS' overreach has totaled 49,800 acre feet (over 16 billion gallons), the replacement cost of which is approximately \$40 million dollars. Ultimately, as part of the MSHCP, United is required to design and construct an improved fish passage facility for steelhead within the Freeman Diversion. This new facility is required despite the fact that United currently has a fully functional fish passage facility to pass steelhead that was designed in coordination with the resource agencies. Since the current fish passage was deemed insufficient, as noted above, United has expended millions and millions of dollars on design and permitting of a new facility to improve the conditions for the listed species. However, NMFS has stymied progress by mandating that United select NMFS rather than United's, the applicant's, preferred design, the cost of which exceeds \$250 million dollars. On top of that, NMFS is advocating for an operational program that would cripple United's water diversion capabilities and ability to meet its mission, which would cause tens or even hundreds of millions of dollars in economic losses and destabilize the future of the region. In total, United's costs associated with ESA compliance would sum up to over \$300 million dollars—and the larger economic losses could double that figure—yet NMFS has failed to present scientific justification to support their requirements.

The ESA Amendments Act of 2025 includes well-reasoned changes to the law that would aim to improve consistency across the country, benefiting both the applicants by tying their commitments to measurable regulatory standards, as well as the protected species by encouraging implementation of conservation measures in place of endless fighting over the arbitrary conditions. The status quo has resulted in unattainable standards and astronomical project costs that are inconsistent with the original intent of the ESA. In terms of United's projects, as a non-profit public agency, the costs are ultimately placed on the local taxpayers who rely on United to strike the appropriate balance in terms of cost and scope. In February 2025, pursuant to President Trump's January 24, 2025, Executive Order "Emergency Measures to Provide Water Resources in California and Improve Disaster Response in Certain Areas", United submitted information to the Secretaries of Commerce and Interior identifying the Santa Felicia Dam and Freeman Diversion as two major ongoing water supply and storage projects in California that face undue regulatory burden. These critical infrastructure projects are vital to the region and it is incumbent upon United to advance these projects and maintain their long-term service reliability for the benefit of the region.

United continually works to maintain compliance with all relevant regulations, but when it comes to ESA, NMFS' arbitrary and capricious demands have made this truly unattainable. Key reforms included in the ESA Amendments Act of 2025 can help to bring applicant costs and commitments back in line with the original intent of the law.

### **NMFS Regulatory Overreach is Impacting Santa Felicia Dam Safety**

As stated above, United owns and operates the Santa Felicia Dam on Piru Creek, and currently operates the facility under a license from FERC. The Santa Felicia Dam was completed in 1956, and United has been designing safety improvements to replace the original outlet works that is vulnerable to damage from earthquakes, and to increase the size of the spillway to handle larger flood flows. Moving this project forward expeditiously is critical for the safety of 400,000 people who live downstream of the dam. Because of the large population below the dam, the California Division of Safety of Dams considers the Santa Felicia Dam to be an “extremely high hazard dam.”

The safety improvement project is nearing 100% engineering design, yet NMFS’ unreasonable demands have caused undue delays that affect not only the design but also the schedule of this critical safety project. United has designed the project to address both the human safety needs and requirements of the ESA. NMFS has put up roadblock after roadblock through their exploitation of the ESA, with no acknowledgment of the human safety element, making numerous demands concerning steelhead that have never been documented at the project site. NMFS is falsely claiming authority under the ESA to, among other things, attempt to push FERC to reinstate consultation on United’s existing FERC license, which would lead to additional delays, continued public safety risk, and further arbitrary and capricious demands that threaten United’s operations and thereby the water future of the region.

### **Piru Creek is Not Occupied by Ocean Run Steelhead and was Erroneously Designated as Critical Habitat**

The ESA is clear that the USFWS and NMFS must designate critical habitat based on the occupancy status as it exists at the time the species is listed. 16 U.S.C. § 1532(5)(A)(i). NMFS listed steelhead in 1997 and designated critical habitat for the species in 2005, at the time designating only “occupied” habitat and declining to designate any “unoccupied” areas as critical habitat. Effectively, by designating lower Piru Creek as critical habitat, NMFS made a determination that the reach was “occupied” by the listed unit (ocean run steelhead) at that time. The designated critical habitat in lower Piru Creek was not—and still is not—occupied by ocean run steelhead, and therefore the available habitat within lower Piru Creek does not meet the intent of the ESA.

In their review of areas for designation of critical habitat, the NMFS Critical Habitat Analytical Review Team (CHARTs) report evaluated reaches at Hydrologic Unit scale. The unit that lower Piru Creek fell into also included Hopper Creek and a portion of the Santa Clara River mainstem. Hopper Creek and this portion of the Santa Clara River mainstem often run dry. Yet, NMFS designated migration, spawning, and rearing critical habitat for the entire Hydrologic Unit concluding that it contains habitat of “high conservation value” for the species. In the same year that NMFS designated critical habitat in lower Piru Creek, in correspondence related to United’s FERC license, NMFS made contradictory statements about the quality of the habitat in lower Piru Creek for steelhead, including the characterization of the habitat as “severely degraded” and “unsuitable for the rearing of juvenile steelhead”. United has prepared a petition for removal of this designated critical habitat that lays out the many detailed arguments that clearly exhibit NMFS’ arbitrary and capricious actions in implementing the ESA.

Since the early 1900s, documentation from federal and state fish biologists and other regulatory and research agencies has stated that the Piru Creek watershed in Ventura and Los Angeles Counties is not conducive to ocean run steelhead. In fact, across the breadth of available literature, these researchers have never found ocean run steelhead in this watershed. Related to United’s operation of Santa Felicia Dam, FERC submitted a Biological Assessment that supports this assertion. However, despite clear historical data, consistently dry conditions, natural migration barriers and assessments of the region, NMFS asserts their own position, not supported by evidence or best science. NMFS has taken advantage of its jurisdiction to exert its will on the regulated community, which results in substantial costs in terms of time, money, water, and personnel resources without justification for the requirements imposed.

The requirements that United is facing add up to hundreds of millions of dollars spent and tens of thousands of acre-feet of water lost to provide for a listed species that has never been observed in the affected area. Associated costs to our ratepayers would add up to over half a billion dollars. Unless there are changes to the ESA and the overreach by federal agencies is reined in, NMFS will continue to exploit the law and impose their will—not the best available science—and the result will be at the cost of taxpayers.

### **Environmental Baseline and MSHCP Challenges at the Freeman Diversion**

United also has a long history of ESA consultation with NMFS at our Freeman Diversion. The Freeman Diversion was constructed in 1991 following a decade-long project design and permitting process primarily involving the California State Water Resources Control Board and California Department of Fish and Game (now CDFW) and including input from NMFS and the USFWS. The Freeman Diversion is a surface water diversion facility utilized as the primary means to recharge the groundwater basins on the Oxnard Plain. Although a fish passage facility was constructed as part of the existing facility and has been in continuous use up to today, since the listing of steelhead in 1997, United has been in various stages of ESA consultation with NMFS. Initially, United proceeded with a Section 7 consultation process with the U.S. Bureau of Reclamation (Reclamation) between 1997–2008, and then with a Section 10 consultation process from 2008 to the present.

With respect to steelhead, NMFS' interpretation of environmental baseline in past biological opinions has effectively placed the species in a state of "baseline jeopardy". From a practical standpoint, this "baseline jeopardy" status severely limits the types of projects and activities that can receive a non-jeopardy biological opinion from NMFS. NMFS' interpretation of the ESA, primarily the environmental baseline, was the main driver in Reclamation making the determination that they could not accept nor implement NMFS' biological opinion and stepping away from the ESA consultation in 2008. Without a nexus to a federal agency, United has since been in the process of developing an MSHCP under Section 10 of the ESA with NMFS and USFWS. United has been working in earnest on MSHCP development for nearly two decades and has dedicated significant staff and financial resources to moving it forward. While the USFWS has been helpful in providing their guidance throughout this process, NMFS has stifled progress due to its interpretation of environmental baseline.

The ESA includes assurances in both Section 7 and Section 10 that require the applicant to improve conditions for the listed species through the implementation of a project. NMFS current interpretation of environmental baseline is incongruous with the ESA and has resulted in years of delay on United's projects, and in receiving incidental take protection for our facilities. This delay has left United to face multiple third-party lawsuits, the most recent of which resulted in several additional years of delays and millions of dollars spent on legal fees. In United's ongoing MSHCP development process, the NMFS Long Beach office, which notably has never approved any MSHCP, has continually utilized its jurisdiction under the ESA to impose requirements that discount or outright ignore the measurable benefits of the proposed fish passage project at the Freeman Diversion, leading to obvious inconsistencies with other ESA consultations and the intent of the ESA. To date, NMFS has not provided the scientific justification for such requirements, even after multiple requests from United for this information, leading United to develop a project and MSHCP under threat of denial by NMFS.

Revisions to the definition of environmental baseline proposed in the ESA Amendments Act of 2025 are necessary to clarify the intention in the ESA to separate existing facilities and ongoing operations from new or modified facilities and operations. The status of a listed species is directly related to existing facilities and ongoing operations and "past and present effects" are appropriately included in the environmental baseline. The implementation of new or modified facilities and operations and their respective effects on a listed species are appropriately included in the effects of the action.

### **Importance of the ESA Amendments Act of 2025**

United is hopeful that the ESA Amendments Act of 2025 can clarify implementation of the ESA and provide a more consistent process for applicants. In United's experience, NMFS has used their jurisdiction under the ESA as both a carrot and stick, with no accountability. A more reasonable regulatory process will enable public and private entities to implement projects in a timely and cost-effective manner to benefit both the listed species and allow for critical infrastructure improvements to be completed.

#### *Habitat Definition*

United is encouraged to see the addition of the definition of habitat as it relates to critical habitat in the ESA Amendments Act of 2025 as this could provide a clearer interpretation for both the regulated community and the regulatory agency staff charged with implementing projects that balance our vital resources—whether they are water, land or minerals—in a way that provides a meaningful benefit to the listed species while allowing for our communities to receive what we need to be sustainable into the future. As described above, United's experience with the



ESA regulatory process demonstrates that NMFS has repeatedly exploited their jurisdiction to overreach and impose arbitrary and capricious requirements that lack scientific justification, as they did with their designation of critical habitat in lower Piru Creek and associated regulatory requirements.

*Environmental Baseline Definition*

The additions to the definition of environmental baseline would help to clarify the ESA consultation process, specifically those effects that would fall into the environmental baseline versus those that would fall into the effects of the action. As described above, United has direct experience with the need for clarification on the definition of environmental baseline, which has been inconsistently and erroneously interpreted by NMFS, causing delay or outright stopping of projects, including those that provide an overall benefit to listed species.

I also serve on the Advisory Committee for the Family Farm Alliance, which represents farmers, ranchers and water districts in 16 Western states, including California. A Family Farm Alliance subcommittee was established in 2018 to provide detailed recommendations to USFWS and NMFS in July 2018 on proposed revisions to regulations that implement portions of the ESA. Many of the important sections of the legislation we are discussing today are similar to those recommendations and the definition of environmental baseline was a top priority. The Family Farm Alliance has also submitted written testimony for this hearing.

*Title II: Incentivizing Wildlife Conservation on Private Lands*

The additions to Section 10(a) of the ESA put forth in the ESA Amendments Act of 2025 regarding conservation plans are important for entities like United who have struggled for years with complex and burdensome ESA Section 10 consultations. The proposed change would allow an MSHCP under Section 10 to be exempt from a duplicative permitting process under Section 7 of the ESA, thereby streamlining the process. United's experience with NMFS has proven that project delays caused by continually moving goal posts with no scientific justification are far too costly. This amendment serves to limit the "bites at the apple". Clarification of the definitions and thresholds to achieve permit issuance criteria is also important to United. A clearer definition of net conservation benefit and a clear standard as it relates to projects that achieve a net conservation benefit could create guardrails against delays, obstacles, and regulatory overreach by agencies such as NMFS.

*Title IV: Creating Greater Transparency and Accountability in Recovering Listed Species*

In addition to the above remarks, United would like to voice our support for the ESA Amendments Act of 2025 proposals to improve the transparency and accountability in recovering listed species. The regulatory agencies, NMFS and USFWS, should provide all information that is the basis of regulatory decisions and/or requirements under the ESA (e.g., Reasonable and Prudent Measures and Reasonable and Prudent Alternatives) to improve agency and regulatory process transparency. In our experience, NMFS has repeatedly failed to provide adequate justification and underlying data and analysis for their determinations, which calls into question the reasoning and appropriateness of their actions.

Through direct agency outreach and Freedom of Information Act requests, United has attempted to gain a more complete understanding of decisions issued by NMFS, with little success. Improvements in the sharing and distribution of information related to a proposed regulation—and ideally expanded to all regulatory decisions and/or requirements—would only benefit the ESA regulatory process and provide needed clarity in regulatory decisions.

*Title V: Streamlining Permitting Process*

United would also like to voice our support for the ESA Amendments Act of 2025 proposal to add a limitation on Reasonable Prudent Measures to align with the existing language of the ESA. As noted above, United is engaged in both ESA Section 10 and Section 7 consultation processes that require United to adhere to the impact avoidance and minimization provisions set forth in the ESA, which require extensive and costly mitigation measures. As with many critical infrastructure projects, United's facilities are located in areas which limit design alternatives, and thus, limit the options for minimizing or offsetting impacts associated with their implementation. Without the proposed language in the ESA Amendments Act of 2025, NMFS and USFWS could apply additional Reasonable and Prudent Measures unilaterally in their issuance of a Biological Opinion, leading to potential permitting delays and exorbitant project costs for applicants such as United.

Combined with the definition of the environmental baseline, the additions to Section 7(a) regarding clarifying jeopardy are crucial to the characterization of the

effects of the action as they related to the survival and recovery of the listed species. Under the current regulatory framework, a determination that an action is 'likely to jeopardize the continued existence of' a listed species may reflect the effects of the action as well as other effects to the species that are wholly unrelated to the proposed action. In practice, this has led to NMFS "moving the goal posts" in our ongoing consultation processes described above. The effects of the action must be clearly evaluated, and take quantified, to perform a valid assessment of whether the action itself is 'likely to jeopardize the continued existence of' the listed species. This addition does not prevent NMFS and USFWS from evaluating effects unrelated to the action proposed, but rather it puts a stop to NMFS' ability to obscure and conflate the effects of the action with other effects in their jeopardy determination.

### Conclusion

In closing, United supports the ESA Amendments Act of 2025 and the necessary clarification and regulatory streamlining it provides to improve implementation of the ESA. United is committed to working with your Committee and Congress to move this legislation forward. I greatly appreciate the opportunity to present this testimony to you today.

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Ms. HAGEMAN. Thank you. I appreciate the testimony from all of our witnesses and for you being here.

I will now recognize Members for 5 minutes each for questions, beginning with myself.

Dr. Roberts, how has the threat of litigation impacted a Federal agency's decision to delist a species?

Dr. ROBERTS. Thank you for the question, Chair. I believe that the threat of litigation creates fear in agencies moving forward with delisting decisions. I think it unnecessarily delays those decisions.

Lawyers like to be in court. Biologists don't want to be in court. And so I believe that it slows down that process, unfortunately.

Ms. HAGEMAN. Well, how would prohibiting judicial review within the post-delisting 5-year monitoring period help with science-based decisions?

Dr. ROBERTS. Thank you. I believe that that would help because in that 5-year delisting period, that is a required monitoring period. For all of these issues we are very concerned about the long-term trajectory in populations, not a change one year to the next. So we are interested in how a trajectory is changing, and it takes time to see that. And so that 5-year period, I believe, is appropriate, the 5-year monitoring period. Removing it from judicial review allows those situations to play out.

I think it is important to note that the minimum population goals that are established by the Fish and Wildlife Service enabling delisting are set sufficiently high that they can be resilient to some unforeseen circumstances, thus limiting the need to respond through litigation.

Ms. HAGEMAN. That resiliency has been shown with both the gray wolf population and the grizzly bear population in Wyoming. I think both of those species are an example of how State management actually works to protect a recovered population and shows the resiliency that you are talking about. Isn't that correct?

Dr. ROBERTS. Yes, I would say so. There may be some debate about the particular methods that are used in those States, but we need to remember the Endangered Species Act is focused on preventing an animal from going extinct. That is the purview of the Endangered Species Act. And it is clear that wolves and grizzly

bears are not in danger of extinction in the northern Rocky Mountains.

Ms. HAGEMAN. Mr. Guardado, the issues you have raised today are a perfect example of how local agency bureaucrats are able to place mandates on the operations of infrastructure that has billions of dollars in direct and indirect economic impacts with little or no approval from political appointees or Congress. How does providing clear and consistent definitions for terms such as "environmental baseline" create more certainty for the communities you serve, and limit the discretion of agency bureaucrats?

Mr. GUARDADO. Thank you. Well, related to the environmental baseline, in our particular case we have our Freeman Diversion. And rather than just separating out the status of the species and using that as the baseline and the existing operations, a compilation of that baseline along with future operations and a future project are tacked on, which make it virtually impossible in its current state to achieve any type of requirements.

Right now at the Freeman Diversion we have a situation where the National Marine Fisheries Service has a preferred legacy project of their own, which has a price tag of about \$250 million. Imagine a concrete platform the size of a football field in the middle of a river wiping out an existing ecosystem when we have another alternative that is \$20 million that meets all of the design criteria, all of the species criteria to ensure that it is not only protected, but it has a viable recovery state.

So these are clear examples where, you know, the amendments here in this ESA, it is not to dissolve the ESA, it is to improve it, to provide clarity so that we can actually move projects forward and save the taxpayers a lot of money.

Ms. HAGEMAN. I think one mistake that people make is that when a species is delisted or down-listed, there is continuing management and monitoring. In fact, one of the factors for delisting is that there must be an adequate regulatory mechanism in place to protect that species into the long term.

So when the gray wolf in Wyoming, for example, was delisted, the State of Wyoming has taken over the monitoring and the management and been able to protect a recovered population for, literally, decades at this point.

So I appreciate your comments and your testimony and the insight that you bring. I now will call on Ms. Hoyle for her 5 minutes of questioning.

Ms. HOYLE. Thank you very much. This question is for Dr. Kareiva.

As we have seen, and certainly we have seen in the Pacific Northwest, the gutting of Federal agencies without any concern about the importance of the jobs that are being done, this is being done in a very non-strategic way, and we have seen lots of effects. Could you speak to how these firings at the Fish and Wildlife Service and National Marine Fisheries Service would affect the ability of services to identify, interpret, and carry out the basic science necessary to make informed ESA decisions?

Dr. KAREIVA. Sure, I will be glad to. So most of my experience with these Federal agencies is in the field. And you have to realize there are field biologists out there every day collecting information

on water quality, how inflammable the vegetation is, keeping track of our environment.

I know from our collaborators in Southern California that one of the cuts that has been made is with the credit card limits. You are a field biologist and you can't buy equipment like a water quality sampler, and even without the firing, it hampers the ability to collect baseline information. It is like a fire alarm in your house. It is the field biologists that are the fire alarm for our planet, and we need them out there every day.

Ms. HOYLE. Thank you. So it is vitally important that we get this information, that field biologists are able to get this information. Can you talk about where we get certain sources of information? What is the best available science? And why is mandating the use of certain sources of data a good or a bad idea?

Dr. KAREIVA. You know, best available science, sometimes when I hear that I think, what is my most favorite science? I like to think of it as the weight of evidence. Science is continually evolving. The best available science changes from year to year.

It is interesting with my wolf colleague here, the wolf recovery goals were set before we had any genetic information. We couldn't even collect DNA and sequence it like we can now. If you sample wolves from 90 to 150 years ago and look at their genetics and compare them to the wolves today, they have lost half their variability. That doesn't show up in numbers, but losing half the variability in genetics is like losing half of your stock portfolio and just having a much diminished option.

So the best available science changes from year to year, and it has to be updated. And it is really peer-reviewed science that is the best available science.

Ms. HOYLE. So with your background and your studies, what do you feel is the best approach?

Dr. KAREIVA. I didn't catch that last phrase.

Ms. HOYLE. What do you feel is the best approach for addressing wolves through the perspective of the Endangered Species Act?

Dr. KAREIVA. I think the best approach for handling wolves right now is updating the science, both the genetics and what is going around.

You know, think about it. There were half a million to two million wolves in the country before. Now we are down to 6,000 to 8,000. The 5-year plan, you know, for delisting in only 5 years, in the last 5 years we killed 3,500 wolves. Down to 6,000 to 8,000 wolves in the last 5 years, we killed 3,500 wolves when the population used to be, at a minimum, half a million.

So we would update the science, and our recovery should take into account livelihoods of the ranchers and that, and we would have a management plan that accounted for wolves and accounted for ranching. You could do that with the best available science. You could have both.

Ms. HOYLE. Great. Thank you so much.  
And I yield back.

Ms. HAGEMAN. I believe that there are over 6,000 to 8,000 wolves in Minnesota alone. I don't know where that number comes from.

But I will now call on Mr. Westerman for his 5 minutes of questioning.

Mr. WESTERMAN. Thank you, Madam Chair. And again, thank you to the witnesses.

And Madam Chair, before I ask questions I would like to recognize that we have Ambassador Elsie Kanza, the Ambassador Extraordinary and Plenipotentiary of the United Republic of Tanzania, with us today. We made a trip to Tanzania last year and saw how the Endangered Species Act that we work on in this Committee affects wildlife management in Africa.

And we also have Ms. Regina Boma, the Deputy Chief of Mission for the Republic of Zambia, with us today. Thank you all for being here.

Mr. Milito, the uncertainty surrounding the biological opinion for offshore oil and gas programs, as well as other biological opinions, is of great concern to this Committee. How would the ESA permitting reforms proposed today, especially the requirement for retrospective review of modifications made to BiOps, provide more certainty?

Mr. MILITO. Thank you, Chairman Westerman, and it is a great question.

And I think, fundamentally, what the business community needs is certainty and predictability, along with some flexibility to work with the regulators to make sure they can move forward with the projects. The whole, you know, debate is around the fact that it is hard to build anything in America, but your proposed changes serve to address that, and they do it by providing a level of accountability to agency decisions that currently just doesn't exist.

While, you know, the current BiOp in some respects is workable, and we can go out there and operate and produce the energy America relies upon, it has some provisions that are problematic to the industry and provide little conservation benefit to the species. So retrospective review would enable all the stakeholders to engage with the services in a more informed way, to better fix the BiOp process and make sure that the steps being taken, the retrospective steps and the modifications, are actually going to help restore the species.

Mr. WESTERMAN. Thank you, Mr. Milito.

Mr. Guardado, your testimony highlights the ongoing disputes with NOAA over the critical habitat designation for Southern California steelhead. What kind of analysis has United Water done to prove that not only does this species not exist in your area, but in fact they probably never existed in your area?

And how does providing a clear definition of "habitat" as it relates to "critical habitat" alleviate this issue?

Mr. GUARDADO. Well thank you. Yes, in the amendments clarity is key, to have definition of "critical habitat" when you are looking at a particular action area. And in that action area you are evaluating the conditions and the resources to evaluate even if, you know, that particular area can support a life cycle of the species.

So in our neck of the woods, in Piru Creek, the conditions are very poor. It is very hot, there is no food. And as a result, it is the reason why having historical documentation since the late 1800s from biologists from the California fish and wildlife and anyone else that has done any stream surveys, up to current date not one ocean-run steelhead has ever been seen, found, caught. And despite

all of this, despite the poor conditions for any survival of steelhead and the fact that they haven't been there to begin with, the National Marine Fisheries Service digs their heels in and is requiring us to put fish passage around, through, above our dam. They have designated critical habitat in an area that is unoccupied, that has been unoccupied for decades, based on historical records.

As a result, we are looking at hundreds of millions of dollars just in mitigation requirements for that facility alone. And I think even more importantly, we run the risk of public safety. We have two very important public safety projects in our outlet works and our spillway upgrade. NMFS is getting in the way of that. They are obstructing the process of us completing these projects. And it is not about if an earthquake is going to happen in Southern California, it is when. And our Outlet Works is a project that is trying to take care of some deficient standards. And if that dam is compromised, people will perish downstream.

So in our region, you know, we don't have an ESA inconvenience issue. We have a regulatory malfeasance issue.

Mr. WESTERMAN. Thank you.

Dr. Roberts, first I want to go back to something my friend, Mr. Huffman, from California said that I totally agree with. The Endangered Species Act has been extremely successful in preventing extinction. Nobody denies that. But our predecessors, when they created the Endangered Species Act, they didn't look at it only as a defense. They looked at it as defense and offense. And if you compare it to a football team, we have a heck of a defense, 99 percent efficient at stopping extinction. But when you look at the offensive side of it in recovering species, it is dismal. Only 3 percent of listed species have ever been recovered and been delisted, and only 4 percent of listed species are even making positive progress.

Isn't this a sign that we need to better improve incentives for recovery, that maybe we need to fire the offensive coordinator and put a new offense in, and maybe even get some different players?

And how can capturing the full potential of utilizing 4D as an off-ramp to State management help improve buy-in from public and aid in species recovery?

Dr. ROBERTS. Well, I think it is critical to have public and State agency buy-in.

The 4D off-ramp that is proposed in your bill provides an incentive to landowners and to State jurisdictions to partner towards those conservation goals because achieving those conservation goals is linked with regulatory relief. And so I believe that that creates a clear incentive for stakeholders to partner towards shared conservation goals.

Mr. WESTERMAN. Thank you.

And Madam Chair, before I yield, I would ask unanimous consent to insert into the hearing record over 30 letters of support for H.R. 1897. This includes letters from organizations such as the Rocky Mountain Elk Foundation, Congressional Sportsmen's Foundation, American Farm Bureau, National Association of Counties, National Rural Electric Cooperatives Association, Zoological Association of America, United Republic of Tanzania Ministry of Natural Resources and Tourism, Republic of Zambia

Ministry of Tourism, South Africa Chief Director of Biodiversity Management and Permitting.

Ms. HAGEMAN. So ordered.

[The information follows:]

#### Statement for the Record

#### U.S. Department of the Interior

Chair Hageman, Ranking Member Hoyle, and members of the Subcommittee, this statement provides the Department of the Interior's (Department) views on H.R. 1897, ESA Amendments Act of 2025; H.R. 845, Pet and Livestock Protection Act of 2025; H.R. 1917, Great Lakes Mass Marking Program Act of 2025; and H.R. 276, Gulf of America Act of 2025. The Department appreciates the opportunity to submit this statement for the record.

#### H.R. 1897, ESA Amendments Act of 2025

The Endangered Species Act (ESA) is our Nation's law designed to ensure the long-term conservation of our fish, wildlife, and plant species. While the law's goals and objectives have been met for more than 50 years, the Department acknowledges challenges with the implementation of the ESA. Beginning on day one, President Trump took action to address these challenges, including ensuring prompt consultation on the ESA's regulations to support the Nation's energy supply and expediting actions to secure critical water resources. President Trump has issued a policy agenda focused on deregulation to alleviate unnecessary regulatory burdens placed on the American people, which the Department is prioritizing in fulfilling its mission, including in reviewing the U.S. Fish and Wildlife Service's (FWS) implementation of the ESA. The Department supports reforming the ESA and looks forward to working with the Subcommittee on this important legislation to thoughtfully implement the conservation goals for our Nation's species while addressing the critical challenges that the Nation faces.

H.R. 1897 would make a number of reforms to the ESA. It would clarify existing terms by providing new ESA definitions, codify the FWS' current National Listing Workplan structure, reform Candidate Conservation Agreements with Assurances and make changes related to Incidental Take Permits. It would also make changes to the process for developing regulations under section 4(d), require agencies to promptly initiate rulemakings after 5-year review determinations of listed species, and provide regulatory certainty that critical habitat will not be designated if a private landowner is working to implement a plan that conserves the species. H.R. 1897 would codify requirements for internet publication of best scientific and commercial data and increase collaboration with states, as well as require information related to litigation to be posted online. The bill would update the Section 7 consultation process, such as clarifying the scope of reasonable and prudent measures, and the term jeopardy. It would also make changes related to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and non-native species.

#### H.R. 845, Pet and Livestock Protection Act of 2025

H.R. 845 would require the Department to reissue the final rule entitled "Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife" within 60 days after enactment. The bill also states that reissuance of this final rule would not be subject to judicial review. The final rule, published in 2020 by the FWS, removed the gray wolf from the List of Endangered and Threatened Wildlife everywhere it was listed across the lower 48 states and Mexico. Gray wolves had already been delisted due to recovery in Montana, Idaho, northern Utah, and eastern Washington and Oregon since 2011, and in Wyoming since 2017. The 2020 delisting final rule, which had been promulgated in accordance with the ESA using the best available science, and following public review and consideration of public comments, was litigated, then vacated by a court in 2022. That case is currently on appeal to the Ninth Circuit.

Under the protection of the ESA, the gray wolf's population has increased to *over four times* the level at the time of the initial gray wolf listings in the 1970s and its geographical footprint has expanded beyond its historical range. The Department is committed to collaborative conservation with state and other partners to ensure the gray wolf remains at a healthy and manageable level. States are leaders in wildlife management and protection and are vitally important partners with the FWS in developing management and recovery strategies backed by the best available

science. The Department supports H.R. 845, and we believe, based on the best available science, that it is unreasonable to continue listing the gray wolf.

#### **H.R. 1917, Great Lakes Mass Marking Program Act of 2025**

H.R. 1917 would establish within the FWS a program for the mass marking of hatchery-produced fish in the Great Lakes, in support of the more than \$7 billion recreational and commercial fishing economy in the region. Mass marking is a conservation and monitoring technique used to distinguish hatchery-produced fish from those spawned in the wild, often through the clipping of a fin and insertion of a coded-wire tag in the fish from hatcheries. H.R. 1917 would require the FWS to collaborate on the program with partners in the Great Lakes, including federal, state, and tribal agencies, the Great Lakes Fishery Commission, and joint signatories to the Joint Strategic Plan for Management of Great Lakes Fisheries. The legislation would codify the FWS' existing Great Lakes Mass Marking Program, which began in 2010 and has been funded and directed through congressional appropriations.

The FWS works closely with states and other partners to support hunting and fishing opportunities in numerous ways, including through research and monitoring of wildlife populations, providing training and education, funding shooting ranges and boat ramps, and providing access and offering opportunities on national wildlife refuges. We would welcome the opportunity to work with the sponsor and Subcommittee on the legislation.

#### **H.R. 276, Gulf of America Act of 2025**

H.R. 276 would rename the Gulf of Mexico to the Gulf of America and direct the Secretary, acting through the Chairman of the U.S. Board of Geographic Names (BGN), to oversee the renaming in federal documents and maps. The bill also directs each federal agency to update federal documents and maps in accordance with the renaming within 180 days of enactment.

The BGN is a federal body established in 1947 by Public Law 8-242 to maintain uniform geographic name usage throughout the federal government. The U.S. Geological Survey is a BGN member and provides staff support to the BGN. The BGN's primary role is to resolve name discrepancies and promulgate all official names. Approved names and changes are updated in the Geographic Names Information System (GNIS), the authoritative database with which all federal products are required to comply. Other federal data sources (i.e., maps, charts, graphics, etc.) are updated on their respective agencies' refresh schedules. Each agency monitors their own publications for consistency with official names.

H.R. 276 would codify President Trump's Executive Order 14172, "Restoring Names That Honor American Greatness," signed on January 20, 2025, that renamed the Gulf of Mexico to the Gulf of America, and the Secretary of the Interior's Secretary's Order 3423 that provided the BGN with implementation instructions on February 7, 2025. BGN immediately updated the GNIS to reflect the name change, and the name Gulf of America was made official for federal use. The Department of the Interior supports the goals of H.R. 276 as it would codify the President's decisive action to honor American greatness.

#### **Conclusion**

Our natural resources are national assets, which are for the benefit and use of the American people. The Department looks forward to working with the sponsors and Subcommittee on the legislation to advance the administration's priorities.

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#### **Statement for the Record**

#### **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION U.S. DEPARTMENT OF COMMERCE**

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, NOAA Fisheries provides vital services for the nation, including management and sustainment of our fisheries to provide food for the American people, ensuring safe sources of seafood, the recovery and conservation of protected species, and healthy ecosystems. The resilience of marine ecosystems and the economic integrity of coastal communities depends on healthy marine species, including protected species such as salmon, whales, sea turtles, and corals.



### **The Endangered Species Act**

Under the Endangered Species Act (ESA), NOAA Fisheries works to conserve and 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; developing and implementing actions to recover endangered and threatened species; consulting with Federal agencies to insure their activities are not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat; and working with states, tribes, and other partners to conserve and recover listed species. NOAA Fisheries shares the responsibility of implementing the ESA with the U.S. Fish and Wildlife Service, which has jurisdiction over terrestrial and other aquatic species.

Since it was signed into law, more than 99 percent of the species listed under the Act have been saved from extinction and some of America's most iconic species have been recovered to the point where they no longer meet the definition of threatened or endangered. From Eastern Pacific gray whales to humpback whales along the Atlantic coast, NOAA Fisheries, in carrying out its mandates under the ESA, has been integral to species recovery and efforts to remove species from the Threatened and Endangered Lists.

NOAA Fisheries works closely with its many partners, including states, tribes, other federal agencies, industries, and conservation organizations to conserve and recover ESA-listed species. These efforts include making science-based listing, reclassification, and delisting determinations in compliance with the standards and requirements outlined in section 4 of the ESA. In accordance with section 4, we apply the best scientific and commercial (e.g., trade) data available to assess the status of species, evaluate threats, and consider protective efforts being made to conserve the species. In addition, to ensure a robust process, we provide our status reviews to co-managers, expert peer reviewers, and the public prior to issuing final classification decisions. We have also standardized our status review process such that we have generally kept pace with the petitions received by NOAA Fisheries, and have never had a lengthy backlog of species awaiting review. When designating critical habitat, we similarly adhere to the statutory requirement to identify critical habitat based on the best available science, and we thoroughly assess and consider the national security, economic, and other relevant impacts before designating any area as critical habitat. Prior to completing any designation, we coordinate extensively with the Department of Defense, Department of Homeland Security, relevant states, tribes, and other relevant affected agencies; we also provide public access to our underlying analyses and mapping data on our website.

Through use of our Species Recovery Grants under section 6 of the ESA and through the Pacific Coastal Salmon Recovery Fund programs, we have provided millions of dollars to states and tribes to support management, research, monitoring, and outreach activities that have direct conservation benefits for listed species under the ESA within state waters. Through these grant programs, states and tribes have undertaken critical management and recovery activities and conducted vital research for a diverse range of listed species, including white abalone, corals, Atlantic and shortnose sturgeon, marine turtles, Southern Resident killer whales, Hawaiian monk seals, and Pacific salmon and steelhead. Furthermore, with this funding, we have restored thousands of stream miles for listed salmon, which have indirectly benefited commercial and recreational fisheries along the west coast.

We also continue to seek science-based innovations to address threats to species and support their recovery in ways that can minimize risks to species and costs to industry. One such initiative—the Advanced Sampling and Technology for Extinction Risk Reduction and Recovery—is focused on reducing extinction risk and supporting recovery of protected species through technological innovation. New and better data is also critical to our efforts. We continually seek to expand our partnerships and cooperative conservation efforts, and improve and strengthen our implementation of the ESA to bring greater benefits to listed species and surrounding communities.

Section 7 of the ESA provides a program for NOAA to work in partnership with other Federal “action” agencies toward species conservation and recovery. Through it, Federal agencies use their existing authorities to conserve and recover species. In addition, NOAA works with Federal agencies to “insure” their actions (e.g., construction permits, oil and gas program activities, fishery management plans) are not likely to jeopardize the continued existence of listed species or adversely modify or destroy designated critical habitats.

Through section 7, NOAA has developed strong partnerships with the Environmental Protection Agency, Bureau of Ocean Energy Management, Army Corps of

Engineers, Navy, Forest Service, and other agencies and industry applicants to conserve and recover listed species. We continue to work with our partners to improve implementation of the Interagency Cooperation program and in numerous examples, our actions to conserve and recover listed species benefit human communities as well. For instance, a recent NOAA-Federal agency partnership has provided communities with incentives for taking local actions that both mitigate flood risk to homeowners and businesses, and protect ESA-listed species through preservation of the natural and beneficial functions of floodplains, resulting in lower flood insurance premiums and reduced property damage from flooding. Through these partnerships, NOAA continues to make improvements to the implementation of section 7 so that it works for action agencies, industry, and our species.

We improved on our ESA consultation processes during the first Trump administration, and continue to build on those successes to this day. For instance, through our efforts to create more efficient ESA consultations, we reduced the average number of days from consultation initiation to completion for both formal and informal ESA consultations. After undertaking these efforts, we reduced the average time to completion of *informal* consultations to 34 days, a 40 percent reduction compared to the baseline average (data from 2013 to 2016) of 57 days.

Through the permitting mechanisms authorized under section 10(a)(1)(B) of the ESA, NOAA Fisheries supports both the conservation of marine species and other economically important activities, ranging from state fisheries to power plant operations. Congress recognized the need to reduce conflicts between listed species protection and non-federal economic activities when it amended the ESA in 1982 to add this particular permitting authority. Section 10(a)(1)(B) permits now serve as the mechanism for non-federal entities, which range from state natural resources agencies to power companies, to receive authorization under the ESA for any incidental take of listed species while conducting their otherwise lawful activities. Because the permit issuance criteria under the ESA require a conservation plan and actions to minimize and mitigate take of listed species, these permits serve as an important means of preventing the further decline and promoting the recovery of listed species, while also allowing other economically important activities to continue. This facet of our ESA program has effectively allowed us to develop creative partnerships and generate long-term conservation commitments while delivering regulatory assurances to permittees. While we have made strides in increasing our effectiveness in supporting permit applicants by providing scientific advice on mitigation and minimization measures, as well as providing other guidance and resources, we are currently working to streamline the process for issuing these permits by, for example, creating an online application system, developing templates, and streamlining required environmental reviews.

Several aspects of this bill align with our existing goals to streamline our conservation and recovery work and also align with Administration priorities to facilitate energy development, timber production, and California water projects. The ESA provides a number of tools to expedite interagency consultation, and we are currently exploring these in coordination with action agencies so that consultations involving oil and gas or other energy development are expedited as high priority consultations.

## Conclusion

Over the past 50 years, the ESA has led to innovation, conservation and science to support species and the habitats on which they depend. Healthy ecosystems support fisheries, forestry, tourism, and community health, among other societal benefits. The United States is a model for others as we seek to support economic development while ensuring the continued existence of species.

Our work with partners to conserve and recover threatened and endangered species is ongoing and evolving. Over the past few decades, we have improved our implementation of the statute, which has resulted in the recovery of species and prevention of extinctions. NOAA is proud to serve the nation's coastal communities and industries, ensuring responsible stewardship of our ocean and coastal resources. We value the opportunity to continue working with this Subcommittee on these important issues, and we look forward to working with Congress over the coming years to further improve implementation of the ESA and optimize species conservation without creating unnecessary burdens on economic development.

**Heart Mt. Irrigation District**

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

Re: Support for H.R. 1897—"ESA Amendments Act of 2025"

Dear Chairman Westerman:

Thank you for introducing the Endangered Species Act Amendments Act of 2025 (H.R. 1897) and your continued commitment to improving the Endangered Species Act (ESA) by clarifying provisions that have created significant challenges for Farmers, Ranchers, Irrigation Districts across the West without corresponding outcomes for species. Heart Mt. Irrigation District fully supports this bill and looks forward to working with the Committee to advance this important reform legislation.

I am with the Heart Mt. Irrigation District. We are less than 50 miles from Yellowstone National Park. We have Grizzly bears and Wolves coming down into the farmland more frequently every year. I have friends that live on the west edge of the project and he has seen Grizzly bears many times. He doesn't allow his wife to walk around the farm anymore because of the danger. The Grizzly and Wolf populations have recovered very well.

The ESA was an important and historic piece of legislation intended to preserve and recover species and there are instances where we have seen this promise fulfilled. For example, successful programs, such as the Colorado River Basin Recovery Programs and the Little Snake River Watershed initiatives, demonstrate how collaborative efforts between federal agencies, states, landowners, and local stakeholders can lead to effective species conservation while balancing human needs like water use and agriculture.

Unfortunately, over the 50 years since its enactment the norm is not these success stories but instead frequent overreach by federal agencies and abuse by litigators that have severe impacts to communities with little or negative progress recovering species. It is clear that meaningful changes are necessary, and this legislation is a major step in the right direction.

- Prioritizes species recovery by setting measurable goals and enhancing collaboration.
- Provides flexibility for the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in listing decisions.
- Reforms voluntary conservation agreements, incidental take permits, and critical habitat designations to encourage private landowner participation.
- Empowers states to develop recovery strategies for more localized and effective conservation efforts.
- Requires federal agencies to establish measurable recovery goals for better conservation outcomes.
- Prevents frivolous litigation and increases transparency in ESA-related lawsuits to ensure resources are focused on species recovery.

WE cannot jeopardize our food supply for our Country. WE need the ability to feed the persons of the United States. WE must consider this when listing some minuscule animal or fish. We cannot destroy our food growing capabilities.

Your efforts to modernize the ESA and make it a more effective tool for conservation are greatly appreciated. I strongly support the ESA Amendments Act of 2025 and encourage its swift passage to improve the balance between species protection and economic and land-use considerations.

Sincerely,

BRIAN DUYCK,  
 President

**National Stone, Sand & Gravel Association**

March 25, 2025

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

Dear Chairman Westerman:

On behalf of the National Stone, Sand & Gravel Association (NSSGA), I write to express our strong support for H.R. 1897, the ESA Amendments Act of 2025. This critical legislation takes necessary steps to modernize the Endangered Species Act (ESA) by prioritizing science-based conservation efforts, improving regulatory transparency and streamlining permitting processes essential to economic growth and infrastructure development.

NSSGA represents over 500 aggregates producers, manufacturers and service providers responsible for the essential raw materials that are the foundation of America's roads, bridges and construction projects. Our industry is committed to responsible environmental stewardship. We believe that effective species conservation and economic progress can and must go hand-in-hand. Unfortunately, the current implementation of the ESA often creates regulatory uncertainty, delays critical infrastructure projects and places unnecessary burdens on businesses and landowners without delivering meaningful conservation benefits.

H.R. 1897 will modernize the ESA to reflect today's challenges and opportunities. We strongly support striking the right balance between protecting at-risk species and ensuring regulatory certainty for industries vital to our nation's economy.

We urge Congress to advance this bill and support reforms that allow infrastructure development to move forward without unnecessary regulatory roadblocks. Thank you for your leadership on this issue. We stand ready to work with you to ensure the passage of this important legislation.

Sincerely,

MICHELE STANLEY,  
 Interim CEO

**Northwest Marine Trade Association**

March 20, 2025

Hon. Bruce Westerman, Chairman  
 Hon. Jared Huffman, Ranking Member  
 House Natural Resources Committee  
 1324 Longworth House Office Building  
 Washington, DC 20515

Hon. Harriet Hageman, Chairman  
 Hon. Val Hoyle, Ranking Member  
 Subcommittee on Water, Wildlife and Fisheries  
 1324 Longworth House Office Building  
 Washington, DC 20515

Re: H.R. 1897—The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle:

The Pacific Northwest is renowned for its breathtaking natural landscapes and iconic species such as salmon and orcas. Ports and marinas in this region are committed to being responsible stewards of the environment. In fact, the managers and employees of our sixty-plus moorage business members are THE front-line protectors of our shorelines on a daily basis. No group of people spends more hours a year

preserving our shorelines. Their enthusiasm to invest time and resources in order to be designated as Clean Marinas exemplifies this dedication.

Our organization has embarked on numerous environmental improvement projects and initiatives, including removing toxic creosote, preventing stormwater pollution, and providing waste pump-out facilities to customers. We are serious about our mission to foster economic development, trade, recreation, and job growth for our community while ensuring environmental stewardship, allowing our navigation infrastructure to coexist harmoniously with species and their critical habitats. We fully support the goals of the Endangered Species Act (ESA) to prevent species extinction and mitigate the negative impacts that extinction has on ecosystems that also sustain human life.

We recognize that the Committee is reviewing H.R. 1897, the Endangered Species Act Amendments Act of 2025, and we appreciate the opportunity to express our support for this legislation and our comments and concerns regarding ESA Section 7 consultations for maintenance and other project permitting.

Since 2018, the West Coast Region Office of NOAA Fisheries has introduced a new definition of environmental baseline that deviates from the previously understood standard under ESA Section 7 consultations for maintenance and building permits. Instead of including the effects of existing structures as part of the baseline condition, this new definition excludes them from the effects analysis. Consequently, applicants are now expected to mitigate the impacts of maintenance or construction actions and the ongoing effects of existing structures on species and habitats well into the future. This change has resulted in lengthy formal consultations for even the most routine maintenance projects, dramatically increasing the costs associated with these essential activities.

It is incredibly frustrating when ports and marinas initiate maintenance projects designed to repair and enhance infrastructure while simultaneously improving water quality and habitats—such as removing creosote and other hazardous materials or replacing overwater structures with light-penetrating decking—yet are hindered by prohibitive permitting processes due to escalating mitigation costs and construction delays.

Our organization supports H.R. 1897, The Endangered Species Act Amendments Act of 2025, as it aims to restore the widely accepted definition of environmental baseline for ESA Section 7 consultations related to maintenance and building permits. This legislation will promote a consistent application of the ecological baseline across the nation, ensuring that organizations like ours incur reasonable mitigation costs for proposed maintenance and construction activities. Our infrastructure must be maintained for ports and marinas to remain competitive, ensure safe operations, and avert negative environmental impacts caused by deteriorating structures. This legislation will facilitate a consistent, predictable, and cost-effective permitting process. We appreciate the Committee's consideration of this vital legislation and urge the swift passage of H.R. 1897.

Respectfully submitted,

JAY JENNIN,  
Vice President, Government Affairs

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**Port of Vancouver USA**

March 20, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: H.R. 1897—The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle:

The Pacific Northwest is known for its natural landscapes and iconic species like salmon. Ports in the region take seriously our role as good waterfront stewards of the environment. The Port of Vancouver USA is no exception. Our organization has undertaken numerous environmental improvement projects and programs. We are focused on providing benefits for our community via trade, manufacturing, and other economic activity along with ensuring environmental stewardship so our navigation infrastructure can coexist with species and their critical habitat. We support the goal of The Endangered Species Act (ESA) to prevent extinction of species and the negative effects extinction has on ecosystems that also support human life.

We understand the Committee is considering H.R. 1897, The Endangered Species Act Amendments Act of 2025, and appreciate the opportunity to provide our support for the legislation as well as our comments and concerns related to ESA Section 7 consultation for maintenance and other project permitting.

Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under ESA Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the existing baseline condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the existing structure's continued existence on species and habitat for decades into the future. This essentially required all port maintenance projects to undergo lengthy formal consultation for even the most basic maintenance work, and the effects calculation dramatically increased the costs of maintenance and other projects.

The Port of Vancouver USA has multiple permits that allow us to maintain our infrastructure. NOAA's decision to apply a different definition to the environmental baseline has created significant delays in our ability to obtain these permits which are critical to our operations. The activity at our port supports nearly 20,000 jobs in this region, but these unnecessary delays risk our ability to provide such economic benefit to our community.

Nothing is more frustrating than when ports have maintenance projects that will repair and strengthen infrastructure while making water quality and habitat improvements—like removing creosote and other toxic materials or replacing overwater structures with light penetrating decking—but then cannot get through the permitting process as a result of the increased mitigation costs and construction delays.

The Port of Vancouver USA supports H.R. 1897, The Endangered Species Act Amendments Act of 2025, as it will restore the commonly understood definition of environmental baseline for the purposes of ESA Section 7 consultations for maintenance and building permits. It will ensure consistent application of the environmental baseline nationwide. It will also ensure that port like ours pay reasonable mitigation for proposed maintenance and building actions. For ports to remain competitive, maintain safe operations, and avoid negative environmental impacts from decaying structures, our infrastructure must be maintained. This legislation will assist in providing a consistent, predictable, and cost-effective permitting process. We appreciate the committee's consideration of this legislation to address our concerns and urge passage of HR 1897 as swiftly as possible.

Respectfully submitted,

JULIANNA MARLER,  
CEO

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**Port of Longview**

March 20, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: H.R. 1897—The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle:

The Pacific Northwest is known for its natural landscapes and iconic species like salmon and orcas. Ports and marinas in the region lean in on being good waterfront stewards of the environment. The Port of Longview is no exception. Our organization has undertaken numerous environmental improvement projects and programs including developing a Climate Action Strategy, joining Green Marine, investing in stormwater infrastructure and continuing to strengthen our robust water and air quality programs. We take our mission of providing economic development, trade, recreation, and jobs for our community seriously along with ensuring environmental stewardship so our navigation infrastructure can coexist with species and their critical habitat. We support the goal of the Endangered Species Act (ESA) to prevent extinction of species and the negative effects extinction has on ecosystems that also support human life.

We understand the Committee is considering H.R. 1897, The Endangered Species Act Amendments Act of 2025, and appreciate the opportunity to provide our support for the legislation as well as our comments and concerns related to ESA Section 7 consultation for maintenance and other project permitting.

Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under Endangered Species Act (ESA) Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the existing baseline condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the existing structure's continued existence on species and habitat for decades into the future. This essentially required all port and marina

maintenance projects to undergo lengthy formal consultation for even the most basic maintenance work and the effects calculation dramatically increased the costs of maintenance and other projects.

At the Port, we have experienced delayed maintenance project execution due to many US Army Corps of Engineers (USACE) nationwide permits behind held up for a formal vs. informal Section 7 consultation. For example, in April 2022, the Port reapplied for a Nationwide Permit-3 Maintenance which authorizes work associated with our docks, such as fender pile replacements, overwater repairs, and bank stabilization as needed. This process was anticipated to take one to two months, based on our experience obtaining existing and previous authorizations. Previous work had been reviewed in informal consultation and no additional species had been listed within our area of operation. Over the next six month, our permit would have three different permit writers assigned to it. The maximum period required for review was expected to be at most 3 months. Yet it took over a year to obtain review, and an additional six months to obtain coverage. The Port did not receive authorization until September 2023.

In addition, we have seen an increase in consultant costs to develop a biological assessment for routine maintenance to support a formal Section 7 consultation. The Port has also been impacted by an increase in material costs due to delays in lengthy permit timelines caused by formal Section 7 consultation. Lastly, the Port has also had increased mitigation costs for maintenance or new projects due to BiOp requirements to compensate for existing structures.

Nothing is more frustrating than when ports and marinas have maintenance projects that will repair and strengthen infrastructure while making water quality and habitat improvements like removing creosote and other toxic materials, replacing overwater structures with light penetrating decking but then cannot get through the permitting process as a result of the increased mitigation costs and construction delays.

Our organization supports H.R. 1897, The Endangered Species Act Amendments Act of 2025, as it will restore the commonly understood definition of environmental baseline for the purposes of ESA Section 7 consultations for maintenance and building permits. It will ensure consistent application of the environmental baseline nationwide. It will also ensure that organizations like ours pay reasonable mitigation for proposed maintenance and building actions. For ports and marinas to remain competitive, maintain safe operations, and avoid negative environmental impacts from decaying structures, our infrastructure must be maintained. This legislation will assist in providing a consistent, predictable, and cost-effective permitting process. We appreciate the Committee's consideration of this legislation to address our concerns and urge passage of HR 1897 as swiftly as possible.

Respectfully submitted,

DAN STAHL,  
Chief Executive Officer

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**Ecological Land Services**

March 20, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Support for H.R. 1897, the “ESA Amendments Act of 2025”

Dear Chairman Westerman, Chairwoman Hageman, and Ranking Members Huffman and Hoyle:

On behalf of Ecological Land Services, Inc. (ELS), we respectfully submit this letter in support of H.R. 1897, the Endangered Species Act Amendments Act of 2025. As natural resources consultants representing ports, industry, commercial development, and private landowners throughout the Pacific Northwest, we see firsthand the challenges created by recent interpretations of the environmental baseline in ESA consultations.

Recent shifts in federal agency interpretation have altered the environmental baseline from conditions at the time of permit application to conditions resembling pre-European development. As a result, projects proposing simple repairs or maintenance to existing infrastructure—some of which has been in place for decades—are now being viewed as creating significant new environmental impacts. In many cases, applicants are required to mitigate not only for the proposed repair work but for the entire existence of the infrastructure itself, regardless of when it was constructed or whether it predates the ESA. This practice creates an unreasonable burden on applicants, requiring them to mitigate for the actions of others and to absorb costs unrelated to their proposed project. These extended permitting timelines and inflated mitigation costs often lead to project abandonment, hindering essential infrastructure maintenance and economic development opportunities.

It is worth noting that one of the federal agencies advocating for this expanded interpretation of environmental baseline—NOAA Fisheries—operates within the U.S. Department of Commerce, highlighting the internal conflict between economic interests and regulatory interpretations.

From a scientific and practical standpoint, ELS would also like to point out that in numerous wetland and aquatic restoration projects, including federally and state-certified mitigation banks, functional improvements are measured against pre-project conditions—not against pre-European settlement landscapes. The standard practice is to award mitigation credit based on the functional lift achieved over current site conditions. Expecting restoration projects or mitigation banks to meet a pre-European baseline is, for all practical purposes, impossible. Such a requirement would eliminate the viability of most existing and future wetland and aquatic banks, many of which have proven highly successful in restoring habitat function within our current landscape context.

The reality is that the landscape has already changed, and our role as environmental professionals is to manage and improve existing conditions to the best of our ability. Habitat improvements and mitigation can and should be achievable goals, but they must be grounded in realistic expectations based on current environmental baselines—not on an unattainable historic condition.

Ecological Land Services supports a common-sense interpretation of the ESA that protects listed species and critical habitats without imposing years of permitting delays or penalizing landowners for actions that occurred long before their ownership. We believe there is a path forward that balances economic growth and infrastructure needs in the Pacific Northwest with environmental protection and stewardship.

Unfortunately, the recent reinterpretation of “environmental baseline” disrupts this balance, creating regulatory hurdles that hinder economic growth and result in lost opportunities along our state’s waterways. For these reasons, ELS supports H.R. 1897 and appreciates the effort to clarify the environmental baseline definition, ensuring a fair, predictable, and scientifically sound permitting process under the ESA.

Thank you for your consideration and leadership on this important issue.

Sincerely,

FRANCIS NAGLICH,  
Senior Wetland Biologist and Principal

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### Port of Bellingham

March 20, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: H.R. 1897—The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle:

The Port of Bellingham’s mission is to promote sustainable economic development, optimize transportation gateways, and manage publicly owned land and facilities to benefit Whatcom County. To that end, we manage the southern terminus of the Alaska Marine Highway System, a deep-water shipping terminal, marinas, and maritime infrastructure which supports a vibrant working waterfront with over 6,400 jobs and \$1.6 billion in business revenues. For over 30 years, the Port has co-managed a coalition of 14 different federal, state, local and tribal agencies working cooperatively together to improve the environmental health of Bellingham Bay. This partnership is working to clean up historic contamination, restore salmon habitat, stop ongoing sources of pollution and revitalize land uses. Because of this partnership, the Port of Bellingham is now leading one of the largest contaminated property redevelopment projects in the nation, and all Port in-water projects include a detailed analysis of how to modernize infrastructure in a way which produces a net benefit to the environment while supporting salmon recovery objectives.

We understand the Committee is considering H.R. 1897, The Endangered Species Act Amendments Act of 2025, and appreciate the opportunity to provide our support for the legislation as well as our comments and concerns related to ESA Section 7 consultation for maintenance and other project permitting. Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under Endangered Species Act (ESA) Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the existing baseline condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the existing structure’s continued existence on species and habitat for decades into the future. This essentially required all port and marina maintenance projects to undergo lengthy formal consultation for even the most basic maintenance work and the

effects calculation dramatically increased the costs of maintenance and other projects.

In 2020, the Port submitted permits to replace a failing bulkhead and pilings under the Bellingham Cruise Terminal, the southern terminus of the Alaska Marine Highway system. NOAA's new definition of environmental baseline delayed the review and issuance of permits by several years which led to a significant increase in construction costs for this important project. Additionally, the new definition of the environmental baseline required the Port to pay \$872,480 in mitigation for what ended up a \$3,800,000 project. This 23% increase in project cost for required maintenance to replace existing infrastructure at a strategic transportation terminal was intolerable. Nothing is more frustrating than when ports and marinas have maintenance projects that will repair and strengthen infrastructure while making water quality and habitat improvements like removing creosote and other toxic materials, replacing overwater structures with light penetrating decking but then cannot get through the permitting process because of increased mitigation costs and construction delays. Many in-water construction projects are already prohibitively expensive and these additional mitigation costs threaten the long-term viability of strategic transportation terminals and maritime infrastructure.

Our organization supports H.R. 1897, The Endangered Species Act Amendments Act of 2025, as it will restore the commonly understood definition of environmental baseline for the purposes of ESA Section 7 consultations for maintenance and building permits. It will ensure consistent application of the environmental baseline nationwide. It will also ensure that organizations like ours pay reasonable mitigation for proposed maintenance and building actions. For ports and marinas to remain competitive, maintain safe operations, and avoid negative environmental impacts from decaying structures, our infrastructure must be maintained. This legislation will assist in providing a consistent, predictable, and cost-effective permitting process. We appreciate the Committee's consideration of this legislation to address our concerns and urge passage of HR 1897 as swiftly as possible.

Respectfully submitted,

ROB FIX,  
Executive Director

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**Port of Silverdale**

March 20, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: H.R. 1897—The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle:

The Pacific Northwest is known for its natural landscapes and iconic species like salmon and orcas. Ports and marinas in the region lean in on being good waterfront stewards of the environment. The Port of Silverdale is no exception. Our organization has undertaken numerous environmental improvement projects and programs including adding an elevated boat ramp to get the old ramp off the beach, soft beach protection, removing sunken derelict vessels and removing non-native materials from tide lands. We take our mission of providing economic development, trade, recreation, and jobs for our community seriously along with ensuring environmental stewardship so our navigation infrastructure can coexist with species and their critical habitat. We support the goal of the Endangered Species Act (ESA) to prevent

extinction of species and the negative effects extinction has on ecosystems that also support human life.

We understand the Committee is considering H.R. 1897, The Endangered Species Act Amendments Act of 2025, and appreciate the opportunity to provide our support for the legislation as well as our comments and concerns related to ESA Section 7 consultation for maintenance and other project permitting.

Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under Endangered Species Act (ESA) Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the existing baseline condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the existing structure's continued existence on species and habitat for decades into the future. This essentially required all port and marina maintenance projects to undergo lengthy formal consultation for even the most basic maintenance work and the effects calculation dramatically increased the costs of maintenance and other projects.

We had over \$1.5 million dollars in grants to do a 2.5 million dollar project which included moving our moorage out into deeper water to avoid having to ever dredge under the marina that we had to return to Washington State RCO because we were unable to get our permits in time before the grants expired.

We returned the money and are still working on permits but due to the ESA, it is estimated that our mitigation cost on the 2.5 million dollar project will be 900 thousand dollars which at this time we aren't sure we can come up with.

We did maintenance dredging seaward of our boat ramp in 2023 and we had to do mitigation for the sediment that had filled up the area that had been previously dredged twice at a cost of close to 80 thousand dollars.

Nothing is more frustrating than when ports and marinas have maintenance projects that will repair and strengthen infrastructure while making water quality and habitat improvements like removing creosote and other toxic materials, replacing overwater structures with light penetrating decking but then cannot get through the permitting process as a result of the increased mitigation costs and construction delays.

Our organization supports H.R. 1897, The Endangered Species Act Amendments Act of 2025, as it will restore the commonly understood definition of environmental baseline for the purposes of ESA Section 7 consultations for maintenance and building permits. It will ensure consistent application of the environmental baseline nationwide. It will also ensure that organizations like ours pay reasonable mitigation for proposed maintenance and building actions. For ports and marinas to remain competitive, maintain safe operations, and avoid negative environmental impacts from decaying structures, our infrastructure must be maintained. This legislation will assist in providing a consistent, predictable, and cost-effective permitting process. We appreciate the Committee's consideration of this legislation to address our concerns and urge passage of HR 1897 as swiftly as possible.

Respectfully submitted,

Ed Scholfield,  
Commissioner President

Rick Slate  
Port Commissioner

Caleb Reese  
Port Commissioner

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**National Endangered Species Act Reform Coalition**

March 21, 2025

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

Re: Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman:

On behalf of the National Endangered Species Act Reform Coalition (NESARC), I am writing to express our strong endorsement of the Endangered Species Act Amendments Act of 2025.

This important legislation introduces vital reforms to the Endangered Species Act (ESA) by instituting clear statutory definitions, concentrating on species recovery, and streamlining the ESA permitting process. The measure also offers incentives for the recovery of listed species, promotes accountability for agency actions, and establishes safeguards against frivolous litigation.

The ESA is now over 50 years old but has remained unauthorized for more than three decades. There are currently more than 1,650 species listed as threatened or endangered within the United States. Regrettably, only three percent of these listed species have achieved recovery.

While the original intent of the ESA was to conserve and protect American plant and wildlife species threatened with extinction, the law has increasingly been utilized to obstruct projects and deter the lawful use of privately-owned land. NESARC and its members are dedicated to advocating for effective and balanced legislative and administrative enhancements to the ESA that will support the protection of fish, wildlife, and plant populations, as well as responsible land, water, and resource management.

Having learned numerous lessons since the law's enactment in 1973, it is imperative that the ESA adapts to encourage innovative and proactive efforts by state and local governments, private landowners, industry, and other stakeholders to recover species. The ESA requires updates and improvements to provide new tools that will benefit species and incorporate pragmatic modifications based on decades of implementation. NESARC firmly believes that the Endangered Species Act Amendments Act of 2025 will fulfill these objectives.

On behalf of the agricultural interests, cities and counties, commercial real estate developers, conservationists, electric utilities, energy producers, farmers, forest product companies, home builders, landowners, oil and gas companies, ranchers, water and irrigation districts, and other businesses and individuals throughout the United States that NESARC represents, we stand ready to offer our assistance as the Endangered Species Act Amendments Act of 2025 moves through the legislative process.

We thank you for your continued leadership on advancing long-overdue improvements to the ESA. Please do not hesitate to contact me or NESARC Executive Director Jordan Smith if we can provide additional information or be of assistance.

Sincerely,

SHELBY HAGENAUER,  
 NESARC Chair

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**Colorado River Energy Distributors Association**

March 21, 2025

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

Re: HR 1897, the ESA Amendments Act of 2025

Dear Chairman Westerman:

On behalf of the Colorado River Energy Distributors Association (CREDA), I write to express my appreciation and support for your legislation, H.R. 1897, the ESA Amendments Act of 2025.

CREDA is a regional association of the not-for-profit customers of the federal Colorado River Storage Project (CRSP). CREDA members serve over 4.1 million customers in the Colorado River Basin, and represent the majority of the CRSP hydro-power customers.

CREDA's members hold contracts with the Western Area Power Administration for delivery of hydropower generated by the CRSP system and have long supported and paid for Endangered Species Act (ESA) activities to protect endangered and threatened species in the Colorado River. Since 1993, CRSP power customers have funded over \$586 million for the Upper Colorado and San Juan Recovery Implementation Programs (RIPs) and the Glen Canyon Dam Adaptive Management Program (GCDAMP). A positive result of these efforts was the 2021 downlisting of the humpback chub from endangered to threatened. Since downlisting, the Grand Canyon population of humpback chub has continued to grow and thrive, with estimates increasing from approximately 12,000 adult fish centered mostly around the confluence of the mainstem and Little Colorado River (USFWS 2020) to nearly 100,000 adult fish now found in two population centers; one still at the confluence with the Little Colorado River and the other further downstream in western Grand Canyon. Another endangered fish species native to the Colorado River, the razorback sucker, was similarly proposed for downlisting by the U.S. Fish and Wildlife Service in 2021 and its status remains under review at this time.

The ESA Amendments Act would help realize the benefits of recovering species while avoiding costly experiments, duplicative efforts, and regulatory uncertainty for stakeholders that live and work in areas where protected species are found.

Currently, CREDA members are concerned about experimental actions that began last summer at Glen Canyon Dam to protect humpback chub from predatory and invasive smallmouth bass that appear to be establishing below the dam. In 2024, the Bureau of Reclamation finalized a Record of Decision and began implementing bypass flows that reduced hydroelectric production at Glen Canyon Dam. The experiment, while aimed to disrupt smallmouth bass below the dam, implemented the most extreme course of action when other options may have been capable of producing similar beneficial effects at much lower costs. Meanwhile, as noted above, the humpback chub continues to flourish, with much scientific uncertainty as to what real risk smallmouth bass establishment below the dam may pose to this humpback chub population further downstream in Grand Canyon.

Provisions of the ESA Amendments Act (such as Sec. 301) are focused on maintaining clear standards for species recovery. These provisions advance an objective to delist species like the humpback chub when they no longer need protections under the ESA. Delisting the humpback chub would help provide regulatory certainty to stakeholders that depend on Colorado River water and power resources. Other provisions, including requiring transparency in critical habitat designations (Sec. 401) and providing an analysis of impacts and benefits of determinations of endangered or threatened status for species (Sec. 405) would also help to focus regulatory actions on relevant criteria.

Finally, requiring federal agencies to establish objective, incremental recovery goals for species in preparation for down- and de-listing species (Sec. 301) would help lead to recovery and removal of healthy and flourishing species from the endangered and threatened species lists.

CREDA endorses the ESA Amendments Act of 2025 as common-sense legislation that balances species conservation and recovery with water and power reliability in the Colorado River Basin. We believe that under this legislation, protected species in the Basin will continue to thrive and even be removed from the ESA list, which could lead to an end of voluntary experimental actions by Federal agencies that raise the cost of electrical power while also lowering the reliability of the electric grid for millions of people in the West.

Sincerely,

LESLIE JAMES,  
Executive Director

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**Statement for the Record**

**Dan Keppen, Executive Director**

**FAMILY FARM ALLIANCE**

On behalf of the Family Farm Alliance (Alliance), thank you for the opportunity to present this testimony today on The Endangered Species Act Amendments Act of 2025 (H.R. 1897), a bill aimed at improving the Endangered Species Act (ESA) by clarifying provisions that have created significant challenges for farmers, ranchers and water managers across the West without corresponding outcomes for species. This bill, introduced by Rep. Bruce Westerman (R-AR), modernizes the ESA and its implementing regulations to provide clearer direction to the federal agencies in applying and enforcing the law. The Alliance strongly supports H.R. 1897, and we thank Chairman Westerman for his leadership on this important bill.

**About the Family Farm Alliance**

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. We are committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental and national security reasons—many of which are often overlooked in the context of other national policy decisions. The American food consumer nationwide has access to fruits, vegetables, nuts, grains and beef throughout the year largely because of Western irrigated agriculture and the projects that provide water to these farmers and ranchers. The Alliance is a key player in the context of Western water resource management and how this important function is impacted by implementation of federal laws and regulations.

**Agency Implementation of the ESA**

A prime factor concerning Western irrigators is the employment of the ESA by federal agencies as a means of protecting endangered or threatened aquatic species under the law by focusing on one narrow stressor to fish: water diversions. In recent decades, increasing numbers of Western irrigators in places like California's Central Valley and the Klamath River Basin have seen such listings lead to federal fishery agencies focusing on one narrow stressor to fish: the diversion of water to irrigated farms and ranches in the West. In Central Oregon, the listing of the spotted frog has also resulted in disproportionate attention paid to irrigation. In the Pacific Northwest, 13 species of ESA-listed salmon and species in the Columbia and Snake River basins affect all water-related activities in a watershed area roughly the size of France.

The Western producers we represent have seen firsthand the economic impacts that can accompany ESA single species management. ESA consultations and biological opinions often add prohibitively costly mandates to any action that could remotely be determined by federal agencies as impacting or harming species or habitat, whether the species exists in the areas designated or not. Litigation that often surrounds ESA listings and federal agency management decisions dramatically drives up costs and increases uncertainty for farmers and ranchers who rely on federal water projects located in areas where ESA-protected fish and wildlife live.

The Alliance has consistently and strongly supported efforts to reform the ESA and its implementing regulations—that would provide clearer direction to the agencies in applying and enforcing the law. Key issues include more transparency on how critical habitat designations are determined and administered, factoring the economic impacts of ESA listings and critical habitat designations, making clear

what is needed to de-list the species, giving deference to state and local efforts to recover species, ensuring proper involvement of water users and other stakeholders, and respecting state water laws. For decades, the Alliance has advocated that collaboration, coordination and cooperation—as opposed to conflict and litigation—are keys to successful implementation of the ESA in a way that actually leads to recovery of the species. The Alliance in November 2021 developed a detailed comment letter (attached to this testimony) to federal fisheries agencies that reaffirmed the support the organization placed behind the substance and process used to finalize the 2019 Trump Administration’s ESA rules that were rescinded in 2021 by the Biden Administration.

“Boots-on-the-ground” efforts and actual recovery of species should define success under the ESA, not endless litigation and what appears to be the opportunistic pursuit of taxpayer-funded attorney’s fees by certain environmental groups. These environmental lawsuits are the poster child for what has become an environmental litigation industry. While others are busy fixing the problems outside the courtroom—such as collaborative efforts by ranchers to prevent listing of the Western sage grouse—litigious groups continue to drain resources and time, slowing or hindering projects, and distracting everyone from achieving the real goals of the ESA.

Our members are often directly impacted by implementation of federal laws, including the ESA, due to the potential for their Western irrigation projects to impact listed species or their critical habitat. A constant frustration our members have experienced with the implementation of the ESA and analogous processes is the lack of accountability for success or failure. There is a demonstrated lack of empirical measure of the success or failure of mitigation measures (or the Reasonable and Prudent Alternatives), and most important, adjustment of those measures, as a result. Right now, the law does not specifically hold federal implementing agencies accountable for failures or for the wasteful use of resources, including water at the expense of state water law and water users. It only provides for the protection of the species, at all costs, but only within their agency’s authority.

#### **The Destructive Tactics of the Environmental Litigation Industry**

A 2024 *Capital Press* review of Internal Revenue Service filings by 20 nonprofit environmental organizations active in the West found they have total net assets of nearly \$2 billion. The net assets listed in the most recent tax filings available range as high as \$462 million for the Natural Resources Defense Council and \$487 million for American Society for the Prevention of Cruelty to Animals. Past research into litigation associated with federal environmental laws has uncovered some unsettling facts: the implementation of the ESA appears to have produced more paper than realization of actual on-the-ground species and habitat improvement.<sup>1</sup> Regrettably, millions of taxpayer dollars have been spent by federal agency attorneys either defending litigation over the ESA or on actions to avoid anticipated litigation. This is precious money that could be used to recover species or to ensure policies that will balance species with economic activity and jobs.<sup>2</sup>

Tax exempt, non-profit organizations are essentially receiving attorney fees from the federal government . . . for suing the federal government. Funds awarded to the “prevailing” litigants are taken from the “losing” federal agencies’ budget. There is no oversight in spending this money, which could otherwise be funding on-the-ground programs to protect public lands, national forests, ranchers, fish and wildlife and other land uses.

Western producers who have seen firsthand the economic impacts that can accompany ESA single species management are wary and concerned. Decades of closed-door, “sue and settle” litigation practices create justifiable concerns about the data and science behind ESA listings and federal agency management decisions and adds a whole new level of costs and uncertainty for farmers and ranchers who rely on federal water projects, mostly in the West. With the possible addition of several hundred new species to the ESA list, there are also concerns that other agencies—including the Environmental Protection Agency over Clean Water Act permit decisions and the Federal Emergency Management Agency’s floodplain guidelines—will be forced to consult with federal wildlife officials over the impacts of its decisions to the hundreds of newly protected species. Finally, given the size of the U.S. Fish and Wildlife Service (FWS) budget for these consultations, and the aggressive timelines set by the court as part of settlements, there is certain to be a great deal

<sup>1</sup>U.S. House of Representatives Committee on Oversight and Government Reform, Subcommittee on the Interior “Barriers to Endangered Species Act Delisting Part 1”

<sup>2</sup>U.S. House of Representatives Committee on Natural Resources Oversight Hearing on “Taxpayer-Funded Litigation: Benefitting Lawyers and Harming Species, Jobs and Schools”



of incomplete, outdated, and otherwise inadequate science and a lack of current data going into these listing decisions.

#### **Biden-Harris Administration ESA Rulemaking**

The Biden White House approved changes to the ESA regulations, reversing most of the Trump-era ESA improvements from 2019. These changes, promulgated by the FWS and National Marine Fisheries Service (NMFS), have sparked renewed debate and are likely to face further litigation. The revisions address critical elements of the ESA, such as the designation of critical habitat and defining terms like “foreseeable future” for assessing species status. The Biden rules reinstate a default policy for threatened species to receive strict protections unless a special rule is created. Additionally, federal agencies must consult with FWS and/or NMFS before authorizing actions on designated critical habitat.

While the Biden-era ESA regulation changes have drawn varied reactions, including criticism from environmentalists who feel more aggressive action is needed, they mark a significant negative shift in ESA implementation toward stricter protections for endangered and threatened species. Notably, the Biden ESA regulations took out the previous Trump Administration’s important reform that listing decisions should consider economic impacts. Moreover, they reversed some of the first Trump Administration’s 2019 amendments related to Section 7 consultation, which had clarified correctly what is and is not part of the environmental baseline of federal-related projects.

#### **The Endangered Species Act Amendments Act of 2025**

Enacted more than fifty years ago, the ESA was an important and historic piece of legislation intended to preserve and recover species, and though we are disappointed in the relatively low level of success over five decades, there are instances where we have seen successes that should be encouraged. For example, successful programs, such as the Colorado River Basin Recovery Programs and the Little Snake River Watershed initiatives, demonstrate how collaborative efforts between federal agencies, states, landowners, and local stakeholders can lead to effective species conservation while balancing human needs like water use and agriculture.

Unfortunately, since ESA’s enactment the norm is not these success stories but instead, increasing and more frequent overreaching by federal agencies and abuse by serial litigators that severely hampers communities with little or sometimes actually negative progress toward recovering species. It is clear that meaningful changes are necessary, and this legislation is a major step in the right direction.

H.R. 1897, House Natural Resources Chairman Bruce Westerman’s legislation to reform the ESA, includes many of the previous provisions of H.R. 9533—the bill he introduced in the 118th Congress that was approved by the Committee in September 2024—including prioritization of ESA listing determinations, incentivizing state, local, tribal and private conservation agreements and permits, disclosure and capping payment of ESA-related attorneys’ fees. However, the new bill includes some important additions and edits from the previous bill, including:

- **Transparency of Federal ESA Decisions**—The new bill requires not only that the data used by FWS and NMFS in listings decisions be published on the internet, but also stipulates that data used to determine critical habitat for ESA species also be published on the internet.
- **Clarifies Criteria for Critical Habitat Determinations**—The new bill clarifies that “habitat” is defined more precisely for settings where processes include resources necessary to support one or more life processes of the species, does not include areas visited by vagrant individual members of the species, and if life processes are not supported in a setting, a threatened or endangered species must be able to access other areas necessary to support its remaining life processes.
- **Clarifies the Definition of Conservation of Species to Encourage Transplantation**—The new bill would remove restrictive language from ESA’s definition of “conserve; conserving; and conservation” such that the Secretary has greater discretion to utilize transplantation to conserve species not just in “extraordinary cases.”
- **Defines Existing Structures to be in “Environmental Baseline” under Section 7**—The bill would state that existing structures and facilities, such as irrigation diversion dams, canals and water storage dams, are considered to be in the “environmental baseline” for section 7 consultations rather than requiring “ongoing impacts to listed species or designated critical habitat from existing facilities or activities not caused by a proposed action.”

- **Adds New Section Encouraging Section 10 Conservation Plans**, including exempting them from Section 7 consultation and NEPA incidental take permits.
- **Requires Agencies to Make Delisting Determinations**—Upon a Secretarial determination that recovery goals have been met, the Secretary would be required to review and determine whether a species should be removed from the ESA list—something not part of the law.
- **Requires Review of Effectiveness of Reasonable & Prudent Alternatives/Measures**—To streamline the permitting process, the bill includes a provision requiring the federal agencies review the effectiveness of RPAs/RPMs to determine whether such RPAs/RPMs are likely to help species recovery in subsequent ESA consultations and requires them to discontinue them if the Secretary determines that the RPAs/RPMs won't materially improve species or timeline of recovery.
- **Clarifies that “Commercial Data” Should be Factored as to Action’s Effects**—Current law presumes “in favor of the species” on the determination of whether an action is reasonably certain to affect a species. The new provision requires consideration of the *actual data*.
- **Clarifies “Jeopardy” Under Section 7**—Requires the Secretary to first consult with affected states prior to a jeopardy determination, and more accurately clarifies that jeopardy determinations are only critical if the Secretary determines, based on best scientific and commercial data available, that the effects are reasonably certain to be caused by the action proposed.
- **Includes Provision to Restore Congressional Intent to Limit Federal ESA Regulations**—H.R. 1897 requires the Services to disclose to Congress all costs associated with ESA-related lawsuits. It further places a cap on the award of attorney’s fees to successful litigants in line with the Equal Access to Justice Act, rather than allow litigious groups to be paid hundreds of dollars an hour in taxpayer-funded attorneys’ fees.
- **Adds Required Consideration of ESA Listing effects on Human Health and Safety**—Importantly, the legislation requires an analysis of the economic impacts and national security impacts of each listing and critical habitat determination. It further clarifies that these analyses do not change the listing criteria set out by the ESA.

We are also supportive of the bill’s provisions to define “Best Scientific and Commercial Data” to include data submitted by States, Tribes and local governments—those closest to the ground and with the best track record of helping actually get species off the list or protect them from being listed in the first place. We reaffirm our belief that relatively greater weight should be given to actual data that has been field-tested or peer-reviewed, rather than static studies performed decades ago with no peer review. The former requirement would help clarify when such things as “personal observations” or mere folklore are considered by the agencies to be reliable enough to make decisions with potentially profound effects.

Even though Congress itself passed the ESA, we all know how difficult it is for Congress to now amend the ESA, even with the intention to improve it. However, there is considerable discretion in *how* the ESA is implemented. Given the significant scientific uncertainty with many listed species and the ecosystems in which they reside and the failure of the ESA regulators to look more holistically at the many varied stressors affecting them, the agencies need to step back and rethink the consequences of their actions. Even though the ESA does not require the human consequences of their decisions to be considered, it does not prohibit such consideration. Understanding the impacts on people that come with ESA decisions is simply good public policy. To ignore how people are affected is simply bad public policy. This concern and others deserve further consideration from Congress.

### Conclusion

The Family Farm Alliance believes the Subcommittee’s efforts to consider legislation that would modernize the ESA and make it a more effective tool for conservation are greatly appreciated and commendable. We strongly support H.R. 1879—the ESA Amendments Act of 2025 and encourage its swift passage to improve the balance between species protection and economic and resource-use considerations.

Farmers, ranchers, and some conservation groups know that the best water solutions are unique and come from the local, watershed, and state levels. They know we need policies that encourage agricultural producers, NGOs, and state and federal

agencies to work together in a strategic, coordinated fashion. They understand that species recovery and economic prosperity do not have to be mutually exclusive.

We believe the enactment of H.R. 1897 will help meet the challenges our farmers and ranchers face with the current implementation of the ESA. It is our hope that Congress will embrace the core philosophy previously stated: the best solutions are driven locally by real people with a grasp of “on-the-ground” reality and who are heavily invested in the success of such solutions.

Western irrigated agriculture is a strategic and irreplaceable national resource important to both our food security and our economy. It must be appreciated, valued, and protected by the federal government in the 21st Century.

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Attachment A: Family Farm Alliance letter to Ms. Bridget Fahey, USFWS

The full document with attachment is available for viewing at:

<https://docs.house.gov/meetings/II/II13/20250325/118016/HHRG-119-II13-20250325-SD013.pdf>

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### Statement for the Record

**Dena Horton, Deputy Director  
Pacific Northwest Waterways Association**

Chairman Westerman, Chairwoman Hageman, Ranking Member Hoyle, and Members of the Subcommittee:

Thank you for the opportunity to provide this testimony. My name is Dena Horton, and I serve as the Deputy Director of the Pacific Northwest Waterways Association (PNWA). PNWA is a non-profit, non-partisan trade association that advocates for federal policies and funding in support of regional economic development. Founded in 1934, our membership has grown to over 150 entities and includes ports, public utilities, farmers, forest product producers, and public agencies that support navigation, transportation, energy, trade, and economic development throughout the Pacific Northwest.

We take our mission of providing economic development and jobs for our region seriously along with ensuring environmental stewardship so our navigation infrastructure can coexist with species and their critical habitat. We support the goal of the Endangered Species Act (ESA) to prevent extinction of species and the negative effects extinction has on ecosystems that also support human life.

### Environmental Baseline and Conservation Calculator

In order for ports, marine terminals, and marinas to perform maintenance on their existing infrastructure and to build new infrastructure in environments with ESA listed species in the area, they must secure permits. Most often these maintenance or new project permits are through the U.S. Army Corps of Engineers as the lead agency, but if grants from other federal agencies are involved, then sometimes the U.S. Department of Transportation's Maritime Administration (MARAD) Federal Highways Administration or even the Federal Rail Administration may be the lead agency for a permit. The lead agency will need to consult with NOAA Fisheries and U.S. Fish and Wildlife Service (USFWS) to ensure the ESA Section 7 consultation process is completed for the maintenance or new project permit.

As we understand it, Congressional intent for the ESA and other environmental legislation is that the law be implemented consistently across the country by federal agencies. While species, topography, climate, and other ecosystem factors may be different from region to region, the process by which the laws are interpreted and implemented through regulation by federal agencies is intended to be consistent. Consistent application of regulations and procedures in implementing the ESA will ensure that no one region is put at a competitive disadvantage compared to others. Regardless of which port, marine terminal, or marina is applying for a maintenance or development permit, the process to receive the permit and to determine the appropriate level of mitigation should be the same.

However, beginning in 2018, without conducting any economic impact analysis or stakeholder engagement with the regulated public, the West Coast Region Office of NOAA Fisheries internally began applying a different definition of the environmental baseline than what was commonly understood from previous practice under ESA Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the environmental baseline

condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the structure's continued existence in the environment on species and habitat for decades into the future, typically between 30–50 years. This essentially required all port and marina maintenance projects to undergo lengthy formal consultation even for the most basic maintenance work and the effects calculation dramatically increased the costs of maintenance and other projects.

The Corps initially did not agree with the new interpretation and did not believe they had the authority to require mitigation for maintenance projects under the ESA. NOAA Fisheries negotiated and entered into a Memorandum of Resolution with the Corps in 2022. Under the Memorandum, the Corps agreed to adopt NOAA Fisheries' new interpretation of environmental baseline and increased mitigation requirements for maintenance projects under the Corps' regulatory program and to apply it nationwide. However, the only region where this agreement was being formally implemented was in the West Coast Region, most acutely in Puget Sound. In May 2023, Representative Cliff Bentz (OR-2) requested a formal legal opinion from NOAA Fisheries' counsel explaining how the Memorandum did not constitute Administrative Rulemaking. To my knowledge, he did not receive a formal reply.

In June 2023, NOAA Fisheries and USFWS proposed the Agency Coordination rulemaking to formally change the environmental baseline and increase mitigation (also known as "conservation offsets") for maintenance projects during the ESA Section 7 consultation process. Under this new interpretation of environmental baseline, the agencies are not including the existing structure and its current/previously permitted effects as part of the existing baseline condition. The rule was finalized in March 2024 as proposed noting that public comments were dismissed.

As you can imagine, the mitigation or conservation offset requirements for the existence of the entire project for 30–50 years substantially increases costs to even the most basic maintenance project. It also makes projects such as removing creosote pilings and replacing them with steel and removing overwater dock structures and replacing them with light penetrating grated decking excessively costly even though the end result would improve water quality and salmon habitat, maintain the existing footprint of the structure, and not change the structure's intended purpose.

Under this new conservation offset scheme, there is no more "one and done" mitigation for a project. Under this new environmental baseline interpretation, if an entity performs maintenance and pays the conservation offset, they will have to pay it again in the future. If maintenance is needed again or on a different segment of the structure, then more conservation offsets would be required even though it was paid under the previous maintenance permit. The amount of conservation offset would take into account the amount previously paid, but the entity would be responsible to pay for the entire structure's existence for the length of time the structure's useful life was extended beyond the last time conservation offsets were paid. Applicants end up mitigating for the structure's existence over and over again.

To implement this policy on the ground and assess the conservation offsets required, the West Coast Region Office of NOAA Fisheries developed a conservation calculator that is applied to the Puget Sound only and nowhere else in the country. This calculator was designed based on waterfront residential development and not permanently modified industrial environments like those found at ports, marine terminals, and marinas. Unfortunately, the conservation calculator results generate excessively high mitigation costs even for the most routine maintenance activities that previously were permitted through informal consultation and rarely required additional mitigation.

PNWA has port members that have seen their maintenance project costs for marina dredging, dock repairs, and other activities increase between 20% to 80%. In some cases, the cost of the conservation offset mitigation exceeds the cost of the maintenance project. As a result, one of our rural ports has completely given up trying to perform in-water maintenance work on their docks. At some point, their docks will not be safe for human use and will eventually fail. Infrastructure that cannot be maintained and collapses into a water environment has a negative effect on species and the habitat too.

As a result of undergoing formal consultation, Corps nationwide permits for maintenance projects are delayed and often take two or three years to complete. In addition to hiring more consultants to complete modeling, studies, and permit applications, the project costs also increase over time as the costs of materials, mitigation, and inflation increase. PNWA has members with federal and state grants in jeopardy of being returned because permits cannot be secured in a timely manner.

to execute or obligate the grant funding and the amount of funds from the grant may no longer cover the increased cost of the project and the mitigation. This leaves the applicant scrambling to find additional funds by delaying other projects or potentially deferring the maintenance project altogether.

#### **Real Stakeholder Engagement and Economic Impact Analysis**

For the 2024 Agency Coordination rule finalized by NOAA Fisheries and USFWS, the agencies pre-determined that the rule was not an “economically significant rule” on the front end of the process so they did not perform robust economic impact analysis and stakeholder engagement from the start. The agencies acknowledged they received input from stakeholders and essentially finalized the rule as they proposed it. During the ESA Section 7 consultation process, when ports point out that the conservation calculator results represent dramatic increases in costs, NOAA Fisheries response is that they cannot consider the cost, only what is best for the species. When the agencies fail to engage the regulated community in advance of rulemaking, fail to do adequate economic impact analysis on the front end of rulemaking, and then ignore comments from the regulated public during rulemaking, they should not act surprised when applicants raise concerns about the dramatic cost increases the agencies ignored from the beginning. The rulemaking process does not feel like a transparent, inclusive process that ends up achieving buy-in from the regulated public. PNWA supports more robust economic impact analysis and stakeholder engagement on the front end of the rulemaking process.

#### **Addressing Additional Significant Delays in the Consultation Process**

Currently, NOAA Fisheries and USFWS have 135 days to process a formal consultation under ESA Section 7 once the agencies determine the project permit application is complete. However, this is not truly reflective of the time it takes for consultation.

It typically takes about six months of working with the action agency, like the Corps, before the Corps has enough project information to transmit the application to NOAA Fisheries and USFWS for ESA Section 7 consultation. The 135 day clock does not commence once the Corps transmits the application information. It begins once NOAA Fisheries and USFWS have assigned a project number, assigned a biologist to review the application for sufficiency, and once the agencies have determined they have enough information about the project to proceed to consultation. If they don't have enough information, the applicant will likely need to do additional modeling, research, and respond to the agencies' questions which can take even more time. It can take 9 months to a year to get to the point where NOAA Fisheries and USFWS have enough information to proceed to consultation. From the applicant's perspective, 18 months have passed since their application was first submitted to the Corps and the agencies are finally ready to start the 135-day consultation shot clock. Meanwhile, the applicant cannot start putting out their project for bid because they don't have permits in hand and their two-year grant funding time limit is running out. Improvements are needed to cut down on the delay caused by the time it takes for NOAA Fisheries and USFWS to acknowledge receipt of the application, assign a project number, complete the sufficiency review, and ensure completion of the consultation within the statutory time limit.

#### **Conclusion**

PNWA supports the environmental baseline clarification in H.R. 1897, the Endangered Species Act Amendments Act of 2025 as it aims to restore the widely accepted definition of environmental baseline for ESA Section 7 consultations related to maintenance and building permits. This legislation will ensure that only the maintenance action and effects of the maintenance action are addressed in the permitting process. This legislation will promote a consistent application of the environmental baseline nationwide and ensure that mitigation costs are reasonable for proposed activities. Ports, marine terminals, and marinas need a timely, predictable, and cost-effective permitting process to maintain infrastructure, supply chains, competitive trade while promoting sustainable waterways for navigation and species.

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**Port of Edmonds**

March 21, 2025

Hon. Bruce Westerman, Chairman  
 Hon. Jared Huffman, Ranking Member  
 House Natural Resources Committee  
 1324 Longworth House Office Building  
 Washington, DC 20515

Hon. Harriet Hageman, Chairman  
 Hon. Val Hoyle, Ranking Member  
 Subcommittee on Water, Wildlife and Fisheries  
 1324 Longworth House Office Building  
 Washington, DC 20515

Re: H.R. 1897—The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle:

Endangered species, including the iconic Southern Resident Killer Whale and salmon, are critical elements of the culture of the Pacific Northwest and support economic activity and jobs across our region. Ports and marinas in the Northwest seek to be good waterfront stewards of the environment. The Port of Edmonds (“The Port”) is no exception.

The Port has worked to ensure improvements to Port infrastructure positively benefit our maritime environment. This includes our ongoing effort to replace the Edmonds marina boardwalk, known as the Portwalk. We take our mission of providing economic development, recreation, and jobs for our community seriously along with ensuring environmental stewardship so our maritime infrastructure can coexist with species and their critical habitat. We support the goal of the Endangered Species Act (ESA) to prevent extinction of species and the negative effects extinction has on ecosystems that also support human life.

We understand the Committee is considering H.R. 1897, The Endangered Species Act Amendments Act of 2025, and appreciate the opportunity to provide our view on the legislation. In particular, we support the elements of the legislation that reform ESA Section 7 consultation processes in order to provide a clear regulatory framework in which we can improve our existing infrastructure to both provide environmental benefits while creating and sustaining local jobs and economic activity.

Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under Endangered Species Act (ESA) Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the existing baseline condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the existing structure’s continued existence on species and habitat for decades into the future. This essentially required all port and marina maintenance projects to undergo lengthy formal consultation for even the most basic maintenance work and the effects calculation dramatically increased the costs of maintenance and other projects.

As noted above, the Port is currently in the permitting process for replacement of segment of existing boardwalk and underlying bulkhead within the marina. Despite the fact that the bulkhead will be moved landward of its existing location and boardwalk will maintain area of over water coverage and provide improved light transmission to underlying aquatic habitat (i.e. existing wood boardwalk to be replaced with concrete/glass block surface), we have been required to provide conservation credits under the Salish Sea Nearshore Programmatic Biological Opinion (NMFS No. WCRO-2019-04086), costing approximately \$245,000 for purchase of mitigation bank credits. This represents a significant cost escalation for the project and comes despite it incorporating environmentally beneficial activities such as the removal of creosote-coated pilings and the installation of light penetrating decking to support juvenile salmon.

As you consider H.R. 1897, we urge you to include in the committee-passed legislation language that will restore the commonly understood definition of environmental baseline for the purposes of ESA Section 7 consultations for maintenance and building permits. This will ensure consistent application of the environmental baseline nationwide. It will also ensure that organizations like ours pay reasonable mitigation for proposed maintenance and building actions. For ports and marinas to remain competitive, maintain safe operations, and avoid negative environmental impacts from decaying structures, our infrastructure must be maintained. This language will assist in providing a consistent, predictable, and cost-effective permitting process.

We appreciate the Committee's efforts to address this issue. Thank you for your consideration.

Sincerely,

ANGELA HARRIS,  
Executive Director

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### Port of Kalama

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: H.R. 1897—The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle:

The Port appreciates your efforts to review and update the Endangered Species Act (ESA). This legislation is an important step to enable the ESA to protect species and critical habitat while also accommodating people and businesses.

The Port of Kalama's mission is economic development, and we undertake that mission in consideration of both the natural and built environment in which we work. The Port has deep draft berths for export and import, light and heavy industrial facilities, a marina, and parks. This infrastructure is important to the regional economy and recreation, and it periodically requires maintenance.

Up until 2018, the Port was able to conduct maintenance of existing infrastructure such as ship berth basins, industrial docks, and a marina reasonably expeditiously. When a berth basin needed dredging, or dock or marina required pile replacement to maintain safety and integrity, the Port was able to conduct maintenance by complying with typical best management practices to minimize effects of the action. The existing infrastructure was considered part of the environmental baseline.

Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under ESA Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the existing baseline condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. Prior to this new interpretation, it was typically sufficient for our maintenance projects to follow best management practices, and the projects did not require additional compensatory mitigation. However, after NOAA's new interpretation of environmental baseline, our maintenance projects required mitigation in the permit process. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the existing structure's continued existence on species and habitat for decades into the future. This essentially required all port and marina maintenance projects to

undergo lengthy formal consultation for even the most basic maintenance work and the effects calculation dramatically increased the costs of maintenance and other projects. This resulted in delays to projects, and if the mitigation costs were too great, resulted in delayed maintenance actions.

When NOAA redefined the environmental baseline, our maintenance projects became complex and resulted in increased costs and permitting delays, and the Service required compensatory mitigation beyond the typical BMPs that sufficed in previous years for the exact same action. Port projects such as maintenance dredging resulted in mitigation requirements even though the dredging area and quantity was the same. Pile replacement projects to maintain docks required compensatory mitigation even though the pile number and size of the structure was the same.

The Port supports H.R. 1897, the Endangered Species Act Amendments Act of 2025. It is our hope that it will restore the commonly understood and historically applied definition of environmental baseline for ESA Section 7 consultations for maintenance and building projects. A modernized ESA will ensure that any mitigation requirements are reasonable and tied to documented impacts. The proposed amendment will modernize the ESA and its implementing regulations so the federal agencies have clearer direction to evaluate projects in an ESA Section 7 consultation, and provide more predictability and consistency for our projects. Thank you for your consideration of this legislation to address our concerns. We support the timely passage of HR 1897 and appreciate the opportunity to provide our comments in support of this legislation.

Respectably submitted,

TABITHA REEDER,  
Director of Environmental Services

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**American Farm Bureau Federation**

March 24, 2025

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chair Hageman and Ranking Member Hoyle:

Thank you for holding a hearing on H.R. 1897, the “ESA Amendments Act of 2025,” legislation introduced by Chairman Westerman and supported by the American Farm Bureau Federation. AFBF represents nearly six million farm and ranch members in all 50 states and Puerto Rico. We are farm and ranch families working together to build a sustainable future of safe and abundant food, fiber and renewable fuel for our nation and the world.

The ESA Amendments Act of 2025 modernizes a law that has not been updated in decades. Farmers, ranchers and foresters have been subjected to regulatory uncertainty due to shifting interpretations of key aspects of the Endangered Species Act by successive administrations. Chairman Westerman’s amendments aim to improve the efficiency and effectiveness of voluntary conservation efforts, provide greater certainty regarding definitions that affect listing decisions and streamline the Section 7 consultation process.

Farmers and ranchers play an important role in conservation, and Farm Bureau has long advocated for a modernized ESA which promotes voluntary programs that focus on species recovery and recognize landowners as essential partners in conservation. We appreciate Chairman Westerman’s work on the Endangered Species Act of 2025, which balances endangered and threatened species protection with landowner needs.

Sincerely,

ZIPPY DUVALL,  
President



**REPUBLIC OF ZAMBIA**

March 24, 2025

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

Hon. Harriet Hageman, Chairman  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chair Westerman and Chair Hageman:

I write to express the strong support of the Republic of Zambia, Ministry of Tourism, to the legislation proposing amendments to the U.S. Endangered Species Act (Endangered Species Act Amendments of 2025). Zambia has long opposed restrictions on the import of animals from our well-managed hunting programs. We welcome the U.S. Congress' recognition of our success in conservation and sustainable development, and efforts to reduce the burdens imposed by import restrictions.

The first and foremost priority of the Zambian government is sustainable development and the need to fight poverty, and Zambia relies upon sustainable development practices also to achieve wildlife conservation. Zambia has seen significant growth in most wildlife populations, including species listed under the U.S. Endangered Species Act, such as elephant and lion, over the past decade. This growth is due to important investments made by the government, private sector, and donors.

Zambia's conservation success and poverty reduction strategies include both consumptive and non-consumptive wildlife utilization. In this regard, regulated hunting is one of the components that Zambia relies upon due to the high level of benefits it can produce, tangible and intangible. Safari Operators need a healthy wildlife population in order for the sector to be viable. To achieve that they support the government in actions not only to increase protection of habitats and wildlife, but also in community development.

Funds generated from hunting and Safari Outfitter obligations are distributed to communities that continue to benefit from 50% of all animal fees via a network of Community Resource Boards. These CRBs, and Safari Operators through their lease agreements, invest in various social services and law enforcement.

Sustainable utilization has demonstrated ecological, economic, and social benefits and is a critical component of Zambia's overall conservation strategy. In Zambia, Game Management Areas and Open Game Ranches where safari hunting is conducted represent nearly 180,000 km<sup>2</sup> as compared to about 64,000 km<sup>2</sup> in National Parks that are strictly protected. Without the incentives provided by hunting, this habitat likely would be lost and converted to other, less optimal land uses that do not include wildlife.

Overall, the value of hunting cannot be measured only in financial terms. The value generated by hunting to habitat protection, law enforcement, and social benefits is crucial to maintain tolerance or species like elephants and lions. Income from hunting of all species continues to be important for the Ministry to undertake a wide range of conservation activities both inside and outside of Protected Areas. The participation of hunters from the United States or America in the Zambian hunting industry is key to contributing to the overall management and conservation of wildlife.

The Ministry and the Department of National Parks and Wildlife has built on its 10-year conservation strategy to put in place a hunting programme that contributes positively to conservation of wildlife throughout their range in Zambia. Moreover, by adhering to the 2021 IUCN/SSC "Guiding principles on trophy hunting," the Department has adopted best practices to implement and enforce sound governance systems to ensure the long-term conservation of Zambia's wildlife populations.

Zambia like other southern African range states has implemented best practices on large carnivores, elephants, and all wildlife subject to selective hunting. It is understood that our practices are even stronger than similar ones used in northern hemisphere countries. Yet despite our best efforts and the provision of countless pages of information to the U.S. Fish and Wildlife Service, the import of wildlife from Zambia has been subject to strict restrictions. In many instances, even after we have demonstrated “enhancement” apparently required by the U.S. Endangered Species Act, the U.S. Fish and Wildlife Service has required more. The success of Zambia’s robust hunting programme and sustainable-use conservation depends in large part on contributions from U.S. hunters. For this reason, the better U.S. hunters are able to hunt in Zambia and bring back the results of their hunts, the greater their contributions to Zambia’s sustainable use conservation strategy.

For this reason, the Ministry and Department support the proposed amendments. These will reduce burdens and improve conservation. They will strengthen the relationship between the Republic of Zambia and the United States of America by removing the obstructions of unfavorable wildlife policy. And they will benefit first and foremost the wildlife that we all appreciate and seek to conserve.

Sincerely,

HON. RODNEY SIKUMBA,  
Minister of Tourism

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**THE UNITED REPUBLIC OF TANZANIA**

March 21, 2025

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

Hon. Harriet Hageman, Chairman  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Endangered Species Act (ESA) Amendments Act of 2025

Honourable Chair:

I would like to inform you that Tanzania has set aside 32.5% of her land for wildlife conservation comprising 21 National Parks, 29 Game Reserves, 23 Game Controlled areas, 40 Community Wildlife Management Areas, 419 Forest Reserves and 20 Nature Reserves among others. The main use of National Parks, Game Reserves, Game Controlled Areas and Community Wildlife Management Areas is tourism and trophy hunting. The tourism industry, which is 80% wildlife-based, accounts for 17.2% of GDP, 25% of forex earnings, and over 1.6 million direct and indirect jobs. Hunting tourism is one of Tanzania’s major tourism products, conducted in areas covering about 260,677 km<sup>2</sup> of the country’s land surface. Tanzania ranks first in terms of lion, leopard, and buffalo population and has the third-largest population of free-ranging elephants in the world. It has the most updated elephant surveys in the region.

Biodiversity in these vast areas, where hunting tourism is the primary land use, is conserved through revenues generated from a highly regulated and sustainable harvest of huntable wildlife species. This very limited and in biological terms negligible offtake allows Tanzania to perform crucial conservation activities such as anti-poaching, and general wildlife conservation through sustainable management and community development. As such Tanzania is using tourism hunting as a way to counteract the negative effect of the growing human population and reduce human-wildlife conflict.

I am writing to express Tanzania’s support for the proposed bill, which intends to amend the “Endangered Species Act (ESA)” tabled for consideration in the United States House of Representatives. My understanding is that the proposed bill is considering aligning the provisions of the ESA with that of the Convention on

International Trade in Endangered Species of Wild Fauna and Flora (CITES) in importing and exporting Non-native threatened and endangered species. The Bill further, intends to change the permitting standard for non-native species from “enhancement” to “non-detriment,” by adopting the CITES NDF permitting standard.

The proposed Bill benefits both conservation efforts and the livelihoods of local communities in many African countries, including Tanzania. Cognizant that the United States of America is the major market for tourism hunting in Tanzania and that most hunters from the US prefer iconic African species such as elephant, lion, and leopard. The Bill will reduce the time currently spent by US Fish and Wildlife Service to assess on case by case, import applications for sport hunted trophies of species listed under ESA. This will allow Tanzania to export hunted trophies in the last decade, and rebuild confidence among hunters regarding hunting in Tanzania. Reducing the scope of assessment from Enhancement findings to NDF will give a range states confidence on the assessment conducted by their scientific authorities, and the commitment of the USA to abiding by the provisions of the CITES.

The proposed bill will facilitate growth and bouncing back of tourism hunting in Tanzania following a decline in 2016 due to the introduction of a case-by-case assessment of import applications under ESA. Therefore, reducing the scope of assessment from Enhancement Findings to NDF will enable hunters to get their trophies timely, attracting more business and improving revenue collection. Revenue generated will help Tanzania perform crucial conservation activities, support community livelihood through the investment underperform crucial conservation activities, and support community livelihood through investment in Community Wildlife Management Areas (WMAs).

Regulated and legal hunting is one of the most powerful tools for achieving sustainable biodiversity conservation and livelihood improvement in many parts of rural Africa, and Tanzania is no exception. Achieving this noble goal requires a strong and steadfast commitment from Tanzania and its conservation partners worldwide.

Honourable Chair, we thank you for your kind attention.

Sincerely,

DR. ALEXANDER L. LOBORA,  
Director of Wildlife

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**National Hydropower Association**

March 24, 2025

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

Re: H.R. 1897—“ESA Amendments Act of 2025”

Dear Chairman Westerman:

We write on behalf of our 320 member companies that represent over 80% of the hydropower fleet by capacity that employ 70,000 Americans and serve 30 million people in strong support of H.R. 1897 “ESA Amendments Act of 2025” (H.R. 1897 or the bill).

The National Hydropower Association (NHA) welcomes the House Committee on Natural Resources focus on improving federal environmental review and permitting in support of national energy goals. NHA’s members are uniquely positioned to benefit from long overdue modernization of the Endangered Species Act (ESA). These commonsense improvements will serve not only to ensure that the underlying mission of the ESA is maintained but improve the processes by which hydropower asset owners can undertake consultation that will improve certainty and lower costs for their customers.

### About the National Hydropower Association

NHA is a non-profit national association dedicated to securing hydropower as a baseload and reliable energy source. Its membership consists of more than 320 organizations, including public and investor-owned utilities, independent power producers, equipment manufacturers, and professional organizations that provide legal, environmental, and engineering services to the hydropower industry.

NHA looks forward to working with Congress to improve the permitting and regulatory processes for building and maintaining U.S. hydropower—a reliable, baseload, renewable energy resource. With accelerating load growth, including to support the surge in AI and data centers, and the need to build and expand upon our domestic electricity production, the time is now to modernize and finally resolve the complicated regulatory maze that is the licensing process for hydropower development in the United States. As detailed below, provisions in H.R. 1897 will continue to protect endangered species, while also providing project developers and owners greater certainty, more timely decision making with fewer delays, and reduced process costs.

### Improvements H.R. 1897 makes to the Endangered Species Act

NHA's members are uniquely positioned to provide recommendations to modernize the ESA. Not only is consultation required under the ESA, but the National Marine Fisheries Service and U.S. Fish and Wildlife Service (Services) may also provide recommendations for protection, mitigation, and enhancement of species (PMEs) under Section 10(j) of the Federal Power Act (FPA), which FERC shall accept unless inconsistent with law. The Services can also require mandatory fishway prescriptions under Section 18 of the FPA. Both the PMEs and fishway prescriptions are then ensconced in the license issued by the FERC. There is significant overlap in these authorities. NHA specifically identifies the following provisions from the bill that will improve the hydropower industry's implementation of the ESA:

- H.R. 1897 will require under Section 7 consultation, that the Services, define the past, present and future impacts from existing structures (e.g., dams) as part of the “environmental baseline.” The question of whether a structure is part of the environmental baseline should not depend on the extent of the action agency's discretion to remove that structure, but rather on whether it in fact exists already. H.R. 1897 will clarify that the Services continued practice of not including existing structures as part of the environmental baseline fly in the face of both pragmatism and common sense, but also contradicts existing analogous caselaw that supports using the existing project baseline for relicensing hydropower projects under the FPA and evaluation of those impacts under the National Environmental Policy Act [*American Rivers v. Federal Energy Regulatory Commission*, 201 F.3d 1186, 1196-1201 (9th Cir. 2000)].
- The bill will clarify that under existing law when providing Reasonable and Prudent Measures (RPMs) in a no-jeopardy biological opinion the Services *cannot* (emphasis added) impose offsets or compensatory mitigation measures. RPMs should be limited to “minimizing” the effect of incidental take of a listed species as originally intended by the existing statute. This clarification is needed due to the Services' final rule issued in 2024 that created an *ultra vires* provision allowing the Services to unilaterally impose compensatory mitigation measures, including offsite mitigation banking requirements, when there is a no-jeopardy finding.
- The bill also codifies that the Services should use best-available, not worst-case, science and analysis when evaluating the outcomes from a proposed action. This provision complements the holding in *Maine Lobstermen's Association v. NMFS*, 70 F.4th 582 (D.C. Cir. 2023). The question in front of the court was whether it was lawful for the Services to apply a conservative or “worst case” analysis when presented with a range of potential outcomes. The court held that the ESA requires evaluation of likely, not worst case, outcomes. If the best available science does not allow the Services to make a reasonable prediction regarding the likely outcome, then the “Service lacks a clear and substantial basis for predicting an effect is reasonably certain to occur, and so, the effect must be disregarded in evaluating the agency action.” The court made clear that its holding should be implemented broadly [“... we decide whether, in a biological opinion, the Service must, or even may, when faced with uncertainty, give the ‘benefit of the doubt’ to an endangered species by relying upon worst-case scenarios or pessimistic assumptions. We hold it may not.” *Maine Lobstermen's Association v. NMFS*, 70 F.4th 586 (D.C. Cir. 2023)]. Unfortunately, the previous Administrator of NMFS testi-

fied in front of Congress that the agency's opinion is that the court's holding was narrowly tailored to the facts of that case, contradicting the plain language reading of the court's holding (Coit, Janet, Full Committee Hearing to Examine Federal Offshore Energy Strategy and Policies, Senate Committee on Energy & Natural Resources, Oct. 26, 2023, Video of Testimony, <https://www.energy.senate.gov/hearings/2023/10/full-committee-hearing-to-examine-federal-offshore-energy-strategy-and-policies>, Accessed March 17, 2025). Therefore, NHA believes it is imperative that the Congress codify the holding in statute.

Thank you for your consideration of these important matters critical to advancing America's energy interests for the hydropower sector. We look forward to working with the House Committee on Natural Resources and its Chairman to see this vital legislation enacted into law.

Sincerely,

MICHAEL PURDIE,  
Director of Regulatory Affairs and Markets

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**Central Nebraska Public Power and Irrigation District**

March 24, 2025

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

Re: H.R. 1897—"ESA Amendments Act of 2025"

Dear Chairman Westerman:

My name is Alex Linden and I am the Government & Public Relations Manager of the Central Nebraska Public Power and Irrigation District located in Holdrege, Nebraska. I am writing today to express our District's support of H.R 1897 "ESA Amendments Act 2025".

We welcome the House Committee on Natural Resources focus on improving federal environmental review and permitting of national energy goals and the long overdue modernization of the Endangered Species Act (ESA).

Central is Nebraska's largest producer of hydropower, with approximately 115 megawatts of generation capacity at four plants. We are probably best known as the owner and operator of Lake McConaughy in Keith County, the largest reservoir in the state of Nebraska.

Central supports Congress trying to improve the permitting and regulatory processes for building and maintaining U.S. Hydropower—a reliable, baseload, renewable energy resource. With accelerating load growth, the time is now to modernize and finally resolve the complicated regulatory maze that is the licensing process for hydropower development in the United States. Contained in HR 1897 are provisions that will continue to protect endangered species, while also providing project developers and owners greater certainty, more timely decision making with fewer delays, and reduced process costs. Specifically, we identified the following provisions from the bill that will improve the implementation of ESA.

- HR 1897 will require under Section 7 consultation, that the Services, define the past, present and future impacts from existing structures (e.g., dams) as part of the "environmental baseline." The question of whether a structure is part of the environmental baseline should not depend on the extent of the action agency's discretion to remove that structure, but rather on whether it in fact exists already. HR 1897 will clarify that the Services continued practice of not including existing structures as part of the environmental baseline fly in the face of both pragmatism and common sense, but also contradicts existing analogous caselaw that supports using the existing project baseline for relicensing hydropower projects under the FPA and evaluation of those impacts under the National Environmental Policy Act [*American Rivers v. Federal Energy Regulatory Commission*, 201 F.3d 1186, 1196-1201 (9th Cir. 2000)].

- The bill also codifies that Services should use best-available, not worse case, science and analysis when evaluating outcomes from a proposed action.

Both examples were very significant in our last relicensing process and would be again in our next relicensing.

Thank you for your consideration of these important matters critical toward the hydropower industry and in particular, the Central Nebraska Public Power and Irrigation District. Please reach out if you have any specific questions.

Sincerely,

ALEX LINDEN,  
Government & Public Relations Manager

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**National Association of Home Builders**

March 24, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Westerman and Ranking Member Huffman:

On behalf of the more than 140,000 members of the National Association of Home Builders (NAHB), I am writing to convey support for H.R. 1897, the ESA Amendments Act of 2025.

NAHB applauds this legislation’s reversal of an egregious final rule that the Fish and Wildlife Service and National Marine Fisheries (“the Services”) made to how property owners exercise “Reasonable and Prudent Measures,” where the Services identify project-specific modifications to avoid or minimize impacts to endangered species or critical habitat.

Under the current regime, the Services may compel permittees to purchase mitigation credits, which increases housing costs and delays—or even halts—the residential construction process. This finalized rule also represents a dramatic expansion of the Services’ authority under the Endangered Species Act (ESA) Section 7 provisions—which requires minimization, not mitigation.

H.R. 1897 also makes helpful changes to the ESA’s Section 4 process. Presently, the Fish and Wildlife Service (FWS) imposes a “blanket rule”—a blunt tool that extends sweeping restrictions on actions that may affect endangered species to threatened species. The legislation addresses this by codifying the formerly used “4(d) rule”. This allowed the FWS to promulgate fit-for-purpose rules for threatened species which accomplished two objectives: home builders had a clear and predictable regulatory process, and the protected species benefited from industry complying with a uniform set of conservations measures.

Lastly, this legislation clarifies the definition of “critical habitat” to ensure that an area must, indeed, be habitat for the listed species. In accordance with *Weyerhaeuser*,<sup>1</sup> the bill specifies that habitat must be able to support one or more life processes of the species, with the ability to access other areas to support additional life processes.

Reversing compensatory mitigation requirements, restoring the “4(d) rule” for threatened species, and clarifying the definition of “critical habitat” are key strides in improving longstanding issues surrounding the ESA. For these reasons, NAHB urges the Committee to report out the ESA Amendments Act of 2025 as favorable.

Sincerely,

LAKE A. COULSON,  
Senior Vice President & Chief Lobbyist

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<sup>1</sup> *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 586 U.S. 17-71 (2018).

**Montana Stockgrowers Association**

March 24, 2025

Hon. Bruce Westerman, Chairman  
 Hon. Jared Huffman, Ranking Member  
 House Natural Resources Committee  
 1324 Longworth House Office Building  
 Washington, DC 20515

Hon. Harriet Hageman, Chairman  
 Subcommittee on Water, Wildlife and Fisheries  
 1324 Longworth House Office Building  
 Washington, DC 20515

Dear Chairman Westerman and Ranking Member Huffman:

Since 1884, the Montana Stockgrowers Association (MSGA) has been dedicated to finding proactive solutions to the most difficult challenges facing Montana's cattle ranching families. Our organization represents land owners who run livestock on combined private, state, and federal lands and who have significant and long-standing interest in the management of endangered species. Our members have experienced first-hand the impacts of the Endangered Species Act (ESA) on their ranching operations and federal grazing permits.

MSGA is writing to express their emphatic support of H.R. 1897 and voice our appreciation of the work of Chairman Westerman in sponsoring this monumental legislation. ESA reform, like this act proposes, is critical to optimization of conservation efforts, increasing efficiency in processes and managing natural resources in the most effective, and practical manner.

A major source of frustration of ESA processes falls within Title III. Species frequently maintain their threatened or endangered status even after Species Status Assessments (SSA's) clearly show a recovered population—in short, the goalpost for recovery continues to move to fit political agendas. The state of Montana is facing just such a situation in the case of the recently released grizzly bear proposed management changes (Docket ID: FWS-R6-ES-2024-0186-0001). The proposed rule does not offer a delisted status or return to state management, although multiple ecosystems have met recovery metrics. Our ranchers have worked hard to implement voluntary, non-lethal management techniques to protect their livestock and families while assisting in grizzly bear recovery. Yet their work has gone entirely unrecognized and unrewarded by the USFWS, who continues to implement stringent management requirements, regardless of the scientific proof of an increasing, genetically diverse grizzly bear population. This avoidable situation is simply an example of the economic and cultural damage caused by the ESA in its current form.

The proposed changes to Title III address many of our concerns. The requirements to consistently review listed species determinations, to establish incremental recovery goals and easing regulations when goals are met is a common sense approach to species management. These changes also ensure an unmoving goal post. Further, MSGA appreciates the value that this act places on rewarding voluntary conservation and nonlethal management efforts of landowners, by pausing critical habitat designation as they implement land management plans that conserve the species. Our ranchers have been managing this way for decades, and we look forward to seeing the fruits of their labor.

MSGA appreciates the amendments to Title IV that emphasize accountability and transparency in species recovery. These changes force USFWS and NMFS to look at species designations holistically, utilizing the best available data. The analysis of economic and national security impacts for each listing and critical habitat designation will provide stakeholders, state and federal agencies with a complete picture of the impacts of a decision.

MSGA has long supported ESA reform and this act addresses many of the biggest concerns of ranchers across the country. We appreciate your consideration of our points and we strongly encourage the passage of H.R. 1897.

Sincerely,

RAYLEE A. HONEYCUTT,  
 Executive Vice President

**National Rural Electric Cooperative Association**

March 24, 2025

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

Dear Chairman Westerman:

On behalf of the National Rural Electric Cooperative Association (NRECA), I am writing to express strong support for H.R. 1897, the ESA Amendments Act of 2025.

NRECA is the national trade association representing nearly 900 not-for-profit electric cooperatives that serve 42 million Americans across 56% of the nation's landscape. The nature of electric co-ops' service territories and their local, member-driven structure empowers them to play a vital role in transforming communities, innovating to meet tomorrow's energy demands, and being good stewards of the land and water on which they operate. As such, electric co-ops have a vested interest in protecting the environment in the communities that they serve.

Co-ops operate across more public lands and critical habitat areas than any other type of electric utility. Our members regularly collaborate with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to steward endangered and threatened species located in and around our rights-of-way and operations while ensuring the reliability and affordability of the electric system. Our members understand how the Endangered Species Act (ESA) helps ensure that at-risk species can thrive for generations to come. However, the ESA in its current form has become a source of regulatory uncertainty, which hampers conservation efforts and complicates decision-making.

The ESA Amendments Act of 2025 takes significant steps to modernize endangered species protection by improving certainty, transparency, and accountability in the ESA regulatory process. Arduous and time-consuming consultation processes and nearly constant changes in implementation of the ESA in the last two decades have introduced significant challenges and increased costs for co-ops—costs that ultimately burden consumer-members across rural America in the form of increased electricity rates. Ensuring compliance with virtually unlimited and unpredictable critical habitat designations and processes across service territories increases operations costs, jeopardizes insurance and bonding availability, and impacts investment in new and renewable sources of energy and grid expansion to accommodate the increasing electrification of our lives.

NRECA supported the ESA revisions in 2019, which provided greater clarity, efficiency, and predictability. The ESA Amendments Act of 2025 builds on these positive changes by further improving regulatory certainty and promoting a science-based, reasonable approach to species protection and recovery. This bill aligns with the original intent of the ESA by focusing on effective conservation while reducing threats of weaponized litigation and striking a balance between species protection and community needs. These changes will help ensure that electric co-ops can continue to meet their service commitments without jeopardizing the financial stability of their operations or increasing costs for consumers.

We appreciate your support for policies that enable electric co-ops to protect natural resources while providing affordable, reliable power. We urge Congress to pass this important legislation.

Sincerely,

JIM MATHESON,  
CEO

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## Chelan County Public Utility District

March 24, 2025

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

Re: H.R. 1897—"ESA Amendments Act of 2025"

Dear Chairman Westerman:

Chelan County Public Utility District (Chelan PUD) is writing in support of H.R. 1897 "ESA Amendments Act of 2025" (H.R. 1897). Chelan PUD owns and operates hydropower dams with a total generating capacity of over 2,000 megawatts. Our Columbia River dams operate under federal licenses and two 50-year Endangered Species Act (ESA) habitat conservation plans (HCPs) covering several species of ESA-listed salmon and steelhead. We have a strong interest in the federal government's implementation of both the ESA Section 7 interagency consultation process and Section 10 of the ESA, which governs the issuance of ESA permits to those with HCPs who make significant conservation commitments.

Chelan PUD was formed in 1936 by local voters who wanted affordable power for both rural and urban residents. Our hydropower projects deliver clean, renewable energy to 50,000 local customers and other utilities that serve businesses and residents in the Pacific Northwest. Two decades ago, we proactively coordinated with federal and state agencies and tribes under Section 10 of the Endangered Species Act to achieve agreement on historic HCPs "intended to constitute a comprehensive and long-term adaptive management plan" for ESA-listed and non-listed salmon and steelhead affected by our hydropower facilities. Along with one upriver hydropower project, these are the first hydropower HCPs in the nation. As we have met key metrics for salmon and steelhead over the past 20 years, the HCPs have provided the operational flexibility necessary to successfully balance natural resource protection and energy generation.

In addition, Chelan PUD has significant experience with ESA Section 7 consultations with both the National Marine Fisheries Service and U.S. Fish and Wildlife Service (Services) as our HCP permits, our federal licenses, and all federal in-water work permits trigger the Section 7 interagency consultation process.

Given our extensive experiences under ESA sections 7 and 10, Chelan PUD supports H.R. 1897 because it addresses several critical implementation issues:

- **Environmental Baseline**—H.R. 1897 would define the "environmental baseline" for purposes of Section 7 consultation to include the past, present and future impacts from existing structures such as dams. The environmental baseline is a foundational component of every Section 7 consultation because it establishes the basis for comparison of the effects of the proposed action. Unfortunately, regulatory changes adopted in 2019 to clarify that federal dams are part of the baseline because only Congress can order their removal were later interpreted by the Services to mean that existing non-federal dams and other structures may not be in the environmental baseline if the federal agency has discretion to remove them—even if such removal is not being proposed (*see, e.g.*, 89 Fed. Reg. 24,268, 24,274-76 (Apr. 5, 2024)).

This has the inexplicable effect of removing a structure that already exists from the environmental baseline and instead considering the effects of its physical presence to somehow be the result of a new, proposed federal action to continue operating or to make repairs to the structure. *The question of whether a structure is part of the environmental baseline should not depend on the extent of the federal agency's discretion to remove that structure, but rather on whether it in fact already exists.*

Chelan PUD supports this clarification in H.R. 1897 that existing dams and other structures and the effects that result from their physical existence are part of the environmental baseline, to which a proposed action such as continuing to operate the dam is added.

- **“Mitigation” as a Section 7 Reasonable and Prudent Measure**—H.R. 1897 would clarify that the ESA does not allow the Services to impose mitigation as a Reasonable and Prudent Measure (RPM) in a no-jeopardy biological opinion. In light of recent regulatory revisions adopted by the Services, this clarification is necessary to carry out Congress’ original, statutory direction under Section 7 that RPMs are limited to those “necessary or appropriate to *minimize* such impact” of any incidental take (*see* 16 U.S.C. § 1536(b)(4)(ii) (emphasis added)).

Specifically, in their 2024 regulatory revisions, the Services unlawfully expanded the scope of RPMs to allow them to unilaterally impose mitigation or “offsets,” including offsite mitigation and compensatory fees. In addition to being counter to the statute’s plain language, Congress already provided for mitigation under Section 10, where applicants voluntarily work with the Services to develop an appropriate suite of conservation measures to “minimize and mitigate” for incidental take (*see id.* § 1539(a)(2)(B)(ii)).

Chelan PUD’s HCPs, which were developed under Section 10, are an example of how cooperation between an applicant and the Services can result in conservation measures that are both reasonable and capable of being implemented while providing the highest standards of conservation for the species. The Services’ adoption of regulations that allow them to impose such requirements unilaterally under Section 7 flies in the face of the ESA’s plain language and congressional intent.

Chelan PUD supports this provision in H.R. 1897, which would confirm that Section 7 RPMs must be limited to minimizing effects of incidental take and may not include mitigation or offsets.

- **Reasonable Certainty and “Jeopardy”**—Finally, H.R. 1897 would clarify what is meant by “jeopardy.” Specifically, it provides that in carrying out ESA Section 7, the Services must determine whether effects that are reasonably certain to be caused by the action are *likely* to result in the action itself resulting in jeopardy. This is consistent with the D.C. Circuit’s decision in *Maine Lobstermen’s Association v. NMFS*, 70 F.4th 582, 595-600 (D.C. Cir. 2023), in which the court held that the Services must use the best available science to determine likely outcomes rather than relying on worst-case scenarios when evaluating the effect of a proposed action.

Chelan PUD supports this clarification in H.R. 1897 relating to jeopardy determinations based on reasonable certainty and the best available science.

Chelan PUD appreciates your consideration these comments and appreciates your efforts to ensure that the ESA is implemented in a manner that facilitates a reasonable Section 7 review process while protecting threatened and endangered species. Please do not hesitate to contact me should you have any questions regarding these comments.

Sincerely,

ALENE UNDERWOOD,  
Director of Natural Resources and  
Environmental Compliance

**Port of Kingston**

March 21, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: H.R. 1897—The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle:

The Pacific Northwest is known for its natural landscapes and iconic species like salmon and orcas. Ports and marinas in the region pride themselves on being good waterfront stewards of the environment. The Port of Kingston is committed to improving the environment while preserving and improving our facilities to better serve the public. Our organization has undertaken numerous environmental improvement projects and programs including dredging, improving moorage quality, boat ramps, and stormwater quality, and access to our waters for the public. We take our mission of providing economic development, trade, recreation, and jobs for our community seriously along with ensuring environmental stewardship so our navigation infrastructure can coexist with species and their critical habitat. We support the goal of the Endangered Species Act (ESA) to prevent extinction of species, and the negative effects extinction has on ecosystems that also support human life.

We understand the Committee is considering H.R. 1897, The Endangered Species Act Amendments Act of 2025, and appreciate the opportunity to provide our support for the legislation as well as our comments and concerns related to ESA Section 7 consultation for maintenance and other project permitting.

Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under Endangered Species Act (ESA) Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the existing baseline condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the existing structure's continued existence on species and habitat for decades into the future. This essentially required all port and marina maintenance projects to undergo lengthy (multiyear) formal consultation for even the most basic maintenance work and the effects calculation dramatically increased the costs of maintenance and other projects.

For example, we are replacing very old dock sections (that have creosote dock sections and plastic and Styrofoam flotation) that are polluting our waters with modern, clean dock sections that meet the new, extremely rigorous (and costly) standards from federal, state, and county regulatory agencies such as Army Corps, US Fish & Wildlife, NMFS, WA State Department of Ecology, WA State Department of Natural Resources, and WA State Department of Fish and Wildlife. In short, we need to replace the whole (nearly 60-year-old) marina including our breakwater, seawall, fishing pier, boat ramps, replace the marina docks and pilings, upgrade all infrastructure including electrical, fire suppression, sewer and water, and dredge the whole marina and federally navigational channel. Also, we have tried to install temporary, seasonal, upgraded dock sections inside the marina, to increase dock capacity to meet demand and help improve our financial performance.

Nothing is more frustrating than when ports and marinas have maintenance projects that will repair and strengthen infrastructure while making water quality and habitat improvements like removing creosote and other toxic materials, replacing overwater structures with light penetrating decking but then cannot get through the permitting process as a result of the increased mitigation costs and construction delays.

We have been prevented from implementing nearly every project.

When we completed a dredging project in 2017, we were required to pay about \$100,000 in environmental mitigation that was *prescribed by the Army Corps and State Department of Ecology in consultation with the local tribes*. This mitigation *failed through no fault of the port*. Also, the Port of Kingston was required to perform this mitigation, even though federal law explicitly states that mitigation is *not* required for navigational channels. These agencies are requiring another \$100,000 of mitigation.

A second project we were trying to add 200 lineal feet of docks inside the maria (which has already been mitigated for when it was built). The cost was about \$100,000 and we received some grant funding from Washington State to help with the cost. All the federal and state services (ACE, USFW, WDFW, County) allowed this work without a permit or mitigation—until we were told to consult with NMFS (as a result of their new policy regarding mitigation using the Nearshore Calculator). The mitigation as a result of using their new calculator was an additional \$280,000. We were forced to return the grant funding to the state and canceled the project. I can provide many more examples. You have the idea.

Our organization supports H.R. 1897, The Endangered Species Act Amendments Act of 2025, as it will restore the commonly understood definition of environmental baseline for the purposes of ESA Section 7 consultations for maintenance and building permits. It will ensure consistent application of the environmental baseline nationwide. It will also ensure that organizations like ours pay reasonable mitigation for proposed maintenance and building actions. For ports and marinas to remain competitive, maintain safe operations, and avoid negative environmental impacts from decaying structures, our infrastructure must be maintained. This legislation will assist in providing a consistent, predictable, and cost-effective permitting process. We appreciate the Committee's consideration of this legislation to address our concerns and urge passage of HR 1897 as swiftly as possible.

Respectfully submitted,

GREG ENGLIN,  
Executive Director

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**Zoological Association of America**

March 25, 2025

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

Hon. Harriet Hageman, Chairman  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Statement of Support for HR 1897—ESA Amendments Act of 2025

Dear Representative Westerman and Representative Hageman:

The Zoological Association of America (ZAA) appreciates your leadership in introducing the ESA Amendments Act of 2025. This legislation takes significant steps to address the bureaucratic delays and obstacles that zoos face in conserving endangered species due to the application of the Endangered Species Act on zoo animals. By restoring the ESA to its original intent, this legislation will truly create more opportunities for zoos to enhance and expand valuable ex-situ conservation efforts.

ZAA is one of the largest nonprofit zoological trade organizations in the country, representing professionally managed zoos, aquariums, conservation breeding facilities, wildlife conservation ranches, and animal ambassador programs focused on conservation education. Many of ZAA's member facilities are privately owned, often family-run businesses that contribute locally and regionally by providing economic benefits through employment and tourism spending.

The fundamental issue is that the ESA, in its current form, does not distinguish between animals in their wild, natural habitats and those in controlled, managed care settings like zoos. This means that when a species is listed under the ESA, all prohibitions and requirements that apply to wild populations also extend to those in U.S. zoos. That means that zoos are required to obtain permits from the Fish and Wildlife Service to hold, acquire, transport, care for, breed, import, or export animals in their collections. To complicate matters further, the Service's ESA permit system is plagued by delays and bureaucratic red tape. I encourage you to review the report on the Service's website, which outlines numerous problems and inefficiencies (for example, 89 separate decision points for a single permit!) and makes specific recommendations to improve the permitting process. <https://www.fws.gov/media/international-affairs-permitting-review-report-phase-1>

These permit requirements impose significant financial burdens on zoos. This includes not only the actual costs of preparing and submitting applications, but also the substantial expenditures mandated by the Service as part of the Enhancement requirements under Section 10 of the ESA. For instance, recent ESA permits issued by the Service obligated the zoos involved to make annual financial commitments of at least \$8,000 and, in some instances, over \$20,000 to conservation organizations outside the United States. These funds are directed to support international conservation efforts that do not directly pertain to the care of the captive-bred animals covered by the permit applications. Furthermore, they are seldom audited, as evidenced by the recent investigation into zoo funds sent to China in exchange for Giant panda loans.

ZAA members and accredited facilities play a significant role in global conservation through breeding programs, reintroduction initiatives, rescue efforts, anti-poaching measures, and rehabilitation work worldwide. Furthermore, ZAA organizations provide educational opportunities and programs designed to help the public connect with wildlife and understand the critical importance of conserving various species, including those classified as endangered or threatened under the Endangered Species Act. Our members offer millions of visitors enriching experiences while also contributing millions of dollars to conservation efforts across the globe.

Title VI of HR 1897 would make significant improvements in how nonnative species in U.S. zoos are regulated by aligning more closely with international standards set by the Convention on International Trade in Endangered Species (CITES) and eliminating duplicative permitting requirements. This change would alleviate some bureaucratic obstacles that zoos face and also streamline the ESA permitting process in a way that supports rather than undermines species conservation.

Thank you for considering these comments. We ask that they be included in hearing records of the Subcommittee on Water, Wildlife and Fisheries regarding this legislation.

Kind regards,

KELLY GEORGE,  
Executive Director

## Skagit Drainage and Irrigation Districts Consortium

March 24, 2025

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

Dear Chairman Westerman:

On behalf of the Skagit Drainage and Irrigation Districts Consortium LLC and its member Districts,<sup>1</sup> we are writing to express our strong endorsement of and support for the legislative revisions introduced in the Endangered Species Act Amendments Act of 2025.

The Endangered Species Act (“ESA”) has been in place for over 50 years and has not been meaningfully updated in decades. While we support the original intent of the ESA to conserve and protect plant and wildlife species from extinction, in more recent years, the ESA has been used to obstruct projects needed to protect the public safety and welfare, impede the lawful use of land and property, and undermine public infrastructure. Accordingly, the ESA requires targeted amendments that will address some of the difficulties and inefficiencies that have been observed during the decades of its implementation. We support effective and balanced legislative enhancements that will modernize the ESA and that will continue to both protect threatened and endangered species and promote responsible land, water, and resource management.

Key elements of the ESA that we believe need to be addressed include: (1) ensuring that past, present, and future effects of existing structures are included in the environmental baseline for Section 7 consultation; (2) clarifying that reasonable and prudent measures can minimize, but not mitigate, the impacts of incidental take; (3) making sure that reasonable and prudent alternatives (“RPAs”) are economically and technologically feasible for project proponents to implement; (4) preventing the use of uncertainty or precautionary measures from being incorporated under the guise of the best available science; (5) limiting the role and involvement of third parties in consultations; and (6) restricting the ability of third parties to bring self-serving lawsuits that unnecessarily inhibit project development activities. The remaining sections of this letter provide an overview of some of the challenges that the Districts are facing as a result of the current ESA framework and its implementation, and provide real world examples of why the commonsense changes proposed in Endangered Species Act Amendments Act of 2025 are necessary.

### Background

Skagit County is a rural community located in northwest Washington. Agricultural viability in Skagit County, Washington is vital to meet the demand for food in growing communities throughout Puget Sound and more broadly throughout the nation. Local, sustainable food is of concern to the long-term health and security of our nation. Skagit Valley is the largest and most diverse agricultural economy remaining in Puget Sound and home to some of the world’s best agricultural soil; and our farmers produce a significant amount of the nation’s and the world’s vegetable seeds, supporting agriculture far beyond Skagit County.

For more than 140 years, there has been significant agricultural production in Skagit County. The citizens of this area have continually prioritized agriculture over other uses because of our unique soils and farming legacy. Approximately 60,000 acres of farmland relies on diking and drainage infrastructure, including tidegates, to be viable. In addition, the diking system also protects rural communities and a network of critical transportation and water, oil and gas utility corridors from coastal flooding, including rail and road access to a major west coast oil refinery complex and the water supply to Naval Air Station Whidbey. This system of dikes

<sup>1</sup> The member districts include: Skagit County Diking District No. 3; Skagit County Dike, Drainage, and Irrigation Improvement District No. 5; Skagit County Dike, Drainage, and Irrigation Improvement District No. 12; Skagit County Drainage and Irrigation Improvement District No. 14; Skagit County Drainage and Irrigation Improvement District No. 15; Skagit County Drainage and Irrigation Improvement District No. 16; Skagit County Drainage and Irrigation Improvement District No. 17; Skagit County Drainage and Irrigation Improvement District No. 18; Skagit County Drainage and Irrigation Improvement District No. 19; Skagit County Consolidated Diking, Drainage, and Irrigation Improvement District No. 22; Skagit County Drainage and Irrigation District No. 22; and Skagit County Dike and Drainage District No. 25.

and drainage infrastructure has been in place since the late 1800s and has been continuously operated and maintained by Skagit Dike, Drainage, and Irrigation Special Purpose Districts (“Districts”) that were formed near the time of Washington statehood. Largely due to ESA-related restrictions, these Districts have been unable to secure federal authorizations for the maintenance, repair, and replacement of critical diking and drainage infrastructure since 2020.

#### **Overview of the ESA in Puget Sound and the Skagit Watershed**

In 1999, Puget Sound Chinook Salmon were listed as threatened under the ESA. Following this listing, any work requiring a federal permit (such as a U.S. Army Corps of Engineers (“Corps”) permit for work below the high tide line (“HTL”)) required consultation with NMFS prior to authorization. The Skagit Chinook Recovery Plan was published in 2005 and adopted by NMFS in 2007 as part of the broader Puget Sound Chinook Recovery Plan. The Skagit Chinook Recovery Plan identified goals for the conversion of private farmland to habitat and identified several specific habitat restoration projects. Unfortunately, there was little to no coordination between the authors of the Skagit Chinook Recovery Plan and the local community, and there was no clear understanding of how the goals related to the conversion of private farmland to habitat would be achieved.

At the time of the ESA listing, the Skagit watershed was one of the last strongholds of all five native species of salmonids and, despite clear deficiencies in the 2005 Skagit Chinook Recovery Plan, significant progress has been made toward salmon recovery goals through cooperative agreements and voluntary actions. Accordingly, an estimated 90 percent of the habitat restoration goals have been achieved in the first 20 year of the 50-year recovery plan. During this same time period, between 2004–2019, there has been overall increase in exploitation and harvest of Puget Sound salmonids. Notwithstanding, NMFS’s own technical work demonstrates that, based on natural origin spawner counts, five of the six Skagit populations have experienced significant, positive increases.

Yet, as demonstrated below, despite the improvement of Skagit Chinook, this best available science is being ignored in ESA Section 7 consultations, and the ESA as currently conceived is being misinterpreted and misapplied to the detriment of urgent and necessary public infrastructure repair projects.

#### **Representative Issues Experienced by Skagit Districts Regarding ESA Coverage for Operation and Maintenance of Tidegates**

##### **District 12—No Name Slough Tidegate Replacement Project**

District 12’s experience with ESA consultation for its No Name Slough tidegate replacement project provides a stark example of how the current ESA framework has enabled NMFS to unduly delay completion of consultation, improperly attribute the effects of existing structures to the effects of the action, use uncertainty or precautionary measures as a substitute for best available science, and impose mitigation measures that are neither reasonable nor feasible.

District 12 has an urgent need to replace a failed tidegates. The project is simple: it involves replacing existing tidegates that have been continuously operated and maintained for 140 years, with a tidegate that will improve fish passage. The affected area comprises just 89 feet in length and 66 feet in width. NMFS initially authorized the project in 2019 by relying on an existing programmatic ESA Section 7 consultation under which no mitigation for the project was required. Unfortunately, that programmatic biological opinion was withdrawn before the Corps completed permitting for the project.

As a result, in accordance with the Corp’s directive, District 12 submitted a project-specific biological evaluation to the Corps. The Corps concurred with the District’s finding that the replacement project would not likely adversely affect or would have no effect on listed species, and the Corps requested *informal* consultation with NMFS in April of 2022. NMFS did not consult or issue a biological opinion within the mandatory timeframes established by the ESA.

In October of 2023, District 12 sent NMFS a 60-day notice of intent to sue for failure to complete the ESA consultation. NMFS was non-responsive and in December 2023, District 12 filed suit in federal court seeking relief. In February 2024, the U.S. District Court for the Western District of Washington ruled in favor of District 12 and mandated that NMFS issue the biological opinion.

NMFS ultimately issued a final biological opinion for the District 12 tidegate project, which largely ignored District 12’s comments and the best available science, and reversed NMFS’s previous decision authorizing the tidegate replacement under a programmatic biological opinion. NMFS’s new biological opinion concluded that District 12’s replacement of the tidegates jeopardizes the continued existence of Puget Sound Chinook Salmon and Southern Resident Killer Whales and results in

the destruction or adverse modification of their critical habitat. In reaching these conclusions, NMFS improperly attributed the existence of the tidegates to the “effects of the action” and evaluated an “action area” that was inaccurate and greatly exceeded the geographic scope of the effects of the project. The jeopardy and adverse modifications are also irreconcilable with best available science that shows that, despite the existence of the tidegates, Skagit Chinook populations are increasing.

NMFS recommended RPAs to avoid jeopardy to the species and adverse modification, which District 12 would be required to adopt if it wanted to move forward with the tidegate replacement. Notwithstanding that the existing tidegates have been in place for approximately 140 years, NMFS’s RPAs would require District 12 to restore a minimum of 8.6 acres of estuary habitat and to generate a minimum of 275 credits at an estimated cost of \$1.6 million. Thus, the RPAs are not economically feasible. Comparatively, under the prior programmatic biological opinion, the tidegate replacement was considered an “operational improvement” project that did not necessitate any mitigation or habitat credits because it would improve conditions for ESA-listed species.

On July 1, 2024, District 12 filed an amended complaint that challenged NMFS’s biological opinion and argued that the biological opinion and associated RPAs were arbitrary and capricious. The case has been fully briefed before the district court and a decision on the merits is pending. It is axiomatic that a District should not be forced to initiate expensive and time-consuming litigation for the approval of a simple project that would replace an existing tidegate on terms that are just and reasonable.

Unfortunately, District 12’s experience is emblematic of the significant problems associated with ESA implementation in Puget Sound and Skagit County, Washington.

#### **District 19—Emergency Minor Repair**

District 19’s experience reinforces the extreme delays that the Districts are experiencing in completing ESA consultation. District 19 had to declare an emergency in August of 2024 to complete minor immediate repairs to prevent pipe failure while waiting for NMFS to complete ESA consultation on a project that was submitted in June of 2023. Without a pathway for reasonable, predictable and timely federal permits, the Districts have increasing risks of drainage infrastructure failure, which would impact high value private farmland and important transportation and utility corridors.

#### **District 5—Padilla Bay Dike Repair**

District 5’s experience, like District 12, illustrates how the current ESA framework is leading to the improper treatment of existing structures and resulting in disproportionate and unreasonable mitigation requirements. District 5 was formed in the late 1800’s, serves approximately 3,000 acres of primarily agricultural land, and is responsible for the operation and maintenance of approximately 7.5 miles of marine dikes and 4.0 miles of river levees. District 5 has an annual budget of approximately \$46,000. In January of 2021, portions of District 5’s existing marine dike along the east shore of Padilla Bay were damaged during an extreme coastal flood event. This event was declared a Presidential Disaster (DR-4593-WA) and District 5 was determined to be eligible for disaster relief through the Washington State Military Department and FEMA Public Assistance Grant Program.

In 2021 and 2022, District 5 worked with FEMA to complete emergency repairs to the damaged dike and to design permanent repairs, including work to restore damaged portions of the dike below the HTL. The estimated cost for the permanent repairs approved by FEMA was approximately \$380,000, and those repairs were planned for the summer of 2023.

In January 2023, District 5 applied for a Corps’ Nationwide Permit 3 authorization to compete the repair of the damaged dike below the HTL. District 5 was informed by Corps staff that the repair project qualified for ESA consultation under the Salish Sea Near-shore Programmatic Biological Opinion (“SSNP”), which would streamline the process. The SSNP requires the use of NMFS’s Salish Sea “Conservation Calculator” to quantify habitat loss and resulting mitigation credits.

Based on the results of the Conservation Calculator, District 5 determined that they would need to obtain 5,280 conservation credits, which the Puget Sound Partnership (the only approved source of credits) estimated would cost approximately \$7.92 Million.

Believing that this was an error, District 5 worked with NMFS to review the Conservation Calculator for the project and submitted calculations to FEMA and the Corps for review. All agencies confirmed that the calculations were correct and that



the mitigation burden, to restore the dike to pre-disaster conditions, would be \$7.92 Million. While FEMA informed District 5 that it would pay for a portion of the mitigation necessary to be in compliance with the ESA, District 5 could not pay their portion of the mitigation burden under the cost-share agreement with FEMA. Furthermore, FEMA had concerns about purchasing conservation credits from the Puget Sound Partnership due to the lack of transparency and accountability in terms of how the money would be put to use for specific habitat project implementation. In addition, the Corps informed District 5 that the estimated credit burden of 5,280 credits was “more than half of the total credits allocated to the Corps for the NWP3” program and that District 5 would need to perform individual project consultation, instead of relying on the SSNP.

The SSNP and Conservation Calculator are resulting in the imposition of a significantly disproportionate conservation burden. The required conservation credits are being calculated based on an assumed environmental baseline that reflects pre-development conditions and not the current environment with existing infrastructure. In the case of District 5, the referenced time period is pre-1880s when the dike was originally built. The District 5 repair project has been postponed and, in the absence of ESA legislative and regulatory reform, damaged dikes will continue to be vulnerable to failure during winter storms.

### Conclusion

In sum, since 2020, NMFS has unilaterally revised and reconsidered its approach to ESA implementation in Puget Sound, and elsewhere, resulting in the Districts being unable to obtain these important authorizations to protect their infrastructure that is essential to communities in the Skagit Valley. The maladministration of the ESA in the Puget Sound region in recent years has resulted in significant delays for critical infrastructure maintenance and repair and the imposition of mitigation that require the Districts to mitigate for the existence of structures that already exist and have existed since the late 1800's. The cost of the mitigation is orders of magnitude greater than the total project cost, making it financially impossible to perform work. In addition, administrative burden and uncertainty create additional costs and project delays. The net result is that there is more long-term damage to infrastructure, increased expenses for flood prevention, and greater potential for damage to private property, threats to public transportation, and interruption of access to emergency services.

In absence of ESA legislative and regulatory reform, we anticipate that necessary consultation with NMFS will continue to be plagued by significant delays and the imposition of unreasonable and disproportionate mitigation requirements, which will result in on-going and significant financial and practical impacts to our communities associated with failed infrastructure and delayed maintenance. We believe that passage of the Endangered Species Act Amendments Act of 2025 will address many of our concerns, and stand ready to offer our assistance as the bill moves through the legislative process.

Sincerely,

John Wolden  
Director and Chair

David Lohman  
Director

Norm Hoffman  
Director and Vice-Chair

Brian Waltner  
Director

William M. Roozen  
Director and Secretary

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**Statement for the Record**  
**National Association of Counties**  
**In Support of “Endangered Species Act Amendments Act of 2025”**

Dear Chair Hageman, Ranking Member Hoyle and members of the subcommittee,  
 On behalf of the National Association of Counties (NACo), the only national organization representing all of America’s 3,069 county governments, we appreciate the opportunity to submit comments for the record in support of the Endangered Species Act Amendments Act of 2025. This legislation includes practical updates to the Endangered Species Act of 1973 (ESA) that align with county priorities and strengthen collaboration among federal, state, tribal and local governments.

**ABOUT AMERICA’S COUNTIES**

Counties are foundational to the American system of government. We deliver essential services such as infrastructure development and maintenance, emergency response, environmental stewardship, land use planning and economic development. These responsibilities make counties key partners in species conservation and recovery efforts. As frontline implementers of federal policy, we bring place-based knowledge and experience to the table.

**SUPPORTING A BALANCED APPROACH TO SPECIES CONSERVATION**

The Endangered Species Act Amendments Act of 2025, introduced by Chairman Bruce Westerman, includes several important reforms that we strongly support:

- **Recognition of local data and expertise.** The bill updates the definition of “best scientific and commercial data available” to include information submitted by county, state and tribal governments. This ensures that decisions reflect data from those closest to the ground.
- **State and local leadership in recovery strategies.** The bill allows states to propose recovery strategies for candidate or listed species. These locally tailored plans may serve as the regulatory framework for species management in that state, aligning conservation goals with regional realities.
- **Regulatory certainty for private landowners.** The bill incorporates language adapted from the Sikes Act to provide assurance that critical habitat will not be designated on private land where species conservation efforts are underway. This promotes voluntary stewardship while reducing regulatory conflict.
- **Public analysis of impacts.** The bill requires agencies to assess and publish the economic and national security implications of species listings and critical habitat designations. This transparency supports informed decision-making and public accountability.
- **Litigation reforms.** By placing a cap on attorney fees in successful litigation, the bill aligns the ESA with other federal statutes and limits incentives for unnecessary or excessive legal action.
- **Clarifying agency authority.** The bill confirms that agencies cannot issue regulations based solely on the potential impact to a species, reinforcing balanced, science-based rulemaking.

**NACO POLICY POSITION ON THE ENDANGERED SPECIES ACT**

NACo supports the goal of the ESA to conserve endangered and threatened species and the ecosystems on which they depend. However, the ESA must be implemented in a way that enhances—not limits—the ability of counties to serve as conservation partners while fulfilling core public service responsibilities.

NACo supports legislative and administrative improvements that ensure the role of county governments is clearly defined and respected in the listing, recovery and delisting processes. Local governments require timely, substantive notice of proposed listings and habitat designations and must have meaningful opportunities to participate in the development of recovery plans, conservation agreements and related regulatory actions. ESA implementation must also promote transparency in data use and ensure that local economic and social impacts are fully considered.

### **PROMOTING PRACTICAL AND EFFECTIVE CONSERVATION**

As a member of the National Endangered Species Act Reform Coalition (NESARC), NACo supports efforts to modernize and improve the ESA based on five decades of implementation experience. The law has not been reauthorized in more than 30 years, and while more than 1,650 species are currently listed, only 3 percent have achieved recovery.

The Endangered Species Act Amendments Act of 2025 introduces reforms that focus on recovery, offer incentives for proactive conservation and streamline permitting processes. It establishes statutory clarity, improves accountability for agency actions and adds safeguards to reduce unnecessary litigation. These changes will encourage collaboration among states, local governments, landowners and stakeholders to advance species conservation while supporting responsible land, water and resource management.

### **COUNTY IMPACTS AND OPPORTUNITIES**

The bill addresses key county concerns by strengthening the role of local governments in the ESA process and promoting workable, transparent and inclusive decision-making. Counties will be better positioned to contribute to conservation strategies, ensure community-specific impacts are evaluated and collaborate effectively with state and federal partners. These improvements reinforce the role of counties as critical stewards of public lands, natural resources and community infrastructure.

### **LOOKING AHEAD**

We appreciate the subcommittee's leadership in advancing this important legislation. NACo supports the Endangered Species Act Amendments Act of 2025 and will continue working with Congress and our coalition partners in NESARC to ensure common-sense ESA reforms that reflect local perspectives.

Thank you for your consideration. We welcome continued opportunities to provide the county perspective on this topic.

Sincerely,

MATTHEW D. CHASE,  
CEO and Executive Director

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### **Associated Builders and Contractors**

March 25, 2025

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairwoman Hageman, Ranking Member Hoyle and Members of the Subcommittee on Water, Wildlife and Fisheries:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 67 chapters representing more than 23,000 members, we appreciate your efforts to examine the Endangered Species Act and thank you for holding today's hearing considering H.R. 1897, the ESA Amendments Act of 2025, introduced by Chairman Bruce Westerman, R-Ark., in the 119th Congress.

ABC supports the Endangered Species Act'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 knows that much-needed reforms to modernize the ESA and make ESA consultations more efficient and effective will be required to most effectively leverage the federal spending for critical infrastructure, energy and technology projects throughout the country.

The ABC-supported ESA Amendments Act addresses some of the necessary reforms to the ESA, establishing clear statutory definitions, focusing on species recovery and streamlining the ESA permitting process. Specifically, H.R. 1897 streamlines the approval of voluntary conservation agreements and incidental take permits by removing duplicative permitting processes. Furthermore, the bill clarifies the ESA Section 7 permitting process and provides regulatory certainty that a critical habitat will not be designated if a private landowner is working to implement a plan

that conserves the listed species in question. Each of these provisions will provide additional clarity to the ESA that is critical for allowing construction projects to be completed on time and on budget. In addition to key permitting reform measures, H.R. 1897 takes steps toward improving federal recovery efforts of species by requiring agencies to establish recovery goals for threatened species and provide regulatory relief as recovery goals are met.

ABC recognizes the importance of protecting endangered species while also ensuring that critical infrastructure projects can proceed efficiently and effectively. The reforms outlined in H.R. 1897 are essential for balancing the needs of conservation with the demands of infrastructure development. ABC remains committed to working with lawmakers and stakeholders to modernize the ESA in a way that benefits both endangered species and the communities that rely on well-maintained infrastructure. We look forward to further collaboration and thank you for considering our perspectives.

Sincerely,

KRISTEN SWEARINGEN,  
Vice President, Legislative & Political Affairs

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**Pennsylvania Farm Bureau**

March 24, 2025

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chair Hageman and Ranking Member Hoyle:

Thank you for holding a hearing to discuss H.R. 1897, the ESA Amendments Act of 2025, legislation introduced by Chairman Westerman and supported by Pennsylvania Farm Bureau. This legislation presents a much-needed opportunity to modernize the Endangered Species Act (ESA) and create a more balanced and effective approach to species conservation.

Our members, who are invested in the preservation of our nation's lands, understand the importance of protecting endangered and threatened species. However, we have also experienced firsthand the challenges posed by the current outdated ESA framework. The Act, as it stands, often creates unnecessary regulatory burdens that impede agricultural operations and hinder voluntary conservation efforts.

We particularly commend the following aspects of the Endangered Species Amendments Act of 2025:

- The emphasis on prioritizing species recovery while promoting voluntary and proactive conservation measures by landowners.
- The efforts to streamline the ESA Section 7 permitting process and provide greater regulatory certainty for landowners.
- The focus on enhancing collaboration between federal agencies, state governments, and private landowners, recognizing the vital role that farmers and ranchers play in conservation.

Farm Bureau has long advocated for a modernized ESA which promotes voluntary programs that focus on species recovery and recognize landowners as essential partners in conservation. Chairman Westerman's legislation would be a major step in that direction toward creating a more practical and effective ESA that balances endangered and threatened species protection with the realities of agricultural production. Pennsylvania Farm Bureau is committed to working with Congress to ensure the successful implementation of the Endangered Species Amendments Act of 2025. Thank you again for hosting the hearing.

Sincerely,

CHRIS HOFFMAN,  
President

March 24, 2025

Hon. Bruce Westerman, Chairman  
 Hon. Jared Huffman, Ranking Member  
 House Natural Resources Committee  
 1324 Longworth House Office Building  
 Washington, DC 20515

Hon. Harriet Hageman, Chairman  
 Hon. Val Hoyle, Ranking Member  
 Subcommittee on Water, Wildlife and Fisheries  
 1324 Longworth House Office Building  
 Washington, DC 20515

Chairwoman Hageman and Ranking Member Hoyle:

The undersigned livestock organizations write to express our full support of H.R. 1897, the Endangered Species Act Amendments Act of 2025, which would restore common sense and efficacy to the Endangered Species Act (ESA or “the Act”). This bill represents a critical step forward in modernizing the Act to better optimize conservation efforts, prioritize resources, and create a more transparent and accountable process for recovering listed species.

For far too long, the ESA has been exploited as a subversive tool to restrict land management by activist groups who wish to exclude certain user groups and interests, rather than as a tool for meaningful wildlife conservation. This exploitation of process and politics has often led to decisions not based on the best available science. The goalposts for species recovery are constantly shifting, creating unnecessary regulatory uncertainty and making it nearly impossible for livestock producers to plan for the long term. Instead of working in partnership with those who are directly impacted by listed species, federal agencies and the courts have allowed ideological interests to dictate policy—at the expense of both wildlife and the rural communities that steward these landscapes. If the ESA is to be effective, it must operate on transparent, science-based standards and respect the role of local stakeholders in the conservation.

One of the most glaring failures of the current ESA framework is the inability of the U.S. Fish and Wildlife Service (USFWS) to navigate the blatantly political motivations for the listing status of predator species, including the gray wolf, grizzly bear, and Mexican gray wolf. Despite clear scientific information that demonstrates robust populations and bipartisan agreement that the species should be delisted, activist groups continue to block state management of species out of an alleged fear of more aggressive management. Return of species management to state authority is exactly what the ESA was designed to do once a species was recovered, but protracted delisting delays and costly litigation have become an impediment to balanced management. Livestock producers continue to suffer devastating losses due to unchecked predation, yet the ESA offers them little relief and few management tools to protect their herds. This is not a theoretical issue—it is an economic and operational crisis for producers across the U.S.

The consequences of this broken system were made clear in a hearing before this Committee’s Subcommittee on Oversight and Investigations (March 4, 2025), in which two NCBA and PLC livestock producers provided firsthand testimony about the real-world impacts of predator reintroductions under Section 10(j) of the ESA and the broad implications of the ESA. Rather than acknowledging their concerns, proponents of the status quo dismissed their lived experiences as “misinformation,” ignoring the very people who bear the consequences of these policies.

These producers made it clear that Congress must act to ensure listing and delisting decisions are rooted in transparent, peer-reviewed, and objective science. The ESA must also be reformed to prevent activist litigation from undermining species recovery efforts. As it stands, endless lawsuits force agencies to spend their limited resources in the courtroom instead of on-the-ground conservation. This bill strengthens the ESA by limiting judicial review within the five-year post-delisting monitoring period, giving the agency the ability to assess the success of its decisions without being immediately forced back into legal battles.

Additionally, this legislation takes a much-needed step toward recognizing and incentivizing the voluntary conservation efforts that producers have long championed. Livestock producers are not opponents of conservation; we are its most dedicated practitioners. Yet too often, we see our proactive conservation measures ignored or weaponized against us. By streamlining the approval of voluntary conservation agreements, this bill ensures that producers who invest in habitat

restoration and species protection are recognized as partners, not adversaries, in species conservation.

We believe these reforms will not only improve conservation outcomes but also restore integrity to the ESA by reducing bureaucratic barriers, ensuring sound science drives decision-making, and providing regulatory certainty for those most affected. The ESA Amendments Act of 2025 will create a more effective, balanced approach to species conservation—one that supports both wildlife and the rural communities that sustain them.

We wholeheartedly support the passage of this legislation and encourage swift action to move it forward. Its enactment will strengthen wildlife conservation efforts while ensuring that America's livestock producers can continue their essential role as stewards of our nation's natural resources and landscapes. We appreciate your leadership on this critical issue and look forward to seeing this bill signed into law.

Thank you for your attention to this matter. We appreciate your support for meaningful ESA reform and the agricultural industry at large.

Sincerely,

National Cattlemen's Beef  
Association

Montana Public Lands Council

Public Lands Council

Montana Stockgrowers Association

Association of National Grasslands

New Mexico Cattle Growers'  
Association

American Sheep Industry  
Association

North Dakota Stockmen's  
Association

Arizona Cattle Feeders' Association

Ohio Cattlemen's Association

Arizona Cattle Growers' Association

Oklahoma Cattlemen's Association

California Cattlemen's Association

Oregon Cattlemen's Association

California Wool Growers Association

South Dakota Public Lands Council

Colorado Cattlemen's Association

Utah Cattlemen's Association

Colorado Public Lands Council

Utah Public Lands Council

Colorado Wool Growers Association

Utah Wool Growers Association

Florida Cattlemen's Association

Virginia Cattlemen's Association

Idaho Cattle Association

Washington Cattle Feeders  
Association

Indiana Beef Cattle Association

Washington Cattlemen's Association

Kansas Livestock Association

Wisconsin Cattlemen's Association

Michigan Cattlemen's Association

Wyoming Stock Growers Association

Minnesota State Cattlemen's  
Association

Wyoming Wool Growers Association

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## REPUBLIC OF SOUTH AFRICA

March 24, 2025

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

Hon. Harriet Hageman, Chairman  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: LETTER OF SUPPORT OF THE PROPOSED ENDANGERED SPECIES ACT  
(ESA) AMENDMENTS ACT OF 2025

Dear Chair Westerman and Chair Hageman:

The Endangered Species Act (ESA) Amendments Act of 2025 refers.

On behalf of the Government of the Republic of South Africa, I am writing to express our official support for the Endangered Species Act (ESA) Amendments Act of 2025 as proposed by Congressman Westerman, particularly Sections 601 and 602, which seek to harmonize U.S. wildlife regulations with international conservation frameworks, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These amendments are an important step toward ensuring that conservation efforts remain science-based, effective, and beneficial for both wildlife and local communities.

As one of the world's leading conservation nations and home to significant populations of African elephants, rhinoceroses, lions, leopards, and other iconic species, South Africa remains committed to sustainable conservation practices that balance biodiversity protection, responsible resource use, and socio-economic development. The ESA Amendments Act of 2025 would enhance global conservation efforts by: Aligning ESA Regulations with International Conservation Standards:

- By removing stricter domestic measures for non-native species already covered under CITES, the proposed amendments ensure that wildlife management remains science-driven and sustainable.
- Many range states, including South Africa, implement strict conservation frameworks in line with CITES, and this alignment would promote efficient, evidence-based species management.

Furthermore, it will reduce regulatory barriers to conservation programs, where Section 601 will streamline permitting processes, facilitating responsible international trade that supports conservation funding, anti-poaching efforts, and wildlife conservation initiatives.

The amendments will enhance collaboration between range states and conservation stakeholders, ensuring that regulated trade remains a positive force for conservation. Section 602 will strengthen the conservation framework by replacing the subjective "enhancement" requirement with the CITES Non-Detriment Finding (NDF) standard, a globally recognized science-based measure of sustainable use. This approach provides clarity and consistency in conservation governance, ensuring that responsible and regulated activities contribute to species conservation.

South Africa has successfully demonstrated that well-regulated, sustainable-use conservation models generate critical funding for wildlife protection, habitat restoration, and community-based conservation programs. Therefore, by aligning ESA provisions with CITES requirements, the proposed amendments will help secure ongoing funding for conservation initiatives that benefit both wildlife and rural communities.

The Republic of South Africa recognizes the importance of strong conservation partnerships and believes that the ESA Amendments Act of 2025 offers a balanced, science-driven approach to species protection. We urge your support for this legislation, which will reinforce global conservation efforts while ensuring sustainable management of wildlife populations.

We appreciate the United States' leadership in wildlife conservation and look forward to continued collaboration on initiatives that promote the long-term survival of endangered species and the well-being of local communities.

Yours sincerely,

MS OLGA KUMALO,  
Chief Director (Acting)  
Biodiversity Management and Permitting

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**Turlock Irrigation District and Modesto Irrigation District**

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

Re: Support for H.R. 1897—"ESA Amendments Act of 2025"

Dear Chairman Westerman:

Thank you for introducing the ESA Amendments Act of 2025 (HR 1897) and your continued commitment to improving the Endangered Species Act (ESA). The clarifications included in the bill will provide greater certainty and resolve the intent of several important and often disputed provisions within the ESA. Additionally, the changes are consistent with the goal of supporting domestic energy production and streamlining federal environmental reviews. The Turlock Irrigation District and Modesto Irrigation District (Districts) supports this bill and looks forward to working with the Committee to advance this important reform legislation.

The Turlock and Modesto Irrigation Districts are the two oldest irrigation districts in California. The Districts provides irrigation water to over 200,000 acres of prime farmland, drinking water to nearly 340,000 people in the cities of Modesto, Turlock, and Ceres.

Our projects serve as important sources of affordable domestic energy, drinking water and irrigation flows. They operate pursuant to a Federal Energy Regulatory Commission license, and are subject to extensive regulation. The Districts are committed to environmental stewardship and species protection that is grounded in sound science. Thus, the bill's confirmation that best-available science (and not worse-case scenarios or speculative concerns) must serve as the basis for species-related reviews is an important and welcome acknowledgement. Our projects are currently going through the Federal Energy Regulatory Commission hydropower licensing process, and through that process we have become concerned about agency overreach based on speculative impacts, resulting in the potential for expansive requirements that exceed the original intent behind species-related reviews. This legislation would protect against this.

Additionally, the Districts support the addition of a clear definition of environmental baseline that recognizes existing infrastructure. Currently, the National Marine Fisheries Service and U.S. Fish and Wildlife Service (collectively, the "Services") do not include existing structures as part of the environmental baseline. This results in an overstatement of project impacts during the consultation process, and conflicts with the way the environmental baseline is assessed under the National Environmental Policy Act.

The Districts also strongly supports the clarification that mitigation or offsets cannot be required as "reasonable and prudent measures" in a no-jeopardy biological opinion issued following ESA Section 7 consultation. The current ESA specifies that reasonable and prudent measures are intended to minimize—not mitigate—for the effects of incidental take. The Services issued regulations in 2024 (currently under appeal) providing that mitigation could be unilaterally imposed through an RPM. Reiterating the original Congressional intent to differentiate between minimization measures and mitigation is an important clarification.



While the Districts support these and other important changes in the bill, the Districts also request that you consider further clarifications with respect to the role of states in species management. In particular, the bill amends the definition of “best scientific and commercial data” to provide that this includes “data submitted to the Secretary by a State, Tribal, or local government.” This should be clarified to ensure that such data does in fact qualify as the best available scientific and commercial information. Revising this definition to provide that data submitted to the Secretary by a State, Tribal or local government shall be considered by the Services if determined to be valid scientific or commercial data.

Similarly, the provision allowing the Secretary to adopt a state recovery strategy for threatened or candidate species where the recovery strategy is “reasonably certain to be implemented by the petitioning State and to be effective in conserving the species that is the subject of such recovery strategy” should further specify that the recovery strategy must be based on the best science available and demonstrated to be no more costly than recovery strategies developed by the Services or other states.

Thank you for your consideration of these comments, and for your efforts to bring greater clarity to the ESA. We are hopeful that these changes will enable domestic energy projects like ours to be permitted in a science-based, timely and effective manner.

Sincerely,

Brad Koehn, General Manager,  
Turlock Irrigation District

Jimi Netniss, General Manager,  
Modesto Irrigation District

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Ms. HAGEMAN. The Chair now recognizes Mr. Huffman for 5 minutes of questioning.

Mr. HUFFMAN. Thank you, Madam Chair. I appreciate Chair Westerman’s football metaphor. And to throw it back at him, you know, maybe we can agree we have a good defense. Maybe the answer to having a better offense is to stop punting on first down because we keep firing the offensive coordinator.

But we will continue that conversation, I am sure, into the future. We have had it so many times here in this Committee, and we have just, you know, picked through every aspect of why, from our perspective, you need good science, you need good personnel and wildlife managers, you need adequate budgets and staffing for the ESA to work. And we will keep making those points. But certainly, a bill to make the ESA weaker is not the answer and is nothing new. We have just seen it so many times before.

What is new, and I am in my 13th year in Congress, I have never seen anything even remotely like the gentlelady from Georgia’s bill to curry favor with Donald Trump by affirming his swaggering ignorance in trying to rename the Gulf of Mexico. This is just remarkable new stuff in this Committee, just bootlicking sycophancy of the highest order. And the only point of this bill, and everybody knows it, is just to kiss up to Donald Trump. All of you know that this is not a serious bill.

Surely, many of you are embarrassed by this naked tribute to the cult leader. But here we are. We are actually dedicating Committee time to this joke of a bill. And of all of the unserious things that have been said about this deeply unserious bill, perhaps the biggest joke of all is the suggestion that it has something to do with national security. The sponsor of the bill mentioned national security. One of the witnesses talked about this, as if somehow kissing

up to Donald Trump and renaming the Gulf of Mexico will make us safer. I mean, come on.

Anyone who wants to be taken seriously about national security should be talking about one thing and one thing only today: Reporting from The Atlantic yesterday revealed that senior Trump administration officials, including the Vice President, Secretary of Defense, Secretary of State, Director of National Intelligence, U.S. National Security Advisor, and White House Chief of Staff debated and coordinated an air strike on a foreign adversary in the Middle East using the messaging app Signal.

The conversation, which included an exchange of classified information over a non-secure platform on non-secure devices, was complete with craven political justification for the strike, middle-school-style celebration of an attack that actually killed people, and yes, even emojis. And the reason we know all this is they accidentally included the editor of The Atlantic in the text chain.

Unfortunately, unlike the Gulf of America legislation before us, this is not a joke. What it is is a breathtaking breach of national security and public trust that makes Americans less safe and makes our country the laughing stock of the world. Imagine if, instead of fat fingering the signal handle of a reporter, one of these clowns had looped in a less responsible journalist or a reporter with Putin's RT, or maybe a defense or an intelligence contact with opposing views of the conflict in Yemen, maybe someone motivated to leak it.

Kevin Carroll, a national security lawyer and former CIA officer, said it best in the Washington Post yesterday evening: "If these people were junior, uniformed personnel, they would be court martialed." So where is the accountability? Where is the outrage from my friends across the aisle?

I heard Speaker Johnson call this a mistake, just sort of shrug it off and say that the Administration would learn from it. This is not a mistake. This is a firable offense. The President put these incompetent people in position to safeguard our country's sensitive defense and security information, and instead they are treating it like they are in some kind of a march madness chat group with their fraternity brothers.

Anyone who wants to be taken seriously on national security should be focused on this today, not trying to break the Endangered Species Act, or kill wolves, or rename bodies of water to appease a petulant President.

I yield back.

Ms. HAGEMAN. The Chair now recognizes Mr. LaMalfa for 5 minutes of questioning on the topic at hand.

Mr. LAMALFA. The topic at hand. That is not bashing Trump over every little thing, was it? OK.

Ms. HAGEMAN. Right.

Mr. LAMALFA. Mr. Roberts, thanks for being here with us. And I wanted to follow up on a previous question that was asked here. Basically, are we taking too many wolves according to someone's set goals?

We count, so far, approximately 77 in my northeast counties in northern California, Siskiyou and Modoc. That is the numbers that are being estimated. And they are devastating the deer population,

the normal wildlife population, and the livestock populations up there, just big-time, with only 77 wolves. So a previous assertion that we might be taking too many, could you follow up on that?

Dr. ROBERTS. Yes. We are fortunate to have good data to help guide those decisions. I appreciate my colleague mentioning the best available science and referencing that peer-reviewed literature. There is good peer-reviewed literature to suggest that we can sustainably take around 29 percent of a wolf population. In other words, remove about 29 percent and the next year have just as many wolves. So if the goal is to reduce populations, you would actually need to take more than 29 percent.

Mr. LAMALFA. What is a sustainable number of wolves such as, well, nobody except for people in the Bay Area want them in our part of the district. But if you want to see a gray wolf, it seems that you can see plenty of them in the northern Midwest States and Canada, which they are a little more native to. I don't wish them on you all there, too.

But what is truly sustainable as far as how many wolves they can even deal with there? And what makes a population that you know you can count on to not have an extinction?

Dr. ROBERTS. The Fish and Wildlife Service, in consultation with State and Tribal agencies and other scientists, established a minimum population goal. And in the case of wolves, that was set regionally. So, for example, in the Great Lakes that number was 1 to 200 outside of Minnesota. That number is established with the idea in mind that that would ensure that the population is around in the long term and is resilient to unexpected circumstances.

Mr. LAMALFA. Because Fish and Wildlife seems to have no actual target and number. They just say, hey, we have conserved the wolves, we can pull them off the list. Do you know of a number?

Dr. ROBERTS. I do not know of a number, a nationwide number. However, the Fish and Wildlife Service, in their rule that they published in 2020 that was subsequently defended by the Biden administration, clearly stated that they determined that the wolf population in the United States, not just in the Great Lakes region, but in the United States, was recovered and no longer in danger of extinction.

Mr. LAMALFA. Why do they need to be in more than one region of the United States? Because they are devastating western States right now. This kind of brings the analogy to me like, well, there are plenty of giraffes in Africa, but there are no giraffes in Northern America, so therefore we must have an endangered giraffe species in Northern America.

Dr. ROBERTS. Well, I think that you do want to have multiple populations to be resilient if something were to happen to some sub-population. However, that does not mean that they need to inhabit their entire historic range.

Right now one of the criticisms about wolves is that they occur in about 20 percent of their historic range in the United States, which is similar to elk. Elk occur in about 20 percent of their historic range in the United States, and I don't think anybody would argue that elk are endangered.

Mr. LAMALFA. Well, let me just recount a little bit what is going on in my district in Northern California. People are desperate.

They feel like they have no remedies for anything. The fladry, the jumping around with flags and flashlights, and even flying drones over a wolf where the wolf gets used to the drone, they just lay down underneath it until the drone goes away. There were then, you know, 30 yards of houses just looking at you. They are mocking people, basically.

But let me give you a couple of anecdotes here. When the wolves are in the cattle, often the cow aborts or won't breed back. We lost three head last year that we didn't report. We knew wolves killed them either by tracks, telltale signs, or you hear the howling when you get near the conflict. Our lives have changed over the past few years. We are on edge day and night. I have never been afraid to go out on foot at night anywhere on my ranch. I am now. I don't take my dogs if I am away from the barn yard for fear they will be killed, as in that picture up there.

[Slide.]

Mr. LAMALFA [reads anecdotes]. I am up multiple times each night, checking for sounds or driving the ranch looking for wolves. My husband has Stage 4 cancer, I have met these people, this added stress isn't good for him.

We started calling two of the calving grounds at our neighbor's ranch basically death camps because in the last few weeks, every time we go down the county road there are fresh bloody carcasses. You come back home and some bodies are gone, but new ones take their place. We hear howls day and night on the calving grounds. There are many groups of wolves outside those that are collared. None of us has the resources to fend off this onslaught.

Another person, we have made multiple trips to town the last few days. Deer and antelope herds are frantically running from the calving grounds when we go by. We normally don't see them doing this. It is always when we hear the howls or get word that they are close by. Fish and game, by the way, won't tell them they are nearby even though they have the collars. We have to wait until they are already in their herd. Our neighbor is 91 years old. He spends almost every night, all night, driving around his feed lot, trying to keep them from the yearlings for the past couple of months.

Ms. HAGEMAN. We—

Mr. LAMALFA. He is exhausted.

And I can tell you 10 more stories, just right off the top here. This is what is going on. This is very real to these people. And they have no remedy because the wolves are more protected than the President.

I yield back.

Ms. HAGEMAN. Thank you, Mr. LaMalfa. The Chair now recognizes Mrs. Dingell for 5 minutes of questioning.

Mrs. DINGELL. Thank you, Madam Chair.

The United States is facing an unprecedented biodiversity crisis. We have already seen our Nation's beautiful monarch butterfly population plummet, and we have lost nearly 3 billion birds since 1970. More than one-third of our plant and animal species are currently threatened with extinction, putting ecosystems across America at risk. Our bedrock environmental laws are the only thing holding back a wave of extinction events, and the

Endangered Species Act, or ESA, for the last 50 years has been 99 percent effective. This is thanks to the ESA's strong legal protections and associated recovery efforts.

My colleagues argue that ESA is not effective and that only 57 species have been recovered. However, the ESA is supposed to be a tool of last resort. Species listed are either on the brink of extinction or risk becoming threatened.

One ESA shortfall that we should address is that it is chronically under-funded, contributing to slow listing and slow recovery. This favors early prevention-focused actions in favor of reactionary life support actions once the species is listed. It then takes time, resources, and energy to bring a species back from the brink of extinction onto the road to recovery. Studies and advocates across the political divide have shown time and time again that we need to invest in species recovery and their habitats to lead to their successful delisting.

I continue to hope that we can work together to pass legislation like Recovering America's Wildlife Act, or RAWA, which would make historic investments into species recovery, giving State wildlife agencies the tools they need to truly invest in wildlife conservation and recovery.

Today's legislation, the ESA Amendment Act of 2025, would strip ESA protections, making it harder to protect wildlife. This Act delays new listings while fast-tracking removals and narrowly redefines key terms to limit the law's reach. A major part of the ESA's success has been the implementation of successful candidate conservation agreements with assurances. If this bill were passed, it would weaken current and future agreements. Specifically, it would remove these agreements from Section 7 consultations, create additional workloads and deadlines for the plan approval, and limit Federal oversight once the U.S. Fish and Wildlife Service approves the plan.

I have major concerns with asking our Federal agencies to re-work many of these agreements while the current Administration is firing their best and their brightest. In my State alone 15 highly experienced NOAA employees were let go, and the U.S. Fish and Wildlife Agency fired 12 employees attached to the Great Lakes Sea Lamprey program. These actions have delayed this year's control program, which will cost our Great Lakes fishing economy hundreds of millions of dollars.

Dr. Kareiva, the ESA Amendments Act also blocks judicial review of delisting decisions for five or more years after a species is removed from the Endangered Species Act. Elon Musk's DOGE operation has fired or put on leave many biologists and program staff who would be responsible for assessing the science and drafting rules to delist species. Without the scientific expertise in the agencies or the judicial check on the validity of the delisting action, will agencies be able to make politically-motivated delisting decisions?

Dr. KAREIVA. No, they will not. They will be working in the dark, and they will be totally blind.

Mrs. DINGELL. How would we hold the Administration accountable for ensuring a species is recovered pursuant to the Endangered Species Act?

Dr. KAREIVA. Well, the 5-year limit, before you can even review it, is a problem. Think about it. If you had a marketing plan and the goals, and you decided this is my marketing plan for the next 5 years, and no matter what data come in, no matter what happens, I am not going to change it, that is what that is like.

And so we need, year to year, field biologists out there telling us what is happening, and only then can we hold ourselves accountable and agencies accountable for doing what the Endangered Species Act is intended to do.

Mrs. DINGELL. Thank you.

Madam Chair, these proposed changes will only lead to species extinction, not species recovery. We need to work together to pass lasting investments in species recoveries. I have said it before and I will say it again: I am ready to work across the aisle to address the biodiversity crisis in a bipartisan manner. But sadly, we only keep hearing partisan attacks on our most successful environmental protection laws. I thank you, and I yield back.

Ms. HAGEMAN. Thank you. The Chair now recognizes Ms. Boebert for 5 minutes of questioning.

Ms. BOEBERT. Thank you, Madam Chair.

I would caution my colleagues on the other side of the aisle to refrain from making fun of the Gulf of America, because next up, you know, may end up being the district of America that we are working on. So just, you know, keep the jokes at bay. And, you know, maybe we will just stick with the Gulf of America for now.

And I do want to just take a personal moment and recognize we have former Congresswoman, Yvette Herrell from New Mexico, hi, Yvette. She was a distinct member on this Committee, and she is here in the room with us today. So I just wanted to say hello to you, Yvette.

Mr. Kareiva, do you know the current gray wolf population total?

Dr. KAREIVA. Pardon?

Ms. BOEBERT. Do you know the total population of the gray wolf currently?

Dr. KAREIVA. No, I don't think anybody knows. There are estimates at range.

Ms. BOEBERT. Estimates of about 6,000. It is a pretty widely adopted estimate that we have about 6,000 gray wolves in the lower 48. Would you agree with that?

Dr. KAREIVA. Yes. About 6,000 to 8,000.

Ms. BOEBERT. Great, great. You have a number even higher than me, which is well above, like, any regional numbers that we were looking at for the Endangered Species Act.

So would you consider 6,000 to 8,000 gray wolves being fully recovered?

Dr. KAREIVA. I absolutely would not. Six to eight thousand, when there were half a million before is not enough. And it is really about their ecological function. They are called keystone species because they reduce erosion.

Ms. BOEBERT. Sorry, my time is limited here. I think 6,000 to 8,000 is a good number, especially when we are seeing just the amount of depredation cases taking place, of the amount of harm to our pets, to our livestock, to our wildlife.

And, you know, there has been a lot of attacks on Elon Musk and the Federal agencies and folks no longer being employed because of DOGE efforts, or whatever that may be, by President Trump's request. Don't you think this is a great time to get the Federal Government out of the way and return management back to the States and local Tribes?

Dr. KAREIVA. No, I think we need the expertise of these Federal biologists.

Ms. BOEBERT. So the Federal Government is just the end all, be all. We have the Federal Government, and they are smarter than any State management program, any tribal management program?

Dr. KAREIVA. The best conservation is with the collaboration between Federal and State.

Ms. BOEBERT. Do these biologists benefit from being in frivolous lawsuits and held up in court, rather than being in the lab and creating studies?

Dr. KAREIVA. You know, most biologists want to be out in the field.

Ms. BOEBERT. Yes, they do, but there are frivolous lawsuits that prevent them from that. And I haven't heard any of my colleagues on the other side of the aisle complaining about that aspect of it, just that there may be some reduction in these employees.

Dr. KAREIVA. Is there a question?

Ms. BOEBERT. It is not really a question. You are saying that they want to be in the field.

Dr. KAREIVA. Yes.

Ms. BOEBERT. But there are these frivolous lawsuits that keep them tied up.

Dr. KAREIVA. I don't know if they are frivolous or not.

Ms. BOEBERT. I would say that they are.

Dr. KAREIVA. As a biologist, you—

Ms. BOEBERT. Thank you. Thank you very much for your time. I am going to move on to Dr. Roberts here.

Do you believe that it is time to delist the gray wolf from the Endangered Species Act?

Dr. ROBERTS. Yes, ma'am, I do. I think the science is clear on that.

Ms. BOEBERT. And with this frivolous litigation like the Defenders of Wildlife lawsuit, has it distorted the original intent of the Endangered Species Act?

Dr. ROBERTS. Yes, I think so. The Endangered Species Act is intended to protect animals at immediate risk of extinction. And those lawsuits that you referenced, if you look at those, they are primarily on procedural issues, not the issue of the number of animals that are on the landscape.

Ms. BOEBERT. Yes, yes. When the ESA is abused, I think that the intent of the Act is certainly distorted, as well.

And Dr. Roberts, how does keeping the wolves listed harm, if it does, the conservation efforts?

Dr. ROBERTS. Well, I think it is discouraging to States and to individuals to engage in species recovery, to be involved in working with species at peril if there is no end in sight.

Ms. BOEBERT. And just with our last 30 seconds, Dr. Roberts, how successful have State and tribal management been at helping restore the gray wolf populations to the full recovery levels?

Dr. ROBERTS. Well, like my colleague mentioned, collaboration between the State and Federal Government is important, and working with the State government was an important aspect that led to the recovery of the gray wolf.

Ms. BOEBERT. Thank you very much. Thank you to all of our witnesses.

Madam Chair, I yield.

Ms. HAGEMAN. I call on Ms. Rivas for her 5 minutes of questioning.

Ms. RIVAS. Thank you for recognizing me.

You know, I consider myself a serious legislator who was elected to serve my constituents and represent my community, which I strive to do today and every day in Washington and in California's 29th. I would like to spend my time on H.R. 276, which I believe is an unserious bill.

As you know, this bill would rename the Gulf of Mexico as the Gulf of America for essentially all documents, maps, and records within the United States. Mr. Milito, I believe that witnesses brought before the Committee are to be experts and serious about their role. Briefly, what is the point of H.R. 276, and do you think this is a serious bill?

Mr. MILITO. The point is to change the name from Gulf of Mexico to the Gulf of America. And I think it does shine some important light on the Gulf of America from an energy production standpoint, because we are a critical energy artery for the country, and we haven't really been looking at that and understanding the full benefits that it provides to all Americans. It provides tremendous revenues and energy production and jobs, and money for land and water conservation.

Ms. RIVAS. Mr. Milito, I want to reclaim my time. I mean, you are answering but I don't hear the point.

For the record, let's be honest with each other and the American people. At the end of the day this is not changing the name of the Gulf of Mexico, because the International Hydrographic Organization and all of the world will still call it the Gulf of Mexico. So I ask my colleagues, what is the point of H.R. 276?

I will tell you there is no point to this bill. H.R. 276 is a joke. No, really. The origin of the idea has been referred to as a joke.

Madam Chair, I would like to enter a PBS news story from January 20, 2025 into the record. According to this news story, it recapped the origin of this idea, and the premise is based on literal jokes. More specifically, in 2012 a member of the Mississippi legislature proposed a bill to rename portions of the Gulf as Gulf of America, a move that the bill author later referred to as a joke. Two years earlier, comedian Stephen Colbert had joked on his show that following—

Ms. HAGEMAN. It is without objection, so ordered.

Ms. RIVAS. Excuse me?

Ms. HAGEMAN. For the unanimous consent. Is that right? Is that what you asked for, was unanimous consent to have that introduced?



Ms. RIVAS. Oh, yes, please.  
 Ms. HAGEMAN. OK, so ordered.  
 [The information follows:]

### **Can Trump change the name of the Gulf of Mexico to ‘Gulf of America’?**

*PBS News*, Jan 20, 2025 by Meg Kinnard, Associated Press

<https://www.pbs.org/newshour/politics/can-trump-change-the-name-of-the-gulf-of-mexico-to-gulf-of-america>

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WASHINGTON (AP)—President Donald Trump said in his inaugural address that he will change the name of the Gulf of Mexico to the “Gulf of America,” repeating an idea he first brought up earlier this month during a news conference.

“America will reclaim its rightful place as the greatest, most powerful, most respected nation on Earth, inspiring the awe and admiration of the entire world,” he said on Monday. “A short time from now, we are going to be changing the name of the Gulf of Mexico to the Gulf of America.”

It’s his latest suggestion to redraw the map of the Western Hemisphere. Trump has repeatedly referred to Canada as the “51st State,” demanded that Denmark consider ceding Greenland, and called for Panama to return the Panama Canal. Trump also spoke about taking back the vital waterway during his inaugural speech.

Here’s a look at his comment and what goes into a name.

### **Why is Trump talking about renaming the Gulf of Mexico?**

Since his first run for the White House in 2016, Trump has repeatedly clashed with Mexico over a number of issues, including border security and the imposition of tariffs on imported goods. He vowed then to build a wall along the U.S.-Mexico border and make Mexico pay for it. The U.S. ultimately constructed or refurbished about 450 miles of wall during his first term.

The Gulf of Mexico is often referred to as the United States’ “Third Coast” due to its coastline across five southeastern states. Mexicans use a Spanish version of the same name for the gulf: “El Golfo de México.”

Americans and Mexicans diverge on what to call another key body of water, the river that forms the border between Texas and the Mexican states of Chihuahua, Coahuila, Nuevo Leon and Tamaulipas. Americans call it the Rio Grande; Mexicans call it the Rio Bravo.

### **Can Trump change the name of the Gulf of Mexico?**

Maybe, but it’s not a unilateral decision, and other countries don’t have to go along.

The International Hydrographic Organization—of which both the United States and Mexico are members—works to ensure all the world’s seas, oceans and navigable waters are surveyed and charted uniformly, and also names some of them. There are instances where countries refer to the same body of water or landmark by different names in their own documentation.

It can be easier when a landmark or body of water is within a country’s boundaries. In 2015, then-President Barack Obama approved an order from the Department of Interior to rename Mount McKinley—the highest peak in North America—to Denali, a move that Trump has also said he wants to reverse.

Just after Trump’s comments on Tuesday, Rep. Marjorie Taylor Greene of Georgia said during an interview with podcaster Benny Johnson that she would direct her staff to draft legislation to change the name of the Gulf of Mexico, a move she said would take care of funding for new maps and administrative policy materials throughout the federal government.

### **How did the Gulf of Mexico get its name?**

The body of water has been depicted with that name for more than four centuries, an original determination believed to have been taken from a Native American city of “Mexico.”

Has renaming the Gulf of Mexico come up before?

Yes. In 2012, a member of the Mississippi Legislature proposed a bill to rename portions of the gulf that touch that state's beaches "Gulf of America," a move the bill author later referred to as a "joke." That bill, which was referred to a committee, did not pass.

Two years earlier, comedian Stephen Colbert had joked on his show that, following the massive Deepwater Horizon oil spill in the Gulf of Mexico, it should be renamed "Gulf of America" because, "We broke it, we bought it."

#### **Are there other international disputes over the names of places?**

There's a long-running dispute over the name of the Sea of Japan among Japan, North Korea, South Korea and Russia, with South Korea arguing that the current name wasn't commonly used until Korea was under Japanese rule. At an International Hydrographic Organization meeting in 2020, member states agreed on a plan to replace names with numerical identifiers and develop a new digital standard for modern geographic information systems.

The Persian Gulf has been widely known by that name since the 16th century, although usage of "Gulf" and "Arabian Gulf" is dominant in many countries in the Middle East. The government of Iran threatened to sue Google in 2012 over the company's decision not to label the body of water at all on its maps.

There have been other conversations about bodies of water, including from Trump's 2016 opponent. According to materials revealed by WikiLeaks in a hack of her campaign chairman's personal account, former Secretary of State Hillary Clinton in 2013 told an audience that, by China's logic that it claimed nearly the entirety of the South China Sea, then the U.S. after World War II could have labeled the Pacific Ocean the "American Sea."

Ms. RIVAS. Thank you.

You know, 2 years earlier comedian Stephen Colbert had joked on his show that following the massive Deepwater Horizon oil spill in the Gulf of Mexico it should be renamed Gulf of America because we broke it, we bought it. Even the President of Mexico, Claudia Sheinbaum, joked that the United States be referred to as America Mexicana, its seventh century name.

While Republicans bring up bills that are literal jokes, I do not see the humor. As Americans are struggling, as our children's public education is getting dismantled, as our Nation's war secrets are being shared via text messages, as cost of living continues to rise, here Republicans are considering a bill that does nothing to address real issues of the American people. Here Republicans are making a joke out of this body and our jobs to serve.

Thank you, and I yield back.

Ms. HAGEMAN. Thank you. The Chair now calls on Mr. Crank for his 5 minutes of questioning.

Mr. CRANK. Thank you, Madam Chair. I appreciate it.

Before I get started, I come in here to this Committee and I constantly hear at least one of my colleagues on the other side accuse us of an extinction agenda. That is just so offensive. I can't tell you how offensive it is. And then goes on to talk about boot licking and kissing up. Well, there is a lot of boot licking and kissing up that goes on to environmental groups. I see that every day, every time I come to this Committee. And I just wanted to say that.

You know, I am proud to be an original co-sponsor of my colleagues' Representative Boebert and Representative Tiffany's bill to delist the gray wolf from the Endangered Species Act. But, you know, the truth is Congress shouldn't have to be legislating on removing species from the endangered species list. As the testimony today reflects, we should have a transparent Federal process that

temporarily lists species as endangered or threatened. And then, once recovered, goals are met, delists the species and returns management to the States. That is the way the process ought to work.

Wolves, the introduction of wolves, and I won't even say the re-introduction, because we never had Canadian wolves introduced ever in Colorado before, but that has been a disaster for the State of Colorado. Ranchers are losing cattle, they are losing sheep. Our elk populations will diminish over time as more and more wolves are introduced, and this was all done by a ballot measure voted on by the citizens of Denver and Boulder to introduce wolves into places that aren't Boulder and Denver. They introduced it into communities on the Western Slope.

Now, if we are going to talk about historic range, wouldn't we want to put them in downtown Denver and Boulder? I guess we don't want to do that. So this is a sad state. You know, under the current madness, we won't delist until we have them roaming downtown Denver and Boulder? Probably not.

This delisting of species is almost impossible today because of radical environmentalists twisting the ESA process to lock up lands from energy development or agricultural uses. Let's just be honest. What is happening? These are lawyers for radical environmental groups that are twisting the ESA, and they are doing it at the expense of the livelihood of ranchers and farmers and agriculture interests all across the United States of America. That is what is happening. So let's just be honest about that.

Dr. Roberts, in your testimony you state that wolves are restored in the Great Lakes and Rocky Mountains. Why are you not concerned that wolves are not restored throughout the entire historic range?

Dr. ROBERTS. Well, I don't think that is necessary to consider a species restored. The wolves that we have in those regions and other regions are a sufficient-enough population to ensure that they are not going to go extinct. And the purview, again, of the Endangered Species Act is to protect a species from extinction. It is clear that wolves in the United States are not at risk of extinction, regardless of if they do not inhabit their entire historic range.

As you pointed out, you know, where we sit right now in Washington, D.C. there were once elk and black bear. They are not going to be here again. In some areas we are just not going to have some species ever again.

Mr. CRANK. Yes, and I would imagine there will be some attorney somewhere who will file a lawsuit and continue to use the ESA as a weapon against rural Americans until there are elk roaming the streets of Washington, D.C. I mean, that is the insanity of this process that we have right now. We have to fix this process.

And Madam Chair, you can correct me on this because it is your home State of Wyoming. I was told that, since the introduction of wolves into Yellowstone, that the moose population in Wyoming is down 80 percent. Now, I don't know if you will agree with that or not.

Why do we love the animals with teeth that kill animals that eat grass more than the animals that eat grass? I don't understand this. It is insanity. And it is not wildlife management.

I would yield back.

Ms. HAGEMAN. Thank you.

Ms. HOYLE. Madam Chair, I would like to ask unanimous consent to enter into the record a letter from over 65 organizations opposing H.R. 1897 and H.R. 845.

Ms. HAGEMAN. So ordered.

[The information follows:]

March 24, 2025

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairwoman Hageman and Ranking Member Hoyle:

On behalf of our organizations and our combined millions of members and supporters we write to express our strong opposition to H.R. 1897, the “ESA Amendments Act of 2025,” and H.R. 845, the so-called “Pet and Livestock Protection Act of 2025”. H.R. 1897 would gut the critical protections that the Endangered Species Act (ESA) provides for thousands of imperiled species, and H.R. 845 would delist gray wolves in the lower 48. These damaging bills will be the subject of a House Natural Resources Subcommittee on Water, Wildlife, and Fisheries hearing on March 25, 2025. We request this letter be included in the hearing record.

The planet is facing an alarming and catastrophic biodiversity crisis, largely driven by humankind. Unmitigated development, habitat loss, exploitation, pollution, invasive species, and climate change now threaten as many as one million species with extinction. It is our responsibility to confront this crisis to prevent America’s imperiled wildlife—such as the Florida manatee, gray wolf, loggerhead sea turtle, black-footed ferret, and more—from disappearing forever.

The ESA is America’s most effective law to protect biodiversity and prevent the extinction of our most vulnerable animals, fish, and plants. Nearly all species listed under the ESA have been saved from extinction and hundreds are on the path to recovery today. H.R. 1897 and H.R. 845, which will be considered by the Subcommittee on March 25, would destroy the ability of the ESA to conserve imperiled species. At a time when we should be redoubling our commitment to protect biodiversity and stop extinction, these bills would instead make many of the ESA’s most important protections virtually meaningless and set the precedent of using politics, rather than science, for conservation decision-making. The passage of H.R. 1897 and H.R. 845 would result in significant harm to at-risk species and their habitats, further exacerbating the environmental challenges we face today.

**H.R. 1897, sponsored by Rep. Bruce Westerman**, contains numerous provisions that would drastically weaken the ESA and decrease protections for threatened and endangered species, ultimately condemning them to continued declines and challenges. It would significantly rewrite key portions of the ESA to prioritize politics over science and inappropriately shift responsibility for key implementation decisions from the federal government to the states, many of which do not have sufficient resources or legal mechanisms in place to take the lead in conserving listed species. It would place significant new administrative burdens on already overburdened agencies. It would turn the current process for listing and recovering threatened and endangered species into a far lengthier process that precludes judicial review of key decisions.

More specifically, among other things, this disastrous bill would:

- Upend the consultation process—the cornerstone of American species protection for 50 years;
- Slow listings to a crawl and fast-track delistings;
- Gut review of permits that allow ESA-listed species to be harmed or killed;
- Treat those permits as though exempted from review by the “God Squad,” even if the permits pave the path to extinction;
- Allow much more take of threatened species and shift their management out of federal hands, even while they are still federally listed;
- Substitute politics for science-based decisionmaking;

- Increase the role of ineffective voluntary conservation measures;
- Erode public accountability in wildlife management; and
- Attack rules intended to protect threatened and endangered species.

**H.R. 845, sponsored by Rep. Lauren Boebert**, directs the Secretary of the Interior to reissue the final rule published on November 3, 2020, delisting the gray wolf within 60 days of enactment. The bill bars judicial review of the Secretary's action delisting the wolf.

The gray wolf is an iconic keystone species that plays a vital role in keeping America's ecosystems healthy. Gray wolf populations in the United States were decimated by decades of predator control programs, as well as loss of habitat and prey. Since receiving protection under the ESA in the 1970s, the gray wolf has begun a comeback but remains far from recovered.

The rule that H.R. 845 would reinstate was hastily issued by the U.S. Fish and Wildlife Service at the end of the first Trump administration to delist gray wolves in 44 states. The rule was challenged by conservation organizations, and in February 2022 a federal district court found that the delisting decision was unlawful, including because it delisted wolves across much of the lower-48 based on the status of core populations without proper consideration for wolves' more precarious status elsewhere.

H.R. 845 undermines the integrity of the ESA by forcing the reinstatement of the scientifically indefensible delisting rule and precluding judicial review, undermining the rule of law that holds government officials accountable in the courts.

We strongly urge you to oppose both H.R. 1897 and H.R. 845, which are damaging bills that would dramatically weaken the ESA and make it harder, if not impossible, to achieve the progress we must make to address the alarming rate of extinction our planet now faces.

Thank you for your attention.

Sincerely,

Animal Legal Defense Fund	National Wolfwatcher Coalition
Animal Welfare Institute	Natural Resources Defense Council
Attorneys for Animals	Nimiipuu Protecting the Environment
Born Free USA	Northeastern Minnesotans for Wilderness
Californians for Western Wilderness	NYC Plover Project
CalWild	Oregon Wild
Cascadia Wildlands	Partnership for Policy Integrity
Center for Biological Diversity	People and Carnivores
Climate Justice Alliance	Physicians for Social Responsibility PA
Colorado Wild Public Lands	Project Coyote
ColoradoWild	Public Interest Coalition
Conservatives for Responsible Stewardship	Roaring Fork Audubon
Defenders of Wildlife	Sage Steppe Wild
Earthjustice	San Luis Valley Ecosystem Council
Environmental Protection Information Center—EPIC	Save Animals Facing Extinction
FOUR PAWS USA	Sawtooth Science Institute

Friends of the Earth	Sierra Club
Friends of the Sonoran Desert	Species Unite
Grand Canyon Wolf Recovery Project	Team Wolf
Great Old Broads for Wilderness	The 06 Legacy
Humane World Action Fund	The Western Environmental Law Center
Humane World for Animals	Western Watersheds Project
Kettle Range Conservation Group	WildEarth Guardians
Klamath-Siskiyou Wildlands Center	Wilderness Watch
Large Carnivore Fund	Wilderness Workshop
Latino Outdoors	Wildlife for All
League of Conservation Voters	Wolf and Wildlife Advocates
Legal Rights for the Salish Sea	Wolf Conservation Center
Living with Wolves	Wolf Hollow
Lobos of the Southwest	Wyoming Coalition for Animal Protection
Los Padres ForestWatch	Wyoming Wildlife Advocates
Micah Six Eight Mission	Yaak Valley Forest Council
Michigan Wolf Coalition	Yellowstone to Uintas Connection

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Ms. HAGEMAN. The Chair now recognizes Mr. Soto for 5 minutes of questioning.

Mr. SOTO. Thank you so much, Madam Chair.

You know, I heard some of our witnesses say that business requires certainty and predictability. We have gotten anything but that in the last 64 days, with tariffs on and off, mass firings, deportations, chaos, division all slowly wrecking our economy. Unemployment is rising, growth is slowing, the stock market is dropping. And even President Trump admitted that we could be headed for a recession.

So I am not sure how many people realize this, but natural resources are absolutely critical for Florida's economy. We have a huge tourism, eco-tourism industry, huge fisheries, national parks, all this being utilized to help out. And I know many of your constituents get to enjoy coming to Florida, and we welcome them, and it is America's playground, which is why President Trump's cuts to the National Oceanic and Atmospheric Administration, otherwise known as NOAA, is hitting us very hard, a 10 percent cut in personnel, over 1,000 employees fired, another 1,000 from the national parks, by the way.

Our State gets just devastated by hurricanes. This is going to affect everything from preparedness for floods to hurricanes to other natural disasters, our readiness, our response. And I could

tell you, after a hurricane hits it takes sometimes weeks to months for folks to be able to recover, sometimes years. It affects lives and livelihoods. Central Florida farmers are still recovering from Hurricanes Helene and Milton, along with businesses along the Gulf of Mexico like in St. Pete, where you have a lot of these small mom-and-pop hotels that are still getting sand out of their first floors and trying to recover and rebuild. Even grants to improve weather forecasts have been cut, which also hurts, again, readiness response. The more time we have, the better we can protect small businesses across Florida.

Also, fisheries are absolutely critical for our state, both recreational and commercial. Everybody is pretty familiar with grouper or red snapper, both favorites of mine and many others. NOAA helps manage fisheries. NOAA helps navigation information for ships and marine sanctuaries. Huge for fishing, huge for tourism in Florida. And so when you have cuts ordered without guidance on where to cut, nothing is efficient about that. Most of these folks are probationary employees. The only thing they have going for them, why they got selected, is because they have been there for 3 years or less. Some of them could be management, they could be experts, or they could be the new guy on the block. And so you literally, at random by how they came in, cut these folks, and then it makes it even less efficient than it was before.

This is the Committee of jurisdiction. We should be having hearings on this. I don't see anybody from NOAA here, from the national parks. In fact, I haven't seen anybody yet invited from those agencies. And this is going to affect our biggest industries in Florida, especially tourism.

You know Dr. Kareiva, thank you for being here. Environmental tourism, huge in Florida. You know how many people go to our beaches. They go out on boats and recreational fishing, they go to see the manatees, get to enjoy the Everglades and so many other areas like the Kissimmee chain of lakes in my district. How are these NOAA cuts affecting tourism both in your area and across the Nation?

Dr. KAREIVA. Well, and in our area, NOAA is very much involved in recovering the kelp ecosystem, which is the West Coast productive ecosystem. And these cuts will hurt the efforts to restore kelp. And kelp is incredibly economically valuable. It seems like it is just a plant, but per acre of kelp generates in fisheries income alone, just in fisheries income alone, between \$5,000 and \$20,000 per acre each year if you have an intact kelp. And NOAA is the science agency and the support agency that is involved in rebuilding that whole kelp ecosystem which is everything from otters to abalone and so on.

Mr. SOTO. And people spend a lot of money to be able to recreational fish or get to see those otters or scuba dive.

Dr. KAREIVA. Yes.

Mr. SOTO. What have you been seeing lately as a result of this?

Dr. KAREIVA. I mean, just think about the fact that we had a lot of talk about the Endangered Species Act. We recovered whales and now, just in California alone, it is a \$20 million a year industry to just go out whale watching. That is courtesy of the Endangered Species Act, to be able to go out whale watching. So

it is going to be really important to the whole coastal economy to restore this kelp.

Mr. SOTO. And we welcome all your constituents out to Florida to enjoy in a bipartisan fashion, you know, Congressman Webster is on this Committee. This is absolutely critical that we protect NOAA and we protect both our fisheries and tourism. It is huge business in our State.

And I yield back.

Ms. HAGEMAN. The Chair now recognizes Mr. Ezell for 5 minutes of questioning.

Mr. EZELL. Thank you, Madam Chairman, and thank you for all being here today.

For far too long, the Endangered Species Act, or ESA, has been overrun by Federal agencies to implement radical environmental policies, making the ESA stray away from its basic intent to the recovery of species. The current ESA puts a burden on economic development, restricts public land use, and blocks habitat restoration. Reform is much needed, and the weaponization caused by bureaucrats in Washington is unacceptable. We must ensure common-sense conservation. I am a proud original co-sponsor of H.R. 1887 and thank Chairman Westerman for his bold leadership and vision on this crucial legislation.

Mr. MILITO, you mentioned the importance of certainty in legislation and regulation to attract more investment and bolster America's competitive advantage. A critical, ongoing aspect of this in the Gulf of America is the biological opinion for oil and gas operations which NOAA has a deadline of May 21 to complete. Given the numerous ways that both the Gulf region and the U.S. benefit from energy production, how important is it that NOAA complete this biological opinion?

Mr. MILITO. Oh, it is vitally important because we have almost two million barrels of production every day, and that is huge. Take it off the market, you will have a dramatic increase in the price of energy for all Americans, it takes important funding away, it impacts jobs. And we need that biological opinion in place; otherwise, we are not going to be able to continue to operate. So we are going to continue to seek the help of Congress and the Administration to make sure we don't have that gap.

And if I get a chance, I would like to comment one more time on Gulf of Mexico, the Gulf of America. I think there are some additional facts I would like to put out there. Thank you.

Mr. EZELL. The testimony details great statistics about the jobs that are supported by the Gulf of America oil and gas production industry. To list a few, the average industry wage is 29 percent higher than the national average, and the average deepwater project produces roughly \$3 billion in total direct wages. And during the most active years of a given project, employment can be expected to peak at around 14,400 jobs. Can you expand on the way energy production in the Gulf of America supports individuals and families across the region?

Mr. MILITO. Absolutely, and it is not just the Gulf Coast. We have people throughout the country who are in jobs and companies, every State in the Union. We have companies that support oil and gas production in the Gulf of America. And some will come out



from the interior of the country, and they will fly out and they will go out for 3 weeks, come back, go to their families for 3 weeks. But our supply chain is long and strong, and we are supporting mariners, boat captains, engineers, electricians, welders, cooks, chefs, you name it. We need them in the offshore environment. We need those jobs, and we need to make sure that we are creating a pipeline of energy and energy permitting and leasing so that we can continue to provide this energy for the American people and provide these good-paying jobs for all Americans.

Mr. EZELL. Thank you very much.

Madam Chair, I yield back.

Ms. HAGEMAN. Would you yield to the Chair for a moment?

Mr. EZELL. Absolutely.

Ms. HAGEMAN. For the remainder of your time?

Mr. EZELL. Absolutely.

Ms. HAGEMAN. Mr. Milito, you indicated that you had additional information you would like to share with regard to the Gulf of America.

Mr. MILITO. Yes, Chair Hageman, and I am not sure if you are aware, but there is a gentleman by the name of Scott Angelle. He was the Secretary of the Department of Natural Resources for the State of Louisiana, and he was also the longest-serving director of the Bureau of Ocean Energy Management at the Department of the Interior during the prior Trump administration. He very seriously proposed the change of Gulf of Mexico to the Gulf of America, and he proposed it because it sits between Texas, Louisiana, Mississippi, Alabama, and Florida, and it is home to American companies and American employees producing American energy, and also American fishermen, both commercial and recreational, and our military. He did that in a serious way years ago. So there has been serious efforts in the past to do that, in addition to the comedians doing it, as well. I just wanted to point that out. Thank you.

Ms. HAGEMAN. Thank you, and I appreciate that history lesson. That is important that we remember those things.

The Chair now——

Mr. TIFFANY. Does the gentleman yield the balance of his——

Ms. HAGEMAN. Yes. Well——

Mr. EZELL. [Inaudible.]

Ms. HAGEMAN. Yes, I think he said yes.

Mr. TIFFANY. Yes, I would like to follow up on that. It is really interesting to hear this high-mindedness in regards to how can we possibly rename something when we had military bases being renamed over the last 4 years, when we have statues being torn down or being proposed to be torn down by the previous Administration. To all of a sudden be indignant about renaming the Gulf of Mexico I find ironic.

I yield back to the Chair.

Ms. HAGEMAN. Thank you, and the Chair now recognizes Mr. Walberg for 5 minutes of questioning.

Mr. WALBERG. I thank the Chairman, and I would say I don't find that ironic. I find it normal, your response.

Michigan, the Great Lakes State, is home to 84 percent of North America's fresh water. I have the privilege of representing in my

district, Lake Michigan and Lake Erie as part of that percentage of 84 percent of North America's fresh water. It is an economic driver for our State, to the tune of \$7 billion annually. To protect that fishery and the Great Lakes ecosystem, it is imperative that we have accurate data. That is why I am proud to have worked with Representatives Dingell and Huizenga on H.R. 1917, the Great Lakes Mass Marking Program Act, which would authorize the U.S. Fish and Wildlife Service to expand fish-tagging efforts in the Great Lakes in partnership with State and tribal fish management agencies.

Mr. Roberts, thank you for being here. As you mentioned in your written testimony, State fish and wildlife agencies have the primary responsibility for management of wildlife. I couldn't agree with you more. The Great Lakes Mass Marketing Program Act requires the collaboration from the Fish and Wildlife Service with State and regional agencies. How does this collaboration allow for better conservation practices to be implemented?

Dr. ROBERTS. Well, thank you for the question.

I believe that the collaboration between the Federal and State and Tribal agencies is critical. Your bill requires, compels, those agencies to do just that. That takes advantage of the expertise that is in those agencies, in the Federal agencies and the State agencies, and sometimes we have people move from Federal to State agencies, and it takes advantage of that, creates a synergy of all the expertise that is out there.

Mr. WALBERG. Well, given your experience, how important is data in the decision-making process on the ground?

Dr. ROBERTS. Absolutely critical. When we talk about the best available science, that science is only as good as the data that feeds into it. So the more data that is available and high-quality data, the better the science. And the more sets of eyes that look at that, too. And I believe that your bill helps achieve that.

Mr. WALBERG. Yes, it expands that opportunity and confirms just what you have said.

And for the Great Lakes, 20 percent of the world's freshwater population, as well, is an important ingredient. Thank you.

I think it is clear that this legislation would significantly improve the data used in decision-making by State agencies, and I look forward to continuing to work with this Committee and my colleagues to pass this important legislation.

Mr. Roberts, one final question for you on the Pet and Livestock Protection Act. Some have dismissed the concerns of citizens that live in areas with high wolf populations, we have heard that today, like those in northern Michigan, saying that they will have to just learn to live with it. What do you say to that mentality?

Dr. ROBERTS. Well, I think that that is dismissive, and insulting, and inaccurate to the people that are in those areas. I believe that proper wildlife management can realize the benefits of wildlife, while providing some relief. That would be similar to telling somebody that is impacted by wildfires that they need to live with wild-fire. And similarly, proper forest management can benefit people and forest, and I believe the same is true for wildlife.

Mr. WALBERG. I agree with you. It is proper stewardship. And the resource is to be used, to be secured, but nonetheless to make

sure that those of us that are responsible for it and have the greatest impact on our lives be cared for, as well.

Dr. ROBERTS. Absolutely.

Mr. WALBERG. Thank you.

Ms. HAGEMAN. Would the gentleman yield?

Mr. WALBERG. I would yield.

Ms. HAGEMAN. Wonderful. Mr. Guardado, I understand that United recently submitted a petition to the Department of Commerce revising a critical habitat designation. Could you explain a bit more about that?

Mr. GUARDADO. Yes, absolutely. And I have heard my colleagues today talk about the best available science, and certainly frivolous lawsuits, really talking our language here in our region because, as far as best available science, earlier in my testimony I talked about our Santa Felicia Dam and having to go through a Section 7 consultation because of the designation of critical habitat with unoccupied species that not only are unoccupied currently, but historically have never been there to begin with.

And while there are the historical data that we have provided to the regulatory agencies, along with snorkel surveys, the National Marine Fisheries Service's best available science is absence of evidence isn't evidence of absence. That is the science that goes into establishing critical habitat and putting hundreds of millions of dollars on the burden of taxpayers.

And just recently we did submit a petition to the Department of Commerce for a declassification of critical habitat, and hopefully that gets in the right hands for review.

Ms. HAGEMAN. That doesn't sound very scientific to me, so thank you for that explanation.

Mr. TIFFANY. I am calling on you for 5 minutes of questioning.

Mr. TIFFANY. Thank you, Madam Chair. So back to the Chairman of the Full Committee, his analogy, his football analogy he shared earlier, I would say not only was the offensive coordinator fired, but the head coach was fired back on November 5, saying we need new leadership here in the United States of America. And that is exactly what is happening at this point.

Mr. Kareiva, has the wolf recovered? Has the gray wolf recovered?

Dr. KAREIVA. No, it is not fully recovered.

Mr. TIFFANY. OK, so here are 26 wildlife biologists here in the upper Great Lakes States, who a decade ago said that the wolf has recovered, and the numbers are actually even higher a decade later. Are they wrong?

Dr. KAREIVA. Yes. I think they probably didn't have the advantage of the most recent information on the hunting and the genetics.

Mr. TIFFANY. But their opinion has not changed. So are they still wrong?

Dr. KAREIVA. Yes, I would say they are.

Mr. TIFFANY. OK. And to restore them to their previous range, much like the example was used of Boulder, Colorado and Denver, Colorado, their previous range included Madison, Wisconsin. Should we have wolves on State Street in Madison, Wisconsin?

Dr. KAREIVA. We should have a serious scientific discussion about what wolves we should have and where we should have them. And if we were to have that discussion, we would not be saying—

Mr. TIFFANY. You don't find this discussion serious, I take it.

Dr. KAREIVA. No, no, I do, but I don't think we would have them in the cities.

Mr. TIFFANY. So you say in your testimony outdoor nature experiences have been used effectively to treat PTSD and veterans. What do you say to the families who in effect have a form of PTSD as they watch their pets snatched 15 feet from their front door as they watch their animals killed that they so have proudly husbanded, like in dairy herds and beef herds. What do you say to them who have watched the wreckage in their backyard?

Dr. KAREIVA. So what I say is we need to manage wolves so that does not happen. I agree that is a serious concern.

Mr. TIFFANY. So then they need to be delisted.

Dr. KAREIVA. No, we could manage them—

Mr. TIFFANY. Madam Chair, I ask unanimous consent to enter into the record a document from a Wisconsin farmer calling for delisting, as well as a young woman, Ashley Calloway, from central Wisconsin who had their sheep herd slaughtered by wolves.

Ms. HAGEMAN. So ordered.

[The information follows:]

Dear Congressman:

My name is Ryan Klussendorf, and I am a fourth-generation dairy farmer. My wife, Cheri, and I, along with our three sons—Kale, Owen, and Max—own and operate a 100-cow rotational grazing dairy farm in Medford, Wisconsin. I was asked to testify today because, like many other farmers in Wisconsin, I have experienced firsthand the devastation caused by wolves.

My testimony is about a gruesome attack that occurred on my farm in 2023. One of my cows, number 2042, was bitten in the back leg and dragged down from behind. With her tendons and ligaments severed, she was left helpless as the pack began eating her soft tissue while she was still alive. By the time she succumbed to her injuries, the field was a bloodbath, making it nearly impossible to identify her. Her ear tags were found over 100 feet from her body, drenched in blood. For you, this is the beginning of my story—but for me, it started months before.

Our nightmare began in June when we moved a group of young spring calves to pasture. These calves, born between February and April, were in a paddock close to the barn, accustomed to human contact and daily feeding. On July 2nd, at 3:55 AM, we received a call from the Taylor County Sheriff's Department. A large group of our calves had been spotted in the roadway, a quarter mile from our farm. We rushed outside and found them agitated, covered in sweat, and panicked. Over the next several mornings, we repeatedly found our calves separated into groups, outside their paddock. In August, the situation worsened. Twice, motorists alerted us that our calves were loose on the road. Then, on August 10th, at 2:15 AM, we received another call from the Sheriff's Department. Again, our calves were in the roadway.

We herded them back, but something was different—they were terrified, erratic, and drawn to light, as if desperately seeking safety. As I tried to calm them, Cheri was being issued a citation for animals at large. We believed the calves were being chased by coyotes, but when she tried to explain this to the officer, we were dismissed. He told us our fencing was inadequate, that this wasn't the first time, and that we should contact the DNR. That was the moment I realized I was fighting a losing battle—tormented by a pack of wolves and treated like a second-class, law-breaking citizen in my own county.

We fought the citation in court. We had proper fencing, had made adjustments to keep the calves closer to the buildings, yet nothing stopped the relentless attacks. When we explained our situation to the District Attorney, we were told, "There is nothing I can do for you. Buy a gun."

Then, on November 7th, I woke early to start chores. Usually, I have to bring the cows in from pasture, but that morning, they were already waiting in the barnyard—something was wrong. As I walked out to the pasture, I found cow 2042. She might be just one cow to you, but she was my cow. A three-year-old, a strong milker, pregnant with a calf due in spring. That day, I didn't just lose one cow—I lost every calf she would have had, every gallon of milk she would have produced. Our cattle are our most valuable investment, the foundation of our farm and our family's livelihood.

As a farmer, my responsibility is to keep my cows happy, healthy, and safe. That day, I failed them. That summer was the worst of my life, and it still haunts me. When the phone rings after 9 PM, my stomach sinks. No matter the season, we keep the windows open at night so I can listen to the road, making sure cars don't slow down. I jump out of bed at the slightest noise, sometimes mistaking the sound of the ice maker for someone knocking at the door.

I am not a wolf expert. But I am an expert in what it feels like to be hunted—to watch your livelihood be tormented until you are forced to give up. We now keep our cattle within 200 feet of the buildings at all times. Our calves are no longer on pasture. This has cost us tremendously in feed expenses, manure hauling, and stress.

I am a husband, a father, and a farmer—but right now, I cannot protect my cows or my family's livelihood without the risk of prosecution. Wisconsin farmers need help. Delist the gray wolf from the Endangered Species Act and return to a manageable population of 350 or fewer.

Cow 2042 may have been just one cow to you. But to me, she was a reason to get out of bed every morning. And now, she is the reason I lie awake every night. Please pass H.R. 845—The Pet and Livestock Protection Act. Thank you.

Sincerely,

RYAN KLUSSENDORF,  
Wisconsin farmer

Dear Congressman:

My name is Ashleigh Calaway. I am a wife, mother, and farmer from central Wisconsin. I am writing today to share the realities that families like mine face due to unchecked wolf populations and to respectfully request your attention to this urgent matter.

Like many other farmers, I have experienced the devastating impacts of wolf attacks on our family farm. I had heard of such attacks in the Northwoods of Wisconsin, but I never imagined that one day, it would happen to us.

It was a hot summer night when it all began. For the first time in weeks, my in-laws had the air conditioning on, and we all enjoyed a rare reprieve from the heat after a long day of haymaking. The next morning, however, our nightmare unfolded. My father-in-law, performing his routine check on our flock of sheep, found them slaughtered. What we witnessed was horrifying: animals chased mercilessly around the pasture, killed one by one. Some were taken down with a single strike, others mutilated and scattered across the field. I remember seeing nothing left of some but a leg, a ribcage, or a head. Of the entire flock, only one survived.

In that single night, thirty years of our family's dedication, genetics, and hard work were wiped away. The images from that morning are seared into my memory.

Unfortunately, that was not the end of our encounters. Just last winter, while walking my dog along a blacktop road surrounded by open fields, I realized we were being followed by a wolf. I chose this route specifically to avoid wooded areas, fully aware of the risks. I was carrying a firearm that day, a decision made by sheer instinct and a nudge from a concerned relative. Still, each step of the mile-long walk back to the house was filled with fear. I prayed that I wouldn't have to use my weapon. I feared not only for my life but for my dog's—and for how I would explain to my daughter if her beloved companion never returned home.

Before this incident, I averaged five to ten miles a day walking outdoors. Today, I am lucky to walk three miles on a treadmill. The joy, peace, and mental reset I once found in the simple act of walking outside has been stripped away. Carrying a sidearm should not be a prerequisite to enjoying rural life.

Since that day, I obtained a concealed carry permit, but the constant anxiety lingers. Instead of enjoying nature, I now feel persistent unease, wondering if wolves are watching, learning my patterns, waiting for another opportunity.

The fear and trauma extend beyond myself. I no longer leave the farm without ensuring someone is home to protect our animals. I often pace the house at night, listening for signs of distress from our livestock. My family lives in a heightened state of vigilance, and the toll on our mental health and well-being has been profound.

As a mother, I feel I am failing my daughter. Like so many farm children, she loves the outdoors. Yet, we cannot enjoy basic activities such as playing in the yard, checking fences, or even walking to the school bus without the presence of a firearm. Wolves have been sighted within 100 feet of her playground. Our life sounds more like the Alaskan bush than a traditional Wisconsin farm.

With spring calving season approaching, the tension on our farm is palpable. With fewer wild prey options due to declining deer numbers and previous wolf predation in our area, our newborn calves are at heightened risk. Though we are slowly rebuilding our sheep flock, we still fear putting them back on pasture.

I am not here today asking for the eradication of wolves. I respect their role in the ecosystem. What I am asking for is responsible, science-based management of their population. We need to restore balance—not only for the protection of livestock but for the safety of rural families and the health of our communities.

Farmers should not have to live in fear on their own land. We should be able to walk our pastures, work in our fields, and let our children play outside without the constant threat of predation.

I respectfully urge you to support H.R. 845—The Pet and Livestock Protection Act, that will allow for a managed wolf hunt in Wisconsin. Our farmers, our families, and our way of life depend on it.

Sincerely,

ASHLEIGH CALAWAY

Mr. TIFFANY. Finally, Mr. Kareiva, if we have fewer wolves, you are saying there is going to be more Lyme disease. Is that accurate?

Dr. KAREIVA. So if we have fewer wolves, there will be more people killed when cars hit deer. That is well known.

Mr. TIFFANY. Specifically in regards to Lyme disease, you are saying if we have fewer wolves we are going to have more Lyme disease.

Dr. KAREIVA. If we had not eliminated our predators in the Northeast, we would not have such a scourge of Lyme disease.

Mr. TIFFANY. So, Mr. Roberts, could you follow up on that? Is that true, that we are going to see more Lyme disease if there are fewer wolves?

Dr. ROBERTS. Well, Lyme disease is spread by a tick. It is a black-legged tick, sometimes called a deer tick. That tick acquires a disease from biting an infected host. CDC has recognized that deer mice are the primary reservoir of that disease, not deer.

Where we see Lyme disease are where we have the black-legged tick. So we see Lyme disease in the Northeast and we see them in the Great Lakes. So Wisconsin and Minnesota, both States with plenty of wolves, always fall in the top 10 States for incidence of Lyme disease.

Mr. TIFFANY. I am in one of the hot zones for ticks where I live in far northern Wisconsin, and I can tell you the incidences of tick bites as well as Lyme disease is not going down there, even though the wolf population is skyrocketing.

Mr. Roberts, in regards to the last wolf hunting season in Wisconsin, some people said that the take was wrong. Some described it as a slaughter when over 200 wolves were taken. Is that accurate?

Dr. ROBERTS. No, I don't think that is an accurate representation. The objective of the wolf hunt in Wisconsin was to provide an opportunity to use an abundant resource. And the State's stated goal was to have a harvest that would not decrease the population. And they had monitoring before, they had monitoring after that did not show a decrease in the population. So to that end, they met their goal.

Mr. TIFFANY. And you can have up to a 29 percent take, correct? That is scientifically shown.

Dr. ROBERTS. You can have up to a 29 percent take and it would still be sustainable. So if you want to drive the population down, which Wisconsin at one point wanted a population that was considerably lower than where it is at now, you would have to take higher than 29 percent to affect the population.

Mr. TIFFANY. Thank you, Madam Chair, for this. And we have to manage wolves. It is time to manage wolves once again. We need to stop the slaughter that is going on in my district and many districts across the United States. And if we don't, we have now had three threats that have been documented to humans in Wisconsin, we are going to end up with a situation that is going to be regrettable.

I yield back to the Chair.

Ms. HAGEMAN. Well, take it from the representative of Wyoming. Wyoming is very effective at managing wolves, so thank you for that.

The Chair now calls on Mr. Gosar for 5 minutes of questioning.

Dr. GOSAR. I thank the Chairwoman Hageman and the Subcommittee for allowing me to participate in this hearing.

The first Trump administration finalized a rule removing the gray wolf from the list of endangered and threatened wildlife. This rule was vacated in 2022, threatening ranchers including those we heard from in my own Oversight and Investigations Subcommittee earlier this month. Imagine livestock torn apart, slaughtered by predatory gray wolves, their carcasses left to decompose and rot in the fields. Such carnage must end.

And we are talking about expanding the grizzly? Wow.

That is why I came here and welcome supporting my colleague from Colorado's legislation, which I co-sponsored to reissue the 2020 final rule. But we have to go further. The final rule excluded the Mexican wolf, which terrorizes my State of Arizona. Unfortunately, the U.S. maintains protections for Mexican wolves while our recovery relies on Mexico. One rancher wrote the following testimony for this month's hearing: "While the population of the U.S. continues to grow, the success of recovery rests in the success of Mexico's population."

In 2015, I introduced legislation to end the Mexican wolves' endangered status. I cherish this opportunity to discuss how this would better protect Western ranchers from these vicious predators. Mr. Kareiva, how do you say your last name?

Dr. KAREIVA. Kareiva.

Dr. GOSAR. Kareiva. Are you familiar with the beefalo problem on the Grand Canyon?

Dr. KAREIVA. No, I am not.

Dr. GOSAR. Well, I heard a comment, I think your comment was when you have collaboration between the Federal and State. OK? Well, what happened was the Department of Agriculture decided they were going to breed a regular cow with a bison. That is why I call them beefaloos. I am bringing this up for a point, OK? They are an invasive species. They don't belong on the Grand Canyon. They were never any on the Grand Canyon. But yet we have people that will not facilitate taking them out. We gave some to the Tribes in the Midwest, but we still have this breeding population that is growing, growing, growing.

Why I bring that up is, when they eat on the Grand Canyon, they destroy the habitat. They will take their hooves and they dig up the roots, and then we have these big winds come up and we have these dust storms. Well, there is a little mouse that is on the endangered species. It is called a sleeping mouse. It is jumping, sleeping mouse. It hibernates for about 6 months, I believe, is what it is. And they are tearing up this process, they are tearing up their environment. So to me, it seems like we have a problem there. I have offered the State game and fish to actually have a hunting season, where they can make some money off of them, and keep a small little tiny herd there, but they refuse to do it. They refuse to do it. So it shows me that they are not the prima educators in preservation like we said, OK?

I know you can say we have all these opportunities, and these are exceptions to the rule, but we are getting a little out of our whack when we are having these species like the Mexican gray wolf. Am I right that 90 percent of the breeding populations are down in Mexico?

Dr. KAREIVA. Yes.

Dr. GOSAR. Yes. And we are expanding, the Mexican wolf is expanding in Arizona, and it will soon come to Colorado and, I am sure, Utah. Was Colorado, Utah part of their normal range?

Dr. KAREIVA. I am not familiar with that species.

Dr. GOSAR. They weren't. So once again we are expanding our parameters all the way across here. So I find that kind of very different. OK? Where does this end?

We have to have some kind of a conversation piece here. You know, I am also from Wyoming, believe it or not. And I still remember the black-footed ferret issue. I hope you guys all remember that, OK, or you have read about it. You know, they had this little sign in the post office and it basically said, "hey, have you seen these little critters?" And this farmer, I think from Lovell, goes over and says, "I had a whole colony."

"No, no, no, you didn't." They go out there, they actually condemn his land. That is not right.

I think you have to have more of just the Federal and State. I think you have to give this back to the States, and I think you have to work with landowners because it is in their benefit for keeping these.

Last but not least, your last name again? Kareiva?

Dr. KAREIVA. Kareiva.

Dr. GOSAR. Kareiva. When the wolves were introduced into Yellowstone, there were some native populations, right, already there?



Dr. KAREIVA. When they were introduced where?

Dr. GOSAR. Introduced in western Wyoming.

Dr. KAREIVA. Yes.

Dr. GOSAR. Yes. So they were put out because these were not an Indigenous species, right? They brought these wolves from other places: Minnesota, Michigan, that kind of stuff.

Dr. KAREIVA. No, we do not call that invasive, it is the same species, so it is not an invasive species.

Dr. GOSAR. Well, you brought them in, so you contaminated. My dad was there, so he actually witnessed the conversation.

So has the elk and moose population, I am particularly interested in the moose population, suffered because of that?

Dr. KAREIVA. Have the what?

Dr. GOSAR. The elk and moose populations suffered because of that.

Dr. KAREIVA. Suffered because of the wolves?

Dr. GOSAR. Yes.

Dr. KAREIVA. They are also suffering because of wasting disease right now.

Dr. GOSAR. Well, I am also a dentist.

Ms. HAGEMAN. We are going to have to move on to the next Representative.

Dr. GOSAR. Yes, thank you.

Ms. HAGEMAN. I am going to call on Mr. Stauber for 5 minutes of questioning.

Mr. STAUBER. Thank you, Chairwoman Hageman. I appreciate the opportunity to be waived on to the Subcommittee, and I also want to thank you for calling this hearing to discuss legislation that is incredibly important to my constituents in Minnesota.

Last spring this Subcommittee traveled to my district to see first-hand the impact that the well-intentioned yet broken Endangered Species Act is having on the communities that I am proud to represent. Furthermore, this Subcommittee saw how the weaponization of the ESA has led to failed management of the gray wolf.

When the gray wolf was listed as threatened in Minnesota under the Endangered Species Act in 1978, a recovery goal of 1,250 to 1,400 wolves was set. Today, according to data from the U.S. Fish and Wildlife Service and the Minnesota Department of Natural Resources, we have over 2,700 wolves in Minnesota. That is about half of the total wolves in the entire lower 48. Half of the wolves in this country are in Minnesota, by the official estimates, and their population is twice as high as the goal our wildlife managers set at the species listing.

With that said, I have traveled across my district. It is clear that this 2,700 wolf figure is an undercount. It is clear that there are likely hundreds, if not thousands more than what we are told. If you look at those grassroot groups, Hunters for Hunters out of Minnesota, Hunter Nation, in my mind they are the experts in talking about this. And the reason I say that is they are out in the woods, they are in the deer stands, and they see the packs of wolves coming right below their deer stand. They see it on their game cameras. I see it almost weekly on my hunting shack cameras in northeastern Minnesota.

Species were never meant to be listed under the ESA indefinitely, but that is the reality today. Since the ESA's enactment over five decades ago, only two to 3 percent of the species ever listed have made it off the list. As Don Young said, rest his soul, they were never meant to be put on there permanently. He was an advocate to delist the gray wolf. The ESA has been weaponized by radical activist groups that don't want to follow the science, the science that proves the gray wolf has recovered and should be delisted, and allow the State to manage them.

Dr. Roberts, as a wildlife biologist, you have dealt with the ESA for quite some time, and not just relating to management of the gray wolf. Clearly, the ESA is not working. It has helped certain species recover, including the gray wolf, but it has also created a listing purgatory. Species simply can't seem to get off the list. Can you speak a little bit about how the ESA is supposed to work? What is supposed to happen once a listed species recovers?

Dr. ROBERTS. Once a species is recovered, well, there is a recovery goal that is set, some sort of criteria that is established. And once a population reaches that and a species is determined to be recovered, management authority is returned to the State.

ESA is intended to provide Federal protections and Federal oversight temporarily, while the species is at the greatest risk of extinction. After that they return to State management, like most of our other species.

Mr. STAUBER. And the key word is "temporarily."

Dr. ROBERTS. Yes.

Mr. STAUBER. We have to celebrate that the gray wolf has recovered.

So given activists' impressive track record of overturning administrative attempts to delist the gray wolf through the courts, do you think we can successfully delist the gray wolf under the ESA, short of passing legislation like the Pet and Livestock Protection Act?

Dr. ROBERTS. No, I don't. I think that this Act is critical. I think that it is a very litigious issue that—lawyers and special interest groups like it because it is litigious. And in order to get some permanent action on this, it is going to require an act of Congress.

Mr. STAUBER. And Mr. Kareiva, I appreciate your comments. I don't agree with you, but I do appreciate you coming here and giving us your opinion.

Mr. Guardado, do you think it is important to streamline the process for approving voluntary conservation agreements under the ESA like habitat conservation plans?

Mr. GUARDADO. Absolutely. We have one going right now that has taken over a decade to get through, despite numerous iterations, numerous scientific studies, numerous consultations, and still no incidental take permit.

Mr. STAUBER. Thank you very much.

I will tell you that we must delist the gray wolf and allow the States to manage. We are seeing the devastation not only in our farming community, but deer hunters. Young deer hunters are declining because they haven't seen a deer in years. And it is like golf. A good golf shot keeps you bring it back. We must honor that tradition.

And I yield back.

Ms. HAGEMAN. Thank you. The Chair now recognizes Mr. Bergman for 5 minutes of questioning.

Mr. BERGMAN. Thank you, Chair Hageman, and thank you for the opportunity to address this critical issue for Michigan's 1st District, which is roughly half the State, and that is restoring State authority over gray wolf management.

The gray wolf recovery effort stands as one of the Endangered Species Act's greatest success stories. Once on the brink of extinction, wolf populations in the Great Lakes region have rebounded far beyond the ESA's original recovery targets. In Michigan's Upper Peninsula alone, the wolf population now exceeds 760, growing steadily for the past decade and a half. Yet, despite this undeniable success, the gray wolf remains on the endangered species list, tying the hands of local and State officials in managing wolf conflicts. Unfortunately, Yoopers, my constituents are paying dearly for that decision. Livestock losses, attacks on hunting dogs, and increased wolf sightings near homes have become routine.

The ESA was never meant to keep species listed indefinitely, but outdated bureaucracy is doing just that. This is the fundamental flaw of a one-size-fits-all piece of Federal regulation. What makes sense in one State doesn't necessarily work in another. Some may argue that wolves shouldn't be delisted everywhere just because they are thriving in Michigan, but that is exactly why we need a State-based approach to conservation. If other States need more time to create an effective management plan, fine. But Michigan shouldn't have to suffer for it.

Delisting the gray wolf doesn't mean eliminating them. It means allowing responsible, science-based management by those who live here and understand our land, our people, and our needs, not some distant Washington bureaucrats. That is why I am proud to support the Pet and Livestock Protection Act which restores State authority and protects Michigan families, farmers, and sportsmen from Washington's failure to recognize and to really understand how truly successful the gray wolf recovery has been.

So with that as background, for Dr. Roberts, I would like to ask you a couple of questions. Some today have questioned individual States' ability to effectively manage their wolf populations. What assurances or previous State-level examples do we have that State management is effective? Can you give me one or two?

Dr. ROBERTS. Yes. First I want to point out that all the States within wolf range have stated and have management plans that call for the continued existence of the wolf. So nobody is looking at eradicating wolves anywhere. We have States that have restored management authority in the northern Rocky Mountains, and while there might be debate about some of those methods that are used, there is no debate that there are still wolves on the landscape. So I believe that points to a success story that wolves are not in danger of extinction in those States that have restored management authority.

Mr. BERGMAN. OK. And how do you respond to the arguments that keeping wolves under Federal protection is necessary to fully restore their historic range?

Dr. ROBERTS. Well, there are many species that are not restored throughout their historic range, and the Endangered Species Act

does not call for them to be restored throughout their historic range. I don't believe that that is necessary.

I will also point out that there is an emergency listing process through ESA that, if something unforeseen happened, they are relying on those Federal experts that we have put on a pedestal here for their expertise. There is still an emergency listing process that can be used.

Mr. BERGMAN. And, you know, as kind of a follow-up on the data point of, you know, just Michigan is a big State with two peninsulas, and at one time all of what is now Michigan was home to wolves, how do you think these folks would react to efforts to reintroduce the wolf in areas as far down-state as Detroit and Lansing?

Dr. ROBERTS. I cannot imagine that the people in that part of the State would be supportive of that.

Mr. BERGMAN. Yes. And with that I yield back. Thank you.

Ms. HAGEMAN. The Chair now recognizes Mr. Downing for 5 minutes of questioning.

Mr. DOWNING. Thank you, Madam Chair, and thank you for allowing me to waive onto this hearing, very important to my district, very important to my State.

Montana has successfully managed wolves since Congress delisted them in 2011, yet radical environmental groups continue to push for relisting through lawsuits. These lawsuits often disregard the science, the scientific data, and instead use procedural loopholes to keep species under Federal control indefinitely.

You know, first to, you know, Dr. Roberts, would you agree that this legal activism undermines the ability of States like Montana to implement science-based wildlife management, despite proven success in balancing predator populations with the needs of local communities?

Dr. ROBERTS. Yes, I do. If you look at what happened in your State, the Fish and Wildlife Service has repeatedly stated that the best available science supports the idea that wolves are fully recovered, yet activists use loopholes in a 50-year-old law to take advantage of that and promote other agendas.

Mr. DOWNING. So, given Montana's success in managing wolves, doesn't the continued push for relisting by environmental groups suggest that the ESA is being used as a political tool, rather than a legitimate conservation mechanism?

Dr. ROBERTS. I think so. I think, unfortunately, the intent of the ESA has been distorted and is being used in ways that could not have been imagined 50 years ago when the Act was written.

Mr. DOWNING. Thank you. Some environmental groups argue that States cannot be trusted to manage large predator populations. However, in Montana we have maintained stable and sustainable wolf populations while protecting the livelihoods of ranchers and ensuring balanced ecosystems.

So again, Dr. Roberts, how do State-led conservation models outperform Federal management in maintaining healthy wildlife populations while also respecting the economic realities of rural communities?

Dr. ROBERTS. Most wildlife species are managed at the State level, and there are several examples of carnivores that have the

same potential for negative impacts that are managed sustainably at a State level. Black bears are an example of that, and mountain lions, bobcats, alligators. All those are carnivore species that have thrived under State management.

Mr. DOWNING. Thank you.

Mr. Guardado, we have seen environmental groups weaponize the ESA to file endless lawsuits, keeping species like the grizzly bear listed despite meeting and exceeding all recovery benchmarks. You know, this tactic stalls responsible management efforts and wastes resources that could be used for actual conservation. So my question to you is, how will H.R. 1897 curb the abuse of sue-and-settle strategies, and ensure that delisting decisions are based on science, rather than legal activism?

Mr. GUARDADO. Well, we are currently in our region potentially on the hook for almost a half a billion dollars in mitigation measures, and that is no lack of the amount of science and studies that we have conducted regionally.

We talk about the weaponization of the ESA. It is more pronounced in our area than anywhere else because, again, the best available science is being ignored. If we were to focus on the science and engineering leading the way, and we can actually look and focus on the net benefit, the net conservation benefit and work from there, we are going to find solutions. There are a lot of smart people out there working very hard on physical modeling, on the science, on protecting and recovering the species. And if we get this right, species will recover. And if we get this right, taxpayers will save money. And unfortunately, I think the only ones that might suffer as a result of our success would be these activist attorneys because, you know, those frivolous lawsuits and settlements would cease to exist.

Mr. DOWNING. So back to the science and not the legal activism. I appreciate your answer there. I am going to move on to Mr. Milito.

The ESA has been repeatedly misused to block critical industries in Montana, from timber to mining to energy development. And these restrictions are often based on dubious claims about habitat impact, rather than actual scientific evidence of harm to species. So my question to you is, how does H.R. 1897 prevent the ESA from being used as a backdoor mechanism to shut down industries that are vital to our economy?

Mr. MILITO. Is that for me?

Mr. DOWNING. I am sorry, that was for Mr. Milito.

Mr. MILITO. OK. Yes, thank you. I wanted to make sure.

Mr. DOWNING. Yes.

Mr. MILITO. No, the changes are important. They introduce a greater level of accountability and transparency.

And, you know, there was an interesting article that was written about the way the ESA has evolved, but I think the key quote was that the ESA has turned into a statute that makes an endangered species a liability to avoid, rather than an asset to conserve. And so the changes in this legislation create incentives so that the States and the private landowners can work together to find the best way to conserve and restore the species. So it is a good bill.

Mr. DOWNING. Right. Thank you very much. And thank you for your answers.

Madam Chair, I yield my time.

Ms. HAGEMAN. Thank you. I want to thank the witnesses for their valuable 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 those in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. Eastern on Friday, March 28. The hearing record will be held open for 10 business days for any responses.

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

[Whereupon, at 12:42 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

**Submissions for the Record by Rep. Bentz**

Hon. Cliff Bentz  
 House Natural Resources Committee  
 1324 Longworth House Office Building  
 Washington, DC 20515

Dear Member of Congress:

I am writing to express my strong support for HB 845—the Pet and Livestock Protection Act of 2025. This crucial piece of legislation is essential to safeguarding the constitutional rights of landowners and livestock producers, ensuring that the government respects the foundational principles enshrined in our Constitution.

With Lake County residents losing numerous calves and sheep to a gray wolf known as OR158, who killed livestock in five counties and two states, who was unfazed by human presence and was unafraid of ineffective hazing techniques. OR158 was targeting livestock, adding to the data done by UC Davis where they studied the scat of wild wolves finding that 77% of their feces contained domestic livestock. Lake County residents stopped letting their children go outside alone and stopped letting their children wait at the bus stop without armed parental supervision.

On February 18, 2025, the Lake County Board of Commissioners with support from the Lake County Sheriff, declared a state of emergency due to the depredations of OR158. This document was the first emergency declaration ever made by the county because of a predator. Modoc County in California soon followed two weeks later with a similar document. Highway 395 is the boundary of gray wolves in Oregon, with the west side of highway 395 under EDA protection and the gray wolves on the east side of 395 are now delisted and not considered an endangered species. The delisting of the gray wolf on the east side of 395 was made by the Oregon Department of Fish and Wildlife on November 9th, 2015, and later upheld by the Oregon Legislator with Oregon HB 4040. The citizens of Lake County are under different rules than our neighbors across highway 395. For reference highway 395 goes through the full length of Lake County from its north to south borders.

Once OR158 who was born in delisted Baker County crossed highway 395 into Lake County, he fell under EDA protection which is unconstitutional because under Constitutional law you can't treat people of the same state differently. By crossing an imaginary line OR 158 cost landowners and taxpayers' tens of thousands of dollars. Delisting the gray wolf is the only fair alternative for all involved, including the wolves themselves because wolves like OR158 paint the picture that wolves cannot live on the landscape with humans, but they can but only if they or instilled with fear of man like wildlife should be, it's what keeps them alive.

The Fifth Amendment unequivocally states that “no person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

It is important to understand that a taking can manifest in two distinct forms. A physical taking involves the direct seizure of property from its owner. In contrast, a constructive or regulatory taking occurs when government regulations restrict an owner's rights so severely that the effect is tantamount to an outright physical seizure. Both forms of taking require that due process be observed and that any deprivation of property be accompanied by just compensation.

Furthermore, the principle of Equal Protection is a cornerstone of our constitutional framework. The Equal Protection Clause requires that governmental bodies treat individuals in similar circumstances in a uniform and impartial manner. Not only does the Fifth Amendment's Due Process Clause mandate equal protection by the federal government, but the Fourteenth Amendment further ensures that states provide the same impartial governance. This principle is vital in preventing the drawing of arbitrary distinctions that undermine the civil rights and liberties of citizens.

Currently, certain actions—most notably those under the Endangered Species Act (ESA) and the Oregon Fish and Wildlife’s Wolf Plan—appear to encroach upon these fundamental rights. These policies, either physically or constructively depriving landowners and livestock producers of their property rights, challenge the due process guarantees of the Fifth Amendment and the equal protection mandates of the Fourteenth Amendment. They create regulatory environments that, in practice, penalize individuals for exercising their lawful rights, effectively imposing inequitable burdens without adequate justification or compensation or protection.

HB 845 seeks to rectify these overreaches by providing clear protection for both pets and livestock, ensuring that governmental regulations do not cross the constitutional boundaries set forth by our founding documents. This legislation is not only a safeguard for property rights, it is a commitment to ensuring that every individual receives equal protection and due process that is their inherent right.

I respectfully urge you to support HB 845. Upholding the principles of due process and equal protection is essential for maintaining the integrity of our legal system and the liberties of our citizens. I am confident that this Act will provide necessary relief and ensure that government actions remain within the bounds of our constitutional commitments.

Thank you for your attention to this critical matter. I look forward to your continued leadership in protecting the rights and interests of all Americans.

Sincerely,

MARK ALBERTSON,  
Lake County Commissioner

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**Oregon Cattlemen's Association**

March 24, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Hon. Harriet Hageman, Chairman  
Hon. Val Hoyle, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Support for H.R. 845 Pet and Livestock Protection Act of 2025

Dear Chairwoman Hageman and Ranking Member Hoyle:

The Oregon Cattlemen's Association (OCA) was established in 1913 for the purpose of representing Oregon's ranchers at the state and federal level. Today OCA represents the 11,000 ranchers who call Oregon home and raise 1.2 million head of cattle across the state with cattle in every county. Please accept this letter of support for HR 845 "Pet and Livestock Protection Act of 2025". The protection of the cattle dogs, horses and cattle is an extremely high priority for OCA.

As wolves continue to expand across Oregon, more and more ranchers are forced to address the presence of wolves while still listed as endangered under the Federal Endangered Species Act (ESA). While listed, this is the situation in  $\frac{3}{4}$  of the state of Oregon, ranchers do not have access to the one tool needed when a repeat offender wolf focus's in on livestock as a significant part of their diet, lethal control.

The effect of the presence of wolves to the producer both increase the producer's direct costs of doing business and reduces the revenue received. The list of costs includes depredations, reduced weaning weight of calves, weight loss by cows, conception rate reductions and management costs. The first four are lost income to the producer because of reduced cattle performance or physical loss of the animals. The last item, management costs, encompasses a large group of issues that cause increased cost of operation. Management issues can be broken down into costs of implementing non-lethal activities to attempt to mitigate the impact of the wolf's presence; management costs due to implementation of government regulations and management plans; increased costs of livestock handling; increased costs through injury and death of livestock; and the loss of range access because the wolves' presence in given places makes it unwise, to run livestock in that specific area of range.

For wolf management to be successful ranchers need all the tools including successful communication among ranchers and agencies, prevention, compensation and control of chronic depredating individuals. The ESA takes lethal control away from managers. Where wolves are protected by the ESA in Oregon some individuals have become chronic depredators with dozens of wolf attacks (over 40 head killed) attributed to these individuals over the years, and yet wolf managers cannot remove that wolf from the landscape.

Without lethal control (protected by the ESA) wolves become habituated to people and lose their fear. An example of this was OR158 the wolf recently removed for human safety concerns. This wolf had killed many livestock but could not be removed until it began living close to small communities and ranches creating a human safety situation allowing the rare if not unheard-of removal of a chronic depredating wolf.

The single species management under the ESA is a fundamentally flawed way of managing wildlife and its restrictive regulations hampers sound wolf management. Delisting the wolves in the lower 48 states, including Oregon will allow managers to fully implement the Oregon Conservation and Management Plan (Oregon Wolf Plan). The Oregon Wolf Plan is a proven plan that protects the wolf while giving Oregon Department of Fish and Wildlife while incorporating the control of chronic depredating wolves in a timely, targeted and in a humane manner which reduces ranchers' losses as well as the funds to cover compensation of those losses.

The Oregon Cattlemen's Association supports HR 845 and encourages the Committee on Natural Resources to pass this legislation. Thank you for your consideration.

Respectfully submitted,

*Matt McElligott,*  
President

*John Williams,*  
Wolf Committee Co-Chair

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**Oregon Farm Bureau**

March 20, 2025

Hon. Cliff Bentz  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Subject

Dear Congressman Bentz:

On behalf of the Oregon Farm Bureau (OFB), I am writing to convey our support for the Pet and Livestock Protection Act, recently introduced by Congresswoman Lauren Boebert and Congressman Tom Tiffany, which aims to delist the gray wolf from the Endangered Species List and return management authority to individual states.

OFB is the state's largest and most inclusive agriculture organization, proudly representing more than 6,500 family farms and ranches that produce more than 220 agricultural commodities. From hops and hazelnuts to nursery stock, cattle, cranberries, and timber, our members operate farms and ranches spanning from just a few acres to thousands. They employ a wide spectrum of farming practices including organic, conventional, regenerative, biotech, and even no-tech.

As of the end of 2023, Oregon's gray wolf population was documented at a minimum of 178 individuals, maintaining the same count as the previous year.<sup>1</sup> While this stabilization indicates successful recovery efforts, it also underscores the need for adaptive management strategies tailored to our state's unique ecological and economic landscape. As you know, federal delisting does not mean there is a lack of oversight or management.

In Oregon, wolves are no longer listed as a state endangered species as of November 10, 2015, but they remain classified as a special status game mammal and are protected under the Oregon Wolf Plan. While wolves east of Highways 395/78/95 were removed from the federal Endangered Species List in 2011, those in western Oregon experienced fluctuating protections—delisted on January 4, 2021, but re-listed on February 10, 2022. As a result, the U.S. Fish and Wildlife Service retains management authority over wolves west of these highways, including decisions regarding harassment and lethal removal.

Wolf management in Oregon follows a phased approach based on population size and distribution. The Oregon Wolf Plan provides stronger protections when wolf numbers are low and becomes, theoretically, less restrictive as populations grow. However, it is important to note that delisting under the Endangered Species Act (ESA) in Oregon does not necessarily permit additional take of wolves, and management policies continue to emphasize conservation while balancing the needs of local communities and wildlife coexistence.

In 2022, Oregon experienced a significant increase in wolf-related livestock depredations, with 76 confirmed incidents compared to 49 in 2021.<sup>2</sup> These incidents have substantial economic impacts on our ranchers and farmers, who are vital to Oregon's economy and cultural heritage.

Empowering Oregon to manage its gray wolf population allows for the implementation of locally appropriate measures that consider both conservation objectives and the well-being of our agricultural sector. State wildlife officials possess the expertise and contextual understanding necessary to develop and enforce policies that effectively mitigate human-wildlife conflicts while ensuring the sustainability of wolf populations.

Oregon Farm Bureau thanks you for your support of the Pet and Livestock Protection Act to restore state authority over gray wolf management and stands ready to help however we can.

Sincerely,

GREG ADDINGTON,  
Executive Director

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<sup>1</sup> wolf.org

<sup>2</sup> dfw.state.or.us and rmef.org

**Elise Flynn, DVM**

Dear Members of Congress:

I am writing in strong support of HB845—the Pet and Livestock Protection Act of 2025. I am a veterinarian and rancher's wife in Southern Oregon. Less than 2 months ago, my family and our neighbors experienced a living nightmare. My husband came upon a collared grey wolf, OR158, as he had just killed a newborn calf in our calving grounds on our private property. The mother cow was heaving and defeated. The wolf had no fear of my husband, as he drove up in a big tractor, and the wolf continued to walk through our herd like he was at the grocery store. My husband called Oregon Department of Fish and Wildlife and asked permission to shoot the wolf—he was told no, even if he killed another calf or our dog right in front of him, and this is when we found out that grey wolves, under the ESA, are literally untouchable for any offense. We had this wolf in our backyard for a month. He continued to kill calves despite our best efforts to deter him with every non-lethal option. He only became more brazen. He came within 50 yards of our home, my veterinary clinic, and our horses and other pets. Our small children weren't allowed to go outside. Ultimately, our pleas for help were heard, and the USFWS finally made the decision to lethally remove OR158 after a declaration of emergency was proclaimed by our county leaders. We are beyond grateful for this unprecedented action to lethally take an animal protected by the ESA—in this situation it was absolutely the right thing to do. It should not have been that hard to push this “right decision” through. We have become aware that so many Americans have been living this same nightmare every day with no reprieve.

The science proves and the experts agree the grey wolf is no longer in need of protection under the ESA. This has become a dangerous political issue that is in the hands of people that don't have any knowledge or experience living with these wolves.

Congressman Huffman, Congresswoman Hoyle, and others in opposition—I beg you to look at the facts, the science, and listen to your experts, the biologists. You have voiced no valid reasoning to not delist the wolf. You seem to have dismissed this major issue that affects Americans across the nation, and instead you spend your microphone time slandering the President. You were voted for and hired by the American people to make policy and laws that HELP your constituents. DO YOUR JOB. Are you even aware of the wolf issues that are happening in your own states?! Go see it for yourself. Come see our pain and despair, and then decide if you will still be against this bill.

It is time for wolf management to return to the states and local levels, where informed decisions can be made for each specific situation. We are not asking for all the wolves to be killed. We are pleading they be managed by the local experts.

Stop making this a political issue, and help us. Our constitutional rights to protect our livelihoods and property have been revoked, as well as our right to live in peace with life, liberty, and the pursuit of happiness. The wellbeing of thousands of families and their livelihoods depend on this bill passing. Take it seriously and acknowledge the reality and gravity of this plea for help.

Sincerely,

ELISE FLYNN, DVM

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## Submissions for the Record by Rep. Huffman

### National Habitat Conservation Plan Coalition

February 20, 2025

Hon. Bruce Westerman, Chairman  
Hon. Jared Huffman, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Habitat Conservation Plans Streamline Development, Limit Endangered Species Act Conflicts

Dear Chairman Westerman and Ranking Member Huffman:

On behalf of the National Habitat Conservation Plan Coalition (NHCP), a broad coalition of local governments, state agencies, and stakeholders seeking to plan and implement largescale Habitat Conservation Plans (HCP), we attest that increased federal investment in largescale, programmatic HCPs is an opportunity for the federal government to streamline the development of infrastructure, housing, and transportation improvements. HCPs support growing communities across the country by reducing project risks due to Endangered Species Act (ESA) requirements. NHCP representatives recently traveled to Washington, D.C. and met with key committees on the Hill, outlining the many benefits afforded by largescale, programmatic HCPs. One notable takeaway from our visit was that there is clear bipartisan support for HCPs.

HCPs were authorized by Section 10 of the ESA to support economic development and conservation of threatened and endangered species, while protecting open space for residents to enjoy. Lands are locally managed in perpetuity, contributing to species recovery that can enable their delisting or downlisting. Now more than ever, HCPs can play a critical role in support of our nation's growing population and economy. In practice, HCPs have expedited the permitting process for transportation and other infrastructure improvements by months, if not years, leading to cost savings for taxpayers. HCPs can also help streamline the Section 7 consultation process for activities with a federal nexus.

The Cooperative Endangered Species Conservation Fund (CESCF)—also known as Nontraditional Section 6 grants—is a vital source of federal funding from the Land and Water Conservation Fund (LWCF) for HCP Land Acquisition and HCP Planning grants. Historically, HCP Land Acquisition (and Recovery Land Acquisition) funding peaked at \$80 million in 2002, however funding levels have since declined and are not keeping up with existing needs or the inflating cost of land. Funding for the HCP Land Acquisition Grant program totaled \$26 million in Fiscal Year 2024, one-third of what was requested by federally qualifying plans. Many HCPs have land acquisition targets that cannot be met because willing sellers come forward, but no funding is available. There is bipartisan support to increase these funding levels to \$100 million, whether through increased annual appropriations or by reallocating funding within the LWCF or other sources.

The NHCP looks forward to working with your office to identify opportunities for increasing planning and land acquisition funding for HCPs to help unlock needed infrastructure development across the country and support our nation's economy.

Sincerely,

ABIGAIL FATEMAN,  
President

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## DEFENDERS OF WILDLIFE

### The ESA Amendments Act of 2025: Extinction in the Guise of Optimization

The ESA Amendments Act of 2025, H.R. 1897, would eviscerate Endangered Species Act (“ESA”) protection for species on the brink of extinction. Beloved American species like manatees, wolves, grizzlies, sea turtles, whales, and more would enjoy less protection and suffer more harm if this bill were to pass. Among other things, the bill:

#### **Would upend the “consultation” process—the cornerstone of American species protection for 50 years.**

- Consultation with the wildlife agencies (the Fish and Wildlife Service and National Marine Fisheries Service) ensures that federal agencies do not take actions that are likely to jeopardize the continued existence of ESA-listed species or destroy their critical habitat. Consultation is the single most important process limiting damage by the federal government to the imperiled species that it is charged with protecting.
- Under the guise of “clarifying” consultation, this bill would make it a hollow exercise.
- First, the bill could eliminate the prohibition on agency actions likely to destroy critical habitat—paving the way for destruction of habitats that species on the brink need to survive and recover.
- Second, the bill would only allow the wildlife agencies to make a “jeopardy” finding for a proposed federal action *if the action itself* causes jeopardy—allowing a project to be greenlit if jeopardy results from multiple sources or has accumulated from years of harmful projects.
- Third, the bill would require harmful and inefficient revisiting of past consultations in subsequent consultations related to the same project. In those subsequent consultations, if certain past conservation measures are not deemed to speed the timeline toward recovery, then the measures must be discontinued. It may not even be feasible to do this in many circumstances—as when mitigation contracts are locked in or redesigns already implemented. Moreover, when it is feasible it makes no sense. If a species is still not recovering any faster despite past mitigation, there is cause to ramp up conservation—not discontinue it.
- Finally, the bill narrows the scope of consultation in other harmful ways—for example, by cutting out consideration of certain catastrophic potential effects (e.g., oil spills from pipeline projects) and playing games with the environmental baseline to hide species decline.

#### **Would slow listings to a crawl and fast-track delistings.**

- The bill would extend the timeline for listing decisions by a factor of 5 to 10, allowing imperiled species to slide toward extinction for years without federal protection.
- Meanwhile, it would require delistings to be fast-tracked on a timeline that the wildlife agencies, already staggering under the blows of years of underfunding and this administration’s unlawful staff firings, may struggle to meet.

#### **Would gut review of the permits that allow ESA-listed species to be “taken.”**

- The bill would exempt “incidental take permits,” which allow imperiled listed species to be harmed or killed—from any meaningful review by treating each as a “God Squad” application that is automatically granted. The God Squad is a committee that can vote—typically after extensive process—for a proposed project to cause a species extinction. Greenlighting God Squad grants as this bill does creates a real danger of extinction without any review or process.
- In addition, the bill would freeze mitigation measures that are required as a condition of take permit issuance in place, with no additional measures allowed for future federal approvals, even if the past mitigation measures are clearly not working and are allowing a species on the brink of extinction to decline.

**Would allow much more take of threatened species and shift their management out of federal hands, even while they are still federally listed.**

- The bill would prevent the Fish and Wildlife Service from ever again adopting a “blanket 4(d) rule” to protect threatened species from “take,” which ranges from harassment to killing. Instead, the Service would have to take the more burdensome approach of adopting species-specific rules.
- Meanwhile, these species-specific rules would become dramatically less protective under the bill, with provisions for take increasing just as species are beginning to recover. Management could switch from federal to state hands even while species are still federally listed.

**Would allow more sport hunting in the guise of “conservation.”**

- Under this bill, the ESA’s definition of “conservation,” which is the touchstone for many decisions made under the statute, would be revised to allow “regulated taking,” such as sport hunting, without previous safeguards that limited its use.

**Would substitute politics for science-based decisionmaking.**

- The bill turns the commonsense understanding of “best scientific and commercial data available” on its head.
- The best available science has rightly been the gold standard for ESA decisionmaking.
- Yet, under the bill, the “best science” would automatically include all data submitted by a State, Tribal, or local government—regardless of its quality.

**Would increase the role of ineffective voluntary conservation measures.**

- Under the bill, voluntary pre-listing agreements called “Candidate Conservation Agreements with Assurances” (CCAAs) would grow in importance while shrinking in effectiveness.
- Among other things, CCAAs would require mandatory approval if they clear an incredibly low bar by providing any “net conservation benefit” (even a tiny improvement) relative to a baseline that usually involves no protections at all. Thereafter, the CCAA could shield signatories against further requirements to protect species.
- These agreements have proven ineffective in the past, as with the dunes sagebrush lizard, which declined under voluntary conservation agreements and had to be listed as endangered.

**Would erode public accountability in wildlife management.**

- The bill contains provisions intended to deter citizen enforcement of wildlife protections.

**Attacks rules intended to protect threatened and endangered species.**

- The bill would severely hamper the wildlife agencies’ ability to issue additional protective regulations needed to fulfill Congress’ original purpose of ensuring the full recovery of imperiled species, such as regulations protecting North Atlantic right whales from deadly vessel strikes.

**Defenders of Wildlife opposes this destructive bill in the strongest possible terms.**

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## National Parks Conservation Association

March 25, 2025

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

Dear Representative:

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our 1.6 million members and supporters nationwide, we write to share our thoughts on select legislation ahead of a hearing in the Committee on Natural Resources Subcommittee on Water, Wildlife and Fisheries scheduled for March 25, 2025.

**H.R. 845—Pet and Livestock Protection Act:** NPCA **opposes** this legislation which would direct the U.S. Fish and Wildlife Service (USFWS) to remove endangered species protection for lower-48 gray wolves. Fewer than 1,000 gray wolves existed in the lower-48 by 1967 and were listed as endangered in 1974. Gray wolves are just beginning to naturally re-inhabit national park ecosystems around the country. For the first time in decades, gray wolves have been seen in or near NPS-managed lands in Colorado, the Pacific Northwest, and Northern California. With continued Endangered Species Act (ESA) protection, the gray wolf populations in these geographies will likely recover. H.R. 845 would threaten this recovery by applying a blanket delisting to gray wolf populations across the lower-48 states.

Removing endangered species protection for lower-48 gray wolves as a single segment would set back recovery efforts where appropriate available habitat exists in and around national parks. Since the National Park Service (NPS) successfully re-introduced wolves to Yellowstone in 1995, research shown the wolves have had a positive impact on the park's plants and wildlife. Federal and state agency wildlife professionals, land grant university researchers, and Tribal governments have come together to manage the opportunities and challenges of restoration. H.R. 845 would cut short an ongoing wildlife recovery success story and undercut the core principles of the ESA.

**H.R. 1897—ESA Amendments Act:** NPCA **opposes** this legislation which would undermine the protection of some of the most vulnerable national park species. For 50 years, the Endangered Species Act (ESA) has been a critically important tool in the conservation and restoration of the over 600 threatened and endangered species that depend on habitats in national parks. Species like the California condor, the humpback whale, and the Santa Rosa Island fox have all benefited from the restoration and recovery framework and support the ESA provides. While NPCA has concerns about many sections of this bill, we've highlighted a few major concerns below:

*Section 2* would add several problematic definitions to the ESA that would negatively impact park wildlife. For example, the definition of "foreseeable future" relies on the key terms "reasonably determine" and "probable." In defining foreseeable future in this way, the bill creates barriers to listing species that may be in need of ESA protections but for which we don't have detailed life cycle, habitat and threat information. In these cases especially, it is important for USFWS and National Oceanic and Atmospheric Administration (NOAA) to rely on the precautionary principle when making listing decisions.

*Title I* would likely politicize which species are prioritized for recovery, extending the timeline for listing species and fast-tracking delistings. These decisions should be made based on the best available science and removed from political input and analysis. Congress should instead focus on funding the existing science-based prioritization process, as well as the agencies' long underfunded recovery efforts.

*Title II* allows for the destruction and killing of species without appropriate consideration by loosening "take" requirements. Under current law, take that is incidental to, but not the purpose of, an otherwise lawful activity may be permitted. However, it is still subject to review. This bill could increase incidental take permits without appropriate review or sideboards, eliminating a critical layer of environmental scrutiny for activities that could harm endangered species. This exemption may lead to poorly informed decisions that increase the risk of harm to listed species.



In *Title III*, Section 301 appears to create a sliding scale that decreases species protections as “recovery goals” are met for threatened species. It also allows states to submit strategies that are adopted as recovery plans. This cuts at the core of the ESA. States are critical partners in the development of recovery plans. However, allowing a single partner to submit their own plan will create confusion, potentially undercut the rigorous scientific standards of the ESA, and open the recovery process to political influence.

Section 303 removes the opportunity for citizens to challenge federal decisions in court. This gives the public no recourse if the agency decides to delist a species prematurely or takes insufficient measures to make sure it is managed properly in the five years after delisting. It eliminates the checks and balances between the executive and judicial branches.

Section 304 lifts blanket protections for threatened species by requiring species-specific 4(d) rules at the time of listing. NPCA agrees that making the effort to determine the needs of individual species is valuable. However, that should not prevent the agencies from proceeding with a listing determination and providing a species with the necessary protections from take. The development of individual rules for each threatened species would place a significant administrative burden on the agencies, potentially delaying conservation measures.

*Title IV* undercuts the use of best available science by requiring the use of state, Tribal, and local information in decision making. While these entities are all important stakeholders in the ESA process, they are not the only stakeholders and, in some cases, may not be the primary stakeholder. As a result, Congress is downplaying and minimizing the role best available science, regardless of source, should have in the ESA process.

The cumulative impact of multiple titles would be unneeded bureaucratic process and paperwork for the already staff- and resource-depleted agencies working to implement that ESA. The dedicated professionals at USFWS, NPS, NOAA, and other federal agencies tasked with implementing the Endangered Species Act are currently under attack from unprecedented staff and funding cuts. H.R. 845 and H.R. 1897 will undermine, not enhance, the protection of our national parks and the wildlife that call them home.

Thank you for considering our views.

Sincerely,

CHRISTINA HAZARD,  
Legislative Director

### Red Cliff Band of Lake Superior Chippewa

March 31, 2025

House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Comments on the H.R. Bill 845: Pet and livestock Protection Act of 2025

Dear Representatives:

The Red Cliff Band of Lake Superior Chippewa, hereafter Gaa-Miskwaabikaang, respectfully submits the following comments regarding H.R. Bill 845 and our absolute opposition to removing Ma'iingan (grey wolf/*Canis lupus*) from the Endangered Species Act of 1973.

The title of Bill H.R. 845 "The Pet and Livestock Protection Act" is first a misrepresentation purely by its name. Wolves are statistically less of a threat to livestock and pets than avian influenza.<sup>1</sup> In the state of Wisconsin last year, the WI Department of Natural Resources data indicates 31 farms reported 63 verified wolf complaints involving livestock, representing 0.06% of the state's 58,500 farms. Additionally, there were only nine confirmed pets attacked in the state of Wisconsin by wolves; pets are more likely to be killed by motorized vehicles than wolves. To misconstrue that this is a wolf issue and therefore requiring protection of livestock and pets is an abuse of power by the House of Representatives.

Gaa-Miskwaabikaang retains our inherent authority as a sovereign nation and as Anishinaabe, the First Original People, who have lived in the homelands of Michigan, Minnesota and Wisconsin for thousands of years as the caretakers of our natural relatives and resources. During the treaty era, our ancestors thought generations ahead as they ceded many acres of our homelands to the United States Federal Government. This included the 1837 Treaty of St. Peters (northern WI and eastern MN), 1842 Treaty of LaPointe (northern WI, much of the western Upper Peninsula of MI and the western portion of Lake Superior), and the 1854 Treaty of LaPointe (northeastern MN) which also ensured the retention of inherent hunting, fishing and gathering rights for their people in these ceded territories in perpetuity. The U.S. has a trust responsibility to manage ceded territories *with* input from tribes in the best interest of tribes.

Ma'iingan are a sacred part of the Anishinaabe creation story. We are taught that Ma'iingan and Anishinaabe were instructed by the Gitchi Manidoo, the Great Creator of all things, to walk all over Turtle Island (North America) upon its rebirth naming all that they saw. At the end of their grand journey, Ma'iingan and Anishinaabe were told by the Creator that they would remain forever as brothers, that their fates would be forever tied to one another, and that they would be feared and misunderstood. Ma'iingan are not a resource to be managed but are a relative to be protected and loved. Our sacred culture teaches us that harm, hunting or killing done to Ma'iingan is harm done to the Anishinaabe people. Gaa-Miskwaabikaang opposes any action by the United States Government that jeopardizes the safety and wellbeing of our relative Ma'iingan and views it as a violation of our sacred teachings and inherent right as Anishinaabe.

**The Indian Religious Freedom Act of 1978** (henceforth IRFA), clearly states that:

Whereas the religious practices of the American Indian, Native Alaskan and Hawaiian are an integral part of their culture, tradition, and heritage, such practices forming the basis of Indian identity and value stems; Whereas the traditional American Indian religions as an integral part of Indian life, are indispensable and irreplaceable; Whereas the lack of a clear, comprehensive, and consistent Federal policy has often resulted in the abridgement of religious freedom from traditional American Indians; . . . Whereas traditional American Indian ceremonies have been intruded upon, interfered with, and in a few instances banned; . . . henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians."

<sup>1</sup>Highly Pathogenic Avian Influenza in Poultry January 13, 2025 (DATCP Home Highly Pathogenic Avian Influenza in Poultry)

The IRFA acknowledges harm done to native communities and religious practices by the U.S. government or with the permission of the Federal government and states will be protected. The Ma'iingan are an integral part of Anishinaabe culture and are reason enough for the United States to uphold its trust responsibility and not delist the grey wolf from the endangered species act and threaten its existence.

Ma'iingan are a keystone canine species which indicates overall health of an ecological system. As such they act as a protector of the land. Ma'iingan provide priceless ecosystem services such as disease control in prey species to maintain ecological balance allowing *all* plants and animals to thrive. Protecting Ma'iingan is part of the United States upholding its trust responsibility for our religious practices as well as ensuring our treaty rights for seven generations to come. Allowing the hunting and murdering of our sacred relatives not only violates IRFA and United States trust responsibility but is also a regressive act of federal American Indian policy.

H.R. Bill 845 would remove federal protection from our relative, and all protection efforts would fall upon the tribal and state authorities. While many regional tribes share the perspective of protecting and managing wolves with non-lethal practices, our sovereign authority is not always respected across our ceded territories by local law enforcement, departments of natural resources, and recreational hunting groups. In 2013, the Great Lakes Indian Fish and Wildlife member tribes issued a ban on harvesting Ma'iingan in the portion of our ceded territory; however, the State of Wisconsin, which is not bound by tribal law, proceeded to authorize a vile over-killing wolf hunt and established harvest quotas completely defeating the purpose of protecting this species from extinction.

H.R. Bill 845 would enable the State of Wisconsin through the 2011 WI Act 169 to hold a wolf hunting season that will cause significant adverse effects to the wellbeing of those of us in ceded territory and explicitly harm our relatives and Anishinaabe way of life. As such, any harm to our treaty protected relative due to this federal action may constitute the United States of America violating treaties signed with our great chiefs over 170 years ago.

We remain committed to protecting the rights of all our relatives, including the water, land, beings, and air of our current and ancestral homelands for our people and the generations to come. Preserving the environment means preserving our Treaty Rights and our traditional life ways. Miigwech (thank you) for the opportunity to submit comments. Questions and follow-up can be directed to my office and we appreciate your time.

Sincerely,

NICOLE L. BOYD,  
Chairwoman

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**American Fisheries Society**

April 4, 2025

Hon. Bruce Westerman, Chairman  
 Hon. Jared Huffman, Ranking Member  
 House Natural Resources Committee  
 1324 Longworth House Office Building  
 Washington, DC 20515

Hon. Harriet Hageman, Chairman  
 Hon. Val Hoyle, Ranking Member  
 Subcommittee on Water, Wildlife and Fisheries  
 1324 Longworth House Office Building  
 Washington, DC 20515

Re: March 25, 2025 Legislative Hearing on H.R. 276, H.R. 845, H.R. 1897 & H.R. 1917

Dear Chairman Westerman, Ranking Member Huffman, Chair Hageman, and Ranking Member Hoyle:

The American Fisheries Society (AFS) respectfully submits the following information in response to the U.S. House of Natural Resources Committee Subcommittee on Water, Wildlife and Fisheries legislative hearing on March 25, 2025 on H.R. 276, H.R. 845, H.R. 1897 & H.R. 1917.

AFS is the world's oldest and largest professional society of fishery and aquatic scientists and managers. AFS seeks to improve the conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science, promoting the development of fisheries professionals, and advocating for the use of best available science in policy-making efforts.

We write today to share our perspective on the value of the Endangered Species Act and its importance to our nation's fish and fisheries. We urge you to maintain our nation's bedrock environmental laws, including the ESA. We are also compelled to note the devastating impacts of federal workforce cuts to the appropriate management and stewardship of our nation's public trust resources.

The ESA is a powerful science-based tool for recovering America's threatened and endangered fish and wildlife. We are concerned about proposed changes to the ESA that would undermine the scientific foundations and collaborative nature of the current law. The law, as it is currently written, has been the catalyst for successful delisting or down listing of many endangered and threatened fish. Delisting requires collaborative teams, resources, and most importantly, time for imperiled populations to recover once threats are reduced and habitat is restored. Under the current structure of the ESA and its regulations, including high levels of private, state, and federal collaboration, several species of fish have recovered sufficiently to be delisted including the Apache Trout, Okaloosa Darter, Borax Lake Chub, Fosskett Speckled Dace, Modoc Sucker, and Oregon Chub (see Appendix A).

**Best Available Science**

Decisions regarding species recovery and delisting should be based largely on science. The best available science must guide species management. Any data that are not vetted through peer review or internal quality control from state or tribal governments does not conform to the best-available science.

**Definition of Habitat**

Habitat loss is one of the leading factors in species population declines in the U.S. In fact, habitat loss is estimated to impair more than 80% of known species and is the greatest single threat to species existence (Hogue and Breon 2022). In passing the ESA, Congress recognized that listed species depend on entire ecosystems. Indeed, many ESA petitions and listings have identified the loss of usable habitat or access to habitat as the reasons for the decline in species. Increases in water temperature, insufficient levels of water in streams and rivers, poor water quality, and non-native invasive species have led to the imperilment of 40% of all freshwater species (Su et al. 2021). Any definition of "habitat" must account for a wide enough variety of situations to ensure the ecosystems that support and maintain listed and vulnerable species can be conserved. A broader definition allows for more tools in the conservation 'tool box.' This flexibility is particularly important in the face of climate change. A dual approach of both protecting existing quality habitat and

increasing occupiable habitat is necessary to sustain species into the future, prevent listings, and achieve delistings.

Threatened and endangered species are defined under the ESA as species likely to become endangered within the foreseeable future. The exact length of this time-frame can be mathematically predicted given enough information; however, these predictions will vary by species because of vast differences in generation times and life cycles. Sturgeon, for example, are one of the most imperiled vertebrate groups on the planet with more than a dozen of these species currently ESA listed. Some sturgeon species can live more than 100 years and may not reproduce for decades. Other species such as darters, a group only found in North America, may only live several years. Any effective definition of “foreseeable future” must therefore encompass biological differences between species for us to gain a greater species-specific sense of population viability and achieve delisting. A narrow definition of foreseeable future might have the unintended consequences of not allowing species with shorter generation times to be delisted when enough population information projects sustainable levels.

Likewise, the definition of critical habitat is of particular importance for fisheries management because successful conservation efforts for species protection and recovery require holistic watershed approaches (e.g., Native Fish Conservation Areas like the Little Tennessee River and Willamette River for Oregon Chub) and partnerships across state, federal, and non-profit groups and landowners. Any definition of “habitat” applicable to designating critical habitat that excludes currently unoccupied habitat would be counterproductive to delisting and would limit funding and opportunities to expand populations into those unoccupied areas and work toward recovery. Increasing healthy habitat is the key to delistings, a shared goal amongst conservationists, developers, and the general public.

#### **Section 10(j)**

Section 10(j) of the ESA governs the use of experimental populations as a conservation tool intended to aid in the recovery and long-term preservation of threatened and endangered populations. Reintroductions have helped to delist several species, e.g., several mussel species, Oregon Chub, and Okaloosa Darter, and have prevented listing of the Least Chub (Novak et al. 2021). Indeed, conventional conservation measures such as habitat restoration in a species’ original range may be insufficient in the face of rapid climate change. Climate change has already caused range constrictions, shifts in suitable habitat, and increased fragmentation for many species leading to increased extinction risk (Hoegh-Guldberg et al. 2008; Chen et al., 2011). Many aquatic species cannot adapt or move in response to climate change. For those that do, their ability to cover the necessary geographical distance may be inadequate (Butt et al. 2020). With the use of best available practices, science-based guidelines, and monitoring, successful establishment of experimental populations outside of historical ranges can be a beneficial conservation tool in the face of climate change and can be beneficial for landowners.

#### **Funding for Imperiled Species Conservation**

Populations of many species are in decline and at least 40% of the nation’s fresh-water fish species are now rare or imperiled. With increasing habitat loss and evolving threats as a result of a changing climate, state and federal agencies will need adequate funds to address the biodiversity crisis. Currently, states lack the resources to address the 12,000 species of fish, wildlife, and plants that are sliding toward extinction.

AFS supports dedicated funding to states and tribes for imperiled species conservation and appropriate funding for federal agencies to recover species already listed as threatened or endangered under the ESA. Presently, with the very limited funding available through State and Tribal Wildlife Grants, states are able to focus on conservation of very few species. With adequate and dedicated conservation funding, states and tribes can implement three-quarters of every State Wildlife Action Plan, i.e., state-led, congressionally mandated, science-based blueprints for imperiled species conservation. Through actions such as reintroduction of imperiled species, conserving and restoring important habitat, and fighting invasive species and disease, states would have the ability to significantly reduce the number of species in decline and prevent these species from needing protections afforded under the ESA. Without significant funding to address these declines, many more species will qualify for protection under federal and state endangered species laws. Vulnerable species are more likely to regress to more dire conditions where regulatory actions are required, time is short, and litigation and community resistance impede recovery. Current drivers of ESA expenditures for fishes include litigation (Shirey and Colvin 2022). Increasing funding at the state level may preemptively reduce

ESA costs by reducing litigation and allowing funds to be directed toward more constructive efforts such as propagation and restoration. AFS supports the Recovering America's Wildlife Act, as previously introduced in Congress, to enable science-based, state-led imperiled species conservation.

**Federal Fish and Wildlife Workforce**

The American Fisheries Society strongly supports retention of federal fisheries professionals who serve as the stewards of America's natural resources. The current termination of federal employees threatens the very foundation of fisheries and aquatic resources stewardship in this country and the public trust resources they manage. The continued layoffs and other attempts to reduce that workforce will erode the knowledge, skills and experience needed to manage our natural resources. This will have long-term devastating impacts on everyone who relies on public lands and waters for their livelihoods and well-being, as well as devastating an essential professional workforce for years, perhaps decades. The value this workforce brings to conservation, science, and stewarding our public trust resources cannot be overstated—all of which benefits every U.S. citizen.

AFS stands ready to provide you with additional information should you have any questions. Thank you for your consideration.

Sincerely,

JEFF KOPASKA,  
Executive Director

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References and Appendix are available for viewing at:

<https://docs.house.gov/meetings/II/II13/20250325/118016/HHRG-119-II13-20250325-SD005.pdf>

