



May 10, 2019

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans & Wildlife
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Tom McClintock
Ranking Member
Subcommittee on Water, Oceans & Wildlife
1324 Longworth House Office Building
Washington, DC 20515

Chairman Huffman and Ranking Member McClintock:

On behalf of the Congressional Sportsmen's Foundation (CSF), I write today to provide comments on H.R. 2532, the Tribal Heritage and Grizzly Bear Protection Act.

Established in 1989, CSF works with the Congressional Sportsmen's Caucus (CSC), the largest, most active bipartisan caucus on Capitol Hill consisting of nearly 250 members of Congress. Fifteen years ago, CSF extended the legislative network from Washington, DC to states across the country, establishing the bipartisan National Assembly of Sportsmen's Caucuses, which today is made up of 49 state legislative caucuses, and includes over 2,500 legislators. Ten years ago, CSF established a bipartisan Governors Sportsmen's Caucus, which includes more than half the governors from throughout the country. Together, this collective force of bipartisan elected officials work to protect and advance hunting, angling, recreational shooting and trapping for the nearly 40 million sportsmen and women who spend \$90 billion annually on our outdoor pursuits. This national reach also provides us with unique perspective on the impact that the state-federal relationship has on cooperative wildlife conservation efforts.

As the Committee is likely aware, the U.S. Fish and Wildlife Service (Service) issued a final rule (Docket No. FWS-R6-ES-2016-0042) in June 2017 to remove the Greater Yellowstone Ecosystem (GYE) population of grizzly bears from the Federal list of endangered and threatened wildlife, noting:

"The best available scientific and commercial data indicate that the Greater Yellowstone Ecosystem (GYE) population of grizzly bears (Ursus arctos horribilis) is a valid distinct population segment (DPS) and that this DPS has recovered and no longer meets the definition of an endangered or threatened species under the Endangered Species Act ..."

Prior to issuance of the final rule, the Service's scientific findings associated with the proposed rule as well as the draft recovery plan, demographic criteria and conservation strategy for the GYE population were peer-reviewed by a committee of PhD-level biologists with expertise in bear biology to determine whether the Service's proposed de-listing rule, issued during the Obama Administration, was consistent with the best available science. Following peer review, the Service extended the public comment period and modified the final rule, conservation strategy and recovery plan to incorporate feedback from the public and the peer review committee.

Throughout this process, the Service's dedicated scientists went to great lengths to comply with the de-listing protocols outlined in the Endangered Species Act including thorough, science-based analysis of recovery planning and implementation and factors affecting the species (motorized access, developed

sites, livestock allotments, mineral and energy development, recreation, snowmobiling, vegetation management, climate change, habitat fragmentation, habitat management, overutilization, disease, predation, regulatory mechanisms, genetic health, food resources, catastrophic events, public support and human attitudes, and cumulative effects).

Furthermore, the Service conducted an in-depth analysis of human-caused mortality, including the potential for hunting of grizzly bears upon de-listing. To ensure that the distribution of grizzly bears remains consistent with recovery goals, the final rule prescribed that the Interagency Grizzly Bear Study Team, an interdisciplinary group of scientists and biologists responsible for long-term monitoring and research efforts on grizzly bears in the GYE, would annually monitor populations and distribution and report its findings to the Service. The rule further prescribed that the Service would conduct a status review and have the option to re-list the population on an emergency basis if any of the following conditions were met: 1) If there are any changes in Federal, State, or Tribal laws, rules, regulations, or management plans that differ from the population or habitat management goals outlined in the final rule or the conservation strategy; 2) If the GYE population segment falls below 500 bears in any year or females with cubs-of-the-year falls below 48 for three consecutive years; or 3) If fewer than 16 of 18 bear management units are occupied by females with young for 3 consecutive 6-year sums of observations.

With the overwhelming support of the Interagency Grizzly Bear Committee, consisting of representatives from the U.S. Forest Service, the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the U.S. Geological Survey and representatives of the state wildlife agencies of Idaho, Montana, Washington and Wyoming, the Service determined that the conservation strategy accompanying the final rule was sufficient to conserve the long-term future of grizzly bears in the GYE.

We are also aware that the states (with the support of governors from both major political parties) most impacted by grizzly bears and their status under the Endangered Species Act have chosen to join the Service in appealing a U.S. District Court ruling that questions the rigorous science applied by the Service in the final de-listing rule. Based on statements issued by elected officials in Idaho, Montana and Wyoming, it is clear that this decision was motivated by a recognition that the final rule was based upon a comprehensive and collaborative science-based approach to grizzly management that balances the needs of citizens, wildlife and long-term species survival.

States have also invested significantly to recover the GYE grizzly population and continue to work toward recovery in other areas. For example, between Fiscal Years 2009 and 2018, the State of Wyoming spent more than \$16 million on grizzly bear recovery. During this time, the Wyoming Game and Fish Department expended an average of \$101,181 annually from funds made available through Section 6 of the Endangered Species Act and for development of the GYE conservation strategy demonstrating that states have shown a commitment to recovery and deserve recognition for doing so. Unfortunately, H.R. 2532 does not acknowledge the states' expertise, investment and strong ties to the communities where they work by failing to include an appointment category for state fish and wildlife agency scientists on the proposed Grizzly Bear Scientific Committee. Given the existence of the Interagency Grizzly Bear Committee and the Interagency Grizzly Bear Study Team, we believe that the creation of the Grizzly Bear Scientific Committee is not only unnecessary and redundant, but also an affront to the concepts of state management and state-federal cooperation, both of which are fundamental priorities for the sporting conservation community.

On its face, H.R. 2532 does not advance the concept of collaborative wildlife management because it fails to recognize the monumental effort that states, federal agencies and others have undertaken to recover grizzly bears in places such as the GYE. In 1975, when grizzly bears were listed as Threatened under the Endangered Species Act, there were as few as 136 grizzlies in the GYE. Today, through the investment of

countless hours and dollars and the application of science-based management principles, the population segment contains upwards of 700 bears, at or near the GYE's carrying capacity.

At its most basic level, the Endangered Species Act is both a "carrot" and a "stick" in that it creates a system offering a combination of reward and punishment to induce good behavior. The cooperation that led to the Service's determination that GYE grizzly bears had been recovered was motivated by both a desire to avoid limitations associated with managing a listed species and a desire to recover the species to the point where these limitations would no longer be necessary to ensure the long-term viability of populations.

By removing the de-listing "carrot" from the equation, H.R. 2532 would place an undue burden on states and federal agencies that have acted to recover grizzlies pursuant to existing law. It is our firm belief that the credibility of the Endangered Species Act is dependent upon the successful transfer of wildlife management authority to state fish and wildlife agencies upon recovery. This legislation does not further this goal and we feel that it will unnecessarily complicate future efforts to recover listed species in a cooperative fashion.

For these reasons, we respectfully urge the Subcommittee to reject H.R. 2532.

Sincerely,

A handwritten signature in black ink that reads "Jeff Crane". The signature is written in a cursive style with a long horizontal line extending to the right.

Jeffrey S. Crane
President