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and Public Works Washington, D.C.

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HEARING ON IMPROVING THE ENDANGERED SPECIES ACT: PERSPECTIVES  
FROM THE FISH AND WILDLIFE SERVICE AND STATE GOVERNORS

Tuesday, September 29, 2015

United States Senate

Committee on Environment and Public Works

Subcommittee on Fisheries, Water, and Wildlife

Washington, D.C.

The subcommittee met, pursuant to notice, at 2:04 p.m. in room 406, Dirksen Senate Office Building, the Honorable Dan Sullivan [chairman of the subcommittee] presiding.

Present: Senators Sullivan, Barrasso, Capito, Boozman, Fischer, Rounds and Inhofe.

Also Present: Senators Enzi, Daines, and Tester.

Senator Sullivan. The Subcommittee on Fisheries, Water, and Wildlife will now come to order.

We have a couple special guests here who are going to help us open this hearing, Senators Enzi, Tester and Daines. So I welcome my colleagues to make a few opening statements before Director Ashe and some of our western governors assume the dais.

Senator Enzi?

STATEMENT OF THE HONORABLE MICHAEL B. ENZI, A UNITED STATES  
SENATOR FROM THE STATE OF WYOMING

Senator Enzi. Thank you, Mr. Chairman.

It is a great honor that I join with Senator Barrasso this afternoon to introduce Wyoming Governor Matt Mead. Governor Mead presented earlier today before the Senate Commerce Committee, so I guarantee that he is warmed up for your questions. He has a great deal of expertise to share with the subcommittee on wildlife management and the need to improve the Endangered Species Act.

He can speak to great detail about the efforts the western States went through with the recent decision on the greater sage-grouse. Governor Mead can also speak to Wyoming's successes with species recovery, including the black-footed ferret, which is particularly interesting because Wyoming is the first State to save an extinct species. It had already been declared extinct. We found a few of them in Wyoming. Wyoming built a special facility, captured the remaining ones, and did a special breeding program to get as much diversity as possible, and those are now in prairie dog towns throughout the West.

He has also been very involved in the wolf situation. We had an experimental population put in Yellowstone Park which has expanded greatly, and the State, out of concern for its wildlife and its agriculture, did a plan and that plan got approved by

Fish and Wildlife Service. Of course, then it was taken to court, and the decision of the judge is real interesting because she points out that while the Wyoming plan did what it was supposed to do, which is to increase the number of wolves and decrease the human and animal conflict, she didn't think the wording was strict enough. So it is in limbo at the moment.

We have also been involved with grizzly bears, which are expanding into communities at the moment. So there need to be some things done with it and he is an expert on things that could be done.

Now, I also applaud this committee's efforts to consider the merits of modernizing the Endangered Species Act. This is the second time I have appeared before the EPW Committee this year on the topic, and I am pleased that Chairman Inhofe is considering a wide variety of approaches. That includes S. 736, the State Tribal and Local Species Transparency and Recovery Act, which I introduced earlier this year to ensure that the Federal Government consider scientific data collected from State, local, and tribal authorities when making ESA determinations.

As you are aware, Governor Mead will focus on endangered species as his initiative while serving as chairman of the Western Governors Association. In addition to the current efforts in Congress, this initiative is an important step

towards identifying how to turn the Endangered Species Act into a workable recovery program for our wildlife populations.

I am pleased Governor Mead could join the subcommittee this afternoon and I am looking forward to his suggestions on this important Act.

Thank you, Mr. Chairman.

[The prepared statement of Senator Enzi follows:]

Senator Sullivan. Thank you, Senator Enzi.

Senator Daines.

STATEMENT OF THE HONORABLE STEVE DAINES, A UNITED STATES SENATOR  
FROM THE STATE OF MONTANA

Senator Daines. Chairman Sullivan, Ranking Member Whitehouse, Chairman Inhofe, and Ranking Member Boxer, thank you for holding this important briefing today about the Endangered Species Act.

I would also like to welcome our own governor from Montana, Governor Steve Bullock, to our Nation's capital, and I thank you for making the trip out and for testifying here today.

There aren't many Federal laws that impact our great State more than the Endangered Species Act, with 18 species listed as threatened, endangered, or candidate species, and some for nearly 50 years.

Our great State is known for its one-of-a-kind wildlife and also its bountiful agriculture and natural resources, and it is important that land management decisions take into consideration both wildlife habitat and responsible land use, because too often land management, especially on the Federal level, is impacted by litigation fueled by the Endangered Species Act. We see this most often in our national forests in Montana. Between 40 and 50 percent of timber volume has been halted by litigation in recent years.

All the while the ESA has only recovered less than two percent of the species that have been listed. These

unacceptable results should compel reform. Though well intended, the ESA is like a 40-year-old ranch pickup: it once served a useful purpose, but it is in bad need of repair.

As we think about wolves, as Senator Enzi just mentioned, I am grateful that Montana now manages wolves and wolf populations. It literally took an act of Congress to make that change. But now the people of Montana, State fish, wildlife and parks, we manage wolf populations in Montana. In fact, I have my wolf tag for 2015 with me. Montanans can go down and buy a tag over the counter or online, because the people of Montana now are managing that wolf population. We know how to do it.

One species that has had a lot of focus for many Montanans is the greater sage-grouse. Although we are happy with the recent unwarranted determination by the Fish and Wildlife Service, many Montanans remain concerned about the BLM's land use plans, and we certainly commend Governor Bullock and the Montana legislature for their work to launch Montana's greater sage-grouse conservation plan, an unprecedented effort between Montana land users and conservation groups.

I look forward to our State plan being up and running this January, and I truly appreciate the committee for exploring how States can take the lead in the sage-grouse conservation.

Thank you.

[The prepared statement of Senator Daines follows:]

Senator Sullivan. Senator Tester.

STATEMENT OF THE HONORABLE JON TESTER, A UNITED STATES SENATOR  
FROM THE STATE OF MONTANA

Senator Tester. Well, thank you, Chairman Sullivan. It is great to be here today and it is an incredible opportunity for me to introduce my friend, the governor of the State of Montana, Steve Bullock. Steve has been a friend and a reliable partner for bipartisanship in his time both when he served as attorney general with you, Senator Sullivan, and now as governor. He knows that hard work is accomplished in the middle, and when we compromise, things get done.

Montana is reaping those benefits. The State's economy is in good shape, balanced budget and \$400 million in the bank in a rainy day fund. Montana is striking the right balance between conservation and economic growth. Montana, under the governor's leadership, has done great work to conserve species, to ensure that they don't become threatened in the first place. Two examples are the Artic Grayling and the sage-grouse.

Steve is here to discuss the collaboration and the pragmatism that went into conserving habitat both from a government and from a private sector.

Montana has leveraged Federal resources with its own funding in tools like the Candidate Conservation Agreements with private landowners to reduce areas of conflict and to find solutions with broad benefits, and that is how it should be. We

should strengthen the State and Federal partnerships, and we also need to ensure that the intent of bedrock laws like the Endangered Species Act remain both a backstop and a catalyst for action.

We almost missed our chance with the sage-grouse. The unprecedented effort from folks like Governor Bullock, from private landowners, from conservationists, from industry and governments at all level have protected a landscape that is fundamental to our western way of life. In a sentence, collaboration on the ground works, as we have proven it here again.

I want to thank you again, Mr. Chairman, and it is a pleasure to introduce the governor of the great State of Montana, Steve Bullock.

[The prepared statement of Senator Tester follows:]

Senator Sullivan. Thank you, gentlemen, for your opening statements.

I am now going to have Director Ashe assume the table.

STATEMENT OF THE HONORABLE DAN SULLIVAN, A UNITED STATES SENATOR  
FROM THE STATE OF ALASKA

Senator Sullivan. Good afternoon.

As you have seen from our opening statements from my Senate colleagues, the purpose of the meeting today is to examine the Endangered Species Act and how it can be improved and updated for the 21st century. Today we are fortunate to have an impressive slate of witnesses: Director Ashe and two governors who were just introduced, who I think can bring a lot to bear with regard to the importance of the States' involvement with regard to the Endangered Species Act.

As Alaska's Senator, I want to make a point about something that happened yesterday that might not seem to relate to the ESA, but it does. We had an announcement in terms of offshore development where a large company, Shell, in terms of responsibly developing oil resources off the coast of Alaska, is pulling out, for now.

There is a lot to that, but one thing that they certainly mentioned was the uncertainty in the Federal regulatory environment. This is a company that spent seven years and \$7 billion to try to get Federal permission to drill one exploration well in 100 feet of water. That kind of Federal permitting delays doesn't help anyone in our Country.

So I think a lot of people, a lot of Senators on both sides

of the aisle, are looking at opportunities to make our regulatory system more efficient, timely, and certain, while balancing the needs certainly, which we all agree to protect our species, but also to protect jobs and the private sector. So that is what we are going to look at today.

The ESA was first enacted in 1973 and hasn't been modernized or comprehensively updated since 1988. Think about that. That is a long time for a statute of this importance.

Like a lot of legislation passed many decades ago, it is in need of an update and modernization to, again, protect species, certainly, which is what it is focused on, but to balance other important issues that I think all of us would agree are necessary to consider.

Too often, as my colleagues in the Senate have already mentioned, the ESA has been used and abused, more as a political weapon, more as a means to lock up land by litigants who sue under it, more as a means to be used as a land zoning device, as opposed to what it was initially, and I think with widespread agreement, focused on doing, which is protecting our species.

Since its passage, the nearly 1,600 domestic species that have been added to the endangered species list, less than 2 percent, as Senator Daines mentioned, have recovered. There are those who do not agree that the ESA is in need of improvement, but recovering less than 2 percent of listed species is not good

enough and we must do better.

Adding more and more species to the list shouldn't be the goal or the end of the story. The key is recovering species from population collapses. That should be the goal.

We had a recent example in Alaska, where we worked with the Federal agencies to delist the eastern stock of the Steller sea lion, which had dramatically, by thousands, close to tens of thousands, recovered. That was delisted and we are proud of that fact in Alaska.

But even more surprising is that many species listed on the ESA do not even have a published recovery plan. So there is no plan, which, again, is part of the ESA. How can the agencies move forward recovering species if we don't have any idea or plan on how to do that?

Many of the agencies have limited resources and are spending most of their resources not on these plans, but in court, in litigation, which has come to be synonymous with the Endangered Species Act. In May, at a full committee hearing, Director Ashe offered the following. He said, "I do believe that the Endangered Species Act should be reauthorized, and I think there could be room for improvement of the law. I think it is possible to bring people of good will together and we could pass legislation that improves the law." In many ways, that was a genesis of this hearing.

Similarly, as I believe we will see today, the bipartisan Western Governors Association passed a resolution that states "Western governors believe the ESA can only be reauthorized through legislation developed in a consensus fashion that results in broad bipartisan support and means the intent of the Act."

In my experience, the ESA is often more of a geographic issue than a partisan issue, where Western governors, Western AGs, regardless of party in the Western States, believe in the need and importance of reform. They also believe in the importance of more State involvement in the ESA and the ESA listing process. The ESA itself states that States shall be consulted. But oftentimes it is a very cursory consultation process, even though, as I think we will see today from some of our witnesses, the States often have better information and better knowledge of the species and how to recover and protect them than do the Federal Government.

As Alaska's attorney general, I served with Governor Bullock, and we worked together, again, in a bipartisan way, many of us, to launch the Endangered Species Working Group of the Western Association of Attorneys General, again, a bipartisan group that was very focused on this important issue. We sought to achieve common ground, and we hope that part of today's hearing will have ideas and a way to move forward on

that common ground.

Working together, Congress can update, modernize, and reform the ESA to incorporate innovative solutions that result in increased species recovery and less impact to the economy, private property, and jobs throughout our Country.

I want to thank the witnesses again for being here. I look forward to discussing this important topic and exchanging ideas with all of them.

[The prepared statement of Senator Sullivan follows:]

Senator Inhofe. Mr. Chairman, I know you are going to get to the opening statement of Director Ashe. This is a subcommittee meeting and I am not going to read an opening statement. I would like to submit one for the record, though, all right?

Senator Sullivan. Without objection.

[The prepared statement of Senator Inhofe follows:]

Senator Sullivan. Director Ashe, your opening statement,  
please.

## STATEMENT OF DAN ASHE, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE

Mr. Ashe. Good afternoon, Mr. Chairman and Committee members. It is always a pleasure to be here.

The Endangered Species Act is among the Nation's and the world's most aspirational, important, and successful environmental laws. Think about what has happened since its enactment in 1973. World population has grown by more than three and a half billion, nearly double. And here in the U.S. over 100 million people have been added to our population, nearly a 50 percent increase. And these people are more affluent. Real GDP in the U.S. has grown three-fold since 1973, and per capita GDP has doubled in that same period.

So we have more people and more people consuming more resources, which means, quite simply, that less resources are available to support the rest of what we call biological diversity. So we implement this law, facing the challenge of what many are calling the sixth mass extinction.

But notwithstanding that, I believe that we have forged amazing success. Ninety-nine percent of listed species have been saved from extinction. Of the species that have been listed for more than five years, 90 percent are holding stable or increasing in population.

During this Administration, I think that we have shown what is possible if we invest in Endangered Species Act success. We

are incentivizing private conservation. Perhaps a seminal innovation of this Administration is our partnership with the United States Department of Agriculture Natural Resource Conservation Service, what we are calling Working Lands for Wildlife. Our success in Arctic Grayling and lesser prairie-chicken and New England cottontail and the greater sage-grouse, which we celebrated last week, are all rooted in this key collaboration to incentivize private land conservation, voluntary private land conservation.

We are engaging the States. We have established a joint ESA task force between the Fish and Wildlife Service and the Association of Fish and Wildlife Agencies. We helped to form a five-State range-wide plan to support the conservation of the lesser prairie-chicken, relying on State-based authorities to achieve conservation. We have framed an incidental task authorization agreement with the State of Florida, the first of its kind.

And with the greater sage-grouse effort, which I just mentioned, we worked for over a decade with the Western Association of Fish and Wildlife Agencies, deferring to their scientific expertise on the sage-grouse. We worked with the range States to develop a conservation objectives team report, which was the foundation for the not warranted determination which we reached. We did that with our State partners and we

joined arm-in-arm with the Western Governors Association to form a Federal-State joint task force to address the conservation needs of the greater sage-grouse, which was, again, foundational to our success.

We are building collaborative science capacities in a landscape conservation cooperative network, and that network is driving an innovative southeastern conservation blueprint involving all of our State partners across the Southeast, designing a blueprint through which we will work cooperatively to avoid the need to list species in the future.

We are recovering and delisting species at a record-setting pace by strategically targeting our investments. We have recovered and delisted more species than any previous administration, and continuing on this pace we will have recovered and delisted more species than all previous administrations combined. Where we invest, we succeed.

As a long-time friend and colleague Don Berry said recently, in testimony before this Committee, the Endangered Species Act is not broken, it is starved. The seminal improvement that I believe Congress could make would be to adequately and aggressively fund the law's implementation; Federal implementation, State implementation. When we do, it works. In fact, it works quite well.

We saw it last week when we were together in Denver, and I

was privileged to stand with Secretary Jewell, four governors, two Democrat, two Republican, two of whom are testifying on the next panel, along with the National Automobile Society and a Nevada rancher.

And I will close there by saying that that rancher, Dwayne Coombs, summed it up best when he said, this is good Government. Amen.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Ashe follows:]

Senator Sullivan. Thank you, Director Ashe.

I am going to ask a few questions right now in terms of the proposed rulemaking that you put forward earlier this year seeks to add clarity and new requirements in the petitioning process. I actually think there are some good ideas in there.

Why did the agency feel it was necessary to take the action? What was the genesis of that? And I would like you to respond more broadly. Former Secretary of the Interior Kempthorne once mentioned kind of famously that the ESA is perhaps the least flexible law Congress has ever enacted. Does the proposed rule relate to that statement by the former Secretary of the Interior?

Mr. Ashe. I will come back to Secretary Kempthorne's statement. I think the reason that we are proposing changes to the petition process is we certainly, in the last decade or so, have seen a surgence in the numbers of petitions that we are receiving, including so-called mega petitions, where we get dozens or even hundreds of species covered by one petition.

So we have endeavored to strategically manage our workload, and so what we are proposing is to put more burden on petitioners. I believe firmly that the petition process is an important ingredient in the fabric of the Endangered Species Act. I also believe that petitioners should, and can, bear a greater burden in terms of providing a factual basis to support

their petition, to provide us with more information, to do that not in a context when they are sending us one petition that covers dozens or hundreds of species.

I believe that involving the States at that stage, again, will provide key information to us as we make those initial decisions about whether a petition is warranted.

Senator Sullivan. Do you believe you have the statutory authority to make those changes to the petition requirement?

Mr. Ashe. Yes, sir, we believe that we do, and we think that they are well founded, and we put them out for public comment and we are getting vibrant comment on those proposals. But, again, I think that is key to making the law work better, as you have said. I think we all have a commitment to ensure that we are modernizing the law and we are innovating where we can innovate. And I think our petitioners, people who petition to list species as well as people who petition to delist species, should carry a bigger burden to help.

Senator Sullivan. Thank you. I want to ask another question with regard to the States' involvement. As you know, the Endangered Species Act actually mentions the requirement of State consultation. In my experience as a former attorney general, I don't think it happens that well. Do you think there are reforms that we need to undertake statutorily that would either grant States the authority to approve of listings or

other kind of roles, whether it is States, whether it is Tribes, whether it is other people in the States that are impacted by ESA listings? And also to be able to utilize the knowledge that States have. As you noted, many of the State agencies have as much knowledge or sometimes more than the Federal Government agencies, and traditional knowledge from Tribes and other entities in States.

Mr. Ashe. I think that we can and are taking steps to engage our State partners. I would draw the line. I think decisions have to be made, and these are challenging decisions and I don't believe that decision-making authority can be ceded or shared with the States.

Senator Sullivan. Why is that? Let me give you a hypothetical. What if you are in a State where there is a specie that there is a potential designation and that species does not exist in another State? So one State, one species, one Federal Government. Why couldn't you see the State having the authority to list or have to approve with the Federal Government a listing decision? What would be problematic with that?

Mr. Ashe. States have authorities to list species.

Senator Sullivan. I am talking about in conjunction with you under Federal law.

Mr. Ashe. I think that the Endangered Species Act has, at its heart, the commitment to look at the science, and the

science only, with respect to the listing of a species, and these are challenging decisions. I think we can gain knowledge from State perspectives, and I think we have shown a commitment to a partnership with States and involving them in these decisions, as we have done with the sage-grouse.

But even with regard to a species in a single State, say manatee in the State of Florida, these are decisions that are about the exercise of Federal authority and they belong, in my view, with a Federal official. That doesn't mean that States cannot and should not add value to that decision; they should and they can, and we can take steps, I think, to enrich that partnership with States. But this is inherently a Federal decision about the exercise of a Federal law and that key decision I think belongs with the Federal Government.

Senator Sullivan. Well, just to be clear, it is about Federal authority because Congress granted Federal agencies to make those decisions.

Mr. Ashe. Yes, sir.

Senator Sullivan. Congress could also grant States the authority to make those decisions. So it depends on what is in the statute, who has the authority.

Mr. Ashe. Sure.

Senator Sullivan. Mr. Chairman.

Senator Inhofe. Thank you, Mr. Chairman.

First of all, let me say I can remember back during confirmation time I was interested in your coming out, really taking a look at this partnership plan that we have done in the State of Oklahoma. You did that. You had actually, I think, a hearing in Edmund and one in Woodward, I think.

Mr. Ashe. Yes.

Senator Inhofe. And I tell you I appreciated that very much.

Now, you mentioned the lesser prairie-chicken. We have tried to approach this, along with the greater sage-grouse and all that. In fact, we even had that on the House version of the Senate Armed Services bill, which I think we are going to find is not there any longer. Nonetheless, it shows the efforts that we go to.

What is interesting is, and I don't say this in a way where I am talking about just the current Administration, but it has always been this problem. You mentioned you may have delisted or downgraded, I am not sure, you said the largest number, I guess, of any administration.

Mr. Ashe. Any administration.

Senator Inhofe. But that is 16 out of 1,600, right?

Mr. Ashe. That is correct. I think, Senator, recovery is a long-term endeavor.

Senator Inhofe. Okay, that is what I want to get to. Why

is it a long-term endeavor? What needs to be done? Because I have a hard time explaining this to people, particularly our five-State plan. That was well put together with five States, and I think you would agree they did a great job, didn't they?

Mr. Ashe. I do agree.

Senator Inhofe. And they came out with recommendations.

Mr. Ashe. And I think what we did to honor that is, to be honest, Senator, without that five-State range-wide plan, our decision on lesser prairie-chicken would have likely been endangered. So what we were able to do with a threatened listing is now defer to State-based regulations.

So with the lesser prairie-chicken, the Fish and Wildlife Service has not written a single biological opinion, has not needed to issue a single permit. The people of Oklahoma and Kansas and Texas and New Mexico and Colorado are working with their State governments to undertake their activities and to achieve conservation for the lesser prairie-chicken. So I think we have achieved a success there, even though we had to list it.

Senator Inhofe. Okay, now, you had a choice, though, didn't you? You could have either listed it as endangered, as threatened, or maybe a third choice, not listing it at all.

Mr. Ashe. Correct.

Senator Inhofe. Is that right?

Mr. Ashe. That is correct.

Senator Inhofe. All right. And how much was the five-State plan taken into consideration that led you to the conclusion that it should be listed as threatened?

Mr. Ashe. I think that was the dispositive point in that discussion, because we had a State plan that we were confident would achieve conservation, and we have seen great results since that listing determination; population increases, I believe, of up to 25 percent. So I think we are justified in having that confidence in that range-wide plan and, like I said, without that plan the result could likely have been an endangered listing with less flexibility.

And I think that gets back to Mr. Sullivan's point. I have the utmost respect for former Secretary Kempthorne, but I believe the flexibility of the Endangered Species Act is there when you look for it and you work for it, and I think we have shown that, again, during this Administration. We have employed the flexibilities of the law that led us to work with ranchers in the Big Hole of Montana and get to a not-warranted determination for the Arctic Grayling. We have worked with timber lot owners in New England to get to a not-warranted determination for the New England cottontail.

Senator Inhofe. Okay. No, I understand that, but this is the problem I have. Every time we come up with something, and right now I am talking about the lesser prairie-chicken, we go

through all this effort to get it done. And let's just say that you agree with it. Not in that case, because it was not listed, so you listed it.

But let's say from this point on it is now listed as threatened. What are the obstacles? Why does it take a lifetime to get this stuff off? Why is it that we can boast of the great job that we have done in delisting some 16 out of 1,600? It is kind of hard for me to go back to Oklahoma and talk about that as a success story. What obstacles are out there?

Mr. Ashe. I think the obstacles are pretty clearly resources to do the job. To drive recovery for a species, take grizzly bear, for instance, it was mentioned earlier, it took this Country more than two centuries to whittle a bear that once roamed pretty much the entire lower 48, to whittle it down to a few dozen that remained existent in the greater Yellowstone ecosystem. For us then to fight back to recovery has been a 30-year endeavor, but we are on the verge of proposing a delisting for the Yellowstone population of the grizzly bear. But it takes hard work, it takes resources; it takes effort over a sustained period of time.

For species that are habitat limited, we have to reform their habitat. So the red-cockaded woodpecker in the Southeastern United States, we have launched another expansive

partnership to rebuild its habitat. It took centuries to eliminate that habitat from the Southeastern United States.

Senator Inhofe. But we are not talking about grizzly bears now, or at least I am not. What about a burrowing beetle? You don't have to recreate habitat for a burrowing beetle. It is certainly not going to take two centuries to do.

My time has expired, but I want to get into this where we can come up with some way to change the law some way that we can actually get rid of some of these so it doesn't take all the resources that you are talking about. That is just my feeling.

Mr. Ashe. Thank you, Senator.

Senator Inhofe. Thank you, Mr. Chairman.

Senator Sullivan. Senator Capito?

Senator Capito. Thank you, Mr. Chairman.

Thank you, Mr. Director. You haven't mentioned my species yet, but I bet you can guess. It is the northern long-eared bat.

Mr. Ashe. All right.

Senator Capito. As you know, it has been listed as threatened, as opposed to being endangered, but it is really causing a lot of issues with a lot of various industries throughout the State of West Virginia. I think some period of time you are not allowed to move forward for six months out of an entire year while they are in their mating season, I think.

But my understanding, and you and I talked about this, is that the white-nose syndrome, which is a disease, is really what is the predominant threat for this bat, and the problem for us is the sheer size of the habitat for the bat. It stretches from Louisiana to Maine, from Montana to New Jersey.

So I guess where are we with this in terms of distinguishing between a disease that is taking a species down and then trying to preserve where maybe nature is taking over? I don't know. What is your response to that?

Mr. Ashe. Thank you for recognizing that. White-nose syndrome is an exotic fungus that was imported to the United States. It is devastating bat populations nationwide, the northern long-eared bat being one that is particularly susceptible to the disease. There is no doubt that the existence of the species is threatened, at least.

So I think our initial determination on that was threatened, and what we did was we provided a special rule, a Section 40 rule, which is one of the great flexibilities in the Endangered Species Act. We use that to tailor restrictions in the law.

We published an interim final rule, because we acknowledged at that point that there was probably still more for us to learn, so we have been working during that time period, again, a flexibility in the law to publish an interim final, go out for

further comment, which we have done, and we will be here, before the end of the year, coming out with a final rule that will provide additional flexibility.

We agree with you that the long-eared bat is not habitat-limited, so our implementation of protections under the Endangered Species Act should not impose substantial restrictions on the use or development of habitat, because the species is not habitat-limited. But there are key life stages that we need to protect, like hibernacula and, to the extent that we know of their existence, roosting trees. So the species is in great decline. We need to protect, as much as we can, sensitive life stages, but we can do that with minimal restrictions, very minimal.

Senator Capito. Okay, let me ask you a further question. If an industry is trying to move on and has a habitat, I may not use the correct term, but a habitat preservation plan that comes before Fish and Wildlife, are you under any deadlines of when you have to issue an opinion on whether that habitat plan meets muster? Is it a 60-day limit or is it a 90-day limit, or is it unlimited? Because this is a problem, with the response time.

Mr. Ashe. When we do consultations with a Federal agency that might be issuing a permit or providing assistance, we have time limitations.

Senator Capito. What are those?

Mr. Ashe. We have 135 days between the time they provide us a completed application to issuance of a final biological opinion. With regard to a habitat conservation plan which a private party would submit to us, we don't have any particular deadlines to work in with regard to issuance of a permit.

Senator Capito. I mean, I think that is problematic, obviously, if you are moving forward with private investment. But I am going to move on because I don't have too much more time.

You have mentioned a couple of times the lack of resources. I would say, and I think I addressed this with you when I spoke with you before in our State, we have very limited Fish and Wildlife resources, and we have a lot of issues in and around the types of industries that are important to us in West Virginia and important to the Country. So if you could devote more of those resources to our State, it would be very helpful.

Lastly, I would like to pay you and Fish and Wildlife a big compliment. As you know, we have the Canaan Valley National Wildlife Refuge. They hosted me there and I am heavily encouraging you that they do need a new visitor center, so we need to move that up on the list.

Mr. Ashe. All right.

Senator Capito. But I would also like to say that Wendy Webber, your regional director who we met with that day, came to

visit me there and I want to give a shout out to your biologist, Dawn Washington, Ron Hollis, who hosted us there on Sunday, my staff, and took us on a bird watching and wildlife tour.

And I also would like to compliment you and those in the Canaan Valley. We do have a Kanawha Valley, but this is Canaan Valley, because you have a huge volunteer association. Casey Rucker has joined me twice to educate me on the Refuge, so I really appreciate that. And it was on a Sunday, too, so thank you very much.

Mr. Ashe. Well, I am sure they enjoyed having you out there, Senator, and thank you for dedicating the time to do that.

And I would say, as we think about this, Mr. Chairman, I think the key for us is field capacity. We are a field organization. When you go around the Country, if you and I went to the Blackfoot Valley in Montana and were talking to ranchers like Jim Stone at the Rolling Stone Ranch, he would tell you that our person, Gary Sullivan or Greg Neudecker, are not just good Federal employees, they are good friends to those people. They work with them day in and day out.

When we were working on the sage-grouse, it is a person like Angela Sitts, who is a private lands biologist. Senator Inhofe has always been a good supporter and friend of our Partners for Fish and Wildlife program, where we have people out

on the ground who are working with landowners, at the kitchen table, across the tailgate of a pickup truck, across the fence line to work out common sense solutions to problems. So it is those kind of investments that fuel success with a law like the Endangered Species Act.

Senator Sullivan. Senator Barrasso?

Senator Barrasso. Thank you very much, Mr. Chairman, Thanks for being here to visit with us.

Mr. Ashe. Thank you, Senator.

Senator Barrasso. I have a couple questions. Today there are more than 1,000 species that are listed as endangered by Fish and Wildlife Service. Even more are considered threatened. Yet, in the 40-year history of the Endangered Species Act, only 30 species have actually been delisted because they have been recovered. To me, this demonstrates clear failure of a policy that was established to provide for the recovery of imperiled plants and animals.

My question has to do with implementation. The implementation of the Endangered Species Act is notoriously inconsistent. In their 2013 resolution, the Western Governors Association identified seven key goals that your agency should consider. The first was to require clear, measurable recovery parameters.

In Wyoming, there have been several cases where your agency

has changed population requirements multiple times through the listing process. They are moving targets and they compromise our State's ability to engage in meaningful conservation activities, and one example is the grizzly bear. The agency has continued to move the goal post for grizzly bear recovery. Management of the bears, which are recovered, cost the State of Wyoming more than \$1.5 million a year in conflict resolution and damage investigations, landowner compensation.

Isn't it fair to say that if the agency continues to use these moving targets for population, it not only creates a financial burden for the States, but it also fosters a sense of distrust with the agency?

Mr. Ashe. Well, it might not surprise you that we maybe have a little bit of a disagreement about whether there are moving targets, Senator. I certainly think with the grizzly bear we have not. We have an interagency grizzly bear committee which has been a 20-year success story. It involves all of the States and all of the Federal agencies, and they have a technical team and committee that works together to identify the recovery objectives, and we have held to those recovery objectives. We delisted the bear, actually, in 2007 and we, unfortunately, lost in a lawsuit, but we have worked again with our State partners to come back and we are literally on the precipice of another proposal to delist the species. I think we

will be successful.

But we have not, in my opinion, changed goal posts. I would say that the law requires us to use best available science, which means in the course of a 20-year recovery plan, can you learn new things? Do you have new science that you have to respond to? The answer is yes. So do we have to change recovery targets? Sometimes, yes, because we have an obligation to use the best available science as we make these decisions and we learn over the course of 10 or 20 or 30 years. But we try to do that in concert with our State and other partners. Can we do better? I suspect we can do better, and I hope you see in us a commitment to do that.

Senator Barrasso. You testified before this committee in May that Wyoming had met every goal set by Fish and Wildlife, and it was time to delist the gray wolf. There are other recovered species that remain protected under the Endangered Species Act. So the question comes is the management of the gray wolf and other already recovered species have the potential to distract from other more pressing and in the recovery efforts that you need to make elsewhere?

Mr. Ashe. They do do that, Senator, and I think I have been frank with you and others in this discussion. The U.S. Fish and Wildlife Service, which led wolf recovery, it was our people out on the ground who were suffering the slings and

arrows of outrage. But we worked through that with our State partners, and Wyoming has been a great partner in wolf recovery and wolves in Wyoming are recovered, and it is one of my greatest disappointments as Director to this point have failed in having that recognized.

But your point is a good one. We have other species that need the protections of the Endangered Species Act, that need the work of the men and women of the U.S. Fish and Wildlife Service and our partners. Wolf is not one of them. We should be working on bull trout or wolverine or greater sage-grouse or other species that can be helped with protection and conservation actions either pre-listing or post-listing under the Endangered Species Act.

Senator Barrasso. And the final question just kind of follows up, and you partially answered it, in terms of your agency is currently considering more than 600 species for future protection. Many species already listed do not have active recovery plans, so do you feel you have the time and the resources to adequately examine any of the petitioned species with such a significant backlog of those that you have determined require protection?

Mr. Ashe. We do, Senator, and I think we negotiated a settlement agreement. It was a hard negotiation, and we negotiated the timeline for that settlement agreement knowing

the resources that we could expect to receive for our listing program. So the settlement that we negotiated extended the deadlines, the statutory deadlines, so through that settlement we bought more time.

So we matched up the schedule with our priorities, biological priorities and our resource priorities, so I believe we have the resources to do the job in terms of the listing workload that we have now. It is a substantial workload, though, and it is a growing workload.

Senator Barrasso. Thank you very much.

Thank you, Mr. Chairman.

Senator Sullivan. Director Ashe, I just want to conclude with two other quick questions.

First, we are obviously very focused on the species and protecting them, but we are also focused on the livelihood of our constituents, on jobs, on a strong economy. I hear from Alaskans sometimes, hey, there is so much focus on the Endangered Species Act, what about the endangered jobs act? What about making sure we take care of employment?

How do you balance that call in terms of the listing of species and the impact it has on jobs and the economy? And is there more needed to be done in the statute to make sure that the Federal agencies are doing the proper balance?

Mr. Ashe. I think, as I have said, we have substantial

flexibility, and I think we have been innovating during this Administration and exploring where we can find further flexibility in the law. I believe that the basic question of whether a species should be listed is a diagnosis. It is either endangered or it is threatened or it is not, and that is a kind of fundamental precept in the law, that science-based determination.

After that, when we designate critical habitat, we can take into consideration national security; we can take into consideration economic impacts or social impacts. When we do a consultation with a Federal agency, if we find jeopardy, the thing we recommend is something called a reasonable and prudent alternative. So we work with the Federal agency within their statutory authority to do the best they can to conserve a species.

So I think the law has flexibility. Certainly, Congress could explore whether additional flexibility would be advisable, but I think on that initial threshold decision it should be a science-based determination.

Senator Sullivan. Okay, let me conclude with one final question regarding climate listings. As you probably know, in the last few years, Fish and Wildlife Service NMFS have listed or designated habitat for species, the polar bear, the bearded seal, the ring seal in Alaska not based on a decline in the

population, a species decline, but, rather, a perceived future decline as a result of climate change and climate change modeling that you are predicting there will be a decline. As you can imagine, when you live in an Arctic State like Alaska and you are making listing decisions based on future modeling of climate change when the species themselves physically are actually strong right now, there seems like there is no limit to the number of species that you could list in an Arctic State like ours.

So what is the limit and where do you derive your authority to make listings based on future predictions in computer models, not based on actual physical declines of species that are presently occurring?

Mr. Ashe. Thank you, Mr. Chairman. Before I answer that, I do want to say I am going to have two governors come up in the panel after me, and they are beginning an effort within the context of the Western Governors Association to explore additional administrative and potential legislative improvements to the Endangered Species Act, and we in the Fish and Wildlife Service have pledged our support and partnership in doing that. The reason I bring that up is because that is a question that Governor Mead asked me earlier in the day.

I think that with regard to a species, sometimes we are certainly conflicted if we wait until a species is on the verge

of extinction.

Senator Sullivan. No, but I didn't say that.

Mr. Ashe. We have limited flexibility. So if we want maximum flexibility, then we have to look into the foreseeable future, which the law asks us to do, tells us to do; that we have to make a determination whether a species is facing an imminent threat, that is, endangered, or whether they are likely to become endangered in the foreseeable future. That would be threatened. So the law asks us to look into the future. The best way we can do that is by the use of models.

With regard to species that are principally affected by climate, it is actually a pretty narrow range of species. All species will be affected to some degree by a changing climate, but species for which climate change is the principle threat, like polar bear or ring seal, there are relatively few of those. And if you look at how the Fish and Wildlife Service has made determinations, we were petitioned on polar bear, which we listed as threatened, foreseeable future. We were petitioned on the pika, a small rabbit that occupies high alpine in the western U.S., and we found that not warranted. We were petitioned on wolverine and we found that not warranted.

Senator Sullivan. But do you see the concern is that if there is a population that is not in decline, that is even increasing, the polar bear population had, over the last several

decades, increased pretty dramatically, and yet we have a listing based on a computer modeling of what might happen in the future, particularly if you live in a State like mine, the species you just mentioned are all in Alaska, it seems like it is a limitless amount of discretion that you have. You are not basing it on an actual decline.

You could have a healthy population, which the ring seal, I think most people would agree is a healthy population, but you are listing it anyways based on future modeling, which by its very nature is speculative. I think it just seems like a limitless approach to doing this. And if you live in a State that is an Arctic State, there could be no end in sight to the number of petitions and listings based on this kind of precedent.

Mr. Ashe. I don't agree with you, limitless. Speculation is one word. As a scientist, a model is a predictive tool; it helps you predict an outcome. It is not perfect, but it is the best we can do. Say our decision on polar bear, the modeling that we applied was very conservative modeling about projecting what was going to happen to the sea ice habitat of the polar bear, and the Beaufort Sea population of the polar bear is in pretty significant decline, and we know that that is correlated to the loss of their sea ice habitat. And since we made our listing decision back in 2008, at every juncture as we have

looked at new information about the rate of sea ice loss, it is worse than we thought it was going to be.

So when you apply models, you analyze the uncertainty related to those models. It is not speculation, it is the application of science. That is how we have 5-day and 10-day weather forecasts, we are applying a model to the future. It certainly is not perfect, but we all rely on it in planning our day-to-day activities. So modeling is very valuable and invaluable tool as we think about analyzing complex situations.

But I agree with you, it is a challenge. But I think, again, in the Fish and Wildlife Service we have done that evenhandedly. In the case of the pika, even though that species is being affected by climate change, it is unequivocal that is being, we found that there would be populations that remained stable and secure into the foreseeable future.

Senator Sullivan. Well, I am going to turn to the next panel here, but there are a lot of issues here with regard to what is the foreseeable future, how you define that, and, again, the discretion that seems it can lead to kind of a limitless number of possibilities if you have strengthened populations. We are very proud of our strong populations, huge populations of species in Alaska, but if it is based on not an actual decline or any indications of an actual decline, but future modeling, it just seems that almost any species is available for listing.

And as you are seeing through the petition process from certain groups, they are essentially trying to do that, certainly in my State, list almost everything, and it is a little troubling and concerning, but it is something we can work on.

Mr. Ashe. Well, thank you, Senator.

Senator Inhofe. I only have one question.

It disturbed me a little bit when Senator Sullivan was talking about what you are doing now, anticipating climate change and all of this. Who establishes the criteria for these assumptions in the future that you are preparing for? Who does that?

Mr. Ashe. We rely on the best science available, so in the case of the polar bear --

Senator Inhofe. Well, no, when you are talking about what is going to happen in the future to climate, where the climate is going to change.

Mr. Ashe. We rely on NASA, NOAA.

Senator Inhofe. IPCC?

Mr. Ashe. The IPCC report provides important information, but mainly, because this was an issue about sea ice, we relied on NOAA and NASA experts.

Senator Inhofe. What I am saying is, you can use what you consider to be the best science available. I might not agree with you that that is the best science available.

Mr. Ashe. You might not.

Senator Inhofe. So I assume that we will just have to wait for another Administration, then, before we can get this done.

One last thing. Senator Barrasso brought up something that I had already been talking about, and that is if you are looking at 1600 listings out there and you consider it to be successful that you have been able to take off the list 16 out of 1,600, I don't think that is very successful, and I think your answer was it is a process that takes time, it takes a lot of resources to get done.

My question is, that can be changed. That can be changed legislatively, and I think maybe we should be looking at that. If it takes that long so successfully come up with 16 off the list of 1,600, I think it is time for a change. And that is my job, not yours.

Senator Sullivan. Director Ashe, thank you very much. We do want to work with you on looking at ways to move forward on smart reforms for the Endangered Species Act. Thank you for your testimony.

I want to welcome our second panel of witnesses: the Honorable Matt Mead, Governor of Wyoming, and the Honorable Steve Bullock, Governor of Montana.

Senator Barrasso. Thank you very much, Mr. Chairman. I am pleased to introduce Governor Matt Mead, the thirty-second

governor of Wyoming. Governor Mead was first elected in 2010, re-elected for a second term in 2014, raised on his family ranch in Teton County, a law degree from the University of Wyoming. He has served as county and federal prosecutor, practiced privately in law and served the United States attorney for Wyoming as U.S. Attorney from October of 2001 to June of 2007. He also serves in regional and national leadership roles, including currently being chairman of the Western Governors Association, and serves on the Council of Governors and is vice chairman of the Natural Resources Committee of the National Governors Association.

So I am very pleased to welcome Governor Mead here today to share his remarks on the Endangered Species Act.

Welcome, Governor Mead.

Senator Sullivan. Governor, you have five minutes to deliver your opening statement. Governor Mead.

STATEMENT OF THE HONORABLE MATT MEAD, GOVERNOR, STATE OF  
WYOMING, WESTERN GOVERNORS ASSOCIATION

Governor Mead. Mr. Chairman, thank you very much. It is a privilege to be here and a privilege to be introduced by our two fine Senators from Wyoming.

Thank you, Senator Barrasso and Senator Enzi. It is a privilege.

We have several Western governors here and we have meetings for the next couple of days, so it is a pleasure to be with Governor Bullock from Montana. He is not only a fellow governor, he is a friend, and he is also Vice Chairman of the Western Governors Association.

We are honored to be here and we look forward to your questions. I am going to try to keep my comments relatively brief so we have as much time for questions as possible.

I am governor of the State of Wyoming and, at the end of June, I was elected Chairman of the Western Governors Association, which represents governors of 19 Western States and 3 U.S.-flag islands. I will serve as chairman for one year. Governor Bullock serves as Vice Chairman and then will take over as chairman. In addition to our comments today, we have provided written remarks on behalf of Western Governors as a group, and we hope you will consider those as well.

As you all know, the West is a vast, varied place, and

eastern Western State has its own specific concerns and viewpoints. Yet, Western States share challenges, goals, and opportunities regarding natural resources, for example, in the area of water, wildlife, forests, and energy development. Western Governors, through the WGA, seek areas where we have issues in common, where we can reach consensus to find solutions, act cooperatively, and benefit all our States.

Each chairman has an opportunity to designate an initiative, an area of focus during the governor's tenure as chairman. Recent initiatives prior to mine have included drought and getting outdoors in the West. My initiative is the Endangered Species Act, and is aimed at reforming and improving the Endangered Species Act.

Just a couple of numbers that we have, and you all have mentioned some as well. Currently, the information we have is listed as threatened or endangered species in the U.S. is 1,567. Outside the U.S., 653, for a total of 2,220. Since 1973, the total species delisted is 59. Species delisted due to extinction, 10. Species delisted due to error in original data, 19. Species delisted due to recovery, 30. So of the 59, 10 went extinct, 19 were removed because of a mistake, 30 have been delisted because they have been recovered. So totally delisted for any reason as a percent is 2.56 percent. Total delisted due to recovery as a percent, 1.3 percent.

When we have worked on issues such as grizzly bears or wolves in Wyoming, we see the challenges. And the reason I wanted to choose the Endangered Species Act as an initiative is that, as I view it, from my experience growing up in Wyoming and as governor of Wyoming, the Endangered Species Act, as it is today, is not working. I think it is broken. There have been some tremendous successes, no doubt about it, but let me just give you a firsthand example.

When I came into office, the State of Wyoming had worked years on trying to get the wolves delisted. So I sat down with then-Secretary Salazar and Director Ashe. Our offices worked long and hard, and had face-to-face meetings with one another, sometimes just two or three of us in the room. Sometimes it was just me and the Secretary, sometimes it was just me and Director Ashe.

Building on a broad coalition with ag groups, with industrial groups, with sportsmen, we came up with a plan that we thought would work for Wyoming and make sure there was a healthy wolf population. We all agreed upon this. We went forward. We had a hunting season. And during that time that we had the wolves delisted, not only was our plan a success; in fact, we showed that the wolves were becoming even stronger.

So sometime after the fact we get challenged, it goes to court, and a judge in D.C. says, yes, the wolf is recovered, but

too bad. And this is what leads to this question of certainty. How do we get to certainty? How do we get to the finish line?

In Wyoming, there is no question, as in across the West, we value our wildlife. It provides a quality of life. That is why many of live in the West. But we also value jobs. We also value careers for our kids and our grandkids. And when the Endangered Species Act creates these uncertainties, we get the same questions that Senator Inhofe gets asked and you get asked, Senator Sullivan: What about the jobs? How do we keep people working? How do we keep food on the table? So we do need some certainty.

And then when you throw in things like modeling climate change, I am not an expert in this field, but I will tell you that the ranchers in Wyoming ask me, when they can tell me when it is going to rain and when I am going to hay, then I will start listening what is going to happen 10 or 20 years beyond that on the climate.

These are practical questions that people ask, and we are required to answer those questions. But when you combine modeling with the foreseeable future, which is also undefined, the Western Governors have asked for some clarification and definition on those things to try to find a way forward.

So, in my view, the ESA is broken, and since 1973, when you have just about 1 percent recovered, that, I do not think is a

success. It leads to economic burdens that impact our States, our citizens, and our businesses.

The grizzly bear has been mentioned, that is another example, because as soon as we had wolves delisted for that short period of time, I wrote Secretary Salazar in, I think it was, 2012 and I said, next we need to get the grizzly bears delisted.

Senator Inhofe, you asked the question about, why does it take so long. Well, I understand the answer that it may take 20 or 30 years for species recovery, or 50 years, but once it is recovered the question is why does it take so long after they are recovered to get them off the list. When everybody agrees, including the Secretary, including the Director, that it is recovered, why can't we move forward more quickly? Because nobody says we don't want to care about the species, but once they are recovered, let's get them off the list not only for the certainty it provides industry but, in fact, to do a better job for other species. When we are wasting time, money, and effort, when we are spending \$2-plus million just in Wyoming taking care of grizzly bears, what species are we not taking care of?

So last week was a good example of success. The U.S. Fish and Wildlife Service decided not to list the greater sage-grouse. This shows success on a number of levels, the cooperation that we had with the Secretary's office, the

Director's office, with BLM, Forest Service, with States across the West. It was a tremendous effort and we should all be proud of that.

But I would say to you, Mr. Chairman, that wasn't because of the Act; it was because of the efforts beyond the Act, at the local level, county commissioners, city council, our State legislators, those people in the Federal Government who went beyond the Act, the people in the State, starting with my predecessor, Governor Freudenthal, who went beyond the Act that created the plan. That was not due to the Act; it was due to the great relationships.

We need more certainty than that, because those relationships may not always be there. We hope that that is a model how to go forward in the future, but it would be very nice to have some statutory sideboards to make sure we can reach those goals, because everybody rightfully asks the question: When do we get to the finish line? How do we get there? We are willing to do it if we know there is a finish line and we can have this certainty.

So my initiative will be a bipartisan regional conversation. Governors are particularly well suited to exert leadership in this area, given State obligations to manage wildlife and Western States' outstanding conversation record. We care about wildlife in the West. We, the States, manage it

well and we need a system that works. We stand ready, Mr. Chairman, to work with the Committee and Congress, with Federal agencies and others to reform and improve the ESA. It is time to do this not only for our citizens; it is time to do this for species.

Thank you, sir.

[The prepared statement of Governor Mead follows:]

Senator Sullivan. Thank you, Governor Mead, and thank you for your leadership on this. And I can assure you we are very interested in working with the Western Governors Association on common sense ESA reforms, so we will continue to do that.

Governor Bullock.

STATEMENT OF THE HONORABLE STEVE BULLOCK, GOVERNOR, STATE OF  
MONTANA, WESTERN GOVERNORS ASSOCIATION

Governor Bullock. Thank you so much, Chairman Sullivan, members of the Committee. Chairman Sullivan, it is wonderful to see you in this role, as opposed to our former role as attorneys general.

Senator Sullivan. You too.

Governor Bullock. And I do want to thank you for the opportunity to offer my perspective on this topic of significant import. My peer today not only is governor of a State that has great diversity of wildlife and many experiences with the Endangered Species Act, but also is the Vice Chair of Western Governors Association, an organization that really does embody my idea of bipartisanship.

WGA has recognized by resolution that the ESA can only be reauthorized through legislation developed in a consensus fashion that results in broad bipartisan support and maintains the intent of the Act. That continues to be our position today.

Looking forward, the stories of two different species on my landscape in Montana might provide lessons as you consider steps that Congress could take.

First, I think we need to do everything that we can to make certain that species aren't listed in the first place, and the Committee and Congress should double-down on their efforts as

far as tools and assistance you can offer to incent private landowners and States. My case study for that proposition is the Arctic grayling. In the lower 48 States, remnant populations remain only in Montana, by the 1930s, less than 15 percent of their historic range.

Last August, the Fish and Wildlife Service determined the Arctic grayling was not warranted for listing. This is arguably one of the most significant ESA success stories in the Nation because State and Federal agencies and key partners developed close relationships of trust with 30 key landowners in the Big Hole Valley, covering 156,000 acres. Those landowners, many of them, voluntarily gave up water rights they are legally entitled to use to conserve this fish. It was possible because of landowner agreements authorized by the ESA to encourage conversation of non-Federal land to prevent listing. Under these agreements, Montana and other partners improved habitat, water flows, took other helpful steps. Some critical seed money came from State wildlife grants which are allocated by congressional appropriation.

The Fish and Wildlife Service touts these agreements, the Canada Conservation Agreements, with assurances, this is an example, as an important tool for working with landowners on endangered species conservation, and I agree. The question is what more can we do to incent voluntary efforts to protect

species before the ESA ever comes into view. And is Congress willing to increase funding for State agencies to work on that active collaborative habitat efforts for risked species? I hope and think that you should. We know that with sage-grouse, the NRCS and sage-grouse initiative will play a critical role. We need to be looking to provide other tools and making these agreements easier to administer.

Second, let's recognize when the Act has served its intended purpose, then trust the States to manage the animals within their borders thereafter. The case study for that is the grizzly bear, a success story for recovery which still remains listed. The governor and I often fight about water, but we don't fight about at least the grizzly bear.

We are certainly working out our differences with Fish and Wildlife Services. I am optimistic that we are going to find a path forward for delisting. There are many aspects of that story that are positive, like the private landowners that are engaged demonstrate a remarkable commitment, but the grizzly bear needs to be delisted and returned to State management. Our States hold our fish and wildlife resources in trust for all of our citizens. It is a responsibility that we take so very seriously. The delisting process must become more straightforward so we can spend our collective resources on species that may need more attention.

It is worth noting that I have offered two instances where the ESA has actually worked or is working. But the Act could certainly work better, and we could do more to leverage the role of State and private partners into more resources on the ground for species conservation. After all, the hard work really is on the ground and in the community, not always in the legislative halls.

Just last week I did have the opportunity to join the Secretary of Interior in announcing the greater sage-grouse was not warranted for listing under the Endangered Species Act. As I sat with my fellow governors, Mead, Hickenlooper, and Sandoval, I couldn't help but think how logical it was for the Western Governors Association to tackle these issues, attempt to build a regional consensus, as Governor Mead has proposed with his chair's initiative; and I will certainly support him in those efforts. Meaningful efforts to address the pitfalls and the possibilities of the ESA must begin around conference room and kitchen tables, determining first what works on the ground.

Finally, it is worth remembering that the Endangered Species Act was signed by President Nixon in 1973, who recognized the Act as an important commitment by our Nation to conserve and protect the rich diversity of animal and plant life for future generations. That noble goal does still hold true today.

Thank you again for this opportunity to appear before the  
Committee.

[The prepared statement of Governor Bullock follows:]

Senator Sullivan. Thank you, gentlemen, and thank you again for your leadership on this issue. I think it is a great opportunity in terms of the Western Governors Association's focus on this issue with your ideas. I think a lot of times the best ideas come from the ground, come from the States. So we are going to be very, very open and encouraging to hear what your suggestions are with regard to reforming the ESA.

I do want to start by just asking you, in your experience, and I think a number of us have experience from different times working at the State level, have you seen the consultation, particularly when it comes to listings, that is required by the ESA by Federal agencies, whether it is Fish and Wildlife or some of the agencies, or, in your experience, has it been more of an afterthought with regard to a listing, and then they come and explain it to you later? This, at least in my experience, has been a frustration because, as the two of you mentioned, a lot of times the States have more information.

Now, Director Ashe talked about science. Absolutely. But more science and a sense of how it is going to impact the local communities better than folks in Washington do. I am curious what your experience is, both of you, on that issue.

Governor Mead. Thank you, Mr. Chairman. I guess I would say not just during my time, but what I am aware of, it has been somewhat inconsistent. Having said that, I mentioned wolves, I

mentioned grizzly bears, the greater sage-grouse. The level of the consultation on those three species, for example, we couldn't ask for more. As a matter of fact, I viewed it, these last couple years, a good day when I didn't mentioned the word sage-grouse, because we were so involved with the Federal agencies, and they with us on that issue.

So I think that, as I said, and you brought up the Act does require that. It absolutely requires that. That, as I have said, I think historically, I think that may be hit or miss. I would just tell you my experience on those three species, there has been no question about the consultation, which is a different question than agreement.

Senator Sullivan. Right.

Governor Mead. But had the consultation.

Senator Sullivan. Governor Bullock?

Governor Bullock. I would say certainly not enough consultation when the decision goes contrary to what I believe it should. Beyond that, I can point to a number of instances, 2009, a leopard frog, where it was being petitioned. You are looking at it. Actually, it was with one of the grants that are provided by Congress. We had the opportunity to do some more studying, and ultimately it didn't end up listed. The Arctic grayling was another one where we actually worked together, and I think that that would be consultation.

So sometimes it works, sometimes it doesn't, but it is something that I think that Governor Mead and we all should be looking at over the next year to ensure, because I think as you pointed out in the opening Chairman Sullivan, Section 6 of the Act says you must be consulting with States, and we as States certainly think that is essential. And our fish and wildlife scientists and managers are on those landscapes and working hard for decades, some of them, as individuals, so we do know what is happening in our individual States.

Senator Sullivan. Let me ask kind of a follow-up, take this a little bit further on two ideas for ESA reform. You both alluded to them in your testimony. One would be a stronger role for States, even as far as an agreement with the Federal Government on a listing decision, whether as a group of States or, as I mentioned, if there was a species that was solely residing in somebody's State, to have a co-decision-making authority. I am wondering if you have thoughts about that. You know, Director Ashe mentioned, well, that doesn't happen now. Well, it doesn't happen now because the law doesn't allow that now. But the law could allow that if we amended the law.

Second, in terms of judicial review, I think, Governor Mead, your point is a really good one, that you can even get to the point with Federal agencies and different groups of what you might agree with regard to a species, whether to list it or not,

the recovery plan, and then all of a sudden it is thrown into litigation in the D.C. Circuit or the Ninth Circuit and it becomes almost a crap shoot; three judges who don't know much about any of our States, usually, making a call on something that we have spent months or even years working on.

What are your thoughts on reforming the ESA with regard to those two issues?

Governor Mead. The court system is problematic for me because I have thought about if I could just change the law myself, I thought I would like a very strong presumption that if the States and the director agree something shouldn't be listed, it shouldn't be. But I don't necessarily want it the other way. So I have had a hard time trying to figure out how exactly how I want that. But I would say this. I think that that problem is significant because the coalition we built to get the plan for the gray wolf, it was not just ranchers, it was sportsmen's groups, it was environmental groups.

Senator Sullivan. Right.

Governor Mead. And we spent a year putting that together and then getting it through the legislature and getting buy-on, and we worked on the conservation plan, how are we going to go about this. So we were all set and the Secretary and the Director with me. And then a year and a half or two years after the fact it is all collapsed.

Now, how am I going to go back and build another coalition? How am I going to go back and get a conservation plan? That is a significant problem. We don't know the answer to that yet, Mr. Chairman, but one thing that would certainly help is before there is a listing, one, it should be a single listing rather than a multiple listing.

Senator Sullivan. Right.

Governor Mead. Western Governors also think that before a listing is made, that whoever is proposing the listing, that they get all available scientific data from the States; that they don't just throw it out there and then go on a fishing expedition, they get that from the States. The States have incredible good data. Our Game and Fish department, I think, is as knowledgeable on the wildlife in Wyoming as anybody. They have that. They not only have that, they put it together. They notify the States before they actually make the request of the Fish and Wildlife Service so that we are aware of them.

That would be not only good for the States, but, frankly, if a species needs to be listed, don't do it in a haphazard fashion; get that data, get the scientific data, all the data that is debatable, before you are allowed to list a species. And you can only list one species rather than all these species and which science applies to which species.

Senator Sullivan. Great.

Governor Bullock?

Governor Bullock. I largely concur. I said at one point, when I was running for office, there are two ways to become a biologist: one is to go to years of school and the other is to run for office. And I say that only inasmuch as wolves are recovered in Montana, or delisted, but there were so many individual officeholders and folks that really said, as individuals, that they had all of the answers.

I think science has to guide this, and science, though, back to the initial question of individual consultation with the States. I am not sure that it should be vested entirely over to the States.

Senator Sullivan. Senator Inhofe?

Senator Inhofe. Thank you, Mr. Chairman.

I plan to be here for the remainder of the meeting, so I would invite Senator Barrasso to go ahead.

Senator Barrasso. Well, thank you very much, Mr. Chairman. Thank you very much, Senator Inhofe.

Thank you both for being with us today to share your remarks. I appreciate your positions of State leadership through the Western Governors Association; I think provides us a valuable perspective regarding on-the-ground consequences of the Endangered Species Act.

I would like to point out that Director Ashe has stayed,

and it is a tremendous credit to him and the respect he has for both of you, because so often administration witnesses come, testify, and leave, and don't have the benefit of hearing all the things that you said. But I am sure it is the personal respect that he has for both of you and the relationship that you have developed working together.

And I would say that Director Ashe is not a typical member of this Administration; I think he has been a partner to work with. He hasn't been always able to get everything done, but you heard from his answers today the respect for what Wyoming has done with respect to the gray wolf and realizing that we have done the job that anyone has ever asked of us.

Governor Mead, first of all, I would like to say I really appreciate your work with Fish and Wildlife to ensure the sage-grouse determination was "not warranted." You spoke about the way Fish and Wildlife has approached conservation of the gray wolf and the grizzly bear in Wyoming. Specifically, you mentioned some of the economic burdens placed on States, specifically the State of Wyoming, when recovered species remain listed. So could you provide maybe a couple of examples of why the Endangered Species Act places economic burdens on State and local governments?

Governor Mead. Well, I will give you an example using the sage-grouse, Senator Barrasso. We export more BTUs than any

other State. We are proudly an energy State and we are proudly the number one coal producer. But if the sage-grouse would have been listed on the maps that we showed, 80 percent of the coal available, coal mines, would have been affected by that listing. Two-thirds of potential oil and gas developments in our State would have been covered by that listing. When you are a State that exports that much energy, to take away or reduce two-thirds of your oil and gas, reduce 80 percent of your coal is significant, significant economic burden.

Those are just dollars that you can sort of point to. But what you cannot calculate, Senator Barrasso, that is real lost opportunity costs. How can I tell a company you can come into Wyoming and you can start your development, but I don't know if you are going to get it through in one year, three years, five years, or a decade? I can't calculate that. I can't calculate that loss to our economy. I can't calculate that lost opportunity cost.

And if I was able to tell that company, listen, we have a plan, a recovery plan that is in place, here is how you reach the goal line and here is how long it is going to take you, then they can make that choice. But when it is an open-ended question, Senator, it may be 5 years or 20 years. Just on the gray wolf, how many years have we been in court? It has been a number of years. That has a huge economic cost that we cannot

calculate but we know is very real and very hurtful to the economy of Wyoming and to the West.

Senator Barrasso. I asked Director Ashe about moving targets. I don't know if you would like to comment at all about moving targets, if that has been a frustrating process for our State in how we try to deal with and meet Federal goals that I believe keep changing.

Governor Mead. Director Ashe and I have a little bit of a different point of view on the grizzly bear and whether the target was moving or not. What I would tell you, Senator, is we have negotiated that number where we were. As you recall, I think it was 2010, the court sent us back and said we have to look at the white bark pine and how it affects the grizzly bears. That study was done; we showed white bark pine was going down, the grizzly bear population was continuing to go up.

The estimates on grizzly bears, it depends who you talk to, but we were looking at 300, then 500. Now we think we have over 1,200 bears. And there is no question by any account that we have whatever goalpost they set in the past, we have passed it or even doubled it. And there is an economic impact on that as well, because we care about wildlife, and you have to have a balance in wildlife. You have to have States manage wildlife. And when you have over-population of grizzly bears or wolves, it hurts your moose, it hurts your elk, it hurts your livestock.

Frankly, I think it is also an important point, Senator Barrasso, to point out the grizzly bear deaths that we are experiencing have increased dramatically over the last five or six years because of the conflict, because of the number of grizzly bears. So people come to me about that, and it is tough as the governor of a State to say I don't have the authority to manage grizzly bears or any other species in my State.

Senator Barrasso. Governor Bullock, anything you would like to add to that?

Governor Bullock. No, I think Governor Mead hit it well. Director Ashe may be here just because he is afraid of what he and I might say.

[Laughter.]

Senator Barrasso. Anything you would like to add, since he is here to listen to what you would like to say?

Governor Bullock. No, no. From that perspective, no. In all sincerity, I think that Governor Mead nailed it. That is one of the things, we have to work together. The grizzly bear population extends, it is not limited to Wyoming or Montana, as we share this park; and I think that we have worked together. I am optimistic that it is going to get done, but it is the same frustration at times saying that where I think we can go, I think more than looking backwards, is looking forward, which hopefully is what this initiative will really do, in part, is

say when is enough enough. And we in the Western States have so many, especially from the wildlife trying to manage this, can we offer anything constructive as we work together for your all's consideration.

Senator Barrasso. Okay, thank you to both of you.

Thank you, Senator Inhofe.

Thanks, Mr. Chairman.

Senator Sullivan. Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman.

I think we better be a little careful here, because my saying all these nice things about Director Ashe, and then, of course, Barrasso doing the same thing, we might impair his relationship with his superior. Nobody gets it?

First of all, were the two of you here when we had Director Ashe on the stand?

Governor Mead. Yes.

Governor Bullock. Yes.

Senator Inhofe. Okay. You might remember I brought up the issue on when you are looking at things that might happen in the future, and he said we base it on the best science available. Remember that discussion that we had? Of course, they are now looking at climate change as something that absolutely is going to happen. You know, it is funny to watch all these people. We had a hearing this morning where, one by one, each one was

talking about, oh, yes, it is a fact, science is settled, and all that. Well, science isn't settled. Everybody knows that.

In fact, everybody knows it. The polls show, this Gallup poll, the most recent one, it used to be that climate change or global warming was always number one or number two. Did you know in the March poll of Gallup, the same criteria was dead last, right after tropical rain forests? In their general poll it was number 15 out of concerns for America, out of 15 concerns. So the people know better.

My concern is this. Not to try to plead a case that the science is not settled, but when they are making decisions that are predicated on the assumption that certain things are going to happen, then we find out that the IPCC, the Intergovernmental Panel on Climate Change, was the basis of all of that information and that science, after Climate-gate totally destroyed their reputation, I wonder how this can happen. It seems to me that it is kind of arbitrary. And as I observed in the first panel, it looks like that is not going to change until we have a different administration.

Now, I only bring that up because from you guys, from a governor's perspective, you have to be really concerned, because they are making decisions that have huge effects, as both of you have said, on you, on your State, on the job that you are doing; and yet it is predicated on something you may or may not believe

in. So it is just not a matter of looking to see what is happening to the numbers of a species that is out there; it is a matter of how you can project something that might happen in the future and thereby do something that you otherwise would not want to do.

I am not sure I am making sense with that, but I am concerned with that.

Both of you agree that the States do things better than the Federal Government. Having served on the State level, I even take it down one more step; the closer you get to the people. When I was mayor of Tulsa, there wasn't any hiding place there. We knew exactly what people thought and what we could do better.

Now, why don't you each one kind of outline what areas you believe the States are better than the Federal Government in terms of giving us some ideas so that when the time comes we can make some changes, real changes, to the Endangered Species Act? We can kind of use that. Maybe make a couple of comments and then elaborate for the record.

Governor Mead. Well, thank you, Mr. Chairman, Senator. I will do my best to answer that question.

One reason I think that States are better at managing wildlife is just sheer numbers. Our folks that work for our Game and Fish are always going to be more in terms of just raw numbers than the Fish and Wildlife Service would have available.

Two is, in Wyoming and I think Western States, we view the wildlife as belonging to the citizens of Wyoming. And the track record of our Game and Fish and the data that they have collected, the expertise on which they work on everything from mule deer populations to brucellosis, provides to me a track record that is real for each individual State that I view as the best data available and the science available.

Two is that when we have, for example, a situation where there is a question on a species, whether it should be listed or delisted, the people that I go to first always are my Game and Fish.

So, Senator, my best answer is by practice and I think the history of Game and Fish Departments across the Western States, because we take such pride in our game and fish, that is where the action is. That is where the data is, that is where the science is, and that is why I think it is very important, before a listing is made, that whoever is petitioning to have a species listed, gather that data up and have all that hard data available.

Senator Inhofe. Do you agree with that?

Governor Bullock. Yes, I would largely concur with Governor Mead. And I think that in some respects, when it comes to some of these bigger issues, we are probably a little bit better on the ground, especially from the governors' perspective

as executives, because we have to. I mean, we can have theoretical discussions about sage-grouse and the Endangered Species Act, but at the end of the day we in Wyoming and other States, many other States did the same thing, did the hard work of bringing together from the petroleum industry to conservationists to everybody because we need to get this done. So we are both closer to the ground and we have to get work done.

Senator Inhofe. Governor Bullock, you mentioned, along with the decision, the greater sage-grouse, that it doesn't warrant protection under the Endangered Species Act. Then right after that BLM comes in with its land program, which I think, if I look at this, talking about the buffer zones around there, could be even more serious than if they had determined a listing for the sage-grouse. What do you think?

Governor Bullock. Mr. Chair, I don't know that it would be more serious. In some respects it has been interesting hearing so many folks that it almost seems like they are upset that there wasn't a listing. In Montana, if I look at it, over 70 percent of the sage-grouse habitat is on private or State land, so less than a third of it, less than 30 percent, is BLM land. So by ensuring that this listing is not warranted, we are actually providing certainty in private property rights, in economic opportunities and other things, for those landowners in

Montana.

Now, I expressed my frustration with the BLM plan. Also, though, because we haven't been working on it for the seven years that Wyoming has, also have gotten, from my perspective, I said as we are executing this plan, I expect to be able to have continuing conversations with the Bureau of Land Management to make certain that we are managing as a landscape, not depending on who actually owns the properties.

Senator Inhofe. Mr. Chairman, I appreciate that. Oklahoma is a farm State, and I have a hard time when I am around the State and people ask questions that we are protecting the burrowing beetle. We can talk about grizzly bears, and, by the way, we have a real serious problem in Oklahoma. We don't have any. They are really in danger there.

Governor Mead. We have some we can loan you, Senator.

[Laughter.]

Senator Inhofe. But it is kind of hard to answer the questions, why is it, when plowing our fields or if we are out exploring for oil, we are building roads, we have to build around these things because of the habitat of a beetle? So it is a frustrating thing, and I am hoping that you and I are going to be in a position to overhaul the system. We have talked about it for a long time. I think now it is time to do it. And you would be a big part of that, both of you.

Thank you, Mr. Chairman.

Senator Sullivan. Thank you, Senator Inhofe.

Let me conclude with just a couple of questions. In my experience, this issue, ESA reform, is a very bipartisan issue. Unfortunately, none of our colleagues on the other side of the aisle made it to the hearing today.

But whether it was our time, Governor Bullock, in the Western Association of AGs, or in the Western Governors' Association, is that your experience as well? Because what we are trying to do, and hopefully you are seeing the tone in this hearing, we are trying to get ideas, trying to be very bipartisan. There was a lot of discussion on Director Ashe here. I think we certainly want to work with him on this. He knows that he and I have some not just small disagreements, some fundamental disagreements on some other issues, the 1002 area of ANWR and ANILCA and things like that.

Don't worry, Director Ashe, we will get to other hearings on those important issues.

But I do think it is important, even though you don't see any of our colleagues on the other side. This is not some kind of partisan issue that we are trying to hold a hearing on where there is no interest. In my experience, but I am really interested in yours, from your constituents, in working with Democrat and Republican governors, what is your experience in

terms of the bipartisan desire for reform here?

Governor Mead. Thank you, Mr. Chairman. I think if you look at the resolutions which we submitted as part of our testimony, you will see very strong bipartisan support on how we improve the Act, and our plan, so you know, Mr. Chairman, is by June of next year we will have some resolutions and some recommendations which hopefully will be of use to you as Chairman and to this Committee. But it is not, and I think it is not just by chance that Governor Bullock and I are here together, because we have had the same frustrations. We have had some same success, and it is a bipartisan issue.

And my goal is not, so you know, to say we don't need an Endangered Species Act.

Senator Sullivan. Right. I don't think that is any of our goal.

Governor Mead. My goal is how do we improve it for the species, how do we improve it for our citizens, how do we improve it for industries and businesses. And I think there is ground to be had there, and in a bipartisan fashion we are going to come together, we are going to debate this and hopefully be of help to you, sir.

Senator Sullivan. Great. I think that is a great plan moving forward.

Let me just ask on two more specific issues. I did ask

previously. I know it is an idea that people just almost, out of hand, disregard. I certainly don't think it should be disregarded but, again, going back to the issue of State input, State involvement, State signoff.

Again, we come from States where our fish and game agencies are some of the best not only in the Country, but in the world, and we come from States where people care passionately about the species and protecting the species. But as you two know, being on the ground as governors, you also see the balance of the issue of jobs and an economy, and wanting to make sure our kids can live and grow up in the States where we live and serve.

So back to the two questions I had asked earlier. Do you think there would be support from a bipartisan group of governors to have States be involved to the degree to which there needs to be a joint agreement between a Federal agency and the senior State executives on a listing or delisting?

Governor Mead. Mr. Chairman, I will speak now not as Chairman of the Western Governors, but just as Governor of Wyoming.

Senator Sullivan. Right.

Governor Mead. Anything you can do to provide more opportunity for the States to play a bigger role in this I would be for. The challenge would be some of these species don't recognize State boundaries.

Senator Sullivan. Correct.

Governor Mead. So I could say, Governor Bullock, I want this species listed, and Governor Bullock would say no. And Governor Otter would probably say no on anything.

[Laughter.]

Governor Bullock. Inside joke.

Governor Mead. I am sorry, Mr. Chairman.

Senator Sullivan. Just for the record, Governor Otter is not here to defend himself.

Governor Mead. No, he is not, but he can defend himself at another time.

Governor Otter, the three of us, especially sharing Yellowstone, we may have different points of view. And while the three of us get along very well, the next governors may, for whatever reason, not have the same sort of cooperative relationship, and then you get into the question who does that. So I do think you still, Mr. Chairman, have to have a system where the director says this is what we do.

But I would say this: there is a lot of room for more State input. I would love to have the opportunity, and this is one of the considerations for the director to consider, is does the State say yes or no to this listing.

Senator Sullivan. Right.

Governor Bullock, do you have a thought?

Governor Bullock. No, I thought Governor Mead was well thought out. Active participation, active consultation. We do have challenges with boundaries. But I think it is something that we undertake sort of our exploration over the next year, because another thing about Western Governors is that we are not fearful of expressing where we think additional State sovereignty should be recognized, but it is something that we should put on our task list to say what can we come back and say could be meaningfully.

Senator Sullivan. Well, I am in agreement with you on the issue of State involvement. In the instance of my State, there are a lot of times where we are not sharing borders with anybody but Canada, so there are instances certainly in Alaska where we are the only State impacted on decisions. I think there could be room in the reform, whether it is Alaska or other States where you are the only State impacted with the Federal Government that you could have some kind of co-designation authority, and I think that is something that we certainly want to explore.

Let me just ask a final question. Governor Mead, you did a really good job of kind of laying out this issue of uncertainty that can come from listing and trying to create economic opportunities in your State, and how this uncertainty can really negatively impact your constituents and jobs. Do you think that

there should be more directly listed in the ESA? Maybe not, as Director Ashe noted, directly with regard to the listing, but the way in which you deal in the aftermath of the listing that gives more focus on employment opportunity and jobs for our citizens?

Finally, is there anything else in the 2013 resolution that you have laid out from the Western Governors Association that we have not covered here today that you think it is important for the record to make sure that you highlight before we adjourn?

Governor Mead. Thank you, Mr. Chairman, for the latter part of your question. I think what we have supplied is pretty good of where we are now. We hope to add to that until June of next year. Your question is a great one.

Please restate. I am sorry, I totally lost the train of thought.

Senator Sullivan. On the issue of more direct reference in the Federal statute as it relates to job opportunities, the economy, employment of our constituents.

Governor Mead. Yes. My answer from my standpoint as Governor of Wyoming is I think that there should be. It is not scientific and probably not even something that should bother me, but as we have tried to delist wolves, I will get letters from people of, say, for example, Chicago, who will complain about I am not doing a good job managing my State. Well, I

think we have better wildlife than most States. But we in the West refuse to be a zoo. We have to feed the citizens, they have to have jobs.

And where we are now, it seems, with the Endangered Species Act, and you have heard this, I do not ascribe to it and I don't know of many people that do, but this notion of shoot, shovel, and shut up, which refers to if you see something, don't tell anybody, just deal with it. And that is very unfortunate because we should be at a point where, if you find a species that is threatened or endangered, that should be good news.

The way the system works, if it is always put on a few, a specific industry or a specific rancher or a specific community, they are never going to view the Endangered Species Act as good news. If there is a national interest, and there should be a national interest in protecting species, then you cannot put it all on one person or one State or a group of States. That is why I agree with Governor Bullock. If this is a priority, we have to put resources in it. We have to think of conservation.

Every time a species is listed, it should be viewed as a failure. Every time there is a conservation necessary to help species, that should be viewed as a success. We have to get away from this is the worst news possible to have an endangered species. But the reason that is so, it is viewed by Rancher A and Business B as this is over. What my grandparents and great-

grandparents built is now over because this animal or this flower has been found. And we have to figure out how to get away from that so it is celebrated, we promote it, and everybody has a stake and vested interest in promoting species. That is where we need to go.

Senator Sullivan. Very well said.

Governor Bullock?

Governor Bullock. Very well said.

Senator Sullivan. Great.

Well, listen, gentlemen, thank you very much.

Director Ashe, thank you for staying.

This is going to be an important emphasis on this Committee. I certainly hope that you and others can help convince our colleagues on the other side of the aisle that this is an important bipartisan reform: good for species, good for the economy, and good for the Country. And we are going to work hard on that in the coming months.

So I appreciate the outstanding testimony of the witnesses here. It is great having governors in front of the Congress today.

The hearing is adjourned.

[Whereupon, at 3:54 p.m. the committee was adjourned.]