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Testimony of Brian R. Nesvik Chief Game Warden/Chief of the Wildlife Division Wyoming Game and Fish Department

Before the U.S. Senate Committee on Environment and Public Works

On the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act, S. 1514

July 19, 2017

Wyoming is home to a rich and diverse wildlife resource that is valued by an equally rich and diverse constituency. Much of the state's wildlife habitats remain in pristine condition and continue to provide wide open spaces and remote wild country for western iconic species like sage grouse, grizzly bears, moose, gray wolves, pronghorn antelope and elk. The management, abundance and quality of these resources are deeply intertwined and work symbiotically with multiple components of the State's economy including agriculture, tourism and mineral extraction. But more importantly, these resources directly influence the quality of life of Wyoming citizens and visitors from around the globe.

Wyoming citizens take very seriously their trust responsibility for the management of all wildlife within its borders. State leaders have invested significant resources and inspired a conservation ethic in all of its endeavors. Wyomingites pride themselves on balancing conservation with economic development and maintaining a quality of life that reflects their most deeply held western values. One of these most important values is the reliance on state management of those wildlife occupying habitats within the boundaries of the state. The North American Model of Wildlife Conservation is prominently understood and relied upon as good policy and guidance for sound wildlife management.

I submit this testimony with the purpose of highlighting some of the key components of the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (Act.) and how specific provisions contribute to Wyoming's conservation efforts. I offer a perspective from a state wildlife manager who works closely with private landowners, federal land managers, diverse wildlife stakeholders and non-governmental organizations. Additionally, my thoughts reflect my work with colleagues in other state wildlife management agencies and the Association of Fish and Wildlife Agencies (AFWA). Key parts of the Act included in my testimony below include commitment to continued state management of the gray wolf in Wyoming, important uses for conservation resources allocated under the North American Wetlands Conservation Act (NAWCA), the use of federal match funding for the development of shooting ranges, the use of fish habitat partnerships and lead used in fishing equipment.

Section 8. Reissuance of Final Rule Regarding Gray Wolves in Wyoming

The Endangered Species Act (ESA) was signed into law in 1973 and the Northern Rocky Mountain gray wolf subspecies was immediately added to the list as an endangered species. In 1978 the United States Fish and Wildlife Service (USFWS) listed all wolves in the lower 48 states under the ESA. Recovery planning in the northern Rocky Mountains began as early as the mid 1970s and by the 1980s several drafts of recovery plans were circulated for public comment. In the early 1990s an Environmental Impact Statement was prepared in preparation for gray wolf releases in Yellowstone National Park and central Idaho.

Gray wolves were reintroduced in Wyoming in 1995 and 1996 in Yellowstone National Park. The Recovery Plan identified clear and measurable recovery criteria which called for 30 breeding pairs and 300 wolves between the three states of Idaho, Montana and Wyoming (with 10 breeding pairs and 100 wolves in each state) and genetic interchange between the sub-populations in all three states. Those criteria were met in 2002 and in 2003 the USFWS began to prepare for delisting by issuing a notice of intent to delist. This was followed by years of litigation and disagreements between the states and the USFWS with challenges over state management plans and the establishment of Distinct Population Segments (DPS). Following a 2008 court decision that dismissed a challenge to Wyoming's Wolf Management Plan, the USFWS determined gray wolves no longer needed the protections of the ESA and delisted the Northern Rocky Mountain population.

Environmental litigants immediately challenged the delisting rule and were successful in convincing a district court judge to enjoin the rule effectively stopping state management. The court ruled that the USFWS failed to show evidence of genetic interchange and also that it relied on Wyoming's flawed wolf management plan. The court concluded that Wyoming's wolf plan failed to commit to managing for at least 15 breeding pairs, despite the fact that the recovery plan required only 10. Additionally, the court found Wyoming's plan to manage wolves with dual legal status to be problematic.

In 2009 the USFWS published a new rule establishing the Northern Rocky Mountain DPS and delisting that DPS with the exception of Wyoming. The USFWS stated that Wyoming's plan was not sufficient to ensure a recovered population. In 2010 a federal judge vacated the 2009 rule on the basis that the USFWS could not delist only a portion of a DPS. The court also disagreed with the USFWS assertion that Wyoming's dual status plan was insufficient.

In 2011 Congress intervened by initiating the USFWS 2009 delisting rule which reinstated state management of wolves in Montana and Idaho. This was challenged by environmental litigants, but held as constitutional by the courts. Wyoming entered into discussions with the USFWS which culminated in an agreed upon path forward for delisting in Wyoming. The agreement established 10 breeding pairs and 100 wolves as the minimum threshold Wyoming would manage for outside of Yellowstone National Park and the Wind River Reservation. The state also agreed to provide a "flex" zone where management would encourage wolf movement to other sub-populations to help facilitate genetic interchange. Wyoming also agreed to manage for a buffer above this threshold through an addendum to their wolf management plan. At this time,

the wolf population in Wyoming was at least 328 wolves with 27 breeding pairs. In September of 2012 the USFWS issued a final delisting rule and Wyoming took over management of its wolf population for the second time.

All three states managed wolves well above the minimum recovery criteria. State fish and wildlife management agencies conducted biological monitoring to track population trends, assess genetic interchange and ensure that the populations remained far above minimum recovery levels. Additionally, all three states initiated well regulated hunting and managed wolves that caused damage to private property. Following 2 years of state management in Wyoming, the wolf population continued to thrive and remain far above recovery criteria. At the end of 2013, Wyoming's population was at least 306 wolves in 43 packs with 23 documented breeding pairs. Wolves were legally harvested in areas defined by both legal statuses and populations continued to thrive.

In 2012 following delisting in Wyoming, environmental litigants filed suit again challenging the USFWS decision. On September 23, 2014 (7 days prior to the opening of the annual hunting season) a Washington D.C. Federal District Court Judge vacated the USFWS rule delisting wolves in Wyoming. The court found no fault in the Wyoming's dual status management scheme or their genetic connectivity analysis. The court concluded the population was recovered, but that Wyoming's "nonbinding and unenforceable representations" to manage for a population above 100 wolves and 10 breeding pairs was not adequate. This conclusion by the court regarding the enforceability of a commitment to manage above recovery criteria was the basis of the court's decision to vacate.

The USFWS appealed this decision to the Washington, D.C. Circuit in 2015. In March of 2017 the appellate court overturned the District Court decision which effectively returned state management to the state of Wyoming. The Wyoming Game and Fish Department has now reinitiated wolf management activities for the third time and the Wyoming Game and Fish Commission will consider new regulations today.

Wyoming citizens have been extremely patient while the USFWS and the courts have wrestled with the status of a recovered population of wildlife within Wyoming's borders for over 15 years. Their patience is waning quickly and the citizens of the state are ready for predictability and commitments that ensure state management into the future.

Wyoming has contributed in spades to the recovery of this species and has managed gray wolves using sound scientific principles at those times when the state had authority to do so. The state has made significant commitments to maintaining a healthy, viable and sustainable population of gray wolves into the future both through its actions and the adoption of effective and responsible regulatory mechanisms.

The state has demonstrated skill and competence in managing gray wolves in an adaptive manner over the two years when the state had management authority. During the period from October of 2012 to September of 2014, Wyoming's wolf population thrived and remained far above recovery criteria. In fact, wolf populations and the number of breeding pairs occupying suitable

habitats remained over 70% above the minimum requirements of the ESA recovery plan criteria of 100 wolves and 10 breeding pairs. Management included biological monitoring, regulated hunting and livestock damage control actions.

Wyoming citizens invested in wolf recovery then and now by compensating livestock producers who experienced significant losses to wolf depredation. This compensation program existed while wolves were listed and will continue into the foreseeable future. Last year Wyoming livestock producers were compensated \$390,000 (increase of \$80,000 from previous year) for cattle and sheep losses attributed to wolves. Wyoming is home to a diversity of wildlife species including many that cause damage to private property such as elk, mule deer, Canada geese, mountain lions, black bears, grizzly bears and antelope. Thirty seven percent of all damage compensation in the state last year was caused by gray wolves.

During periods of time when the state had management authority, a primary management goal was directed at reducing human conflict and also the number wolves that were required to be removed in agency action. During the two years when Wyoming managed the population, there were an average of 35 wolves removed by the agency consequential to livestock damage. Last year federal managers removed at least 113 wolves in control actions in response to livestock depredation.

The provisions of this bill protecting the USFWS delisting rule from judicial review provides the state with needed predictability while still protecting and ensuring accountability for maintenance of a recovered wolf population. Regardless of the mechanism, any measure that ensures state management predictably into the future provides the most pragmatic and reasonable solution for both the gray wolf population and Wyoming's citizens. As currently written, this Act preserves the responsibility for the USFWS to re-list Wyoming's gray wolf population if it becomes threatened or endangered in the future. The ESA mandates USFWS evaluation of all potential emerging threats or changing science and requires specific actions if recovery is not maintained. This ESA requirement is not affected by the current draft of this bill.

Also germane to the question of how to ensure a delisting rule that will persevere, and the relationship between that question and this bill, is the fact that in recent history delisting of a gray wolf population lasted only when directed by Congress. In Idaho and Montana where delisting was achieved through congressional action, state management remains intact today and the 5 year post-delisting monitoring requirement of the ESA has expired. Both states continue to provide effective adaptive management and a fully recovered gray wolf population despite the fact there no longer exists any federal oversight other than the general provisions of the ESA that are relevant to all wildlife and all jurisdictions. There has never been a relisting of any species based on a biological or scientific assessment that a population again became threatened after it had recovered and been delisted.

Section 4. North American Wetlands Conservation Act

The Wyoming Game & Fish Department (Department) stands to enjoy continued benefits to its fish and wildlife resources with the reauthorization of the North American Wetlands Conservation Act (NAWCA). This Act provides critical funding to support the North American Waterfowl Management Plan. Through its implementing bodies, the joint ventures, this source of funding has been instrumental in our efforts to develop and implement an effective voluntary and incentive-based wetland conservation program in Wyoming. Our successes can largely be attributed to the availability of diverse funding sources and collaboration with the joint ventures supported under NAWCA. A summary of our conservation funding achievements is provided in the table at the end of this section. Recent research has also demonstrated sage-grouse distribution is strongly correlated with wetlands and mesic habitats (Donnelly et al. 2016). This dependency further underscores the importance of wetlands in Wyoming, and the importance of NAWCA in helping us to proactively conserve them. Moreover, approximately one-third of all endangered species are wetland obligates. Further, wetland losses may lead to additional listings under the Endangered Species Act, which can have a significant impact on economic interests. Examples of NAWCA projects that provide meaningful benefit to Wyoming include: the Upper Green River and the Pathfinder Wetland Partnership NAWCA grant(s).

The Nature Conservancy (TNC) compares the Upper Green River to the Serengeti in the plains of Africa, as it creates a “natural bottleneck where wildlife moves through ancient migratory pathways.” The wetlands found here have been degraded over the years due to a variety of anthropogenic disturbances. The riparian wetlands and associated uplands surrounding the Upper Green River provide crucial habitat for migratory birds and other wildlife in the area. The \$1 million NAWCA project, awarded to the Wyoming Game and Fish Department in 2013, protected and enhanced 16,440 acres of critical habitat in the Pacific Flyway, benefitting flora and fauna in an important part of the State and country. Partners were able to match federal dollars by nearly \$3 million.

The Pathfinder Wetland Partnership, located in southeast Wyoming was awarded \$1 million in 2016. This project will protect and restore wetlands within a geographic footprint roughly the size of Indiana.

Nationwide, the NAWCA supports wetland habitat conservation which has proven to be vital for migratory birds and other wildlife. Also noteworthy, NAWCA funded efforts to conserve and restore wetlands strengthens the economy. Each year, NAWCA-funded conservation and restoration projects directly support 7,500 jobs; employing and supporting landowners, contractors, biologists, engineers, manufacturers and suppliers. In addition, wetland habitats create opportunities for recreational activities such as hunting, fishing, wildlife watching, and photography which generate billions of dollars in the U.S. economy every year. Lastly, wetlands absorb water from floods and provide a variety of natural services resulting in clean, plentiful water supplies.

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Wetland conservation funding accomplishments in Wyoming . (Grant awards do not include additional matching funds).

Fund Source	Dates	Project Name	Amount
Intermountain West Joint Venture Capacity Grants	2008	Shared NRCS Biologist Year 1, Pinedale	\$25,000
	2009	Shared NRCS Biologist Year 2, Pinedale	\$15,000
	2009	TNC Project Readiness Assessment	\$15,000
	2010	Shared NRCS Biologist Year 3, Pinedale	\$15,000
	2010	WREP Pilot, Bear River	\$15,000
	2011	Albany/Carbon CO Range Specialist Year 1	\$15,000
	2011	Green R. Partnership Initiative	\$15,000
	2012	Albany/Carbon CO Range Specialist Year 2	\$15,000
	2012	Arapaho NWR Outreach Coord., Laramie	\$15,000
	2013	Albany/Carbon CO Range Specialist Year 3	\$15,000
	2014	WY Wetland Conservation Specialist (Shared DU/NRCS) – Year 1	\$15,000
	2014	Circle B Land & Cattle Co. Conservation Planning	\$15,000
	2016	WY Wetland Conservation Specialist (Shared DU/NRCS) – Year 2	\$15,000
	NAWCA Standard US Grants	1995	Green River Wetlands *
2012		Upper Green River Conservation Easements & Wetland Projects *	\$1,000,000
2016		Pathfinder Partnership *	\$1,000,000
NAWCA Small Grants	1996	Cottonwood Cr. Riparian Protection/Enhancement *	\$4,608
	1997	Wetland Creation/Beaver Introduction *	\$24,000
	2001	Lower Green River Wetland Restoration *	\$49,072
	2008	Wyoming North Platte Wetlands Initiative I *	\$75,000
	2011	Purple Sage Ranch Oxbow Restoration *	\$50,000
	2016	Ocean Lake Wetlands *	\$75,000
WY Dept. Environ. Qual. Section 319 Funds	2008-2010	TNC Study: Geospatial assessment on the distribution, condition, and vulnerability of Wyoming's wetlands	\$164,444
Wildlife Habitat Trust Fund	2009-2012	DU Table Mountain/Springer WHMA Water Study	\$40,000

EPA Wetland Program Development Grants	2011	Upper Green River Wetland Assessment	\$98,058
	2012-2013	Goshen & Laramie Plains Wetland Assessments	\$223,116
	2016	Development of Wetland Restoration Program for Wyoming	\$225,000
Ruby Pipeline Mitigation Funds through National Fish and Wildlife Foundation (NFWF) / Mountain West	2012	Cokeville NWR Habitat Protection	\$488,594
	2012	North Cottonwood Ranch Easement	\$1,000,000
	2013	Ocean Lake WHMA Wetland Enhancement	\$85,000
Exxon/Mobile Settlement through NFWF	2011	Sublette CO Rimfire Ranch Project	\$40,000
Wyoming Wildlife and Natural Resource Trust Fund	2013	Table Mountain I Wetland Restoration	\$60,700
	2013	Table Mountain II Wetland Restoration	\$264,000
TOTAL DIRECT FUNDING (excludes match funds)			\$5,280,754

* Sources:

- <https://www.fws.gov/birds/grants.php>
- <http://www.ducks.org/resources/media/Conservation/NAWCA/statefactsheets/>
- <https://www.fws.gov/birdhabitat/grants/nawca/Small/Wyoming.shtm>
- <http://www.ducks.org/conservation/gpr/wyoming/pathfinder-partnership-restoring-habitat>

CITATON:

Donnelly, J.P., D.E. Naugle, C.A. Hagen, and J.D. Maestas. 2016. Public lands and private waters: scarce mesic resources structure land tenure and sage-grouse distributions. *Ecosphere* 7(1):e01208.10.1002/ecs2.1208.

Section 2. Target Practice and Marksmanship

Wyoming has been deeply engaged in enhancing recreational shooting opportunities for all of its citizens. Wyoming Governor Matt Mead is leading a significant effort now to bring recreational shooting opportunities to communities across the state through the “Wyoming 100”. The initiative is rooted in the idea that hunting, shooting and the firearms industry all have positive impacts on our country and state.

The firearms and ammunition industry create jobs—good paying jobs. Additionally, money spent on hunting, fishing and the recreational shooting sports directly contribute to funding wildlife conservation and management. The Pittman-Robertson Wildlife Restoration Act (PR Act) allocates about 11% of all spending on firearm and ammunition to state wildlife management agencies (\$371 million last year).

Hunting and recreational shooting sports also help to connect people with the outdoors. Participation is growing quickly and particularly by women. Recreational shooting sports engagement by women has increased by over 60% in the last decade. Women participation in hunting has also increased, dramatically in some areas.

The provision of this bill that encourages federal partners to cooperate in the continued maintenance and development of shooting ranges on federal lands is in line with the state's goals with regards to recreational shooting activities. This bill enables and encourages states to purchase lands (through partnership or directly) for the purpose of building publicly accessible shooting ranges. Since access to ranges is the greatest impediment to first time participation, this bill has the potential to increase opportunity across the country.

Current law allows states to use PR Act dollars to fund up to 75% of our Hunter Education and Safety Programs. This includes the construction, operation, and maintenance of shooting ranges that are used by the public. This bill increase opportunities and flexibility for state game and fish management agencies by allowing the use of PR Act to match up to 90% of the costs to acquire lands for public shooting ranges and allows states the flexibility to provide up to 10% non-federal match. This enhanced funding flexibility will greatly benefit our Wyoming 100 initiative and our hunting and recreational shooting sports citizens.

Section 12. National Fish Habitat Conservation Through Partnerships

The Department has been involved in fish habitat partnerships since the beginning of their existence. Former Wyoming Fisheries Chief Mike Stone was one of the original architects of the National Fish Habitat Action Plan in 2006. Wyoming, along with other state fish and wildlife management agencies, places significant value in working cooperatively to enhance habitats for fish and other wildlife and have a proven track record working with these types of initiatives.

The Western Native Trout Initiative (WNTI) was started under the Western Association of Fish and Wildlife Agencies before the existence of the National Fish Habitat Partnership (NFHAP), but was later included as a recognized partnership under the NFHAP umbrella. The Department has been involved with WNTI and Former Fisheries Chief Mike Stone was a founding organizer and one of the first steering committee members. The Department has helped with WNTI efforts including species assessments, project review and financial contributions. The Department along with 10 other western states provided funding for several years as a bridge to ensure continuation of WNTI when federal funding was uncertain. The partnership has provided \$172,960 to entities working on cutthroat trout restoration and has enhanced Wyoming abilities to restore native fish.

There are four fish habitat partnerships that geographically overlap Wyoming— Great Plains, Desert Fish, Reservoir Fish and the Western Native Trout Initiative (WNTI). In recent years, Department involvement has been primarily directed at the WNTI, however there has been some involvement with the Great Plains and Desert partnerships, primarily through meeting attendance. Over the past several years, interest gradually waned when it became apparent that additional federal funding, needed to leverage non-federal match, was unlikely. In addition, with limited funding spread across vast geographic areas and divided among many species, the likelihood of funding Wyoming projects was low. The Department has only applied for funding for one project from these sources and received a small amount several years ago from the Prairie Fish Partnership for habitat work in the Casper Region.

From a Wyoming, western states and national perspectives, there are several potential positive outcomes with improved funding for the initiative and associated partnerships. When adequately funded in the past, these partnerships have provided many states increased capacity to enhance and develop fish habitat as well as restore native fish. Wyoming's continued involvement with WNTI will only be enhanced with additional focus and resources directed at the NFHAP. Wyoming and other western states participation and overall capacity to conduct this important work will only increase with additional funding allocated to these partnerships.

Section 9. Modification of Definition of Sport Fishing Equipment Under Toxic Substances Control Act

Lead has been used in fishing tackle for centuries because of its unique properties (weight, density, pliability, etc.), availability, and low cost to manufacture. The ability to use fishing tackle made of lead is extremely important to anglers and the sport fishing industry across the nation in order provide manufacturing flexibility, the ability to utilize other metals in production, provide reliable tackle, and manage costs. In the state of Wyoming, angling and revenue derived from sport fishing have increased significantly over the past 5 years. Fishing is a common recreational activity and provides several million angler use days each year.

The impacts to fish and wildlife from lead ingestion are highly variable due to differences in species susceptibility, characteristics of the habitats, and exposure in the environment. Because of these differences, most solutions require unique management approaches tailored to the specific circumstances and situation. State fish and wildlife agencies have the primary trust responsibilities for the management and protection of fish and wildlife resources and are best equipped to individually implement management solutions to address specific issues.

State fish and wildlife agencies have the authority and responsibility to implement specific protections and incentives where population-level impacts to wildlife are substantiated. They also have the ability to utilize public education and voluntary or incentive-based programs where appropriate in lieu of regulation. These types of solutions are commonly used in wildlife management to address a wide range of problems, to fully leverage opportunities that exist to enhance wildlife management and are widely accepted by the public.

State fish and wildlife agencies are best to provide focused efforts based in the newest and best available science to inform management decisions. State wildlife managers also have a proven track record of effectively bringing anglers, conservationists, industry and a diverse set of stakeholders together to determine the most appropriate solutions to address fish and wildlife related challenges and opportunities.

In two relatively recent petitions requesting the Environmental Protection Agency ban the use of lead in fishing equipment, the federal government appropriately determined that this type of action was not warranted. On August 3, 2010, the Center for Biological Diversity, American Bird Conservancy, Association of Avian Veterinarian, Project Gutpile and Public Employees for Environmental Responsibility filed a petition under the Toxic Substances Control Act (TSCA)

section 21 requesting that EPA prohibit under TSCA section 6(a) the manufacture, processing, and distribution in commerce of (1) lead bullets and shot; and (2) lead fishing gear.

With respect to fishing gear, petitioners requested a nationwide, uniform ban on the manufacture, processing, and distribution in commerce of lead for use in all fishing gear, regardless of size, including sinkers, jigs and other tackle. On November 4, 2010, EPA denied this request because the petitioners had not demonstrated that the action requested was necessary to protect against an unreasonable risk of injury to health or the environment. In denying the petitioner's request, the EPA stated, "While lead tackle may still constitute the largest percentage of the fishing sinker market, over the last decade the availability of fishing sinkers made from other materials has expanded. New non-lead products have entered the market, and the market share of lead sinkers has decreased. With improvements in technology, changes in consumer preferences, state level restrictions, and increased market competition, the market for lead fishing sinkers is expected to continue to decrease while the market for substitutes such as limestone, steel, and tungsten fishing sinkers is expected to continue to increase."

The EPA also cited the Association of Fish and Wildlife Agencies:

"the exposure to certain migratory birds (primarily loons, and to a lesser extent, swans) and related impacts to populations of those birds is localized, and where impacts have been substantiated to be significant, state fish and wildlife agencies have acted to regulate the use of lead sinkers and jigs. In the northeast, five states have enacted restrictions (e.g., ban in certain bodies of water; ban on certain weights and sizes) on the use of lead fishing tackle where studies have identified lead toxicosis as a contributing factor to declining loon populations. Some states are also offering a fishing tackle exchange program (non-lead for lead products). States have thus demonstrated a responsible exercise of their authority to regulate or restrict lead fishing tackle under circumstances of exposure where it contributes to decline in loon populations."

On November 17, 2011, EPA received a petition from the Center for Biological Diversity, the Loon Lake Loon Association, and Project Gutpile (petitioners). The petitioners cited section 21 of the Toxic Substances Control Act (TSCA) and requested EPA to initiate a rulemaking under section 6(a) of TSCA applicable to fishing tackle containing lead (e.g., fishing weights, sinkers, lures, jigs, and/or other fishing tackle), of various sizes and uses that are ingested by wildlife, resulting in lead exposure. After careful consideration, EPA denied the petition by letter dated February 14, 2012.

In denying the petitioners' request, EPA determined that the petitioners did not demonstrate that Federal action is necessary based, in part, on the fact that the petitioners' supporting data indicate that the issue of wildlife exposure to fishing tackle containing lead has a regional or local geographic context coupled with the fact that the states where risk of injury appears to be greatest (based on documented incidences) are largely the states that have taken action to address the risks posed by lead fishing tackle.

The most extensive information provided in the petition pertains to the ingestion by loons of fishing tackle containing lead and indicates that common loons are known to ingest lead objects more frequently than other species of water birds sampled across the United States. For loons,

most of the documented cases of lead tackle ingestion cited in the petition are for the time period between 1987 and 2002 and are confined to northern states, all of which are located on or near the northern border of the United States. The USFWS report cited in the petition also indicates that loon populations are stable or increasing in all of these northern states where lead tackle ingestion by loons has been documented, with the exception of Washington.

The EPA further comments that a number of states have established regulations that ban or restrict the use of lead tackle. In addition, a number of other states have created state education and/or fishing tackle exchange programs. In light of the emergence and expansion of these programs and other activities over the past decade coupled with a paucity of data on bird mortality attributable to lead tackle ingestion during this same timeframe, the petition does not suffice to establish that a Federal action as requested by the petitioners is necessary to adequately protect wildlife. The Department supports this provision which reinforces the states' authority to regulate the use of fishing tackle and the management of fish and wildlife.

CONCLUSION AND SUMMARY

The HELP for Wildlife Act contains multiple components that strongly support state fish and wildlife agencies' abilities to exercise their responsibility to manage their fish and wildlife resources in trust for their citizens. This act provides direction, focus and resources to enhance and build capacity for states to manage and improve fish, wildlife and their habitat resources across the country. Lastly and very importantly, this Act ensures fish, wildlife and their habitats will continue to be a national priority for our leaders and the citizens of our country.

Thank you for the opportunity to testify today and to share the perspectives of the Department. I am happy to answer any questions.