

Table of Contents

U.S. Senate Date: Wednesday, May 18, 2022
Committee on Environment and Public Works
Washington, D.C.

STATEMENT OF:	PAGE:
THE HONORABLE THOMAS R. CARPER, A UNITED STATES SENATOR FROM THE STATE OF DELAWARE	3
THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES SENATOR FROM THE STATE OF WEST VIRGINIA	7
THE HONORABLE MARTHA WILLIAMS, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR	12

THE U.S. FISH AND WILDLIFE SERVICE'S PROPOSED 2023 BUDGET

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United States Senate

Committee on Environment and Public Works

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The committee, met, pursuant to notice, at 10:01 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Kelly, Padilla, Inhofe, Cramer, Lummis, Sullivan, Ernst.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES SENATOR
FROM THE STATE OF DELAWARE

Senator Carper. Good morning, everyone. I am pleased to call this hearing to order.

Today, we again welcome Martha Williams, Director of the U.S. Fish and Wildlife Service, before our committee to discuss President Biden's Fiscal Year 2023 budget proposal for that agency.

We know that budgets are a reflection of priorities. The President's most recent budget request includes nearly \$2 billion for the Fish and Wildlife Service, a much-needed funding increase that would go a long way to further the Service's mission of conserving, protecting, and enhancing our Nation's wildlife and habitats.

This 25 percent increase in funding over 2022 enacted levels in President Biden's first budget proposal is in fairly stark contrast to the almost 15 percent proposed cuts in President Trump's first budget. Providing the agency with more secure and robust funding is, in my judgement, certainly justified.

After years of underfunding the Fish and Wildlife Service, the agency's mission has never been more important. Why, people might ask? Let's just look at the science. In February, the United Nations Intergovernmental Panel on Climate Change released a report that I found alarming. It finds that, among other perils, climate change continues to cause severe biodiversity loss and habitat degradation. We are told that this trend is only going to worsen as climate change intensifies and its impact puts greater stress on habitats and on the species that call them home.

That is not all. Earlier this year, the World Economic Forum states that biodiversity loss is among the top three risks to humanity due to irreversible consequences for our environment and our economy as well.

Earlier this week, I had the privilege of touring South Bethany Beach with a number of our local leaders. It is one of several Delaware beaches severely eroded by storms over the past two weeks. People travel from all over the world to visit our five-star beaches and to view species like piping plovers and red knots. The Fish and Wildlife Service plays a critical role in preserving these versatile habitats.

To that end, the President's latest budget proposes nearly \$600 million for the National Wildlife Refuge System. That is about a \$79 million increase compared to Fiscal Year 2022 levels, after several years of relatively flat funding.

This system consists of, this is interesting to me and I hope to others as well, 568 refuges. There is at least one in every State and territory. Together, they provide habitat for more than 280 threatened and endangered species. Delaware is fortunate to boast two national wildlife refuges. One is called Bombay Hook, and the other is called Prime Hook, right along the Delaware Bay, which are internationally recognized as premier birding locations. We are grateful that the President's budget prioritizes stewardship of these public lands and others.

In addition to including robust funding for the National Wildlife Refuge System, President Biden's budget prioritizes species

conservation. His budget proposes \$356 million for its ecological services program to conserve imperiled species, an increase of approximately 25 percent over Fiscal Year 2022 enacted levels.

The Fish and Wildlife Service would utilize this funding in close partnership with private landowners, States, Tribes, nonprofit organizations, and other federal agencies. The Service would also use this funding to improve its efficiency in reviewing and permitting infrastructure projects, an outcome I know we all support.

While this request represents a healthy increase over Fiscal Year 2022 enacted levels for recovering threatened and endangered species, we must also acknowledge the decades of chronically underfunding the Endangered Species Act.

The Fish and Wildlife Service has a backlog of approximately \$49 billion in recovery activities for threatened and endangered species. This is likely not a problem that the Congress can fix through the annual appropriations process. My hope is that our committee can continue to seek out solutions to address this backlog over time.

The President's budget also reflects the urgency of addressing climate change and transitioning to a cleaner energy future while also protecting wildlife. It calls for nearly \$28 million for activities associated with energy development, including \$8 million to support the expeditious review and permitting of clean energy projects. This investment is critical to ensuring that our clean energy projects move forward in a way that minimizes the impacts on wildlife.

When it comes to meeting the President's all-of-government climate goals, I am also pleased to see that this budget includes more

than \$16 million to assist in transitioning the Fish and Wildlife Services vehicle fleet to zero emissions, not overnight, but by 2035.

Lastly, I also want to express my strong support for the budget's inclusion of the Fish and Wildlife Service's science applications program. The request of more than \$57 million for this non-regulatory program would support the continued development of plans with partners to conserve landscapes and species across our Nation.

We look forward this morning to hearing more from Director Williams on how the President's 2023 budget would support the work she is overseeing, with the help of her team, at the Fish and Wildlife Service.

Before we hear from you, Ms. Williams, we would like to hear from our Ranking Member, Senator Capito, for any comments that she would like to make. Senator Capito?

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Yes, thank you, Mr. Chairman, and thank you, Director Williams, for being here with us today and your recent visit to West Virginia and future visit, we hope. I appreciate your coming before the committee today.

This hearing is particularly important as the committee continues to oversee the implementation of the IIJA.

Last year, I was proud to work with Chairman Carper and my colleagues on the committee in developing and reporting surface transportation and drinking and wastewater legislation unanimously, which were then included as part of the IIJA. If implemented as Congress intended, the IIJA will facilitate the construction of much-needed energy, industrial, and transportation projects across the Country.

The Service must play a key role in ensuring those projects are built in a timely manner. One of the well-known and longstanding roadblocks to efficient permitting is the Section 7 consultation process under the Endangered Species Act. That process requires federal agencies to consult with the Service on projects that may affect listed or designated critical habitat. The process is a perennial source of delay for projects in my home State of West Virginia. I am sure you might have had some experience in Montana as well.

The Service has attributed the Section 7 review and consultation backlog solely to funding and staffing shortages, but I am not

convinced that this is the reason for those delays, based on my conversations that I have had with our West Virginia agencies. For example, for the past 11 years, the West Virginia Department of Highways has fully funded a position at that field office and is still experiencing delays and a lack of technical assistance from the field office.

Additionally, the West Virginia Department of Environmental Protection is being told that they need to fund four positions in order to have their projects reviewed, with no guarantee of how much time those consultants would actually spend on West Virginia projects.

Meanwhile, in addition to the positions the Service is requiring our State agencies to fund, the Administration budget asks for more than 1,000 additional, that is on top of what States would pay for, full-time employees compared to last year.

In order to evaluate that request, I think we need to review the staff the Service currently has, the number of biologists on that staff that conduct consultations, and how those staff are distributed across the regional offices, and whether the leaders at the Service have directed them to clear the existing backlog as an Administration priority. I look forward to discussing those issues with you today.

I also welcome your thoughts on another longstanding issue with the Section 7 consultation process, and that is the never-ending litigation process. For example, the Mountain Valley Pipeline now has had two rounds of biological opinions stayed or remanded by the Fourth Circuit. If we are going to build natural gas and hydrogen pipeline infrastructure to lower energy prices for our citizens, particularly

those in the northeast, and support our allies as they delink their fuel supplies from Russia and China, we must have a consultation process that works and biological opinions that stand up in court. Working with you, Director Williams, I hope we can identify efficiency improvements to that process and ways to make those documents stronger from attacks.

As the former director of a State agency yourself, you also know firsthand how much expertise State fish and wildlife departments have on the species within their borders. I wonder if some of the issues with the quality of biological opinions can be resolved by a more concerted partnership with our States through improved data sharing, increased cooperation, or even delegation of review and consultation authority to the State experts on the ground.

Instead of focusing on improvements, so far, I feel like the Administration has taken actions which will introduce more delays. I raised this issue last week with CEQ Chair Brenda Mallory at last week's hearing. The Biden Administration's changes to the regulations of NEPA, the Migratory Bird Treaty Act, and the Endangered Species Act will make it harder to permit and build infrastructure, including those authorized in the IIJA.

An issue that particularly impacts West Virginia is the Service's decision to up-list the Northern Long-Eared Bat from threatened to endangered. In the listing redesignation, the Service admits that bat populations are declining due to effects separate and apart from development of infrastructure like roads and transmission, namely an invasive communicable disease known as white nose syndrome, you are

obviously very familiar with this, that is spread among the bats, primarily when they hibernate in caves.

That means that broad restrictions to development across large swaths of the Country intended to protect the bats as a result of their endangered listing will not meaningfully help mitigate or prevent the disease in the animals, while the endangered label on the bat will not help its future unless the Service provides States and projects sponsors alternative pathways to mitigating white nose syndrome. This decision will have far-reaching implications on our ability as a State to move forward with critical projects that will afford West Virginians economic opportunities. I suggest we work together on a better path that actually protects species as well as American livelihoods.

I thank you, Mr. Chair, for the opportunity.

[The prepared statement of Senator Capito follows:]

Senator Carper. Great to sit here next to you.

We want to again welcome our witness today. How long have you been in this post? How many months has it been?

Ms. Williams. I haven't been counting, Chairman Carper, but I have been in the post since the beginning of this Administration, but I was confirmed thanks to this committee and your work. I was confirmed, I believe, in February, so formally in the post since February.

Senator Carper. Well, we are glad you are here today. I look forward to this hearing very much.

Just by way of introduction, as a reminder, prior to her leadership role at the Fish and Wildlife Service, Ms. Williams served as the Director of, as we heard already from Ranking Member Capito, the Montana Department of Fish, Wildlife, and Parks.

Again, we are happy to see you. Please proceed with your statement. We look forward to asking some questions and hearing your responses. Thanks so much.

STATEMENT OF THE HONORABLE MARTHA WILLIAMS, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Ms. Williams. Thank you, Chairman Carper.

Good morning, Chairman Carper, Ranking Member Capito, and members of the committee. I am Martha Williams, Director of the U.S. Fish and Wildlife Service. Thank you for the opportunity to testify on the Service's Fiscal Year 2023 budget request.

The Service collaborates with partners across the Country and around the globe to fulfill our mission of working with others to conserve, protect, and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. The Service's mission emphasizes the importance of partnership. Collaboration is key to successful conservation, and it is the lens through which I view my work as the Service's Director.

The Service collaborates with partners on conservation in many ways. For example, we work with States using a science-based process to maintain healthy populations of migratory waterfowl over North American flyways. We collaborate proactively with States, tribes, private landowners, conservation groups, and industry to serve at-risk species before they require federal protection.

We work with interested landowners to restore and conserve wildlife habitat on their private lands, and we provide support to our international partners to conserve some of the world's most iconic wildlife. An example of collaboration that I am excited about is the National Fish Passage Program, which got a boost through the Bipartisan Infrastructure Law. We work with local communities on a

voluntary basis on hundreds of projects to remove fish passage barriers and restore natural functions to rivers and streams.

The positive effects of this work are immediate and increase with time. They benefit fish populations, ecosystems, local communities, and the economy. These are just some examples of how the Fish and Wildlife Service employees work every day in every State and territory with our partners to do great things for the American people.

The Administration is proposing a budget of \$2 billion to fund the Service's resource management and conservation programs, an increase of \$326 million. The budget proposal makes important investments to restore and enhance our workforce and our capacity to be proactive and work with partners. I will touch on some of those investments here.

The Service oversees a network of over 560 national wildlife refuges. These important public lands are managed for the benefit of fish, wildlife, plants, and their habitats, and they provide recreational and educational opportunities to the public, economic benefits to the surrounding communities, and I believe as we all learned during the pandemic, they provide such an important physical and mental health benefit to all of us.

This year's budget request of almost \$598 million is the largest request ever for the refuge system. The Ecological Services Program is a leader in conserving our Nation's imperiled species and their habitats, ensuring that sustainable populations of fish, wildlife, and plants continue to thrive for future generations.

The budget request proposes about \$356 million to implement the

Endangered Species Act and the other laws that the Ecological Services Program implements. The budget supports the Administration's efforts to responsibly site, permit, and deploy priority infrastructure projects. With an increase of almost \$41 million for planning and consultation, the Service can restore field office capacity and be better positioned to facilitate development through timely and effective environmental reviews.

The request provides robust support for migratory birds and our fisheries programs, which are so important to the economy as well as to overall fish and wildlife populations. Funding for the Law Enforcement Program would support efforts to investigate wildlife crimes, interdict illegal wildlife shipments, facilitate the legal wildlife trade, and deter the introduction of invasive species.

The request also supports adaptive science work, landscape-level conservation, invasive species control, international conservation, and preventing the spread of zoonotic disease.

Finally, the request also includes a legislative proposal known as the Resource Protection Act. This legislation would ensure the compensation for damages to Service resources then to make sure those are used to repair those resources. We look forward to working with any members interested in this legislation.

Thank you for the opportunity to testify. If enacted, this budget will make a significant difference in our ability to conserve our natural resources in collaboration with others for the benefit of all Americans.

I would be pleased to answer any questions that you may have.

Thank you, Mr. Chair.

[The prepared statement of Ms. Williams follows:]

Senator Carper. Thank you, Ms. Williams. Thanks very much for joining us. Thanks for your leadership.

I am pleased that the 2023 budget request includes an increase of a little more than 20 percent over the Fiscal Year 2022 enacted level for the implementation of the Endangered Species Act. When the Endangered Species Act is adequately funded, it works.

Unfortunately, the Fish and Wildlife Service has not received sufficient funding not just for years, but for decades, leaving stakeholders frustrated and many of our Nation's most imperiled species vulnerable to extinction. Over 1,500 species are currently listed, and the Fish and Wildlife Service estimates the cost of necessary recovery actions at \$49 billion. That is billion, with a B.

Question: would you expand for us, please, this morning, on the challenges associated with chronic underfunding of the Endangered Species Act? How is the Fish and Wildlife Service working to creatively address this backlog? Moreover, would you elaborate on why the 2023 proposed increase is so important for species recovery?

Ms. Williams. Thank you, Chairman Carper, for your question and for your underlying support for recovering imperiled and endangered species.

I couldn't agree more with you that the Endangered Species Act has been a success and can work better when the Fish and Wildlife Service has the adequate capacity and resources to implement it to the best of its ability. What I would argue is, with the chronic underfunding, the Fish and Wildlife Service has been on its back foot, and we have been on the defense with the Endangered Species Act.

With this proposed budget, we will be able to be more proactive, more on our front foot, and to be able to emphasize preventing the need to list species, being able to get the backlog of listing proposals, and as you state, adequately invest in the recovery of the species that did need listing.

I look forward to, hopefully, this increase, the \$17 million increase in recovery specifically to kickstart those recovery efforts, those specific actions that are already in recovery plans that, with adequate resources, we can catalyze efforts to undertake those recovery efforts and make the Endangered Species Act's next 50 years even more successful.

Senator Carper. Thank you.

The Fish and Wildlife Service is responsible, as you know, for working with other federal agencies to make sure that federal actions do not jeopardize imperiled species. The 2023 budget request before us today includes \$152.8 million for agencies' planning and for consultation activities to allow the Service to undertake this responsibility and advance important infrastructure projects.

Would you elaborate for us today on why the 2023 budget request for planning and consultation activities is important to prevent bottlenecks in the environmental review process? This is a really important question. This is an issue that comes up again and again, as you know, so I want us to dwell on this for a little bit.

If the Service receives this funding, will it help you more expeditiously issue permits for infrastructure projects?

Ms. Williams. Thank you again for that question, Chairman

Carper.

I agree with you that this is a very important question. It is a topic that I am paying close attention to, as is all of the Service. We are very aware of and appreciate the incredible benefits of infrastructure projects, specifically those under the Bipartisan Infrastructure Law.

At the same time, we recognize that we do not want to be the bottleneck, and we want to be able to conserve threatened and endangered species and also allow projects to move forward expeditiously. I would say that the additional \$40 million proposed in this budget for planning and consultation, we will use and be very careful that the capacity goes to those field offices and to those areas that need the capacity the most, so that we can break through the backlog and address any bottlenecks.

I would answer that, really, I am thinking of, the Service is thinking of this increased funding as allowing us to be more proactive, to be creative, and to be responsive. Thank you.

Senator Carper. Thank you. I am sure we will come back to this issue during the course of this hearing.

But the idea to say we are going to, like in the last Administration, call for deep cuts in funding for this agency that you lead, and at the same time, we expect you to provide better, more expeditious service with respect to permitting, it doesn't work. It doesn't work.

So with that in mind, let me yield to our Ranking Member, Senator Capito. Senator Capito?

Senator Capito. Thank you. Again, thank you for being before the committee.

I want to go back to some of the discussion that I had in my opening statement about the concerns, and the Chairman just talked about this, on the Section 7 consultations and cooperation. It has been brought to our attention that we have \$640 million worth of projects that have been waiting for review from the Service. One of these is the Corridor H project, which is a massive four-lane that comes into the State and really opens up the State for economic development. Some of these projects have been in the queue since 2014 and 2019.

In response to this, Fish and Wildlife had submitted to our DEP a one-page proposal that calls for, I think, kind of incredible demands, basically saying that for more than a half million dollars, the State of West Virginia could provide Fish and Wildlife with four FTEs whose GS pay scales only really cover half of what Fish and Wildlife is asking for, because this payment would escalate over five years to \$800,000 a year with increase of salaries of 8 percent and an assumption of 23 to 38 percent overhead.

I have to ask you, as somebody who has worked at a State Agency, how does this, does it make sense to have a proposal like this? Why would a State spend \$800,000 a year on something that the Federal Government is supposed to be providing? Would it be better to have the State be able to have the oversight with liability protections to be able to be a part of this process?

I was really surprised when I saw this proposal from Fish and

Wildlife to the State. What do you have to say about the proposal, first of all?

Ms. Williams. Thank you, Mr. Chair and Ranking Member. I just became aware of this document last night. I am certainly looking into it.

I think that, while I can't speak to the specifics of the document more, I can understand the underlying concerns that it would present. One, I think if we work through it, I think it can be an opportunity. I agree with you in that I think there is always the opportunity for us to work as closely as we can with our State partners.

That said, our focus typically is on threatened and endangered species. Often coming from a State fish and wildlife agency, we never had adequate resources for non-game species, to be honest, or to be fair about it. Nonetheless, I think that there is an opportunity for us to work more closely and share in responsibility with the States.

Senator Capito. I would be interested, as you have a chance to look at this in more detail, I was really shocked when my staff brought it to my attention. I would love if you would come to West Virginia. Being a former State agency head yourself, to address this massive backlog, I think that would be a way for us to help us figure out how to get through these delays. Would you be interested in doing that?

Ms. Williams. Absolutely, Ranking Member Capito. I am pleased to say that we have added two biologists to our West Virginia field office. I know that you and your staff have worked with us so well in

trying to increase capacity and effectiveness and efficiency there. So I look forward to working on that issue with you, as well.

Senator Capito. I think, you know, as we pass the IIJA, we obviously, the longer the delay, the less the money, the supply chain is going up; inflation is going up. Everything is going to cost more.

We had a situation where Virginia has the candy darter, West Virginia has the candy darter on the endangered species list. They had a project in Virginia, they had a conservation plan. It was approved in Virginia. We had another project in West Virginia that involved the candy darter. They mirrored the same exact provisions from the Virginia conservation plan, and the West Virginia plan was rejected by the West Virginia office.

What kind of inconsistencies are you finding across the Country, and it is very frustrating, especially being from neighboring States and like habitats?

Ms. Williams. Ranking Member Capito, I can understand that frustration. In fact, I was on a call, it may have been yesterday or the day before, talking about a general habitat plan and the need to coordinate habitat conservation plans so that we are more consistent. I know there is interest in the Service, and I will pursue this further where we are more consistent when we are talking about similar species, similar types of projects, and similar landscapes.

Senator Capito. If we are talking about delays and bureaucracies and shortages of resources that you have sited, it seems to me that if you are dealing with the same species in relatively the same type of habitat, that mirroring this just makes total sense. It certainly

would save a lot of the Fish and Wildlife regional or State offices a lot of time and energy so they could devote it to future projects.

Thank you very much. I look forward to seeing you in West Virginia.

Ms. Williams. Thank you.

Senator Carper. Thank you. You know, it is just a hop, skip, and a jump over there. You have been there many times, I am sure. It is easy to get there.

Senator Cardin, please?

Senator Cardin. Thank you, Mr. Chairman. Madam Director, welcome. Thank you for what you are doing. We appreciate it very much.

I want to start by talking about the Chesapeake Bay; you are not going to be surprised to learn about that. We are very interested in how Fish and Wildlife will be enhancing resiliency in the Chesapeake Bay watershed. We are excited about the beneficial use of dredged materials. We saw some at Blackwater, but now Midbay on dealing with the challenges in the Bay. We have at Blackwater, really exciting things happening at Blackwater, trying to preserve its wetlands.

I want to first start off with the new program, the Chesapeake WILD Program that was in this current fiscal year, funds were appropriated. I am interested in how you are using this to deal with wildlife conservation as anticipated in the legislation, which provided for fish and wildlife, habitat, climate change, community partnership, public access, water quality. I recognize that in the budget cycle, it has been difficult to know what we were doing,

because the omnibus was so late. But we want to make sure that there is constant funding for this program, so I am interested in your view as to the resources you will need in Fiscal Year 2023.

Ms. Williams. Thank you, Senator Cardin. I feel at home when I hear you pronounce water, so I know I am with a fellow Marylander.

[Laughter.]

Senator Cardin. I feel more comfortable about that, also.

Ms. Williams. I first want to thank you, though, for your leadership with the Chesapeake WILD Program. I think it is an example of one of those programs that while we received \$4 million in our first appropriation and that may seem small compared to some programs, it is incredibly mighty, and it is an example of how we can leverage and build off of that initial \$4 million investment.

We are working with the National Fish and Wildlife Foundation to deliver those funds on the ground, and I know that we received our first proposals in March and expect to announce the first set of awards late in the summer. Should Congress provide additional funding for this program in Fiscal Year 2023, we certainly can support that and think that it really makes a difference to the people in the Chesapeake Bay, to wildlife, and habitat health. Thank you for your interest in that.

Senator Cardin. We appreciate your help and partnership. We might need to get some more specific information from you. I know Senator Van Hollen is also very interested in this. We might need to have a better understanding as to the resources that could be utilized in Fiscal Year 2023, so I would ask your cooperation in that regard.

Ms. Williams. I am happy to do that, Senator Cardin.

Senator Cardin. Just recently, I filed legislation with Senator Portman, bipartisan legislation, for neotropical bird reauthorizations at a higher level and at a better mix from the point of view of a match to deal with better utilization of this program. Since 2002, I think it is, there have been over 600 projects funded by the Neotropical Bird Program in 36 countries. It is vital and critical to migratory birds, including the very famous Baltimore Oriole.

Give us your view as to the importance for us paying attention to the reauthorization and the funds that are available.

Ms. Williams. Again, Senator Cardin, I can't thank you enough for your leadership on the Neotropical Bird Program.

Yes, it is incredibly important right now, as the Chairman opened this hearing in talking about the biodiversity crisis that we do face and that it has very much impacted birds. We know that we have lost three billion birds. So this program is of utmost importance, and I think it demonstrates to all of us as Americans how much we all love birds, that it is not a partisan issue, and that it is something that I think the American public really cares about.

So, thank you for your leadership in this.

Senator Cardin. I am going to just mention one other issue, and that is an issue that we have not been able to deal with, and that is to allow you to recover for those who damage a wildlife refuge. Unlike the National Parks Service or NOAA, you don't have the authority to assess the fines and use the fines from those who violate our refuges.

We have had legislation on this in the past. I would hope that the Administration, I think it is in your budget, I would hope that you would be actively engaged and see whether we can't get that to the finish line.

Thank you, Mr. Chairman.

Senator Carper. Not at all. Thank you for your leadership on these issues.

Before I turn to Senator Inhofe, three billion birds over what period of time?

Ms. Williams. I realized I didn't finish that sentence, Chairman Carper, on purpose. I believe in the past decade.

Senator Carper. Just respond for the record. Thank you.

Senator Inhofe, welcome.

Senator Inhofe. Thank you.

Director Williams, it is no surprise to you that I am going to bring up yours and my favorite subject, and that is the lesser prairie chicken.

As you know, the updated population data is a key factor when determining if a species should be listed under the Endangered Species Act. On March the 15th of 2022, the Western Association of Fish and Wildlife Agencies announced plans to release updated lesser prairie chicken population data in the coming months. Director Williams, do you plan to include the Western Association of Fish and Wildlife Agencies' most current lesser prairie chicken population data in your listing decision?

Ms. Williams. Thank you, Senator Inhofe, for your continued

interest on this issue. I hope I get to visit with you about it more. I never get tired of those visits and talking about all of the incredible voluntary efforts that are underway to conserve lesser prairie chicken.

Senator Inhofe. I might add, successful efforts.

Ms. Williams. Yes, many of them very successful. In fact, you know, as we are looking at lesser prairie chicken and, I believe as it was in the proposed rule that one of the reasons why there are two distinct population segments and why one is threatened and one is endangered is those recovery efforts and the restoration efforts that have been underway.

To answer your question, Senator Inhofe, I believe that indeed, we did take into account those numbers. The proposed rule, I think, shows our responses. Yes, we have taken robust public comment and will take those numbers into account.

Senator Inhofe. I appreciate that. Let me talk fast here to get my time to effectively end where I want it, and that is the conservation practices have helped to nearly double the total lesser prairie chicken population size since 2013. That is pretty remarkable. That is, I am sure, something would be now on your plate of concern.

In your response letter to my inquiries regarding your proposal to list the lesser prairie chicken under the Endangered Species Act, you made it clear it was not necessary to perform a Policy for Evaluation of Conservation Effort Assessment.

So, Director Williams, can you provide an update on your work

with the Western Association of Fish and Wildlife Agencies to address conservation concerns with the Candidate Conservation Agreement with Assurances, considering you do not plan to perform this assessment?

Ms. Williams. Mr. Chair and Senator Inhofe, when I first started in this position, because I had been a member of the Western Association of Fish and Wildlife Agencies, I was very careful not to have direct contact with WAFWA, if you will. I would need to look into the answer to your question more, and then I will be very careful to be at arms' length with WAFWA per se. But I do know that our staff and especially Amy Lueders, our Regional Director, has been very involved in the CCAA with the Western Association of Fish and Wildlife Agencies.

Senator Inhofe. I always enjoy the idea that we are doing something where the current information should be helpful to us. When we look and we see that we have had that kind of a success over that period of time, not all of them have that. So, I look forward to keeping that on the table, but not waiting for another meeting to come along, because you know of my interest in this issue.

Ms. Williams. Thank you, Senator Inhofe, and thank you also to all of those who worked so hard in your State to conserve lesser prairie chickens.

Senator Inhofe. Successfully.

Ms. Williams. Successfully.

Senator Inhofe. Yes. Thank you so much. Thank you.

Senator Carper. Thanks, Senator Inhofe.

Senator Whitehouse, then followed by Senator Cramer. If she is

able to return, Senator Ernst would be next.

Senator Whitehouse?

Senator Whitehouse. Welcome, Director Williams. Thank you for being here, back in front of the committee. It is good to see you.

I wanted to talk to you for a moment about zettajoules. A joule is the unit of measure of heat energy. A zettajoule is that measure with 21 zeros behind it. It is a really, really, really big number with 21 zeros behind it. It is so big, that to give it a more concrete example, the entire energy use and consumption of the human species on the entire planet adds up to one-half of a zettajoule.

So our fossil fuel energy is less than one-half of a zettajoule, and it is less than one-half of all of our energy production and consumption. For the price of that less than half zettajoule of human energy production, we have created an environment in which we are dumping 14 zettajoules, so 30 times as much, heat into our oceans. It is the equivalent of setting off multiple Hiroshima-sized atomic bombs in our ocean every single second. It is warming at a colossal, geologic level. We are not paying anywhere near enough attention to what this means for our oceans.

But with that kind of upheaval happening in the oceans, it makes it increasingly important that the Fish and Wildlife Service pay adequate attention to what is going on to saltwater fish and ocean wildlife, as opposed to just freshwater fish and terrestrial wildlife.

So, I would like to ask you what you are doing to make sure that, in light of that kind of change happening in our marine environments, your organization will continue to expand its focus on saltwater fish

and coastal and marine environments.

Ms. Williams. Mr. Chair and Senator Whitehouse, thank you for that question. I have to say, I share your concern about the unprecedented challenges facing our oceans and our coasts. There are a number of different ways that the Fish and Wildlife Service, even through our 2023 budget request, has asked to increase and pay more attention to these issues. We did request a \$2.3 million increase for the coastal program. We also asked for a \$2 million increase in the Coastal Barrier Resources Act.

On top of that, I would like to say that we, I believe, are working very well and closely with our sister agency at NOAA and understand these shared responsibilities that we have on these unprecedented challenges.

I would love to add, too, Senator Whitehouse, that while we only flew in and out of your State, I was able to go to Connecticut with the Secretary and see the benefit of restoration investment in saltwater and salt marshes and to see the intricate balance that we need to address.

Those are just some examples, Senator, of where the Fish and Wildlife Service can help, but I am always happy to work with you and talk about what else we can do to support and address this unprecedented challenge that is before us.

Senator Whitehouse. Good. Well, thank you.

I think the daily temperature would probably be in the hundreds of degrees in our terrestrial States if it weren't for the ocean providing this enormous amount of cooling work that it has done to

take some of the sharp edge off of the climate challenge. I think something like 90 percent of the excess heat that fossil fuels have generated for our planet have been actually absorbed by the oceans, so we don't experience them in the atmosphere.

But the damage that that causes to the oceans is profound. It ought to send us a signal about the kind of damage we are doing to our planet by continuing to recklessly burn fossil fuels and creating these massive, massive upheavals in the basic operating systems upon which human life depends.

Thank you.

Senator Carper. Our next colleague is Senator Cramer. He is going to be followed by Senator Padilla on WebEx. We have been joined by Senator Lummis. Welcome.

Senator Cramer, you are on.

Senator Cramer. Thank you, Mr. Chairman. Thank you, Ms. Williams, for being here.

Would it be safe to say that NEPA compliance is a really high priority for this Administration, particularly for local communities, stakeholders, others, to provide input on federal decisions?

Ms. Williams. Mr. Chair, Senator Cramer, that is a fair question, and I would think yes.

Senator Cramer. I think so, too. Similarly, considering that the first Administration priority that you referenced in your opening statement is America the Beautiful or 30X30, would you say that is also a high priority?

Ms. Williams. Mr. Chair, Senator Cramer, yes. The America the

Beautiful and the fundamental components of it and this collaborative, community, voluntary approach is very important.

Senator Cramer. So, does the Administration plan on following the NEPA process for 30X30 for implementing it, carrying it out?

Ms. Williams. Mr. Chair, Senator Cramer, I am sure, on specific projects that trigger NEPA, indeed, we will follow the law.

Senator Cramer. Now, this is one big Executive Order, 30X30. Why wouldn't that trigger NEPA when we are talking about tripling the protected acres in the United States? Wouldn't that be a pretty obvious trigger for a NEPA process or some sort of comprehensive review, programmatic review?

Ms. Williams. Senator Cramer, that is certainly not within my purview at the Fish and Wildlife Service. I think NEPA really goes to Council on Environmental Quality, and I defer to their wise counsel.

Senator Cramer. I just sent a letter to them, so I will look forward to that. Thank you. It is signed by some other people in the room.

As you know, since I came to Congress in 2013, I have heard from literally hundreds of North Dakota landowners that are encumbered with Fish and Wildlife Service Waterfowl Protection Area easements. Their experience has been disastrous through Democratic administrations and Republican administrations alike, almost equally, I would say. They have had their private property rights trampled on, the Service not living up to its contractual agreements, using confrontational enforcement methods like showing up armed, with body armor on.

During both our private meeting and your nomination hearing, we

discussed the enforcement of WPA easements. You stated that you would work with landowners to "get this issue right."

Since your nomination process, I have continued to work on the issue, as well. I introduced legislation to prohibit the Service from entering into a conservation easement of greater than 50 years. We want to give owners of existing easements the opportunity to renegotiate, renew, or even buy out their easement.

My question to you then, is, since you have been confirmed, what have you been doing to work on remedying my problem, since I have translated it to your problem?

Ms. Williams. Senator Cramer, I have been working diligently on this issue, as have many of our staff. We have put, I have somewhere here, I think over, just many hours addressing this issue.

What we have done since I have talked to you, and I know that others in the Administration also have gone to visit you, we have done a number of things. One, we are finalizing a Service Easement Policy and Handbook to address any of the past issues you may have identified with how we enforce our easements. For example, now we have only our refuge staff, not Office of Law Enforcement, go to meet with landowners. We are working through this handbook to make very clear how we want to administer these easements, which I think we do with many landowners, very successfully with many, although I understand your concerns.

In addition to that, I think we have made progress in these pre-1976 mapping efforts. I know that over 250 objections we have addressed, and we have changed many of those maps. We have been

pursuing, as you had worked on, this appeal policy that goes through three steps: the refuge, the regional director, and then to me.

But I am certainly very committed to this issue and working with you on it and want to address your concerns.

Senator Cramer. Have you talked to any landowners affected by an appeal that has gotten to the director level, either previously or recently? I am just seriously interested.

Ms. Williams. Senator Cramer, meaning, have I met with them one-on-one?

Senator Cramer. Yes, or made a phone call or taken up an appeal personally, because it does get to your level.

Ms. Williams. Yes, Senator Cramer. Once it goes through the refuge manager, the regional director, which many of them are addressed at those levels, the ones that do come to me, I have not picked up the phone, nor have I been asked for meetings. But I would be happy to work with you, and happy to work with landowners.

Senator Cramer. We might want to dig into that a little more specifically, maybe privately, at some point, just because I don't know of a single appeal that has ever been upheld on behalf of the landowner. So the process may be better, but I don't know of any. That is not to say there hasn't been one, but I don't know of any.

Ms. Williams. Senator Cramer, I can assure you that we have changed, through the appeal process, the easements and the delineation, some of them have changed, and we have definitely responded.

Senator Cramer. Thank you. Thank you, Mr. Chairman.

Senator Carper. Thank you. I think we are going to be joined by Senator Padilla by WebEx. Senator Padilla, are you out there?

Senator Padilla. Thank you, Mr. Chairman. Yes, I am here.

Senator Carper. Welcome.

Senator Padilla. Director Williams, I was glad to see that the Fiscal Year 2023 budget includes increased funding for so many critical conservation programs, like the Cooperative Endangered Species Conservation Fund for Ecological Services, that supports efforts to prevent Endangered Species Act listing of species. I think it is critical that all of our federal agencies are well-equipped to protect threatened and endangered species.

While the Fish and Wildlife Service is the primary agency charged with conserving fish, wildlife, plants, and their habitats, I also respect that you work collaboratively with other agencies who have their own important roles in recovering threatened and endangered species. In fact, the Endangered Species Act requires other land management agencies to carry out programs to conserve listed species.

That is why I am also pushing for increased funding at the Forest Service and the Bureau of Land Management for programs related to threatened and endangered species conservation programs.

All of that to say the following: in my home State of California, we have a significant amount of federal land that is managed by the Forest Service and BLM that is home to numerous listed species.

My question, Director Williams, is this: can you talk for a minute about how Fish and Wildlife Collaborates with other agencies like BLM and Forest Service to better conserve and restore listed

species and their habitat?

Ms. Williams. Thank you for that question, Senator Padilla. Indeed, that is a priority for me and for this Administration, for the Interior Department, and for the Fish and Wildlife Service. I would say that it is an area of focus where I have worked closely with the bureau chiefs, whether it is the Park Service at BLM, with other agencies, USDA, I work with them very closely, and I think that it is incredibly important.

In fact, I think one of the hallmarks of this Administration is that we have worked through some challenging issues, and we have hit them head-on.

I also agree with you in that I think this has been an opportunity for the Endangered Species Act, were we to have the capacity and adequate resources, we can be more proactive in our administration of Section 7(a)(1) and 7(a)(2) of the Endangered Species Act and be more proactive in how we work with other agencies in consultation and on their efforts on their land.

It is of utmost importance. We are doing it, and also, I think it is an area where we can do more.

Senator Padilla. Great. As a follow-up to today, not to answer right now, but I would love to also hear what else Congress can do to support you and other agencies in these efforts.

But in my time remaining I did want to raise one other specific issue, and that is I am pleased to see Service's attention to the Lake Tahoe Region in the Fiscal Year 2023 budget, particularly the work you are doing to prevent the introduction and expansion of aquatic

invasive species and to conserve native species like the Lahontan cutthroat trout.

In addition to protecting Lake Tahoe from the threat of wildfires, removing and preventing aquatic invasive species in Lake Tahoe is one of the highest ecological priorities for the area. As you know, the Federal Government owns and manages approximately 78 percent of the land within the Tahoe watershed, making federal involvement in the region critical. We had a success in response to the zebra mussels threat in 2009 because of the successful watercraft inspection programs that were implemented.

So, the question is, how will the Service's budget request build upon the Bipartisan Infrastructure Law's investments in invasive species management and continue to implement initiatives to fight invasive species in Lake Tahoe and protect native species?

Ms. Williams. Thank you, Senator Padilla, for your interest in the Lake Tahoe region and in the leadership that you have shown on this issue so far.

As you noted, the Bipartisan Infrastructure Law is terrific investment in this region and one that we are deploying strategies to really prevent the introduction and spread of aquatic invasive species. I have long been aware of and have followed the Lake Tahoe aquatic invasive species management plan. When I was in Montana, we closely followed the efforts that Lake Tahoe had undertaken to try to prevent invasive mussels there.

So the Bipartisan Infrastructure Law allows Fish and Wildlife Service to really work and dig in and partner with our States and

Tribes in this area, especially for Fiscal Year 2023.

I appreciate your leadership, and I think this is an important area, and one I think we can all, working together, make such a difference, especially in preventing the spread of invasive species.

Senator Padilla. Thank you very much. I am looking forward to our follow-up. Thank you, Mr. Chairman.

Senator Carper. Senator Padilla, thanks for joining us today. I am going to slip out and take a phone call.

Senator Lummis, you are recognized, and I will be right back. Thank you. Thanks for joining us.

Senator Lummis. Thank you, Mr. Chairman. It is good to see you again, Director Williams. During your confirmation hearing, I used the entirety of my time to visit with you about the Greater Yellowstone Grizzly. I am going to start with a question about that again today because it is so critical to my State.

My first question is, will the Service follow the statutory deadlines set by the ESA to respond to Wyoming's Greater Yellowstone grizzly delisting petition within 12 months, with a status review and recommendation? These timelines are really important to us.

Ms. Williams. Senator Lummis, thank you for that question. I enjoyed visiting with you on this issue. It is one that is very near and dear to my heart, as well. I very much appreciate the efforts of your State and the leadership they have shown, especially recently with grizzly bear recovery efforts.

We did receive, the Fish and Wildlife Service did receive a petition from the State of Wyoming, as you mentioned. We also

received one from the State of Montana and one from the State of Idaho. They are similar, but not entirely the same, no surprise there, and we are currently working on all three of these petitions. I am certainly aware of the deadlines that the Endangered Species Act sets out.

Senator Lummis. The reason for my asking the question, of course, is that the Service has already missed an initial 90-day deadline. If you are trying to bundle our petition with Montana and Idaho, I want to encourage you to respond to Wyoming's petition alone, and on its own merit. Because doing them together will slow things down for us so incredibly and make it even more difficult for us to address the ongoing issues, as this issue is slow-walked and not dealt with in a manner that I believe would be contemplated under the Act.

Is it your intention to address them all three together, or are you willing to address the Wyoming petition as a standalone?

Ms. Williams. Senator Lummis, I don't think I can answer that perfectly for you. I know that in our regional office, they are working on this, and I have not been engaged at the moment, nor should I be in that it is a scientific review at this point, other than I know that they are working on these.

I understand your request, and it is something that I will ask, and I can go back and look at. I understand your request also because I think the issues are somewhat similar in the three States, and yet, they are distinct. I think that, as you look at the grizzly bear recovery amongst all three States in the lower 48, they are complicated and maybe different than just Wyoming's petition alone.

I hear your request and will look into it.

Senator Lummis. Okay, thank you. Well, the issue, the geographic area, the geography around Yellowstone, does tend to keep grizzly bears within certain areas from which they do not stray. Sometimes, they don't go into the other States adjacent because of simple geography. So, please, I implore you to respond to Wyoming's petition alone and on its own merits.

Okay, my next question is similar to Senator Cramer's. That is, people in Wyoming are concerned about this 30X30 plan. Of course, NEPA requires that any major federal action undergo analysis. Do you believe that 30X30 should undergo NEPA analysis?

Ms. Williams. Senator Lummis, as I answered to Senator Cramer, and I mean to be consistent, I think that is a question more for the Council on Environmental Quality than for me.

What I can say, too, is that I view the America the Beautiful Initiative, and if you look at its underlying principles, it sets out principles, it sets out a way of undertaking actions, and any specific actions that the Fish and Wildlife Service would undertake as a result of it, I am sure, that trigger NEPA, we would do so.

An example of what the Fish and Wildlife Service already did in the America the Beautiful, I think, it views or amplifies is our Partners for Fish and Wildlife work. I don't think the America the Beautiful changes that work. It only, I think, amplifies and encourages a way of collaborative, locally led voluntary conservation.

Senator Lummis. Mr. Chairman, can I have a quick follow-up? I know I am running over.

Senator Carper. No, no, you are fine.

Senator Lummis. Okay. It would be so helpful for the people I represent to have a legally cited explanation for why potentially changing the use of hundreds of millions of acres is not a major federal action. When an initiative is announced that is hugely consequential for the west, yet it doesn't have the normal framework that is used to have interaction and public input and dialogue in a State like mine that is half federal land, it is scary.

So, how can we get something in writing? Should I ask CEQ? Am I asking the wrong person today?

Ms. Williams. Senator Lummis, what I would say, what I can answer is, I would be more than happy to work with you and the State of Wyoming so that we can hear from people. We want to be transparent. I am happy to address any concerns and opportunities that there are around that, so I would be willing to work with you on this and in Wyoming specifically.

Senator Lummis. Thanks, Director Williams. It is a thing that people fear in Wyoming. You hate to see, when you have this grandiose, aspirational program, America the Beautiful, and the American people are afraid of it, then there is a disconnect that we need to resolve. Thank you.

Thank you very much, Mr. Chairman. I yield back.

Senator Carper. Thank you so much.

I have several more questions I would like to ask. We may be joined by Senator Sullivan and a couple of others, but we are at least halfway home right now.

My next question would be to deal with Fish and Wildlife Service's collaborative nature. During your visit to Delaware last year, thank you for coming, a recollection came back, actually, before you had been confirmed, as I recall.

During your nomination hearing, we talked a good deal about the Fish and Wildlife Service's collaborative conservation efforts. Specifically, we discussed how the Fish and Wildlife Service is working with partners to prevent species like the salt marsh sparrow from requiring protections under the Endangered Species Act. This is not the only way the Service works collaboratively with partners, as part of a team.

As I like to say, teamwork makes the dream work. I know the Fish and Wildlife Service, under your leadership, really has embraced this mantra.

Would you just elaborate for us on how the Fish and Wildlife Service is working collaboratively with a diverse suite of partners, and how the 2023 budget request supports this important work?

Ms. Williams. Thank you for that question, Senator Carper. I think our shared interest in teamwork makes our dream work. It is exactly why I feel like I am in this position right now, thanks to your interest and leadership.

So, yes, indeed, the Fish and Wildlife Service, we view our work across the board through this lens of partnership and collaborative work because it is the only way for us to achieve real conservation success. The examples are myriad and are littered throughout the Service and our programs, as it should be.

An example, I think, that I had mentioned earlier, is our Fish Passage Program and the investment in that program. Those are, all of those projects, every single one of them, are a product of numerous partnerships, leveraging money, and using the Fish and Wildlife Service engineering technical expertise and planning to support a community and projects.

I can think of our Partners for Fish and Wildlife program, which is all about collaborative work. I can think about visiting with you to Prime Hook and our coastal program, and our migratory bird program, our international program, our law enforcement program. Really, every program that we have is infused with this desire to be collaborative and to leverage the resources available to deliver conservation on the ground.

Senator Carper. We have been joined by a couple of our colleagues. They came in just at the same time. Who would be next? Senator Sullivan and Senator Kelly, thank you for joining us. If you can stay, we would be grateful. If you can't, we understand. Senator Sullivan, are you ready? You are always ready.

Senator Sullivan. I will defer to my colleague from Arizona if he wants to go. I know he is always a very busy man.

Senator Kelly. Well, thank you, and thank you, Mr. Chairman.

Senator Carper. Sure.

Senator Kelly. Ms. Williams, thank you for being here today.

I have a question about the Mexican gray wolf listing. Last week, the Service finalized revisions to the management regulations for the Mexican gray wolf in Arizona and in New Mexico. As you

probably know, the revised management plan has left some ranchers and some landowners concerned that this could lead protected wolf populations to grow significantly, yet others have raised concerns that the protections have not gone far enough.

Ms. Williams, what can you share about the process the FWS undertook to update the Mexican gray wolf management regulations? In particular, can you discuss how the FWS engaged with animal protection advocates and ranchers in making the new determination?

Ms. Williams. Senator Kelly, thank you for that question. I can appreciate it is a topic that is top of mind in your State and New Mexico. Our team working on Mexican gray wolves or Mexican wolves are really terrific, and they are so committed to what they do. They understand that on the ground these recovery efforts do have impacts to ranchers, to the communities, and yet, that their work is scrutinized well beyond those in your State and in New Mexico.

So, all of our work, frankly, on wolves, regardless of the State or the species of wolf, we know there is intense interest and scrutiny. What I can say specifically to answer your question is, I know that our region and our staff really try to undertake the most robust, public process they could in getting to this decision, But I recognize that we can't make everybody happy, and probably that there aren't any perfect answers. But they are trying hard to address all of the comments and concerns that come in, and trying to have a robust process where people can feel heard.

Senator Kelly. So your understanding is that Fish and Wildlife did do a robust engagement with both ranchers and animal protection

advocates?

Ms. Williams. My understanding, Senator, is yes. I don't know that the outreach was necessarily targeted, but I know that we engaged with any group that wanted to.

Senator Kelly. Well, thank you. I have a couple more minutes here.

Ms. Williams, I understand that in February, the Fish and Wildlife Service began settlement proceedings in an attempt to resolve litigation related to regulatory actions taken by the Fish and Wildlife Service to open up some federal refuges to hunting and fishing. Understanding that there is ongoing litigation, is there anything you can share about why fish and wildlife entered into these settlement discussions, and what you hope to see as an outcome?

Ms. Williams. Senator Kelly, thank you for that question. This is an issue that I am happy to address and is also top of mind. First, I just want to say that this Administration, the department, the Fish and Wildlife Service and me, as a hunter and angler myself, we are absolutely committed to providing hunting and angling opportunities on our national wildlife refuges. That commitment has not changed.

What did come in is that we are keeping abreast of the science that does demonstrate the impacts of lead on the environment to wildlife and to people, and then we were sued on increased opportunities and did enter into discussions.

What I can say is that we have not made a decision going forward on how we use public opportunities and lead ammunition and tackle. We

already, at the Service, do not use lead ammunition and tackle in our own management activities. So really, this is talking about waterfowl, already don't use lead ammunition. This is talking about those opportunities for hunting and fishing outside of management activities and waterfowl hunting.

So, anything that we might do in the future to address use of lead on refuges, we would do in a public fashion and would also consult with you. It is something that we are thinking about, we know the science demonstrates a need to address. At the same time, we will look into this and address it in a collaborative and public fashion.

Senator Kelly. Thank you, Ms. Williams.

Thank you, Mr. Chairman.

Senator Carper. Senator Kelly, I know you have a busy morning. Thanks for making time to join us for this hearing. Senator Sullivan, good to see you. I am just admiring that tie you are wearing. You look so natty today.

Senator Sullivan. You, too. It is my Navy tie.

Director Williams, thank you. Thanks for visiting Alaska. I am going to ask you about your trip. Did you make it to the North Slope, by the way, with Secretary Haaland? You were in those meetings, too?

Ms. Williams. Yes, Senator Sullivan. I have been to Alaska before, but I do have to say, it was an incredible trip, and I am very grateful to have gotten up to Utqiagvik.

Senator Sullivan. Good. Well, I am grateful too. I really am grateful that you got out there. I know I had staff up there. Unfortunately, I couldn't make that.

I want to talk about Willow, which I am sure you have heard about. You might remember, you and I talked a lot about it during your confirmation process. It is an energy project that has literally been permanent since back to the Clinton years. It is not really controversial. The Obama Administration permitted it; the Trump Administration finalized it.

Now, with the need for more energy, particularly given the Russian invasion of Ukraine and the impacts on our Country, there has been a commitment, directly, actually, from President Biden to me and Senator Murkowski when I addressed this issue in the Oval Office with him last year around this time. It has got the full support of the community in Utqiagvik, as you know, AFN, Alaska Federation of Natives. This is as widespread support as possible. All of the unions, national unions, have weighed in the commitment that I was understood very recently, I see that a Biden Administration official said they are going to make this supplemental EIS by the end of this quarter. That is still on time.

But you guys actually have a role to play on the biological opinion, the bi-op. Not under you, but the Fish and Wildlife is infamous for using its entire statutory limit deadline for slow-rolling BLM on some of these issues. I am not saying you have done it, but that is a history.

Can you commit to me that the Fish and Wildlife Service will not use any stall tactics to further delay the Willow Project? These are hardworking men and women in my State. This project will create thousands of jobs. We have already missed three construction seasons.

The reason for this commitment by the end of the quarter, from the President and his team, is to make sure we don't miss another construction season. People need to work.

Can I get your commitment on that bi-op? I know you are tracking it closely.

Ms. Williams. Senator Sullivan, first, I just want to thank you for your home State hosting us in such a warm, welcoming fashion.

Senator Sullivan. They are great people. That is why I get angry in this committee, because unfortunately, a lot of the Biden Administration officials and decisions are crushing my great people, but I am glad you saw them. They are wonderful.

Utqiagvik, as you saw, is very pro-resource development. I was shocked by Deb Haaland's record of decision 72 hours after she got back from Utqiagvik saying the people wanted to shut down NPRA, don't even get me going on that. They are great people. I am glad you agree.

Ms. Williams. So, Senator Sullivan, yes, I would never expect the Fish and Wildlife Service to slow-walk anything. I know that we are a cooperating agency with BLM on this project.

Senator Sullivan. Right, but you can delay it if we don't get the bi-op decision in a timely fashion.

Ms. Williams. I can commit to the Fish and Wildlife Service working expeditiously and always within the law on the consultation here. I hear you and understand its importance.

Senator Sullivan. Great. It is not just important to me; the President of the United States made a commitment to me and Senator

Murkowski and our late, great departed Congressman, Don Young. So it is important to us, important to all the unions, important to the Native people.

The President's commitment is on the line. The integrity of the President of the United States directly, not one of his staffers, not one of his cabinet members, the President. So, I hope we can all commit to that.

Let me just ask you, I am going to put a picture up. That is you, actually. You remember that? That is at Coal Bay. That is Deb Haaland, and that is Director Williams right there.

Mr. Chairman, if it is okay, I am going to go a little long on this question, but it is a really important question, if you don't mind.

Director Williams, that is you at Coal Bay. You are going up that ladder. You know the issue I am going to raise, this is a very important issue, again, of the King Cove Road, which again, has taken on gigantic symbolism in my State. Again, Native people being harmed by their own Federal Government.

There have been 157 medevacs in the eight years since Sally Jewell coldly rejected the 11-mile, single lane gravel road that King Cove and the Native community there has been trying to get done for 30 years.

Eighteen deaths have been associated with the lack of land access, 18, which is why in a hearing I held on the Commerce Committee in 2017 when I chaired the Oceans and Fisheries Subcommittee, the Commandant of the Coast Guard said, I cannot foot-stamp loudly enough

of the critical need for this 11-mile stretch of road to provide the lifeline that this community needs for their life. This is the Commandant.

As you know, the brave men and women of the Coast Guard have to fly those very dangerous missions. That picture depicts you climbing the ladder at the Coal Bay Dock. If a plane cannot land in King Cove, which is often the case, 100 days out of the year, they usually have horrible weather, you probably saw some, that they can't do rescue missions. So, this would be the equivalent of someone being medevaced two and half hours from King Cove to Coal Bay to the big airport at Coal Bay.

I mention that because, could you imagine if that was snowy or freezing weather, or you were eight months pregnant or in terrible health or a senior, to get up that ladder? You did it. It looks like it was a nice day there, but it is hard to do, even on a nice day.

So, what were your impressions? You want to talk about great people; Utqiagvik has great people, the King Cove people are just the best. They are incredible.

By the way, they are all veterans, Mr. Chairman. All of these Native communities have the highest rates of military service of any ethnic group in the Country, of Alaska Natives and lower 48 Indians, so patriotism runs so deep in these communities.

But what were your impressions, and are you getting ready with the Secretary to make a recommendation to finally, finally, after 30 years, support a simple, single lane gravel road between King Cove and Coal Bay, so that if you are pregnant at nine months and there is a

medevac, you don't have to climb up that ladder?

Ms. Williams. Senator Sullivan, thank you for that question. I understand the importance of this issue. I know that you care very deeply about it.

Senator Sullivan. Everybody in Alaska does. It is very interesting. Democrat, Republican, Native, non-Native, if you ask the average Alaskan citizen, what do you think about the King Cove Road? Everybody will know what it is, and that is out on the Aleutian Island chain, as you know, way the heck out there.

Ms. Williams. Well, I think a few things in your question, one, I want to be very polite and respectful, but I am glad that I got to take my Xtratufs and that they made it into the photo. Sorry, I just had to say that.

Senator Sullivan. Hope those were made in America, not the China version.

Ms. Williams. So, the photo, and I am very much glad that I got to go to King Cove, go to Coal Bay, and indeed, climb on that ladder. A couple of thoughts: one, yes, the value of going to the community and hearing from the community. And I would add the value for me personally and for the Service in going there with this Secretary of the Interior and listening with her and trying to listen in new ways. Also to see a community, just how moving it was for them to see a Native American Secretary of the Interior for the first time, and thus the ability --

Senator Sullivan. Well, I hope this Native American Secretary of the Interior treats the Native people of my State with respect. So

far, with all due respect to Secretary Haaland, she hasn't been doing that. It is great that she has that background, but the true test of how she cares about the Native people is the actions she is going to take. This is a big test; so is Willow.

Ms. Williams. So Senator Sullivan, then, to the question, one, as you know, this is an ongoing litigation. But with going there, I know and saw firsthand both mine, but especially the Secretary's interest in this, a recognition of the challenges that King Cove continues to face and the need to continue to see a balanced path. Because it is an ongoing litigation, I can answer that I, and I believe that the Secretary remains open to having all options on the table.

Senator Sullivan. Mr. Chairman, if I may, and I am sorry. This is a really important question.

Senator Carper. We are going to have to wrap up very soon, please.

Senator Sullivan. My final question: the Secretary said she was going to go to King Cove. She said she would make her decision on whether to support the litigation after her trip.

The trip took way too long, in my view, but she finally made it out there, and again, I appreciate you going, too. I hope you are not using the excuse of ongoing litigation to not make a decision on whether you support the road in the litigation. That was the whole purpose of her trip.

Ms. Williams. Senator Sullivan, I think I am answering you sincerely in saying that the Secretary remains open or wants to have

all options on the table.

Senator Sullivan. Okay. Thank you, Mr. Chairman and Director Williams. Thanks again for going to Alaska. I really appreciate it.

Senator Carper. I have maybe one or two other quick questions, and then we will let you go. The Lacey Act in interstate commerce in injurious species is what I want to ask about.

The Fish and Wildlife Service, as you know, has authority under the Lacey Act to prohibit the importation and some transport of certain types of wildlife that may be injurious to humans. This authority is important to protect our Nation from high-risk species that may cause harm to us and to other creatures.

However, the courts have recently ruled that the Lacey Act does not allow the Fish and Wildlife Service to regulate interstate commerce in injurious species, notwithstanding decades of generally accepted practice, during which the Fish and Wildlife Service has exercised this authority. The budget requests mentions that this court decision has created challenges for the Service.

Could you elaborate for us about on why it is important for the Fish and Wildlife Service to regulate interstate commerce with respect to injurious species? Is there anything else you might like to share with our committee today about how the 2023 budget would enable the Service to effectively implement the Lacey Act?

Ms. Williams. Thank you for that question, Chairman Carper, and for your leadership on this issue. It has been really important.

As you noted, the Lacey Act is critical here in that, if the Fish and Wildlife Service were able, as we had in the past, to regulate the

importation and transport, so that interstate transport of invasive species that have been determined to be injurious, our ability to do that can help prevent invasive species, these high-risk, injurious invasive species from taking hold so that we can prevent their establishing populations, which we know is so costly to the economy; it is costly to ecological services of other species, and it is really something that, were we able to take these preventive measures, it benefits the American people.

I can think of examples in the Great Lakes of invasive species there and across the Country. The ability, through this budget request, to address invasive species that are determined to be injurious, really, an ounce of prevention prevents a pound of pain.

Senator Carper. Last question: I was reminded of this on a recent visit with one of our two National Wildlife Refuges about the importance of volunteers at our refuges in Delaware and across the Country, The National Wildlife Refuges are the crown jewel of our Nation's network of public lands. I visit our two refuges in Delaware, actually, fairly regularly. In fact, I visited Bombay Hook National Wildlife Refuge just last month. I know that you have enjoyed visiting our refuges, among many others as well.

Thankfully, every State, as I said earlier, every State or territory has at least one National Wildlife Refuge, and some more than one. Thankfully, every State has National Wildlife Refuges that provide important habitat recreational opportunities for all Americans.

I talked to people during the course of the pandemic over the

last year and a half and talked about being cooped up at home and not able to do anything, not being able to recreate. I asked them, do you have any State parks? Well, yes, they do. Do you have any national parks? Maybe one or two. Do you have any National Wildlife Refuges? There is no reason to be cooped up at home with all these great places to go and to be exposed and be on the outside, on the outdoors, and to see beautiful things, and to learn a lot. I hope more people continue to take advantage of those opportunities.

I am glad that the 2023 budget request prioritizes the stewardship of our refuges, but given the fiscal constraint, it is important to leverage our Federal investment. That is why Senator Capito and I introduced the Keep America's Refuges Operational Act last week to reauthorize appropriations for the National Wildlife Refuge system volunteer program.

Would you speak to the importance of the National Wildlife Refuge System Volunteer Program and how it leverages federal investments to help keep our refuge system operational?

Ms. Williams. Thank you, Chairman Carper and Ranking Member Capito, for your leadership in introducing the Keep America's Refuges Operational Act. As you say, our National Wildlife Refuge system is a gem. It is so important to so many Americans and to the fish and wildlife and habitat that it conserves for future generations.

But the Fish and Wildlife Service, we wouldn't be able to really operate our refuge system the way we do now without the incredible dedication and support of volunteers. As an example, in Fiscal Year 2021, volunteers contributed nearly 650,000 hours of their time in

support of the refuges during the pandemic, whereas you noted, the refuges were just so important to our physical and emotional wellbeing.

The support of our volunteers is equivalent to almost 318 full-time refuge employees. My heart goes out to them in appreciation and your leadership and support for these volunteers. They are just critical to this gem for the American public.

Senator Carper. Thanks for that response. I would just say to all the people across our Country, including in Delaware, who are volunteers, our thanks to each of you.

We are starting voting, I think, right now. Before we wrap, I just wanted to give you an opportunity to maybe make a closing comment, and then I will have a little short statement that I will make. Anything else you would like to mention?

Ms. Williams. Chairman Carper, I just want to thank you for this opportunity and to emphasize that the fiscal year budget request for 2023 really invests in the delivery of conservation in this Country and builds on much-needed capacity and resources for the Fish and Wildlife Service to really fulfill our mission in working with others to conserve, protect, and enhance these resources that are so near and dear to Americans. Thank you for the opportunity and for believing in our mission, as we do, as well.

Senator Carper. Thank you for that.

In closing, I want to thank you on behalf of our committee for your presence today. I think over half of our members have been able to come. There is a lot going on in the Senate today in committees.

We all serve on a number of committees, as you know, so we are grateful to our colleagues who were able to join us here.

We are grateful for your service to our Country at a time when we face both great conservation challenges, but also, they come with great opportunities.

Before we adjourn, a little bit of housekeeping. I want to ask unanimous consent to submit for the record a variety of materials that relate to today's budget hearing. People say to me, what is one of my favorite things in the U.S. Senate? I love asking unanimous consent requests when I am the only one in the room, because there is nobody else to object. So, I make that unanimous consent request, knowing that no one will object. So ordered.

[The referenced information follows:]

Senator Carper. Last thing I would add to that, Senators are going to be allowed to submit written questions for the record through the close of business on Wednesday, June 1st of this year. We will compile those questions and send them to you and ask you to reply by Wednesday, June 15th.

With that, we are done. This hearing is adjourned. Thank you so much.

[Whereupon, at 11:37 a.m., the hearing was adjourned.]