

MODERNIZING THE ENDANGERED SPECIES ACT: LEGISLATIVE HEARING ON
S. 4589, THE ENDANGERED SPECIES ACT AMENDMENTS OF 2020

Wednesday, September 23, 2020

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 10:06 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Cramer, Braun, Rounds, Sullivan, Boozman, Ernst, Cardin, Gillibrand, Booker, Duckworth, Van Hollen.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Good morning. I call this hearing to order.

Today, we will consider Senate Bill 4589, the Endangered Species Act Amendments of 2020. I introduced this legislation to modernize and to strengthen the Endangered Species Act. It is the culmination of a collaboration with stakeholders from across the political spectrum, and it began four years ago.

During my time as Chairman, we have held five different hearings on how the Endangered Species Act needs to be reformed so it works better for wildlife and for people. It is clear; legislation is needed to accomplish this goal.

It was my intention to introduce a bill with the support of environmental and wildlife conservation organizations and a bipartisan group of Senators. Our stakeholder feedback process made clear that at least one provision in my bill is a non-starter for those groups and for the committee's minority. It also made clear that the same provision is the top priority for my home State of Wyoming.

The Endangered Species Act requires the Secretary of the Interior to monitor a species for at least five years after the species is fully recovered and delisted. My legislation would delay the ability of a Federal Court to overturn a delisting

rule during this five-year monitoring program. It doesn't eliminate anyone's rights to challenge a delisting rule in the Federal Court; it only delays such a lawsuit so States have an opportunity to prove that they can successfully manage the recovered species.

Under my legislation, a recovered species is still protected during that five-year post-delisting monitoring period. They are still protected by State regulations and the State management plan, and by the Secretary's authority to relist the species if its condition deteriorates. These changes to the Endangered Species Act are critical for Wyoming, for Montana, for Idaho, and for other States.

This point was highlighted at a hearing this committee held earlier this month. The grizzly bear in the Greater Yellowstone Ecosystem is fully recovered. That is not just me saying it; President Bush, President Obama, and President Trump all agree, and each of those administrations have tried to delist the species. Yet, activist Federal judges have repeatedly intervened to overturn these delisting rules.

The decades-long commitment of time and resources by States and stakeholders simply cannot continue if the good work to recover the grizzly bear is ignored by activist courts. I understand that this provision ensures some stakeholders won't support my bill; however, it is an issue that needs to be

addressed if we are to improve the Endangered Species Act.

Many other concepts and provisions in the bill have received positive feedback and support from environmental and wildlife conservation groups. They include the parts of the bill that reauthorize the Endangered Species Act for the first time in almost 30 years, substantially increasing the funding authorization, and focusing money on recovery of species, elevating the role of States in implementing the act, ensuring non-governmental stakeholders have a clearer voice in recovery and in implementing planning, providing regulatory certainty to incentivize investment in conservation and recovery activities, and prioritizing resources for species that are most in need.

Stakeholders have also sought a significant additional funding stream for wildlife conservation. I continue to be open to exploring this possibility. The funding levels must be reasonable, justified, and paid for. They must also be part of a bill that modernizes the Endangered Species Act.

Since the Endangered Species Act was signed into law, fewer than 3 percent of listed species have been recovered and delisted. This is a failure, not a success. We must do more than just list species and leave them on life support. We need to see them recovered and delisted. The Endangered Species Act Amendments of 2020 will go a long way to achieving this goal.

I want to thank all of the stakeholders who participated in

bringing the legislation to this point, including those stakeholders who currently cannot support the bill. I hope to continue to work to find a viable pathway for this legislation as we move into the 117th Congress.

I would now like to turn to Ranking Member Carper for his opening statement.

[The prepared statement of Senator Barrasso follows:]

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

Senator Carper. Thanks, Mr. Chairman. Good to see you. Good to see all of our colleagues today, and I am happy to welcome back Governor Gordon. We have almost a quorum here today, with you and Governor Rounds, and others. We are happy to see you, and we welcome our other witnesses, Jamie Rappaport Clark, and Aliese Priddy.

As a recovering governor and former State treasurer myself, I appreciate the critical role that States play, as well as the challenges that they may face in implementing many of our Federal laws, and that includes the Endangered Species Act. We gather here today to consider legislation that would make significant changes to the Endangered Species Act, one of our Nation's most popular environmental statutes at a time when our world is facing dramatic decline in biodiversity.

Last week, in fact, the United Nations released a report warning us that humanity is at a crossroads. Climate change fueled by harmful emissions, rapid industrial growth, and deforestation are destroying or seriously disrupting ecosystems throughout our planet. As rising sea temperatures acidify the ocean, bleaching coral reefs in the process, plastic pollution is overwhelming marine life in large parts of our ocean. As severe heat and longer droughts create drier conditions, animals

and birds cannot escape the catastrophic wildfires that engulf many of our forests.

The steep decline in biodiversity is not just dangerous in theory; biodiversity is the variety of life on Earth. Its imbalance endangers humans, too, fueling the spread of invasive species and zoonotic disease. Addressing this biodiversity crisis is all the more important as our Country mourns the loss of more than 200,000 Americans to COVID-19, a zoonotic disease.

Fortunately, the Endangered Species Act is one of our Nation's best tools to support, improve, and protect biodiversity. How, you might ask? Well, let's consider my own home State of Delaware. The First State enjoys an effective partnership with the U.S. Fish and Wildlife Service within the framework of the existing Endangered Species Act. Through this partnership, the act has helped recover species in our State, just in recent years, such as the Delmarva fox squirrel and the iconic bald eagle.

Delaware's Department of Natural Resources and Environmental Control is currently collaborating with the U.S. Fish and Wildlife Service to combat the spread of something called white-nose syndrome, a disease that has wiped out entire populations of endangered bats in our State, and we know those bats serve a valued purpose. Our Fish and Wildlife Service Northeast Region is also working with landowners, with industry

partners, with nonprofit organizations, to prevent new Endangered Species Act listings and to restore the Delaware River basin.

Meanwhile, people travel from around the world to visit us in Delaware to see threatened and endangered species, most notably, the red knots and piping plovers, two types of migratory birds that find safe haven on our shores to fuel on horseshoe crabs or nest on our beaches. They fly all the way from the South Pole almost to the North Pole, and they stop for lunch in Delaware. A lot of people from around the world come and see them. If our visitors today are lucky enough, some of them might even spot a North Atlantic right whale or a sea turtle off of our shores.

I have heard from many of my constituents who are also passionate about protecting species in their States, other States. Delawarians certainly support improving species conservation outcomes, but they overwhelmingly believe that Congress can do that by helping to address funding shortfalls at both the State and the federal level.

In fact, I would say that most, if not all the witnesses who have testified at our many wildlife hearings that our committee has held, during the past two sessions of Congress, they seem to agree that States and Federal agencies lack sufficient wildlife conservation resources.

Let me just say that this is not entirely a Federal burden. It is not entirely a State or local burden; this is a shared responsibility. We are one of those who need to share our fair share.

As some of you will recall, one of Wyoming's former governors, Dave Freudenthal, cochair of the Blue Ribbon Committee, I believe it was in 2014, on how best to sustain America's diverse fish and wildlife resources. That panel, as some of you will recall that panel which included State leaders, industry, and conservation organizations, determined four years ago, in 2016, that a new funding model for State wildlife management is necessary. Yet the legislation before us today does not prioritize funding.

While I do support reauthorizing the Endangered Species Act, doing so does not constitute a complete or meaningful funding strategy. Reauthorization also does not guarantee funding increases for federal agencies, nor does it provide additional funding to States. Instead, the legislation before us today proposes changes to the Endangered Species Act that raise heartfelt concerns for those of us in Delaware and beyond.

For one, it attempts to shift responsibilities for recovering other species management decision to States, without providing additional funding for States to fulfill those expanded roles. This is particularly troubling, even, I think,

counter-intuitive, because species typically only require Endangered Species Act protection when State management has failed. At the same time, the legislation before us also expands States roles by creating more steps to add the Endangered Species Act implementation process, which could unintentionally create more, not less, bureaucratic red tape.

Most concerning of all, however, the legislation includes a sweeping judicial review prohibition that limits the public's opportunity to challenge delisting decisions that may not be supported by the best available science or otherwise may not be fully compliant with the law.

I believe that most of our colleagues know that I tend to be someone who tries to understand where my colleagues are coming from, especially when it comes to issues of importance to their States. I think our Chairman is like that as well, and I think most of us on this committee are, too.

But over the course of the last two Congresses, I have learned how and why Delaware's experience and perspective is vastly different from some other States, including Wyoming, on this particular issue. But having said that, I still struggle to fully understand how this legislation would support species recovery or serve the American public, in Delaware or in most other States. While I believe there are areas of bipartisan agreement on how to better protect and conserve species, sadly,

I am afraid they are not clearly reflected in the legislation that we are considering today.

With that said though, I still look forward to our discussion today. I am hopeful that the result will be a return to bipartisan policy, making one that considers the views of all our States and stakeholders, based upon shared principles and priorities. This committee is capable of doing that; in fact, under the leadership of our Chairman and the support of Democrat and Republic members of our committee, we do it regularly, and I am proud to say, as recently as this month.

Thank you, Mr. Chairman.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper.

We are delighted to have two panels today, each member of the committee will have an opportunity to question one or both members, either a five-minute round of questions with either panel, or three minutes with both.

On the first panel, we are going to hear from the Honorable Mark Gordon, who is governor of Wyoming. On the second panel, we will hear from Leisa Priddy, who is the owner and operator of the JB Ranch, and Jamie Rappaport Clark, who is President and Chief Executive Officer of Defenders of Wildlife, and she will be joining us remotely from Leesburg, Virginia today.

I want to remind the witnesses that your full written testimony will, of course, be made part of the official hearing record today, so I would ask that you please keep your statements to five minutes so we will have plenty of time for questions. I know we do have a roll call on the Floor of the Senate a little later this morning.

First, I would like to introduce Wyoming Governor Mark Gordon, who has been serving as governor since January of 2019. Governor Gordon grew up on a ranch outside of Kaycee, Wyoming. He worked there after graduating from college. He then started his own ranch, as well as several successful outdoor recreation and tourism businesses in both Buffalo and Sheridan, Wyoming.

Today, Governor Gordon and his wife Jennie own and operate

the Merlin Ranch east of Buffalo, which has been recognized by the Society for Range Management with the Excellence in Ranch Stewardship award. Prior to his election as governor, he served as Wyoming's State treasurer from 2012 to 2019. Governor Gordon's efforts to improve the State's financial portfolio resulted in Wyoming being ranked number one in the Country for transparency.

Governor Gordon's service to Wyoming does not stop there; he has served in a variety of other positions, including as a member of the Boards of the Wyoming Wildlife and Natural Resource Trust and Nature Conservancy in Wyoming, the Wyoming Environmental Quality Council, and the Powder River Conservation District in Johnson County, Wyoming.

I hope that Governor Gordon will tell us about some of his experiences in Wyoming balancing the interests of citizens while effectively conserving and recovering wildlife.

Governor Gordon, it is a great honor to welcome you again as a witness before the Environment and Public Works Committee. I want to thank you for traveling from Wyoming to Washington today to be part of this hearing.

Governor Gordon, please proceed.

STATEMENT OF THE HONORABLE MARK GORDON, GOVERNOR, STATE OF
WYOMING

Governor Gordon. Thank you, Mr. Chairman, Ranking Member Carper, and members of the committee. When I last had a chance to be before this committee, we were a lot closer, but I thank you very much for this opportunity to testify on Senate 4589, Amendments to the Endangered Species Act.

I am the 33rd governor of Wyoming and the third in succession to support such a bill. Governor Freudenthal, that Ranking Member Carper mentioned, as a Democrat and a friend, he was the first. Governor Mead, a Republican, also a friend and my immediate predecessor, both suggested improvements like those contained in this bill.

Unlike them, I am not an attorney, though we all share a love of our State and its remarkable wildlife, flora, and fauna. I was remembering, as I came here yesterday, that a year ago, I was with game and fish biologists as they were logging and collaring a male grizzly bear that had gotten into some trouble in Sunlight Basin. For some of you, Sunlight Basin is familiar. It is a beautiful valley just east of Yellowstone Park. The Clarks Fork runs through it, the same river where the Nez Pierce, led by Chief Joseph, made good their escape from pursuing armies.

This particular bear had gotten into trouble for killing a

horse in someone's pasture, and therefore, it needed to be relocated. I remember that experience as being especially meaningful, because back in the late 1970s and early 1980s, I had worked as a citizen environmental leader to help recover the bear after Yellowstone Park's dumps had closed as a tourist attraction.

At the time, there were fewer than 150 bears in the area. Not many bears, and for a couple of generations, their lives were transformed immeasurably.

But they have subsequently learned new behaviors. I am a rancher, one of nine who signed up in 2014 for the first Candidate Conservation Agreements with assurances inside a tent with Governor Mead and former Secretary of Interior, Sally Jewell. It took place on a windy hill outside Pinedale, Wyoming, and the ceremony represented the culmination of many efforts between Wyoming governors, landowners, industry, and the Federal Government to find a strategy that would protect the sage-grouse and enhance core sage-grouse habitat, because that is essential to protecting the bird from extinction.

In return, as we have learned more about this fascinating bird, I have issued my own executive order recently to improve on this approach, which began two administrations ago, involving private landowners, government agencies, non-governmental entities, industry, citizens, all with the common aim of

protecting the largest concentration of remaining grouse habitat in the Country.

It is working. Northeastern Wyoming sage-grouse populations have improved of late, something that I can attest to from seeing the birds in my own Hall Pasture over the course of the past year.

I digress to point out my personal experience with the Endangered Species Act from many sides of its implementation, and while I must acknowledge that there are many aspects of the act which can be problematic to private property at times, misinterpret science, and at times be used improperly, it is nonetheless, a well-intentioned law with a laudable aim, an aim which it has sometimes failed to accomplish.

Members of the committee, I come to you today because I believe the Endangered Species Act is broken, and there is no scientific reason it shouldn't be fixed. This bill amends the Endangered Species Act in necessary ways that are intended to bring more transparency, better cooperation, and incentive, and that most key element of empirical science, the ability to test a hypothesis, correct for undesirable outcomes, and chart a clear course to species recovery.

Wyoming provides a multitude of successful examples from species recovery to preventing species from being listed in the first place. Unfortunately, Wyoming also has a long history of

being hamstrung with paying for species management, yet being obliged to defer to Federal Government on decisions about that management. This is particularly vexing when species have fully recovered, yet remain listed because of legal horseplay and judicial jousting.

Rather than focusing on actual results, courts are asked to speculate on what-ifs that lead to a vicious cycle. On the side of those charged with finding solutions, they face unending expense and never-ending challenges, while well-meaning gadflies take advantage of a golden goose that lavishes court costs and legal fees and provides a fund-raising cash cow. Neither the species nor affected parties find much relief in that recipe.

This is not how the act was supposed to work. Wyoming is home to several lightning rod species, species like the carnivores that command national and international attention. The gray wolf and the grizzly bear have a marquee value that is mesmerizing. Perversely, some organizations who set forth to do good work found the fundraising appeal of these stars irresistible. While dire threat once underscored urgency, now the work to resolve these issues falls to more routine issues of rising in areas where large carnivores come into conflict with humans, domestic livestock, and big game. That process can seem more mundane, taking up the cudgel that the Endangered Species Act has become to impose the will of the federal agency often to

the detriment of affected parties seems to be more compelling.

Let me mention a few examples of why the ESA needs fixing. The gray wolf was reintroduced in Wyoming, despite objections throughout the State. After five lawsuits and 15 years, the wolf was finally delisted. Scientific research and rigorous study proved to us that the wolf has reached the recovery thresholds that had been set for it for 10 years before that finally happened. Today, under our management, the population is thriving and expanding, well above federally required population objectives.

Another successful recovery, by all accounts, is that of the Greater Yellowstone grizzly bear. It ranks as one of the most significant conservation success stories in North America, and I will tell you why. When a retired judge wakes up to find grizzlies on his back porch in downtown Cody, 52 miles from Yellowstone Park, or even further on, 47 miles away in Cowley, Wyoming, a farmer's corn maze needs to be shut down last year because grizzlies are in it, it is pretty evident bears are expanding and thriving too, well beyond government objectives.

But this example of recovery is also an example of the act's reluctance to delist. We know more about the grizzly bear than any other wildlife species on the face of the Earth because we have studied it extensively since 1975. In all that time, we have seen methodologies and technologies improve. Our ability

to estimate populations, migration, migration dynamics, behavior, and so on has evolved even as challenges facing the bear have also emerged.

Wyoming is proud to have paid for and taken an active role in grizzly bear recovery and management for over four decades. Wyoming hunters and anglers financed the \$50 million investment in grizzly bear recovery. When I started working on environmental issues back in 1979, the population was estimated to be around 136 bears. They were in peril, no question about it.

Now, the most conservative estimates run between 700 bears on the low side and as many as 1,200. The population is recovered to a point where it is the Wyoming people who have changed the way they work, live, make their livings, and recreate in bear country. More human-bear interaction means there are more bears doing more things that involve people. These incidents, some tragic, provide further proof that the bear has recovered, and management must evolve beyond its initial objectives.

Despite the species being fully recovered for 20 years by every milestone that has been set for it for over those 40 years, the bear remains listed, not because there is some novel or unaccounted for threat, not because there is some scientific concern over the population's viability; it remains listed

because twice, Federal courts have rejected meticulously crafted U.S. Fish and Wildlife rules. In both cases, the court delved into complex and sometimes unsettled scientific findings as well as policy decisions of the Fish and Wildlife Service, looking for what-ifs to scuttle the delisting.

The courts seemed to ignore the findings and conclusions of grizzly bear experts in favor of ruling in a way that simply reaffirms a status quo. Perhaps it should come as no surprise or coincidence that five of the six lawsuits challenging the most recent 2018 grizzly bear delisting rule were filed in the same District Court, a court where previous eco-activist backed suits had found success. That is what we apparently do these days: shop for judges favorable to one's point of view, regardless of law or evidence.

Wyoming spends around \$2 million annually to manage grizzly bears. That is the State's money, not federal reimbursement. Grizzlies are federally protected species, yet the State of Wyoming bears much of that cost. An obvious question is, why are we unable to manage the bears when we should be shouldering so much of the cost?

For these reasons and many others, I support the bill before you today. These amendments will align the act with its original intent to protect imperiled species, recover them, and remove them from the threatened or endangered species list.

My predecessor, Governor Mead, opined before this committee a few years ago about better ways to serve listed species and get them to what should be the goal of the ESA: delisting. His suggestions were supported and crafted by the bipartisan Western Governors Association. They are sound.

To my view, the largest barrier to delisting and returning the management of fully recovered species to the States and Tribes is litigation. Not litigation based on whether a species is recovered, but litigation aimed at finding technicalities in how the United States Fish and Wildlife Service promulgated the rules in the first place.

Thus, I believe, this bill's proposed delay of judicial review during post-delisting monitoring is essential to its success. This provision will not harm species conservation. Rather, it will provide States and Tribes a reasonable period of time to show whether their management plans work. This approach properly comports with the scientific method.

In any case, this bill still provides substantial safeguards, allowing for greater Federal involvement should that be deemed necessary, including emergency relisting. There is a safety valve. Giving States an incentive to implement State management plans will work. Keeping the big stick usually used to hit States over the head via litigation at a reasonable distance will incentivize State-led conservation efforts.

Wyoming has invested in conservation for listed species, given the face of multiple legal challenges. We have shown our commitment and our ability to find success with the Wyoming toad, the black-footed ferret. We are proud of that heritage, and yet public support of this type of investment could wane with the continued frustration that has come at the hands of pickers of nits.

Critics of amending the act may say that States don't want to conserve at-risk species, or that States lack capacity and expertise. Nothing could be further from the truth. The majority of wildlife in our Nation is managed and managed well by State and Tribal governments. The Public Trust Doctrine, outlined in the North American Model of Wildlife Conservation, is the bedrock for wildlife conservation in our Country.

It is also worth recognizing the substantial contributions made by private landowners, ranchers, and farmers across our Nation to wildlife conservation. To have those efforts overturned by litigation early in process is a great deterrent to cooperation.

Further considerations, including takings, are not insignificant, and they also deserve a fair hearing. This bill provides a thoughtful way to address these complex issues. The current bill significantly improves on this bedrock act by encouraging State and Tribal involvement throughout the ESA

process. It provides requirements for the Secretary to notify governors when an ESA petition is filed. It provides allowances for State agencies to lead recovery teams and to take significant roles in recovery planning and implementation. It provides governors and Tribal leaders the opportunity to weigh in on a listing decision before it is too late.

These are critical steps, recognizing the value of local wildlife managers and what they bring to conservation and recovery of imperiled species. Most importantly, it provides an early entry for State and Tribal governments, as well as citizens and those affected, to help define what recovery looks like.

Almost 30 percent of the species listed under the ESA have no recovery plan. A problem. How can a State, federal, or Tribal Government meet the intent of the act and help recover imperiled species if they don't know how a recovery will be defined?

Senator Barrasso. Governor, I am so grateful for your passion, I know we have a number of Senators that want to get to ask specific questions, so if you could wrap up so we could get to those?

Governor Gordon. Yes. Thank you, Mr. Chairman, forgive me for my excessive time. I very much appreciate this.

I do want to make one last note, which is that I think the

funding that this bill brings is extraordinary, and will be very helpful to State efforts. As I mentioned in my testimony, the big challenge here is that the State bears the burdens of the cost.

[The prepared statement of Governor Gordon follows:]

Senator Barrasso. Well, we are so grateful for your thorough, your excellent presentation.

We do have a couple of questions. We have a number of Senators here who would like to ask.

I want to start by talking about the greater State involvement that comes in the bill that you were just referring to. It gives States the opportunities to lead the recovery and the implementation teams, and I know you support those provisions.

Can you explain how a listed species could actually benefit from increased State involvement in the recovery process? Because you have had, now, 41 years of involvement in this area, which is truly one of your passions.

Governor Gordon. Right. Mr. Chairman, thank you very much, members of the committee. State involvement, State science, is often the best. It is certainly the most ground-truthed; it is certainly most current. It would inform decisions. That State connection and the ability for States to be involved, private landowners to be involved, is absolutely essential for the success.

I think the example you see in that, Mr. Chairman, is Wyoming's own efforts with the sage-grouse in the core areas.

Senator Barrasso. When you take a look at what the bill does, which it delays that court's review of a rule delisting

for at least five years during that post-delisting monitoring period, how does this specific provision help with effective State management of a recovered species?

Governor Gordon. Mr. Chairman, thank you for that question. As I mentioned in my testimony, one of the principal things about the scientific method is that you have to test what the hypothesis is, correct for mistakes that might have been made.

In the case of this particular provision, it allows the States to make a plan. It actually demands that they make a plan, and that they then monitor that plan over time and see if it works or if it doesn't work. What we have currently, where everything is litigated almost immediately, we never get off the ground. So I think that is essential.

Senator Barrasso. So my final question, based on what you just said about the science-based decision-making, do you believe there is anything in this bill that we are introducing today, the Endangered Species Act Amendments of 2020, that would in any way erode the existing authorities of the Endangered Species Act in terms of the Secretaries of Interior, or Commerce, or Agriculture, or anything at all?

Governor Gordon. Mr. Chairman, in my review of the bill, and I read it again last night, it seemed that you specifically have pointed out that that erosion cannot occur.

Senator Barrasso. Thank you, Governor.

Senator Carper?

Senator Carper. Thanks. Again, Governor Gordon, welcome. Great to see you again.

As you know, I am especially interested in your views on funding, given your roles not just as governor, but as State treasurer, a role I once was privileged to fill in Delaware. Your testimony talks about the importance of, you mentioned right at the end of your statement, you mentioned the importance of, I quote you, "a predictable long-term funding source." A predictable long-term funding source for the Endangered Species Act.

The legislation before us today, as best that I can tell, does not provide this, either for States, or for Federal agencies. We have a saying in Delaware, all hat, but no cattle. Actually, that is not a Delaware saying, but it is a great saying.

But when I think of the authorization process, we authorize programs. That is a two-step process: we authorize them, and then later on, we come back and reappropriate money to make good. The authorization could just be an empty promise.

But I have a question: do you agree that our committee should consider a funding strategy beyond just the reauthorization of the Endangered Species Act for Federal

agencies and for States? And if you would, just elaborate on that, please. Thank you.

Governor Gordon. Thank you, Mr. Chairman, Ranking Member Carper. I think your question is a very good one.

Reauthorization does, it appears to me, in this bill, also include some appropriations. To the degree that those can be improved, I certainly would not --

Senator Carper. Let me just interrupt. I don't think that is the case. We can have another sidebar conversation. If that were the case, I wouldn't be focusing on it so much, but go right ahead.

Governor Gordon. Okay. Thank you, Ranking Member.

In my view, the Federal Government really does need to bear more of that burden, and I am going to encourage this committee to look at that carefully. Wyoming, and out of that \$2 million we spend, we get about a \$100,000 from the Federal Government to meet that obligation. So that is the differential: \$2 million that the State spends, \$100,000 that the Federal Government spends.

Senator Carper. All right, thank you. Your testimony highlights Wyoming's work to help recover the black-footed ferret. I understand that voluntary conservation agreements between landowners, and I think with the U.S. Fish and Wildlife Service, have been a critical tool for recovering this specie.

These voluntary conservation agreements provide regulatory certainty, and they support recovery for one of our Nation's most endangered mammals. It is a real win-win situation.

However, the development and implementation of these voluntary conservation agreements and subsequent reintroduction of black-footed ferrets on private lands requires funding. Again, do you agree that Federal agencies could do more to promote voluntary conservation activities for black-footed ferrets and for species across the Country, if they had some additional financial resources?

Governor Gordon. Mr. Chairman, Ranking Member Carper, I do agree that that would help. I also think the certainty that this bill provides also helps in promoting more cooperation between landowners.

Senator Carper. All right, thanks. I have another question; I will just probably end up having to ask it for the record. You mentioned the roles the courts that are playing in review of these matters. It is my fourth term in the U.S. Senate, and in my first term, I was one of the lead Democrats on class-action reform. In my second term, I was one of the lead Democrats on asbestos litigation reform.

I have never been a big fan of venue shopping. I have never been a big fan of venue shopping, which you raised. In testimony we had just in the last couple of weeks, right here in

this room, we talked about the decision by a, I think, a District Court decision with respect to this issue, and then we talked about a three-judge panel, a unanimous three-judge panel, I think this was Ninth District Circuit Court of Appeals.

At the end of the hearing, I asked our witnesses, what kind of remedy was prescribed by the courts. And three items were mentioned. Two were fairly straightforward, one was more difficult, and I would just ask you to take a look at, and we will provide for you, the three remedies that were heard literally in this room a couple weeks ago, and ask you just to get back to us, as to which you think have merit or actually are doable. Thank you.

And again, it is very good to see you.

I am going to slip out; I have another hearing going on in the Committee on Homeland Security and Government Affairs with the Secretary of the Department. I will be back, but I may miss you when I return, so thank you so much for joining us, again.

Senator Barrasso. Thank you.

I think we have Senator Capito now, joining us remotely.

Senator Capito. Yes. Thank you, Mr. Chairman, and thank you Governor, for being in our committee today. I am sorry I am not there in person, but I am actually quarantining, so I am doing what the CDC is telling me to do.

In mentioning some of the cooperative workload on this that

the State and the Federal Government do, I was wondering, and you might have mentioned this, and I might have missed it in your statement, is there an example there of an innovative habitat or species conservation plan that has been put forward first by Wyoming itself as a State plan, that it might be used as an example of ways that a State can really bring about the solutions granularly and help the Fish and Wildlife Service and others meet these challenges?

You mentioned the sage-grouse earlier, I didn't know it that was an example of that.

Governor Gordon. Thank you, Mr. Chairman, Ranking Member Carper, and Senator Capito. The sage-grouse, in the core area strategy, first developed under Governor Freudenthal and then improved under Governors Mead and I hope I have played a small role, I think is exactly the right example. It was a State-led process that established a way to bring groups together to really discuss what are the core area habitat needs, and then to work with landowners and agencies to devise a program that has worked and has stood as an example for other Western States.

Senator Capito. With that being said, then, as you move forward with that plan, when trying to collaborate with Fish and Wildlife, was that a contentious kind of role, or was it a total collaboration, the State leading the way with the Fish and Wildlife being an integral part of that?

Governor Gordon. Mr. Chairman, Senator Capito, it is a working group. We have a sage-grouse implementation team with a number of stakeholders that are on it. They work through process, and I won't say that it is all, that it is always a happy discussion. Sometimes there are serious conversations about, for instance, in the latest addition, how do we work to expand sage-grouse habitat, even if it is outside of core areas. Sometimes, that doesn't go as happily as other discussions do, but they always work through it.

Senator Capito. Great. Thank you. I know that you mentioned in your statement, the sue and settle lawsuits that are very prevalent in this area. We have an issue with the Guyandotte crayfish over in my State of West Virginia, which is really impacting the ability of a part of my State to try to recover, and you could certainly identify with, being from Wyoming, from a major downturn in thermal coal. So we are finding ourselves at odds with this.

How are you meeting that challenge in Wyoming? It is frustrating for us in West Virginia; it has to be frustrating for you in Wyoming as well, and sometimes I think when we are trying to present our different sides, we are not actually talking to one another, we are sort of talking above or at one another.

How have you worked on the issues of the economic

development issues as they are met with the sue and settle lawsuits?

Governor Gordon. Thank you, Mr. Chairman, Senator Capito, I would say that is the reason we are talking as much as we are about the grizzly bear. The grizzly bear is an animal that we have twice before worked on rules that could delist. As I said, the population has grown substantially, and we are frustrated at every turn by the same venue and what-if scenarios.

That is the reason I think this bill is so essential, because it allows for us to test whether the hypothesis works, and it provides the safeguards and safety valves that allow for a relisting should that be absolutely essential.

Senator Capito. Thank you. Thank you, Governor. Thank you, Mr. Chairman.

Senator Barrasso. Well, thank you so very much, Senator Capito. We appreciate your participation from West Virginia.

Senator Cramer?

Senator Cramer. Thank you, Mr. Chairman, and thank you, Governor, for being here and for your very good testimony.

I wanted to say amen several times, but instead, I will just focus a question or two on what I thought were a couple of the highlights, frankly, highlights of the legislation.

I have never been a governor, although there have been several in the room today already. But I was a State regulator,

and one of my greatest frustrations in regulating at the State level federal rules and laws, was when the Federal Government would try to impose its mediocrity on North Dakota's excellence.

You have spoken to the challenge, and probably the greatest inhibitor to success, and I deem success, at least, in part to getting species delisted. We are working on over 2,300 species and plants on the list today. Since 1973 only 60 have gotten off the list, so my measure of success, I think, would be delisting.

I think one of the highlights of the legislation for me, and you pointed this out, is, of course, the prohibition on litigation or federal lawsuits or lawsuits in federal court during that State period, that period of after the delisting, or after success, in my view, of that State monitoring period. I find that really critical. I find it as common sense.

But the argument against it, of course, is that, oh, we can't do that because, you know, the citizens have to have a venue. I think back to my days as a North Dakota regulator, and Wyoming is very similar to North Dakota in lots of ways other than the mountains and the grizzly bears, but, and I think, gee, who do the citizens have the greatest access to, if not their State legislators, their State governors, their State regulators?

I would think it is similar in Wyoming. Do you have pretty

good access to good people, whether they be landowners, conservationists? In most cases, they are the same people, the same stakeholder groups.

Governor Gordon. Mr. Chairman, Senator Cramer, I think you speak exactly correctly. I think citizens have the best access to State agencies. I think that State agencies have people on the ground that work directly with landowners, and I think that the State involvement, that this particular bill promotes is absolutely essential to any working solution.

The point you made about the Federal Government's sometimes one-size-fits-all challenges just don't make sense on the ground. So I think having States involved, citizens involved early, makes for a good dialogue that is absolutely essential. Then again, you know, from the suing kind of provisions, what is essential is that we talk about what has happened, not necessarily what might happen or what you didn't consider when you were thinking about that. We can continually, the perfect, sometimes, is the enemy of the good, and the good thing that this Endangered Species Act did was to promote the delisting of animals.

Senator Cramer. For sure, and of course, it also encourages voluntary participation in that effort. Wyoming, like North Dakota, has a lot of volunteers, again, landowners, environmentalists, professionals, and users of the land, in the

case of Federal lands where there is a lot of multiple use. They all care about the same thing, and, I think, want the same outcome. But I would think they would find it rather demoralizing to continually work to get something, to get a critter delisted, but only to have their success punished in the courts.

Governor Gordon. Mr. Chairman, Senator Cramer, I think it is demoralizing, talking to some of my landowner neighbors, absolutely, for a number of reasons.

Senator Cramer. Well, thank you again for appearing. Thanks for your care about this and for your excellent testimony.

I might just say, Mr. Chairman, that a lot of people are wondering, what is going to be the main issue when you talk to President Trump's next nominee to the Supreme Court of the United States? Mine is going to be this issue. That is, what is the proper role of States with our Federal Government in our federalist system, because I think we have lost track of it for decades, and that erosion needs to be stopped and, I think, reversed. I think the Endangered Species Act is one of many examples, so thank you.

Senator Barrasso. Thank you so much, Senator Cramer.
Senator Braun?

Senator Braun. Thank you, Mr. Chairman.

Taking off on what Senator Cramer just said, I share the same concerns that interplay between State and Federal Governments, especially when it comes to how we pay for things. That was interesting, hearing your discussion earlier, where you thought the Federal Government needed to do more. I think that is something that everyone that comes here to testify or to discuss anything, probably has that point of view.

I think the even larger challenge is that this place is probably going to be in a position out of necessity to do less over time, and I know that can be discouraging and disappointing to many. So I think that when it comes to whatever the responsibilities between States and the Federal Government, it is also going to be viewed in the context of how we have evolved over time to where, keep in mind, we borrow 23 percent, we borrow 23 percent of everything we spend here on an annual basis.

So for anyone listening, and especially people that come here to testify, I would hedge my bets a little bit on things that you want to make sure that get done in your own particular States, even when it does sound so imbalanced in what you cited.

Pleasure to be speaking with someone, too, that comes from the business world. I am freshly out of it. Some of the differences between being here and running something, or you got that accountability, I think, probably, is more what a governor

has to contend with.

I want to make sure, because I have one particular instance here in my home State, I want to describe it to you briefly and then see if you think that there would be remedies within the amendments that we are kind of talking about that would help this local concern be heard over all the other stuff that is involved with the Endangered Species.

In my State, there is a place called Lake Freeman. Since 2012, following low waters, that was a drought year, in the Tippecanoe River, the habitat for protected, freshwater mussels, the U.S. Fish and Wildlife Service has ordered the local electric company, which also has its own regulatory body, to release water through its dam out of Lake Freeman to raise the river's water level to protect six species of mussels. Of course, I am for that. I am a conservationist. I believe we have to do whatever we can to keep endangered species from becoming extinct.

In this case, it has had a devastating effect on the local economy, because you can't put a boat into the water. The water level is three to five feet below the dock levels. Do you feel comfortable with what we are doing here that a grievance and a concern like that would be aired through the amendments we are proposing?

Governor Gordon. Mr. Chairman, Senator Braun, I do believe

that this act provides better access by engaging local citizens and local governments earlier in the process to be able to find a solution that can best balance the needs of both the species and the economic interests that are there.

I do believe that this act is a vast improvement. Is it perfect? Probably not, but on the other hand, I do believe that that is the best place for that solution to be found, at the local level.

Senator Braun. Well, thank you, that is good to hear, and I think that will be kind of good for the folks at Lake Freeman to hear as well.

I think, as we move forward to try to have that delicate balance between State and federal obligations and who pays for it, we need to make sure, at the grass-roots level, that anyone impacted is heard, as well. Thank you so much.

Thank you, Mr. Chairman.

Senator Barrasso. Well, thank you.

Thank you, Governor, for being here. We appreciate your being here to testify. We have a second panel, and you are more than welcome to stay and listen to them. There may be members of the committee that supply to you questions for the record, and we would ask that you try to reply and get those answers back to us in two weeks, so thank you, Governor. We are so grateful for your coming to D.C. to visit today to share your

thoughts, your experience of your 41 years of commitment to this topic from Wyoming with all the members of the Senate and the committee. Thank you, Governor.

Governor Gordon. Thank you, Mr. Chairman, and members of the committee.

Senator Barrasso. Now, I would like to welcome our second panel. Two members will be here, one directly, and one remotely, Ms. Priddy and Ms. Clark.

I would like to welcome both of you here, Ms. Priddy in person, Ms. Clark, from Virginia. Ms. Priddy, I would like to ask you first to proceed with your testimony. Welcome to the committee.

STATEMENT OF ALIESE PRIDDY, OWNER AND OPERATOR, JB RANCH

Ms. Priddy. Thank you. Good morning Chairman Barrasso, Ranking Member Carper, and members of the committee. I am Leisa Priddy, a native Floridian, and third-generation cattle rancher.

As a rancher, I am also a conservationist, managing and improving landscapes for my livestock as well as habitat for a wide variety of species, including those protected under the Endangered Species Act.

I come to this committee today to offer testimony that is representative of the varied hats I have worn throughout my career, which give me a unique perspective on the ESA and how to make species management and recovery efforts more successful. I hold a bachelor's degree in finance and also in environmental studies.

In addition to running my ranch in Southern Florida, I have served in a variety of wildlife and conservation leadership positions. I was appointed by then-Governor Rick Scott to serve a six-year term on the Florida Fish and Wildlife Conservation Commission, and have served on the Ave Maria Stewardship Community District Board since its inception in 2005.

My testimony today draws from each of my experiences that have allowed me to work with environmental groups, wildlife managers, ranchers, and government officials, who all want the same thing: a good outcome and brighter future for species,

especially those that need additional protection to thrive. My testimony today will focus on two distinct themes: empowering and including non-federal expertise in ESA implementation discussions, and whether the ESA as currently implemented is meeting all of its objectives, and if not, why.

Mr. Chairman, as a former Fish and Wildlife Conservation Commissioner in a State that currently has more than 130 species protected under the Endangered Species Act, I appreciate that your bill recognizes the incredible investments States like Florida have made in wildlife conservation and recovery efforts. Each year, States spend billions of dollars managing species and ensuring their lands are filled with robust populations of the plants and animals that call them home. I saw this first-hand as a commissioner through the efforts made to recover panthers and manatees, and I know that Florida is not alone in that commitment.

States are uniquely positioned to coordinate resources from private landowners, ranchers, industries, non-governmental organizations, and regional authorities to ensure the best outcomes. It is for that reason I fully support your proposal to allow States to lead recovery teams during the ESA process. States have primacy over wildlife management, meaning they bear sole responsibility for ensuring laws, science, and partnerships are in place to have robust populations. In cases where a

species needs additional assistance, States' knowledge, authorities, and partnerships are invaluable. Allowing States to demonstrate that leadership recognizes their broad capacity to manage and provide certainty to ranchers like me, who have invested in conservation activities.

Further, States work with ranchers and other groups to engage in voluntary conservation efforts, even outside the ESA context. These voluntary efforts provide predictability for ranchers, land managers, and regulatory authorities alike, and are often the basis for longstanding partnerships. Your proposal to allow voluntary conservation efforts to be factored into ESA determinations is a recognition of the value of these voluntary efforts, and allows for the ESA determination process to be more accurate.

I always try to make well-informed decisions, and the Fish and Wildlife Service is no different. Allowing them to recognize these voluntary conservation agreements is just common sense, and will make these agreements more attractive in future recovery efforts.

I come to this committee today knowing that discussions of changes to the ESA are often met with significant controversy. We hear phrases like "gutting the ESA," but most of that emotional signaling is based in fear. We are all concerned about what would happen if the ESA weren't effective, but I

think in large part, we are already there. The ESA has achieved some significant and popular recovery efforts. The bald eagle and the manatee are just two examples. But thousands more species have languished on the list due to lack of attention and a system that just hasn't worked for them.

In your bill, you recognize several challenges that have made the ESA less effective over time: a system that doesn't account for local and State expertise, an inefficient way to prioritize resources to the most imperiled species, and a system that makes it almost impossible for the Fish and Wildlife Service to have the ability to declare victory when recovery is achieved.

I have some additional comments, Mr. Chairman, but I understand that my time is out, so I will turn it back to you, thank you.

[The prepared statement of Ms. Priddy follows:]

Senator Barrasso. Well, thank you so very much. We appreciate your being here and traveling from Florida.

I note that our head of Game and Fish in Wyoming is here, Brian Nesvik, who is a former game warden. You probably have a lot of overlap, and have a chance to maybe visit after the hearing, but thank you so much for being here with us.

We are now going to turn and go remotely to Leesburg, Virginia, where we will be joined by Jamie Rappaport Clark, who is the President and Chief Executive Officer of Defenders of Wildlife. Thanks so much for being with us today.

STATEMENT OF THE HONORABLE JAMIE RAPPAPORT CLARK, PRESIDENT AND
CEO, DEFENDERS OF WILDLIFE

Ms. Clark. Thank you. Good morning, Mr. Chairman, Ranking Member Carper, and members of the committee.

My name is Jamie Rappaport Clark, and I am the President and CEO of Defenders of Wildlife, a national non-profit conservation organization dedicated to the protection of all native plants and animals in their natural communities. We represent more than 1.8 million members and supporters across the United States.

Thank you for inviting me to speak about my experiences conserving imperiled species under the Endangered Species Act. My testimony draws from almost four decades of experience in wildlife conservation in the Federal Government, the nonprofit and private sectors, including service as Director of the U.S. Fish and Wildlife Service under President Bill Clinton.

Before I discuss the legislation being considered here today, it is important to first recognize that we are in the midst of an alarming and catastrophic biodiversity crisis. A biodiversity crisis is not a far-away problem; it is unfolding here and now in the United States. Study after study has shown that this is a pivotal moment for wildlife, and ultimately, for humanity.

A recent global assessment on the status of biodiversity

and ecosystem services found that as many as one million species are facing extinction. Just last week, the United Nations Convention on Biological Diversity released a sobering report warning that humanity is at a crossroads, and the extinction crisis is intensifying.

We are losing species faster than ever before in human history, and this devastating loss is even further exacerbated by the impacts of climate change. Our actions now will determine if our Country will endure and our planet will sustain our priceless natural legacy for generations to come. If we don't act now, science tells us the consequences will be dire.

The United States can and should lead the way by establishing a national strategy focused on stemming the loss of biodiversity, which includes fully funding the Endangered Species Act. The legislation being considered today would take us in the wrong direction at this critical moment for our planet.

The ESA is our Nation's flagship law for conserving and recovering imperiled species, and is the cornerstone of our commitment to preserving life on Earth, and it is a strong foundation on which to build a national commitment to conserving biodiversity. Since its enactment more than 45 years ago, it has been remarkably effective at protecting our Nation's biodiversity. Almost every listed species is still with us

today, and hundreds are on the path to recovery because of the protections provided by the Endangered Species Act. However, woeful underfunding and inconsistent implementation have rendered it less effective than Congress envisioned, or any of us expected.

The bill before the committee today does not strengthen the ability of the ESA to conserve imperiled species. Instead, it significantly rewrites key portions of the law to prioritize politics over science. It inappropriately shifts responsibility for key implementation decisions from the Federal Government to the States, many of which do not have sufficient resources or the legal mechanisms in place to take the lead in conserving listed species. It places significant new administrative burdens on already overburdened agencies, both Federal and State, and it turns the current process for listing and recovering threatened and endangered species into a far lengthier and less transparent process that precludes public and judicial review of key decisions.

These proposed changes to our Nation's most effective law for protecting species from the finality of extinction will result in significant harm to at-risk species and their habitats, undermine collaborative conservation efforts, and blatantly ignore what scientists are telling us over and over in unified voices, further compounding the environmental challenges

we are facing today. Preserving our wildlife in their habitat is a responsibility that transcends human lifetimes.

Our future depends on the actions we take now. Turning the tide on biodiversity loss and addressing climate change will not be easy, but our path forward as a society depends on it. At this critical moment for the biological health of our planet, the Nation must renew its commitment to conserving imperiled species and their habitats, not undercut the laws that protect them.

Regrettably, the legislation being considered today would weaken the ESA and make it harder to achieve the progress we must make to confront the disturbing rate of extinction our planet is facing and address the devastating loss of nature that we know is real.

Thank you, Mr. Chairman, for the opportunity to testify, and I am happy to respond to any questions.

[The prepared statement of Ms. Clark follows:]

Senator Barrasso. Well, thank you so very much for joining us today remotely. We appreciate it.

We do have a number of Senators who are looking forward to asking questions, and let me start with Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman. I think that ESA reform is long overdue, and I think that it is an issue that, when I was Attorney General for the great State of Alaska, it actually had bipartisan support among all the AGs, particularly the Western States Attorneys General, just because we recognize, both Democrats and Republicans, that although the law has a lot of important aspects to it, there has been a lot of abuse to it as well.

Ms. Priddy, I have some questions for you. One, I appreciated your focus on the ability of States. My State has a really, really professional and outstanding Department of Fish and Game and some of the foremost experts on the species in Alaska, some of the foremost experts on these species in the world. They also understand how imperative it is to be able to balance protection of the species, which we all want, but also economic opportunity for our citizens and jobs.

Let me ask a couple of questions. One, can you talk a little bit more about where you believe the States' role should be, particularly given the expertise that a lot of States bring to these issues and the understanding of the economic balance

that needs to be struck, versus Federal agencies that often don't have that deep kind of understanding?

Ms. Priddy. Well, I think that States have a very unique perspective on everything that goes on in their State, both economically and for conservation efforts. There are other agencies within the State, also, that can contribute to that, especially in Florida. We have our own Department of Agriculture, we have different environmental commissions that overlook everything. So I see them working together as a group, and being able to address those situations that are unique to their State.

Senator Sullivan. Let me ask a follow-up. Some of my colleagues on the other side of the aisle who particularly want all the power in the Federal Government, say well, you can't really trust the States. They don't really care about the species or the people. They don't understand the "science." A lot of times, they use the word science.

Trust me, during the Obama Administration, I saw the abuse of science in my State of Alaska all the time, all the time. Don't even get me going on that one.

But how about that argument that we often hear, well, you can't really trust the States? Isn't it actually the opposite, the States are on the ground with the people, with the expertise, knowing the species that are unique to the ecosystems

of Florida or Alaska? Isn't it better to trust the States? Isn't that a more effective way to effectuate effective ESA policy?

Ms. Priddy. Well, I would certainly take exception to the position that the Federal Government is better, in a better position to manage these endangered species. In fact, having been a Florida Fish and Wildlife Conservation Commissioner, it is really almost offensive.

Senator Sullivan. Yes. I agree with that.

Ms. Priddy. I have seen firsthand how engaged our State has been. Of course, speaking for Florida only, we were able to keep our black bear from being considered for listing because of the exceptional efforts that were made, and I also see how our State on a regular basis provides greater funding than the Federal Government does to species that are already on the list.

Senator Sullivan. Let me follow up on that. I agree exactly with what you just said.

Again, I think there is a lot of area for bipartisan reform. Let me give you one example. Some of the more extreme radical groups, Center for Biological Diversity, for example. They have undertaken this, and trust me, they try to shut down my State all the time, kill jobs, the whole bit.

They have undertaken these examples of multiple listing petitions, where they literally look to list 50, 60, 70, 80.

Most people, even my colleagues on the other side of the aisle believe that is the kind of abuse that has taken place under the ESA that needs to be reformed. I think even the Obama Administration agreed with that, in general.

Do you agree with that, those kinds of abuses? Are there other abuses to the Federal law right now? We all want to make sure we have robust species, protect our environment, protect our species. But what are some of the abuses that you see in the current ESA that we could address that you think would be important?

Ms. Priddy. Absolutely, I don't agree that litigation is the way to go. I think it ties up resources that could be used better elsewhere, working together. Because the goal that everybody wants is the removing or delisting of the species from the list. I think that the bill having that five-year period after a species is delisted would be an exceptional opportunity for the States to show what they can actually do. So I think that is a key component of the bill that would definitely help the States.

Senator Sullivan. Great, thank you. Thank you, Mr. Chairman.

Senator Barrasso. Thank you very much, Senator Sullivan.

Senator Cardin?

Senator Cardin. Thank you, Mr. Chairman, and I thank all

of our witnesses.

First, I would like to ask unanimous consent to submit letters signed by the Southern Maryland Audubon Society, the Audubon Naturalist Society of Chevy Chase, Maryland, and Born Free USA, an international wildlife conservation and animal protection organization, headquartered in Silver Spring, Maryland, expressing oppositions to the legislation that was drafted on behalf of the thousands of members of these organization, for the record.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Cardin. Mr. Chairman, I just really want to agree with my friend from Alaska. We want to work in a bipartisan manner. The Endangered Species Act has been a critically important law for the environment, and both Democrats and Republicans agree on it. So reform should be done together.

I take issue with the Chairman's bill not because of the sincerity of it, but because I just don't think it deals with the fundamental problems that we have in the Endangered Species Act, as Senator Carper has pointed out.

In my State, I know that we were successful in dealing with the Delmarva fox squirrel. We got it delisted. But we did that through management, which requires resources. If we are looking at reform, we need to find out how we can get adequate resources to have the right type of management so that we can, in fact, have more success stories.

Over 50 species have been successfully recovered and no longer need Federal protection. That is exactly what the Endangered Species Act is about, is to set up systems so that we can, ultimately, remove the species from the endangered species list.

I want to ask Jamie Clark a question, if I might, and that is, in my State of Maryland and in our region, the Chesapeake Bay is, of course, one of our great environmental challenges, and all the stakeholders in our State and our region come

together, Democrats, Republicans, the State government, the local governments, the landowners, the developers, the local governments and wastewater management, our farmers, in an effort to save the Chesapeake Bay.

Part of that is to make sure we have the species that give for a healthy bay. I would just like to get your view as a matter of priority in dealing with the Endangered Species Act, what impact will a change in judicial review have on our efforts versus additional resources that we need in order to deal with the species protections?

Ms. Clark. Thank you, Senator. Well, first of all, the Chesapeake Bay is a fabulous example of an ecosystem that has, what, five States, multiple jurisdictions coming together to conserve a pretty spectacular ecosystem. It is managed by this national overarching authority of the Endangered Species Act, and one of the most important pieces of legislation to guide recovery of the bay and all of the attendant tributaries and land around that system.

Since the Chesapeake Bay spans five States and numerous endangered species, this bill could introduce all kinds of confusion as to whose [indiscernible]. Without the National overarching federal involvement and federal stewardship that is governed by the Endangered Species Act today, there is going to be a complete breakdown, or could be a complete breakdown, over

who has authority to make decisions and how those decisions are made without the overarching national imperative.

Judicial review, the whole issue behind the litigation and so much of the debate on litigation today is very much tied to high-profile litigation on high-profile species. I get that. But the citizen suit provisions in the Endangered Species Act, as well as other laws, really are just there to help hold agencies accountable. I remember that clearly from my time in government, for sure. They hold agencies accountable to uphold the law and allow citizens that engagement.

Citizens deserve and should have a role in holding agencies in our government accountable to help Congress ensure that the laws that they enact [indiscernible] appropriately. The majority of the litigation wrought by the environmental community is about deadlines. That is completely tied to inadequate resources, and frankly, the majority of litigation on the ESA is brought by industry and property owners than by conservation groups.

So we can debate the issue of litigation, but it is a check and balance, and it is essential to holding our decision-makers accountable for upholding the law.

Senator Cardin. Let me just make one correction: there are six States in the Chesapeake Bay.

Ms. Clark. Oh, okay, sorry.

Senator Cardin. I wouldn't want to leave any of our States out. Secondly, let me just underscore the point that you made in that the Chesapeake Bay Program is basically from the States coming together. It is a State-initiated program, as the Endangered Species Act, we want the States to be actively engaged.

Ms. Clark. Absolutely.

Senator Cardin. But you need to have an umpire here. You need to have some cohesiveness here, so that everybody does what is right. That is why we have the federal partnership on the Chesapeake Bay, as we need to be able to enforce endangered species laws sometimes when States aren't doing what they should be doing on management.

Thank you, Mr. Chairman. I appreciate this hearing.

Senator Barrasso. Thank you, Senator Cardin.

Ms. Priddy, if I were to just ask you, the bill that we are talking about today seeks to promote regulatory certainty, and it does that by encouraging stakeholders to enter into conservation agreements and to invest in conservation efforts.

We heard from Governor Gordon a number of the things that are being done in Wyoming. This includes ensuring that such agreements and efforts are formally considered when deciding whether or not to list a species under the Endangered Species Act.

So I would like to ask you, the bill also provides increased funding to support proactive, voluntary conservation activities undertaken by private landowners. You found yourself in that situation. How will these provisions further motivate landowners and rancher to engage in voluntary conservation of the land?

Ms. Priddy. Well, ranchers are business people, and business people like certainty, as much as oftentimes there isn't as much as we would like to have. I think that the bill, in considering some of these efforts to be good conservationists, would allow us some more of that certainty to take into consideration while we are doing our business planning.

I know myself, we have a conservation easement on our property. It is an agricultural conservation easement, but we were willing to put that property aside in perpetuity, knowing that that property can never be developed. So it gives the public certainty, and it gives us as landowners certainty.

It is probably not a surprise that whenever ranchers are told, we are from the Federal Government and we are here to help you, they might meet with some skepticism. So anytime we can have especially Federal regulatory certainty, it is helpful.

Another effort that we are involved in is habitat conservation plan for landowners in our area, which, again,

working with the U.S. Fish and Wildlife Service will give you that certainty. One of the problems with seeking that HCP is the length of time that it takes. I think that that is a reflection on the resources that are limited within the Federal Government that have to be spread so thin.

Senator Barrasso. Let me ask you one other question. In 2018, we had testimony before this committee by Nick Wiley, who is the former -- I think you know -- Executive Director of the Florida Fish and Wildlife Conservation Commission. He stated in that testimony, he said "current provisions and interpretations of the Endangered Species Act," he said, "still result in significant roadblocks, limiting use of our ability to participate as a full, jurisdictional partner."

So, he cited black bears, manatees, as examples where Florida should have been more closely involved as a State. So how would this legislation improve State's abilities to participate in the listing and delisting of species? Why would that be good for conservation?

Ms. Priddy. Well, I think Florida has so many great examples of species that the State has dedicated tremendous resources, folks on the ground, financial resources. Oftentimes, it is far in excess of what the Federal Government is able to dedicate to the recovery of that particular species, the manatee being a great example. I truly don't think that the

manatee would have recovered like it has unless it had the support of Florida.

The bear, as I mentioned before, we were actually able to keep from being delisted because of efforts that Floridians and the FWC put forth to take the steps and do the research that was necessary to keep it off the list. It is a recovery story that any State would be happy to have.

Senator Barrasso. Thank you. Thank you for that answer.

I would like to now turn to Senator Booker.

Senator Booker. Thank you, Mr. Chairman, and Senator Carper, as well.

I want to start off by saying that the Endangered Species Act, and I hope we can all agree, it has been really successful in a sense that 99 percent of all the wildlife under its protection have been saved from extinction, 99 percent of a success rate. And while the huge task of recovering a species from the brink of extinction is often a decades-long endeavor, the majority of species that have been listed under the ESA are recovering within the time frames that were projected.

But let's recognize, though, just how dire of a global crisis we are in. We are in one of the handful, going back to the dinosaurs, one of the handful of global extinction crises. It is estimated right now that one in six species are threatened with extinction in this century alone, one in six. According to

a report recently released by the World Wildlife Fund, it is estimated that the global populations of fish, birds, mammals, amphibians, and reptiles declined by 68 percent between 1970 and today.

It is incredible. It really means that we have lost more than two-thirds of all wildlife in the last 50 years. Species are going extinct right now thousands of times faster than natural extinction rates.

These are staggering, tragic numbers that we all have to recognize for the sake of humanity, because this is not just a crisis for wildlife, destruction of habitat, and loss of biodiversity. It is a threat to humanity; it is a threat to all of us. Because we rely upon nature for food, shelter, medicine, and so much more.

Scientists are telling us that if we want to prevent another pandemic like the coronavirus, for example, from happening, we need to stop destroying forests and other ecosystems. They are directly related to the spread of such global pandemics.

Yet right now, today, in the United States, we are losing, on average, a football field's worth of natural resources of natural areas to development every 30 seconds. Every 30 seconds, a football field's worth of natural areas are being lost to development.

Given the crisis we are facing, I believe that this bill we are considering today is actually a step in the wrong direction. Rather than focusing on ways we can increase our conservation efforts and increase our funding for protection and to protect species at risk, this bill moves us away from the use of the best available science and would delay and restrict judicial review.

This is not a choice between jobs and our economy and protecting our natural species and wildlife. It is actually something that we can do both. In fact, if we look ahead more than just two years or four years or 60 years and election cycles and look decades into the future, taking action now will actually save tremendous economic opportunity and well-being in future generations.

What I would like to do with the short remainder of my time, about two minutes, is ask Ms. Clark, to give you the remainder of my time, just to expand upon the comments you made in your opening statement about this crisis we are facing, this global extinction event that we are in, and what natural biodiversity strategies might address the crisis that we are in.

Ms. Clark. Thank you, Senator. Well, you did a fabulous job teeing it up, so thank you for that. I will just amplify on your comments.

We have one million species at risk of extinction, it is

huge, huge from every taxonomic group. Seventy-five percent of land and 66 percent of rain habitats are already significantly modified. Populations of wildlife are dramatically reduced worldwide, and certainly here in the United States.

You mentioned the Living Planet Index that came out just a few weeks ago, very sobering news for our world. Coral reefs are now half their historic size, and they are essential to the health of our marine environment. All signs are pointing to dramatic declines of biodiversity, and the looming [indiscernible].

And you also mentioned, Senator, which I would agree with, is that the effects of a biodiversity crisis extend to us. So goes nature, so goes us. We have a half a billion dollars of crops at risk every year because of the loss of pollinators. That will collapse the food industry. The zoonotic disease, you mentioned coronavirus, the COVID-19 crisis, as well as many other diseases result from a decline in clean, fresh water, and the list goes on and on.

But to the national biodiversity strategy you asked me about, we know we are facing a biodiversity crisis. That is unequivocally clear. Yet we haven't adopted a strategic vision for just that crisis, and we need to. We can, and we should. We need to set a policy for protecting our natural heritage on a continental scale, and direct federal agencies working with

States, Tribes, and other stakeholders to advance that goal in a very systematic fashion.

Senator Barrasso. Ms. Clark, if I could just, because the Senator turned over his remaining time, we have Senator Gillibrand wanting to ask a question, so if you wouldn't mind, I want to go to Senator Gillibrand.

Ms. Clark. Certainly.

Senator Barrasso. Senator Gillibrand, the floor is yours. Is she not there?

Senator Duckworth, if you are standing by, if I could turn to you first while we are trying to get Senator Gillibrand connected. Senator Duckworth?

Senator Duckworth. I am ready to go, Mr. Chairman.

Senator Barrasso. Thank you. Please proceed, thank you.

Senator Duckworth. Thank you so much. I would like to thank both you and the Ranking Member for having today's hearing, and also to Ms. Priddy and Ms. Clark, I thank you both for joining us here today.

My first question has to do with the measuring of success for the Endangered Species Act. My Republican colleagues often point out that only 39 species have ever been delisted from the Endangered Species Act after experiencing a population recovery. However, a different measure puts the Endangered Species Act in terms of how few species that have been listed have gone

extinct.

Ms. Clark, can you elaborate why this second measure, where you look at how few of these species have been listed, have actually gone extinct is a better picture of success for the Endangered Species Act? Thank you.

Ms. Clark. Certainly, thank you, Senator. The Endangered Species Act is a law of last resort. Species come onto the Endangered Species Act and are protected by that statute only after States and other local authorities and protections have failed. So oftentimes, by the time a species is listed and protected by the Federal Government, it is in pretty dire shape and bumping up against extinction.

That typically happens after decades of decline, so we shouldn't expect species to just flip and turn around. It is not like flipping on a light switch when the Endangered Species Act comes into its protective status.

What is remarkable about the number of species on the list is how many of them have continued to sustain, knowing that we got to them almost too late. The fact that so few have gone extinct after being protected by the Endangered Species Act is a remarkable measure of success. The expectation that species would recover overnight, or even quickly given the dire straits most are in by the time they are protected by the law, is an inappropriate measure for sure, and often affected by lack of

funding that is invested to allow those species to begin their recovery journey.

Senator Duckworth. Thank you. The Endangered Species Act provides a critical framework, as you were saying, to protect endangered and threatened species and their habitats. A study in 2018, I understand, found that one-fourth of listed endangered species lack final recovery plans. Of species that do have plans half of them took more than five years to finalize after a species was listed and half of all recovery plans are more than 20 years old.

In order to ensure that the Endangered Species Act can provide meaningful protection to endangered and threatened species, it needs secure and sufficient funding to make sure that these plans can be completed, updated, and kept relevant, and that the work of saving these species can be completed.

Can each member of the panel briefly speak to the role funding plays in conserving these species? I would like to turn over the remainder of my time to the panelists to answer this question. Thank you.

Senator Barrasso. Thank you so very much, Senator, I appreciate it.

Senator Duckworth. Thank you.

Ms. Priddy. I guess I will go ahead. This is Liesa Priddy.

To address that question, yes, I think that funding is essential to being able to successfully recover these species. But again, I feel that in many cases, it has been the States, on their shoulders, to fund the efforts that are made for these species' recovery. Often, the Federal funding just isn't there to provide all the resources that are needed for each individual species.

Ms. Clark. I would add that the Endangered Species Act has been severely underfunded for decades, and that speaks to both the States' need, as well as the federal need, so States certainly need more resources, as does the Federal Government. The most recent evaluation suggests that less than 25 percent of the recovery funding that is needed, that scientists say is needed for the species that are listed, has been provided at either the Federal or the State level.

So this is pretty dire. We can't expect species to recover without investment. The States are doing the best they can; the Federal Government is doing the best it can. But this is really, basically an issue about investment and whether or not we are going to address this national commitment that, frankly, is a rounding error of the budget that is deployed for a big part of the government.

Senator Barrasso. Thank you so much, Senator Duckworth.

Senator Gillibrand, I know we have been having a little

trouble technically. Hopefully, you are able to join us now and ask your questions. Thanks so much for your patience.

Senator Gillibrand. I am. Thank you so much, Mr. Chairman.

To Ms. Clark, I am concerned with provisions in this bill that would significantly limit the ability for citizens to use judicial review to hold decision-makers accountable when a species is delisted from the Endangered Species Act. The proposed bill would not allow for judicial review for delisted species until the completion of a monitoring period of at least five years.

If the species is delisted prematurely and loses ESA protections, what kind of damage could occur to that species over a five-year time frame? Second, absent judicial review, what remedies would citizens have to reverse a harmful agency decision before the end of the monitoring period? Last, would you agree that judicial review is important to ensure accountability and national public trust in Endangered Species Act decisions?

Ms. Clark. Certainly. I will try to tackle them in that order, but they might blend. The barring of judicial review for a decision to delist is hugely troublesome because it completely eliminates the ability to hold the government accountable for the decision that they make. So if the science is saying

something different and the community or citizens are not allowed to challenge it, the species will continue to decline, continue to lose habitat, it will be in worse shape than it was before delisting, and the citizens are powerless to assert protections.

If there are politically motivated delistings, pretty significant damage can occur. I find that incredibly troublesome, that agencies can't be held accountable for decisions to delist, but they can certainly be challenged if they list. So that seems to be lopsided, because recovery is guided by science, as is the need to list, which gets at your other questions about the importance of judicial review.

The role of litigation is incredibly important, not to undermine or to attack good decisions guided by science. But the citizen suit provisions in this law as well as other environmental laws help hold agencies accountable, help hold them accountable to uphold the law and allow citizens to help Congress ensure that the laws that they enact are doing what they are supposed to.

So to blame litigation is the wrong victim or the wrong target. This is a law that is guided by science. The species tell us how they are doing, and if species are in decline and there is no way to stop it or no way to interject or intercede, then, worst-case scenario, we could watch something go extinct

with no ability to stop it.

Senator Gillibrand. Well, some of the most visible success stories of the ESA relate to the recovery of iconic, endangered birds, such as the bald eagle and brown pelican. The U.S. Fish and Wildlife Service has also found that more than 46 million people engage in birdwatching, and millions more benefit from their continued presence in the communities and landscapes. Unfortunately, recent studies, including from the Cornell Lab of Ornithology, have found that bird populations are facing long-term declines and significant threats from climate change.

Can you talk a little bit about why the ESA has been critical for recovering birds and why it will continue to be so important going forward? Second, would you also elaborate more broadly on the eco-tourism benefits of protecting other types of threatened and endangered species?

Ms. Clark. Sure. Birds are amazing critters, and they are often indicators for the health of our planet, for the health of the ecosystem. While the bald eagle, the brown pelican, the peregrine falcon have been unbelievable successes, all told, North American bird populations have declined by nearly 3 billion birds since 1970. That is, I think, it is split, like, a million birds from the forest systems, and a 53 percent decline in grasslands. That is a devastating loss for such a significant group of wildlife that Americans love and enjoy

routinely.

We know the success stories that you mentioned, for sure. There are plenty of others that have been delisted due to recovery, and ongoing efforts afforded by the Endangered Species Act are bringing back some amazing birds, like the red cockaded woodpecker, the piping plover, the golden-cheeked warbler, the red knot. It is the Endangered Species Act that is compelling those partnerships and those checks and balances to protect these species from going off the cliff, and it is significantly important.

Birds are so essential to the fabric of life and to the circle, the ecosystem web, that without vibrant bird populations, the entire ecosystems will be in trouble. Right now, I think birds are heavily represented on the list, more than 300 species listed today, and eco-tourism benefits a great segue.

The last survey done by the Fish and Wildlife Service found that more than 100 million Americans participate in fishing, hunting, and other wildlife-associated recreation and spend a \$156 billion while doing so. Eighty billion dollars of that was expended by 86 million Americans who engage in wildlife watching, especially birdwatching.

Especially at a time like this, in the middle of all this pandemic and social distancing, birdwatching is escalating off

the charts. People want to get outdoors; they want to enjoy nature, and they are willing to invest and pay for it. So threatened and endangered species are particularly popular, again among the birdwatchers, and they often, rare bird alerts, pretty exciting in this Country.

The ability to enjoy, whether you are feeding them or counting them or adding them to your life list, the Endangered Species Act has protected some of our most iconic birds, has recovered many of our important birds, and is essential to how we address the biodiversity challenge we are facing today.

Senator Gillibrand. Thank you. Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Gillibrand. Senator Van Hollen, thank you for your patience. We look forward to hearing your questions.

Senator Van Hollen. Well, thank you, Mr. Chairman. Thank you and the Ranking Member and to all our witnesses. Let me just associate myself with remarks from some of my colleagues, since a lot has already been said.

You all touched on the issue of funding for the Endangered Species Act. I think, when the Western governors got together, that was a consensus position, a bipartisan view that we needed more resources.

Ms. Clark, thank you for mentioning the issue of protecting the migratory birds and other birds in Maryland. We have two

national wildlife refuges, Eastern Neck and Blackwater Wildlife Refuge, and they both provide essential refuge for endangered species.

Ms. Clark, let me just ask you about the current relationship between the Fish and Wildlife Service and State wildlife personnel, because during the course of these hearings, it has been my impression from all the witnesses that the Fish and Wildlife Service personnel do collaborate very closely with the State personnel. I know that has been true in Maryland.

In fact, we just passed a bipartisan bill, Senator Capito and myself, called the WILD Act, supported, of course, by Senator Cardin, who we heard from earlier, and others. It is part of the ACE Act now, which would expand the relationship between our State stakeholders and the Fish and Wildlife Service. Can you just, based on your experience, can you discuss the nature of that cooperation as it currently exists?

Ms. Clark. Yes, absolutely. The Fish and Wildlife Service has always taken the relationship and the partnership with the States very seriously. I know I did when I was director, and in fact, Florida is a classic example. Nick Wiley is a good friend. I have great respect for Nick and the work that he did in Florida, and Florida continues to lead the way on a lot of conservation initiatives that benefit species.

Much of the ESA's success is because the Service has

developed partnerships with the States to conserve and recover threatened and endangered species. It is not a debate, and it is not a contest. It takes both the Federal Government and the States working together. The State involvement is particularly important for some of the reasons that were mentioned in the testimony by the Governor and by my colleague from Florida, particularly important given the knowledge base and their relationship with private stakeholders within the borders.

It is important also to note that we talk about the woefully inadequate funding for the States and for the Federal Government to address imperiled species. The last study that was done suggests that the States have only been able to provide about 5 percent of the ESA funding that is necessary to address the needs of the listed species today.

So the current Endangered Species Act is plenty flexible to allow for that State contribution, to respect that State contribution, and to partner with the States to ensure that their roles are expanded and important. But we don't need to risk the act's effectiveness or the national contribution or the national oversight of the law to do that. There is plenty of administrative flexibility.

I have never known, regardless of the political party, there is not been a Fish and Wildlife Director, myself or since me, that has not respected or enjoyed very close relationships

working with the States.

Senator Van Hollen. I appreciate that, and as I read the proposed changes, it is hard for me to identify any other federal law where we are trying to establish a federal backstop here to protect endangered species where the Federal Government, essentially, relinquishes more ultimate control over the results.

In your experience and looking at the proposed draft, what do you think might have happened in some of what we would consider early success stories? For example, I know the State of Alaska opposed adding polar bears to the threatened species list. If this draft were in effect, this proposal, where do you think we would see different outcomes than we have today?

Ms. Clark. First of all, federal oversight through the Endangered Species Act only comes into play when the States have been unable to conserve species within their borders using State means or State authorities. There is not one State today that has a law at the State level equal to the Federal Endangered Species Act. In fact, there are two States, Wyoming, and West Virginia, that have no State protection or no State statute protecting species.

Species like the polar bear were likely not have been listed, and then potentially declined even more significantly because the Federal Endangered Species Act is a national

commitment. The polar bear is of importance to the United States, and so it allows the transcending or the blending of the State oversight responsibilities and management of endemic species within their borders to be balanced with the National commitment to preserving biodiversity within this Country. So it is the blending of those responsibilities.

So I imagine, worst-case scenario, there could be a lot of political vetoing of species being added to the list because the camera lens of the Federal Endangered Species Act transcends State politics and science guides those decisions, and science dictates what species are at the brink of extinction, and how they should be protected. That doesn't mean that the Federal Government should not be working very closely with the States and honoring and respecting State knowledge and State engagement, but this is a Federal law with a national oversight responsibility.

Senator Barrasso. Senator Van Hollen, Senator, I hope you are driving to the vote, because they have just done the five bells for the ending part of the vote, and I hope somebody else is actually doing the driving.

Senator Carper has not yet asked his questions in this round. Would you mind if I went to him at this point? Do you have any last question?

Senator Van Hollen. No, I don't. Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Van Hollen.

Senator Carper?

Senator Carper. I would say to Senator Van Hollen, pedal to the metal. Just kidding. Get on over here.

I would say to our witnesses, welcome, and thank you for joining us today. Nice to see you.

As I mentioned, this would be a question for Jamie Rappaport Clark. As I mentioned in my opening statement last week, the United Nations Convention of Biological Diversity released a report that highlights the severity of the global biodiversity crisis and specifically, reports suggest that addressing climate change is at the heart of stemming the biodiversity decline.

My question would be, would you explain how recovery actions under the Endangered Species Act can help support species like those red knots we have been talking about, who are threatened or endangered due to climate change?

Ms. Clark. Climate change is literally reshaping the biodiversity of this Country, whether it is affecting habitat or shifting migratory patterns or causing species to adapt in ways that we never would have expected, possible or required prior to watching the effects of climate, whether it is increased wildfires, drought, increased temperatures.

The Endangered Species Act is aimed at recovering these

species that are protected by its authorities, and it allows for the innovation of science and the partnership with stakeholders focused on, let's talk about the red knot, focused on the red knot's recovery using adaptive science, adaptive understanding [indiscernible] and allows for the decision-makers and the folks that are involved in recovery of species like the red knot to adjust and address the impacts of changing climate, particularly along the coastlines, which is becoming increasingly significant.

Without the protection and the overarching backstop of the Endangered Species Act, climate and other drivers like habitat loss, invasive species, and so on, would most certainly condemn species to extinction with no kind of check and balance in place.

Senator Carper. Thank you. One last quick question, if I could. We have talked a good deal about funding today, and I am more confident than ever that adequately resourcing State and Federal agencies will dramatically improve Endangered Species Act implementation. However, our legislative solutions that have been proposed in this Congress to provide wildlife funding seem to be focused predominantly on providing funding to States.

As a former U.S. Fish and Wildlife Service Director, do you have concerns whether legislative funding strategy that heavily favors State funding, do you believe Congress should balance the

funding needs of both States and federal agencies? Go ahead, please, and I ask you be fairly brief.

Ms. Clark. Yes. Sorry, I dropped my mouse and couldn't unmute. I apologize.

This is not an either-or, and we keep setting this up as an either-or. We know that funding to protect species on the brink of extinction is woefully inadequate, and it requires for all this energy pushed at States, which we would have to look at where the money goes and how it is tracked and given to State authorities.

The federal agencies are in dire straits themselves, so there has to be some balance. For all the investment in the States there has to be significant investment in the Federal agencies. That is beyond Fish and Wildlife Service and National Marine Fisheries Service. We have land management agencies like the Forest Service, the Bureau of Land Management, the National Wildlife Refuge System, that are managing and stewarding these lands for biodiversity conservation, and greater investments need to be made there if we want to save and protect the species that occupy our Country.

Senator Carper. Thank you. Thank you for your responses.

Ms. Priddy, sorry I didn't get to ask a question of you as well, but time just doesn't allow that.

Mr. Chairman, it has been a good hearing. I ask unanimous

consent to enter into the record letters and materials from stakeholders expressing concerns for the Endangered Species Act Amendments of 2020 and support for the Endangered Species Act. This includes letters from the National Wildlife Federation, Environmental Defense Fund, National Audubon Society, and National Parks Conservationist Association, as well as other national organizations, and all this will be including letters from the Delaware Ornithological, yes, our own Ornithological Society, Delaware Wildlands --

Senator Barrasso. You mean the birdwatchers?

Senator Carper. There you go.

Senator Barrasso. Okay.

Senator Carper. Delaware Nature Society, Christian Council of Delmarva, Department of Natural Resources and Environmental Control Secretary Shawn Garvin, Delaware State Senator Stephanie Hansen, and the American Birding Association, which is headquartered in Delaware. Thank you.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. At the same time, I would like to enter into the record, over 100 stakeholders have submitted letters in support of the Endangered Species Act Amendments of 2020. These includes letters from the Wyoming Game and Fish Department, Wyoming Stock Growers Association, Wyoming Farm Bureau Federation, and the Wyoming Association of Conservation Districts, other State wildlife agencies as well as local and National conservation, sportsmen, agriculture, and governmental interest have also written in support.

I ask unanimous consent to enter these letters of support from stakeholders into the hearing record, and without objection, it is so done.

[The referenced information follows:]

Senator Barrasso. I want to thank all of our witnesses for being part of the hearing today. The hearing record will remain open for two weeks. I want to thank the witnesses for their time, their testimony today. The hearing is adjourned.

[Whereupon, at 11:59 a.m., the hearing was adjourned.]