UNDERSTANDING THE CONSEQUENCES OF EXPERIMENTAL POPULATIONS UNDER THE ENDANGERED SPECIES ACT

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

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NATURAL RESOURCES

CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members

From: Subcommittee on Oversight and Investigations staff, Michelle Lane (Michelle.Lane@mail.house.gov) and Lucas Drill (Lucas.Drill@mail.house.gov) x5–2761

Date: March 3, 2025

Subject: Oversight Hearing titled "Understanding the Consequences of Experimental Populations Under the Endangered Species Act"

The Subcommittee on Oversight and Investigations will hold an oversight hearing titled *"Understanding the Consequences of Experimental Populations Under the Endangered Species Act"* on **Tuesday, March 4, 2025, at 10:15 a.m. in 1324 Longworth House Office Building**.

Member offices are requested to notify Cross Thompson (Cross.Thompson@mail.house.gov) by 4:30 p.m. on March 3 if their Member intends to participate in the hearing.

I. KEY MESSAGES

- Although well-intentioned, the Endangered Species Act (ESA) has been exploited by both the federal government and radical environmental organizations over the years to stifle development and hinder species conservation.
- The purpose of section 10(j) of the ESA was to provide exceptions to the regulatory requirements for experimental populations.
- Over time, previous administrations, acquiescing to radical environmental groups, have weaponized the 10(j) process while ignoring crucial local stakeholder input.
- The negative impacts on ecosystems of experimental predator populations, like gray wolves, Mexican wolves, and grizzly bears, present the clearest examples of 10(j) abuses.
- Not only must the Fish and Wildlife Service (FWS) heed local stakeholder input before introducing experimental populations, but they should also effectively manage the population once placed, by removing those that pose specific risks to livestock, humans, and pets.
- To return to the ESA's original intent, the FWS and the National Oceanic and Atmospheric Administration (NOAA) must prioritize local input from stakeholders on the ground rather than radical environmental groups with conflicting interests.

II. WITNESSES

- **Mr. Dalton Dobson**, Rancher, Dobson Timberline Ranch, Thatcher, AZ
- **Mr. Kent Clark**, Manager, Double R Ranch, Loomis, WA
- **Ms. Robbie LeValley**, Secretary, Public Lands Council, Hotchkiss, CO

- **Dr. Chris Servheen**, Former United States Fish & Wildlife Service Bear Recovery Coordinator (retired), President & Board Chair of the Montana Wildlife Federation, Helena, MT [*Minority witness*]

III. BACKGROUND

Experimental Populations Under the ESA

In 1973, Congress enacted the ESA, "seek[ing] to conserve endangered species and threatened species."[1] Nine years later, the ESA was amended for a second time[2] to reflect the 97th Congress' understanding of conservation needs.[3] This 1982 amendment established a new exception[4] under subsection 10(j) to the ESA's general provisions and prohibitions, titled "experimental populations."[5] Experimental populations under the ESA are now codified in 16 U.S.C. § 1539(j).

The ESA defines experimental populations as "any population (including any offspring arising solely therefrom) authorized by the Secretary[6] for release . . . but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species."[7] The Secretary of the Interior can authorize the release and related transportation of "any population (including eggs, propagules, or individuals) of an endangered species or a threatened species outside the current range of such species if the Secretary determines that such release will further the conservation of such species."[8]

Before the Secretary may authorize the release of an experimental population, they "shall by regulation identify the population and determine, on the basis of the best available information, whether or not such population is essential to the continued existence of an endangered species or a threatened species."[9] Generally, "each member of an experimental population shall be treated as a threatened species" even if that species is listed as endangered elsewhere.[10] Additionally, critical habitat can only be designated for experimental populations that the Secretary determines is "essential to the continued existence of a species."[11] This experimental population exception could also be applied retroactively to populations reintroduced before October 13, 1982.[12]

Because experimental populations are definitionally excepted from "the general regulations that extend most of the ESA's prohibitions," experimental populations are designated through rules promulgated by FWS or NOAA.[13] These 10(j) rules, which follow notice-and-comment rulemaking procedures, contain "the prohibitions and exemptions necessary and appropriate to conserve the designated experimental population."[14]

In 2023, in an attempt to warp the 10(j) exception, the Biden administration promulgated a final rule allowing FWS to broadly introduce experimental populations into habitats outside of species' historical ranges.[15] The text of 16 U.S.C. § 1539(j), however, has not changed since its enactment in 1982.

FWS & 10(j) Populations

At its core, the experimental population exception—particularly in cases of nonessential experimental populations—is a conservation tool designed to help recover species listed as endangered or threatened while easing the "regulatory burden associated with endangered species" and the ESA.[16] When used appropriately, the experimental populations exception can be an effective way to balance successful species recovery with practical considerations.

For nonessential experimental populations, FWS is afforded greater flexibility in species management,[17] and also certain incidental harm otherwise restricted by the ESA would be legal when resulting from lawful activities like traditional management or land use.[18] For example, after FWS biologists introduce an experimental population into a habitat containing public and private lands, landowners can "continue to manage their lands without concern about violating the ESA by inadvertently harming" a member of that experimental population."[19]

However, the experimental populations exception as applied by previous administrations, particularly when influenced by radical environmentalists, tended to focus on harmful preservation rather than effective conservation. This in turn, presents dire consequences for communities into which some species are introduced. The impacts of experimental apex predator populations, like wolves and bears, present perhaps the clearest examples of 10(j) abuses.

Gray Wolves

In 1994, in effort to recover the once-endangered gray wolf, FWS finalized 10(j) rules for two nonessential experimental populations of gray wolves: one in the greater Yellowstone area and another in central Idaho and southwestern Montana.[20] In 1995 and 1996, Canadian gray wolves were brought in to establish these populations.[21] In just five years, the population met all of FWS' initial management

goals.[22] At the time, these experimental population rules empowered private landowners with the ability to protect their livestock and property, provided that certain reporting requirements were met.[23] However, FWS did not initially allow killing wolves to resolve excessive big game predation.[24]

As the gray wolf population quickly ballooned, supported in large part by the experimental population introductions, problems arose. Wolf predation significantly hindered big game herds from "reaching state or tribal management goals."[25] The wolves, as apex predators, preyed on livestock, reduced hunting opportunities, and posed safety risks to people and pets. Accordingly, FWS was forced to expand the possibilities in which wolves could be suitably controlled.[26]

The gray wolf experimental populations also ignited substantial litigation campaigns, focused largely on the areas into which FWS released the experimental wolves. Statutorily, experimental populations must be completely geographically distinct from other populations of the species.[27] Yet, because wolves occupy expansive ranges, as the populations grew and wolves roamed freely, it became extremely difficult to differentiate between supposedly distinct populations.[28]

Additionally, even though gray wolf populations, including the experimental populations, not only met but also exceeded recovery goals across the lower 48 states, delisting gray wolves from the ESA has been nonsensically challenging. Gray wolf population numbers and activities show that the wolves recovered in the lower 48 states, should be delisted, and management should be returned to the states. But, due largely to environmentalist litigation efforts, widespread delisting has not yet been achieved.

Worse yet, decades after the first gray wolf experimental populations were introduced, ESA 10(j) rules are being exploited to bring new gray wolves into areas where they are not wanted. At the end of 2023, FWS issued a final rule establishing a nonessential experimental population of gray wolves in Colorado following the passage of Colorado's 2020 Proposition 114, a proposal to introduce new wolves to the state.[29] Colorado's own Parks and Wildlife Commission had previously rejected a similar proposal, citing successful gray wolf recovery and additional wolves' devastating impact on Colorado's livestock ranching industry and big game management efforts.[30] Notably, the Colorado ballot measure and subsequent 10(j) rule were vehemently opposed by communities in the areas identified by FWS as the epicenter for wolf introduction and supported by more urban communities with little or no threat of wolf presence after the introduction of an experimental population.[31]

Mexican Wolves

In 1998, FWS finalized a rule to establish a nonessential experimental population of Mexican wolves[32] in Arizona and New Mexico.[33] FWS' 10(j) designation for Mexican wolves largely mirrored the previous rules for gray wolves. One notable difference was that, given the Mexican wolf's smaller stature and appearance, FWS was explicitly permitted to "kill, capture, or subject to genetic testing any feral wolf-like animal, feral wolf hybrid, or any feral dog found within the experimental population area."[34]

Like the experimental populations of gray wolves, the new Mexican wolf population ushered in significant opposition and litigation. Shortly after the 10(j) rule's finalization, ranchers unsuccessfully sued to block the introduction of Mexican wolves, highlighting the catastrophic impact of wolf depredation on livestock.[35]

Unfortunately, the ranchers' concerns proved true. For example, a single-collared Mexican wolf and its mate were responsible for more than 15 confirmed livestock depredations in less than a month.[36] These same wolves produced pups and formed a pack, which killed more livestock, terrorized ranching families, and charged at least one ranch employee.[37] Despite requests from at least one Member of Congress and local community residents and being empowered by its own 10(j) rule, FWS refused to lethally remove the problem wolves.[38]

Moreover, FWS's 10(j) rule establishing a gray wolf population in Colorado also opened the door to introducing Mexican wolves into that state even though Colorado is not part of the Mexican wolf's historic range.[39] Worse still, given that Colorado's 10(j) rule enabling the introduction of nonessential experimental wolves spawned from a statewide referendum masquerading as local input,[40] FWS is not only empowered but also pressured to prioritize the presence of gray and Mexican wolves in regions where they are undesirable at best.

Also, because wolves are highly mobile, the various wolf populations occupy overlapping territories, and FWS itself recognizes the possibility of feral hybridization, identifying specific populations of gray and Mexican wolves is increasingly problematic. Nevertheless, FWS refuses to acknowledge the complications of introducing experimental wolves, and its 10(j) Mexican wolf experimental population continues to exist, grow, and wreak havoc.

Grizzly Bears

Most recently, in 2024, FWS decided to establish a nonessential experimental population of grizzly bears in the North Cascades Ecosystem in Washington State.[41] Before this final rule was issued, grizzly bear population numbers in the Greater Yellowstone Ecosystem and the Northern Continental Divide Ecosystem revealed that the bears had biologically recovered and exceeded their recovery goals.

For decades prior to FWS's 10(j) rule, residents of Northern Washington raised concerns regarding the potential reintroduction of a grizzly bear population in their region.[42] Over the years, the surrounding communities of the North Cascades region have consistently opposed the introduction of grizzly bears due to the potential consequences for their communities, including danger to people, local wildlife, livestock, and crops.[43] The State of Washington has been so strong in its opposition that state law limits the transportation or introduction of grizzly bears. Specifically, Washington Revised Code (RCW) 77.12.035 states: "Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears native to Washington State may be utilized by the department for management programs."[44]

Despite this local opposition and the grave dangers apex predator grizzly bears can have for an ecosystem, FWS's North Cascades grizzly bear 10(j) rule did not even afford residents the same protections previous 10(j) rules provided for species such as wolves. FWS's final rule does not allow the intentional taking of any experimental grizzly bear except to protect human life during exigent circumstances.[45] Accordingly, as FWS continues to use 10(j) rules to establish experimental populations, it becomes clearer that experimental populations are not being used as an ESA exception to further conservation but to appease radical eco activists regardless of consequences.

NOAA Fisheries & 10(j) Populations

Section 10(j) of the ESA also allows NOAA Fisheries to designate populations of listed species as experimental populations.[46] In 2016, NOAA Fisheries promulgated a final rule to update and establish recommendations for 10(j) populations. These recommendations included the following definitions and procedures:

- "Establishing and/or designating certain populations of species otherwise listed as endangered or threatened as experimental populations
- Determining whether experimental populations are essential or nonessential
- Promulgating appropriate protective measures for experimental populations."[47]

One example of a species considered under the 10(j) rule by NOAA Fisheries is the Spring-run Chinook Salmon in specific areas above the Shasta Dam.[48] This is an example of a distinct population of fish where the region is key, as "NOAA Fisheries works in cooperation with federal, state, tribal, and Canadian officials to manage these commercial, recreational, and tribal harvest of salmon and steelhead in ocean and inland waters of the West Coast and Alaska."[49] Depending on the specific state and region, the same type of fish could be listed as endangered or be available for commercial harvest.

Local Input is Essential to Effective Species Recovery

FWS regulations require that, before a 10(j) rule is finalized and an experimental population is established, the agency "consult with relevant state fish and wildlife agencies and local governmental entities as well as with affected federal agencies and private landowners."[50] In its regulations, "FWS states that any experimental population regulation shall reflect an agreement between the agency and the relevant stakeholders with which it consults to the maximum extent practicable."[51]

Yet, the most apparent characteristic of some of the most adversely consequential FWS 10(j) experimental populations is a lack of meaningful response to local input. Instead of listening to community stakeholders and local experts expressing valid concerns about introducing experimental populations of apex predators into areas that are unprepared and unable to support them, the FWS has opted to yield to the demands of environmental preservationists. So, until the FWS adheres to its own regulations and genuinely considers local input, airdropped predators will keep killing livestock and posing a threat to human life and property consequences due to the experimental populations under the ESA.

[1] Endangered Species Act of 1973, Pub. L. No. 93-205, 87 Stat. 884 (1973).
[2] Congress has regularly substantively amended the ESA. The ESA has so far been amended four times: 1978, 1982, 1988, and 2004. After more than twenty years since its last amendment, the ESA desperately needs another update to optimize conservation. *See* ESA Amendments Act of 2024, H.R. 9533, 118th Cong. (2024).
[3] Endangered Species Act Amendments of 1982, Pub. L. No. 97-304, 96 Stat. 1411 (1982).
[4] Section 10 of the ESA, codified at 16 U.S.C. § 1539, establishes exceptions to the ESA's provisions. Notable exceptions include some incidental takings, some hardships, some actions by Alaska natives, and some preexisting historical items.
[5] Endangered Species Act Amendments of 1982, Pub. L. No. 97-304, 96 Stat. 1411, 1424-25 (1982) (codified as amended at 16 U.S.C. § 1539(j)).
[6] Depending on the context of the experimental population, the authorizing secretary may be either the Secretary of the Interior or the Secretary of Commerce given that both FWS and NOAA have ESA-related authorities.
[7] 16 U.S.C. § 1539(j)(1).
[8] 16 U.S.C. § 1539(j)(2)(A).
[9] 16 U.S.C. § 1539(j)(2)(B).
[10] 16 U.S.C. § 1539(j)(2)(C).
[11] 16 U.S.C. § 1539(j)(2)(C)(ii).
[12][12][12] 16 U.S.C. § 1539(j)(3) (stating that "[t]he Secretary, with respect to populations of endangered species or threatened species that the Secretary authorized, before October 13, 1982, for release in geographical areas separate from the other populations of such species, shall determine by regulation which of such populations are an experimental population for the purposes of this subsection and whether or not each is essential to the continued existence of an endangered species or a threatened species.").
[13] *What is a 10(j) Rule?*, U.S. Fish and Wildlife Serv. (Oct. 2018), https://www.fws.gov/sites/default/files/documents/ESA-section10%28j%29-fact-sheet.pdf.
[14] *Id.*
[15] Endangered and Threatened Wildlife and Plants; Designation of Experimental Populations, 88 Fed. Reg. 42642 (July 3, 2023) (codified at 50 C.F.R. Part 17), https://www.federalregister.gov/documents/2023/07/03/2023-13672/endangered-and-threatened-wildlife-and-plants-designation-of-experimental-populations.
[16] *What is a 10(j) Rule?*, U.S. Fish and Wildlife Serv. (Oct. 2018), https://www.fws.gov/sites/default/files/documents/ESA-section10%28j%29-fact-sheet.pdf.
[17] *See Id.* (stating that "[t]reating the experimental population as threatened allows the FWS the discretion to devise management programs and special regulations for that population.").
[18] *What is a 10(j) Rule?*, U.S. Fish and Wildlife Serv. (Oct. 2018), https://www.fws.gov/sites/default/files/documents/ESA-section10%28j%29-fact-sheet.pdf.
[19] *Id.*
[20] *See, e.g.*, Erin H. Ward and Benjamin M. Barczewski, *Experimental Populations Under the Endangered Species Act and Gray Wolves*, Cong. Rsch. Serv. (July 28, 2023), https://crsreports.congress.gov/product/pdf/R/R47581#:~:text=FWS%20has%20released%20and%20designated,these%20experimental%20populations%20was%20litigated.
[21] *Id.*
[22] *Id.*
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] 16 U.S.C. § 1539(j)(1).
[28] *See, e.g.*, Erin H. Ward and Benjamin M. Barczewski, *Experimental Populations Under the Endangered Species Act and Gray Wolves*, Cong. Rsch. Serv. (July 28, 2023), https://crsreports.congress.gov/product/pdf/R/R47581#:~:text=FWS%20has%20released%20and%20designated,these%20experimental%20populations%20was%20litigated.
[29] Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of the Gray Wolf in Colorado, 88 Fed. Reg. 77014 (Nov. 8, 2023) (codified at 50 C.F.R. Part 17), https://www.federalregister.gov/documents/2023/11/08/2023-24514/endangered-and-threatened-wildlife-and-plants-establishment-of-a-nonessential-experimental.
[30] *Colorado Parks and Wildlife Commission Resolution 16-01*, Colorado Parks and Wildlife Commission (Jan. 13, 2016), https://web.archive.org/web/20211221025213/https://cpw.state.co.us/Documents/Commission/policy_procedures/PWC_Resolution_Wolves_in_Colorado.pdf.
[31] *2020 Abstract of Votes Cast*, State of Colorado Office of the Secretary of State, https://www.sos.state.co.us/pubs/elections/Results/Abstract/2020/2020BiennialAbstractBooklet.pdf.
[32] Mexican wolves are a distinct subspecies of gray wolves.
[33] *See, e.g.*, Erin H. Ward and Benjamin M. Barczewski, *Experimental Populations Under the*

Endangered Species Act and Gray Wolves, CONG. RSCH. SERV. (July 28, 2023), https://crsreports.congress.gov/product/pdf/R/R47581#:~:text=FWS%20has%20released%20and%20designated,these%20experimental%20populations%20was%20litigated.

[34] *Id.* (internal citations omitted).

[35] *See, e.g.*, Erin H. Ward and Benjamin M. Barczewski, *Experimental Populations Under the Endangered Species Act and Gray Wolves*, CONG. RSCH. SERV. (July 28, 2023), https://crsreports.congress.gov/product/pdf/R/R47581#:~:text=FWS%20has%20released%20and%20designated,these%20experimental%20populations%20was%20litigated.

[36] *See, e.g.*, letter from member of congress to U.S. Fish and Wildlife Serv. (May 3, 2022), on file with the Committee.

[37] *Id.*

[38] *Id.; see, e.g.*, Erin H. Ward and Benjamin M. Barczewski, *Experimental Populations Under the Endangered Species Act and Gray Wolves*, CONG. RSCH. SERV. (July 28, 2023), https://crsreports.congress.gov/product/pdf/R/R47581#:~:text=FWS%20has%20released%20and%20designated,these%20experimental%20populations%20was%20litigated.

[39] *Colorado Parks and Wildlife Commission Resolution 16-01*, COLORADO PARKS AND WILDLIFE COMMISSION (Jan. 13, 2016), https://web.archive.org/web/20211221025213/https://cpw.state.co.us/Documents/Commission/policy_procedures/PWC_Resolution_Wolves_in_Colorado.pdf; ***see also*** letter from member of congress to U.S. Fish and Wildlife Serv. (May 3, 2022), on file with the Committee.

[40] *See 2020 Abstract of Votes Cast*, STATE OF COLORADO OFFICE OF THE SECRETARY OF STATE, https://www.sos.state.co.us/pubs/elections/Results/Abstract/2020/2020BiennialAbstractBooklet.pdf (showing that local stakeholders in communities identified for wolf introduction broadly opposed the ballot measure. Instead, communities with little—if any—stake in wolf introduction, and with little—if any—chance of experiencing the consequences of gray and Mexican wolf presence, carried the referendum to pass.

[41] Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Grizzly Bear in the North Cascades Ecosystem, Washington State, 89 Fed. Reg. 36982 (May 3, 2024) (codified at 50 C.F.R. Part 17), https://www.federalregister.gov/documents/2024/05/03/2024-09136/endangered-and-threatened-wildlife-and-plants-establishment-of-a-nonessential-experimental.

[42] Courtney Flatt, *Keep Grizzly Bears Out Of Washington, Residents Say*, KUOW NEWS (Mar. 9, 2015), https://kuow.org/stories/keep-grizzly-bears-out-washington-residents-say/.

[43] *Id.*

[44] Washington Revised Code Title 77. Fish and Wildlife § 77.12.035.

[45] *See, e.g.*, Erin H. Ward et al., *Grizzly Bears and the Endangered Species Act*, CONG. RSCH. SERV. (June 28, 2024), https://crsreports.congress.gov/product/pdf/R/R48116#:~:text=Under%20the%20ESA%2C%20grizzly%20bears,with%20unlawfully%20taken%20grizzly%20bears.

[46]Designating Experimental Populations Under the Endangered Species Act, Final Rule, (Last Updated June 10, 2020), https://www.fisheries.noaa.gov/action/designating-experimental-populations-under-endangered-species-act

[47] *Id.*

[48] *Id.*

[49] NOAA Fisheries Species Directory, Chinook Salmon, (Accessed February 26, 2026), https://www.fisheries.noaa.gov/species/chinook-salmon

[50] *See, e.g.*, Erin H. Ward and Benjamin M. Barczewski, *Experimental Populations Under the Endangered Species Act and Gray Wolves*, CONG. RSCH. SERV. (July 28, 2023), https://crsreports.congress.gov/product/pdf/R/R47581#:~:text=FWS%20has%20released%20and%20designated,these%20experimental%20populations%20was%20litigated.

[51] *Id.* (internal citations omitted).

OVERSIGHT HEARING ON UNDERSTANDING THE CONSEQUENCES OF EXPERIMENTAL POPULATIONS UNDER THE ENDANGERED SPECIES ACT

Tuesday, March 4, 2025
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:15 a.m., in Room 1324, Longworth House Office Building, Hon. Paul Gosar [Chairman of the Subcommittee] presiding.

Present: Representatives Gosar, Boebert, Collins, Begich, Dexter, Ansari, Hernández, and Huffman.

Also present: Representatives LaMalfa, Tiffany, Hageman, Hurd, Newhouse, Crane, and Downing.

Dr. GOSAR. The Subcommittee on Oversight and Investigations will now come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on Understanding the Consequences of Experimental Populations under the Endangered Species Act.

Under Committee Rule 4(f), any oral opening statements at the hearing are limited to the Chairman and the Ranking Member. I therefore ask unanimous consent that all other Members opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I ask unanimous consent that the following Members be allowed to sit and participate in today's hearing: the Gentleman from California, Mr. LaMalfa; the gentleman from Minnesota, Mr. Stauber; the gentleman from Wisconsin, Mr. Tiffany; the gentlewoman from Wyoming, Ms. Hageman; the gentleman from Colorado, Mr. Crank; the gentleman from Colorado, Mr. Hurd; the gentleman from Washington, Mr. Newhouse; the gentleman from Arizona, Mr. Crane; the gentleman from Montana, Mr. Downing; and the gentlewoman from Michigan, Mrs. Dingell.

Without objection, so ordered.

That was a list, wasn't it?

I now recognize myself for an opening statement.

STATEMENT OF THE HON. PAUL GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Dr. GOSAR. Good morning everyone and thank you very much. I am welcoming the witnesses, several who have come from beautiful

stretches in Arizona, Washington State, and Colorado to be here with us.

Thank you for appearing before the Committee today discuss the consequences of experimental populations under the Endangered Species Act.

I would like to ask our audience to take a moment and imagine life as our answer. You wake up before dawn, pull on a pair of well-worn leather boots, and head out with a cup of coffee just as the sun begins to peek over the mountains in the distance. Before going to check the fences, you drive your children to the bus stop miles away, asking them to wait in the truck. Wolves have been spotted in the area recently and you don't want to risk their safety.

Out in a nearby pasture, you find the remains of a dead calf, just pieces of the carcass left behind. Before you get on the phone to call Fish and Game, you find another carcass. The loss is not just painful to witness, but expensive to your operation.

For most of you, this gruesome scene may be fuel for nightmares. But for ranchers in Arizona, New Mexico, Colorado, Washington, Montana, Idaho, and Wyoming and other states into which apex predators have been introduced as experimental populations, this nightmare is a reality. And this reality is the consequences of a weaponized 10(j) process that ignores crucial local stakeholder input in favor of appeasing radical environmental groups.

To be clear, the 10(j) experimental population exception is foundationally a conservation tool meant to ease the ESA's regulatory burden. Creating non-essential experimental populations affords the U.S. Fish and Wildlife Service and landowners greater flexibility in species management, including removal of problem animals that pose a danger to humans, livestock, and pets.

Yet rather than to use the 10(j) process appropriately as an exception to the ESA, Fish and Wildlife Services exploited the rules to introduce populations of apex predators like grizzly bears and wolves into areas unprepared, unable, and unwilling to support them.

And by ignoring local input before and after the introduction of experimental populations, Fish and Wildlife Service has allowed animals like bears and wolves to wreak havoc on unsuspecting families working tirelessly to make a living off their own land.

A grizzly bear, for example, consumes as much as 30 to 40 pounds of food per day when bulking up for the winter. Similarly, a single wolf eats up to 20 pounds of meat in one sitting.

Some wolves, hunting alone or in packs, slaughter easy to kill livestock for food. Others seem to kill family pets and livestock just for amusement. Others still threaten children playing innocently in their yards.

This depredation takes a great emotional and physical and financial toll on hard working American ranching families. Families grieve their pets and fear leaving their homes not knowing whether a predatory animal lurks around the corner.

Rather than tend to their herds and collect eggs, ranchers document evidence of attacks, haul bodies of dead livestock and wash blood from chicken coops. Instead of selling their cattle for profit, ranching families wake up with their income literally having been gobbled up overnight.

Even just the presence of an experimental apex predator results in financial hardship. One study from the University of Montana revealed that on average, calves on ranches that experienced at least one wolf predation weighed 20 pounds less than calves on ranches without a wolf presence.

This 3.5 percent decrease in weight means that these animals fetch much lower prices when sold. Moving forward, the United States Fish and Wildlife Service must seek local input that highlights not only valid concerns about de-predation but also solutions that make species recovery more palatable and effective.

For example, rather than mass attract movement of experimental predator populations, Fish and Wildlife Service can make GPS collar data available to ranchers who will use this data to protect themselves and their animals.

For years I have been hearing from ranchers in my district and across the state of Arizona about the impact of wolves on their communities. In the 114th Congress I introduced the Mexican Wolf and Transparency Act which will work to resolve this issue.

I am looking forward to working with my colleagues again this Congress on this legislation in the upcoming weeks. Unfortunately, lack of local input isn't limited to just wolves. There are grizzly bears in the Pacific Northwest and other species that impact communities around the country.

The key here is to truly listen to community leaders and stakeholders impacted on the ground. I hope today we can find a robust and insightful discussion for those whose lives are impacted daily by these decisions that have been made here in Washington.

I look forward to working with the new Administration on policy that will work better in the future and with that I yield to the Ranking Member, Dr. Dexter for her opening statement.

STATEMENT OF THE HON. MAXINE DEXTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Dr. DEXTER. Thank you Mr. Chairman and thank you to our witnesses for joining us today.

In just the first couple months we have seen the Trump administration nominate and appoint cabinet officials with strong ties to the fossil fuel industry, promote an explicitly anti-environment agenda, and lay off thousands of experienced servants who are responsible for maintaining our precious national parks, preserving critical ecosystems, and protecting endangered species.

These reckless actions risk causing irreparable damage that will undo decades of conservation and recovery progress. Fighting to protect vulnerable wildlife has never been more vital. That is why I am happy to be here today to discuss the important progress that has been made to prevent wildlife extinction and facilitate species recovery under the Endangered Species Act.

The ESA is a 50-year-old, demonstrably successful program that has led to the recovery of the bald eagle, gray whale, and many other vulnerable and nearly extinct species. The impressive science-based work conducted by the Fish and Wildlife Service, under the ESA, has enriched and protected our valuable biodiversity which is essential for preserving a healthy planet today.

Thanks to ESA protections and associated conservation recovery efforts, over 99 percent of the species listed under the ESA have not gone extinct. In fact, most currently listed species are on track for recovery. Truly remarkable results.

The focus of today's discussion is on a critical conservation tool, provided by the ESA, that allows for a population of at-risk species to be designated as experimental and reintroduced into the wild under more flexible rules.

Under ESA Section 10(j), wildlife managers can adjust the usual protections for these experimental populations to align with local needs and activities. This could include more flexible land-use regulations so that routine activities like farming, ranching, or development can continue with fewer restrictions or special management practices that make it easier to relocate or control animals.

Species like the Mexican gray wolf in Arizona and New Mexico, the wood bison in Alaska, and the Oregon silver spot butterfly have been significant successfully reintroduced under 10(j).

I am glad we have Chris Servheen, former Fish and Wildlife Service employee with decades of species recovery experience testifying today to share more about how this tool has been used to reintroduce and restore critical species.

Though the ESA has long been the cornerstone of our efforts to protect vulnerable wildlife, some of my Republican colleagues are not presenting the whole story as they work to undermine its vital protections. They argue that the populations of grizzly bears and wolves have been recovered in certain areas, so these animals should be delisted and allowed to be killed. But this oversimplifies the issue.

While populations in some regions have improved, these species still face significant threats, including habitat destruction and climate change. Population rebound is also just one factor in considering delisting. There must also be a comprehensive management plan in place that ensures the species long-term survival, among other considerations.

We have already seen the consequences when protections are lifted prematurely. In 2020, the Trump administration delisted the gray wolf from the ESA, ending 45 years of protections and shifting management to individual states.

States rushed to allow increased hunting. Idaho passed legislation allowing for 90 percent of their gray wolf population to be culled by nearly any means, including killing pups. And in Wisconsin, one hunting season wiped out over 30 percent of the state's gray wolf population.

In 2022, a Federal judge reinstated Federal protections for gray wolves, arguing the delisting was based on bad science and should not have happened without a more comprehensive recovery plan.

That is why section 10(j) is so important to balance conservation with the needs of local communities. As this Committee considers oversight of conservation efforts, it should be incredibly concerned about Elon Musk and his DOGE crew firing hundreds of employees at the already short-staffed Fish and Wildlife Service at the direction of President Trump.

The dismantling of the main Federal Governmental agency responsible for conserving species and ecosystems will have devastating long-term consequences. Some, like the extinction of a species, will be irreversible.

It is incumbent upon this Committee to investigate these reckless and unlawful actions using our oversight capacity to ensure the work of these critical agencies continues.

I look forward to today's discussion and hope my Republican colleagues will join us in fighting to preserve critical ecosystems and protect endangered and threatened species.

Thank you, Mr. Chair. I yield back.

Dr. GOSAR. I thank the gentlewoman.

Now the gentleman from California, the Ranking Member for the Full Committee, Mr. Huffman, is recognized for his 5 minutes.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Chairman Gosar.

Good morning, everyone. I could have sworn I was in this room just last week talking about the same subject as today's hearing, trashing the Endangered Species Act, a popular theme for my colleagues across the aisle.

You know, this Committee has plenty of things that it could be spending its time on that could be exercising genuine oversight on but instead, we're rehashing debates about protections for endangered species while the Trump administration has spent the last several weeks dismantling Federal agencies under Elon Musk's vision of efficiency and Musk's wrecking ball is suspending services to veterans, sending our national parks into chaos, impeding fire safety projects all over the West leaving working families suffering terribly from these actions.

And that suffering will get a lot worse in the weeks and months to come. These are things that I would hope an Oversight Subcommittee would care about but no, we are here once again debating whether we should save species from extinction. Something that really shouldn't even be subject to debate.

I expect we will hear a lot of misinformation today, so let's go straight to the facts. The ESA is one of the most effective conservation laws in history. It has prevented the extinction of 99 percent of the species it protects. Section 10(j), in particular, has been a critical tool for reintroducing endangered species into their historic habitats, while allowing for flexibility in management.

This provision allows wildlife officials to establish experimental populations in areas where species once thrived, balancing conservation with local community concerns. And it works. In California, the California Condor, once down to just 27 birds, was saved through captive breeding and experimental reintroduction. We now have over 500 condors soaring across the West, thanks to this law.

And let's talk about the gray wolf, because I know my Republican colleagues certainly will. The wolf was eradicated from the lower 48 due to government-backed extermination programs. But under section 10(j), wolves were successfully reintroduced to Yellowstone and central Idaho in the 1990s.

That has become one of the most well documented conservation success stories in American history. The return of wolves restored balance to ecosystems, controlling overgrown elk populations, which in turn allowed willows, aspens, and vegetation to recover. That in turn helped beavers, birds and even fish thrive again because wolves are a keystone species. Look it up. It is a big deal.

That is how ecosystems work. They are interconnected. And the ESA, through tools like 10(j), recognizes that. Unfortunately, Republicans are attempting to strip away protections for animals like wolves and grizzly bears that they deemed too successful at surviving, apparently. That is what today's hearing is really all about. Removing protections for politically inconvenient species. And they have used 10(j) as their narrow excuse to tout the same old misinformation that we have heard in this Committee for years.

It is not about whether the ESA works. It does. It is whether Section 10(j) is an effective tool, it is, for Republicans, though it is about promoting fake science and real fear to justify removing safeguards for species they simply don't like.

Some of my Republican colleagues even stoop to conspiracy theories about the viciousness of these animals and the motivations for liberals and Democrats and environmentalists for wanting to release them.

It would be laughable if it wasn't in service of policies that actually undermine decades of conservation work. Of course, any predator will occasionally come into contact with livestock. That is a legitimate issue, which is why we have compensation programs for ranchers who lose cattle.

And human deaths from these animals, which are always tragic, are just exceedingly, vanishingly, rare. You are more likely to be killed by a cow than a wolf, that is the fact. But that doesn't fit into the fear mongering narrative being peddled here today.

For opponents of reintroduction, this is not about safety, it is not about science, it is about justifying the removal of protection so that these animals and the lands they inhabit can be handed over to extractive industries. That is the central theme. It always is.

There again are plenty of issues that we could be doing quality bipartisan oversight on right now. The issues are really screaming out for our attention, unfortunately, and I have been here 12 years, we are back to the broken record. I have been through dozens of these ESA bashing hearings and I guess we are going to waste a couple hours on another one.

I yield back.

Dr. GOSAR. I thank the gentleman from California.

I am now going to introduce our witnesses. First of all, we have Mr. Dalton Dobson, rancher from Dobson Timberline Ranch, Thatcher, Arizona; Mr. Kent Clark, Manager, Double R Ranch, Loomis, Washington; Dr. Chris Servheen, President and Board Chair, Montana Wildlife Federation, Helena, Montana.

Did I say that right?

And then Ms. Robbie LeValley, Secretary, Public Lands Council, Hotchkiss, Colorado.

Let me remind the witnesses that under Committee Rules, you will limit your statement to 5 minutes, but your whole entire statement will appear in the record.

When you first start, you will see the green light go on. Make sure you push the button. Sometimes I don't, but you get a beep so you can be heard. When you see it turn yellow, that gives you about 1 minute, and when you see it red, you need to summarize it up. OK?

So with that I am going to introduce Mr. Dobson for his 5 minutes.

STATEMENT OF DALTON DOBSON, RANCHER, DOBSON TIMBERLINE RANCH, THATCHER, ARIZONA

Mr. DOBSON. Chairman Gosar, esteemed Committee members, thank you for allowing me to speak on behalf of Arizona Farm Bureau.

My name is Dalton Dobson, a fifth-generation rancher from Apache County, Arizona, where my family has run a sheep and a cow calf operation for over a century. After a career in agricultural lending I've returned full-time to work on my family's ranch with my wife and our four children.

Today I'm here to address the harsh realities of the Mexican wolf reintroduction, a Federal program burdening ranchers like me. I was seven when wolves were reintroduced to Arizona and New Mexico. I've lived with this issue my entire life.

One memory still haunts me. After gathering cattle, we found a calf barely alive with the soccer ball sized chunk torn from its leg, proof of wolves eating it alive before being scared off. Our livestock depredation inspector confirmed a wolf attack but told us not to euthanize the suffering animal as compensation required death by wolf itself.

We watched it suffer through the night and into the next day. That's life in wolf country, full of slayings, financial strain, and mental stress. We do our best to co-exist. We've worked with the U.S. Fish and Wildlife Service, USDA's APHIS, and Arizona Game of Fish. We've been a part of research studying livestock stress levels and the usefulness of range riders. We've used fladry, solar ear tags, bells, flashing lights, and cut grazing short when wolves encroach, losing full access to our grazing allotments and lower cattle weights.

We haul water to avoid wolf areas and patrol with radio antennae to track. Despite this, the costs are crushing. Direct losses from wolf attacks hurt, but indirect costs like those I just mentioned are worse.

My family grazed sheep on this land before Arizona was a state but wolves drove us out of the sheep business entirely back in 2012 and now endanger our cattle ranch. My father and grandfather, both still alive, say no predator they have ever dealt with matches the Mexican gray wolf's devastation.

Flawed policies make it worse. In 2023, U.S. Fish and Wildlife and APHIS changed depredation confirmation guidelines that have been in place since 2004. The new rules bring about more complication, demanding subcutaneous hemorrhaging as the primary proof ignoring other evidence.

In remote pastures, carcasses often deteriorate before discovery, erasing the evidence of hemorrhaging. Worse, trained field staff no longer decide. Untrained staff in Fort Collins, Colorado do.

In the 2024 Fish and Wildlife meeting, officials admitted field staff are highly trained, but office staff are not. Why are bureaucrats overriding experts? I got no answer.

In January 2024, we had a clear wolf kill. Carcass found within 2 days. Collared wolves nearby tracks, a fight scene, crushed bones, bite measurements all confirmed by field staff. Distant office staff downgraded it to probable because no soft tissue remained.

There's also no appeal process for a rancher, for me, to overturn this decision, this policy limits confirmed kill, denying fair compensation. Gray wolf programs in other states use all evidence. So why is the Mexican wolf different?

This lack of transparency devastates us. I'm not advocating for the removal of the wolf, but only for fair compensation for ranchers having to carry the cost burden of these animals.

American Farm Bureau economists show weaning weights dropped three and a half percent in wolf pressured herds. This is one measurement that could be used to calculate a fair compensation program that takes into account indirect losses. 100 percent reimbursement of market value for confirmed kills, not the present 75 percent of market value is also critical.

Ranchers shouldn't bear this Federal burden alone. Without relief, small ranches like mine could give way and endanger America's food security.

Thank you for your time. I'm grateful for the chance to seek a sustainable and reasonable path forward. And letting me provide safe, affordable food to Americans as my family has done for generations.

[The prepared statement of Mr. Dobson follows:]

PREPARED STATEMENT OF DALTON DOBSON, RANCHER, ARIZONA FARM BUREAU

Chairman Gosar and members of the subcommittee, thank you for allowing me to be here today representing the voice of the American rancher. I am a 5th generation rancher from Arizona. We own and operate a cow/calf operation in Apache County, Arizona. I made the decision recently to leave a career in AG lending and move my wife and 4 kids back to the ranch that I grew up on and that has been in my family for generations.

I was seven years old when the wolves were reintroduced into Arizona and New Mexico so have been dealing with this issue for my entire life. I can recall one fall day after working tirelessly to get all our cattle gathered off the mountain, we received a phone call about a calf laying in a field. As we approached the scene, we knew that something wasn't right. The calf could be seen breathing heavily and he was not getting up to run away. This is how a calf usually acts when something is very wrong with its health, we were thinking it was some sort of sickness, the thoughts were already going through our minds of how we were going to treat this little guy to help him have a full recovery. Nothing prepared us for what we were about to witness. We quickly realized this was not going to be a routine medical treatment as we came face to face with the reality of living in wolf country. A soccer ball sized chunk of flesh had been ripped out of the calf's rear leg (Figure 1), not only was flesh torn away but the evidence was clear, the wolves had been eating this calf alive when something had chased them away from the scene before they could finish their job of killing this calf. As we sat in disgust, we called our USDA APHIS livestock depredation inspector to come out. We told them of the gruesome scene and that we had thought it was wolves but needed him to come and confirm. We told him the calf was too far gone and would not be able to recover from his injuries so that we would be euthanizing him before the inspector arrived. That is when our anger compounded, the inspector told us not to euthanize the little calf because if we did then there would not be any compensation for the calf if in fact wolves had been responsible for the maiming. This was because the calf needed to die from the actual wolf attack. After the inspector arrived and confirmed the attack

from the size of the bite marks and puncture wounds we had to sit around all night and part of the next day watching that poor calf suffer because we were not allowed to euthanize the animal and put it out of its misery. (Figure 1)

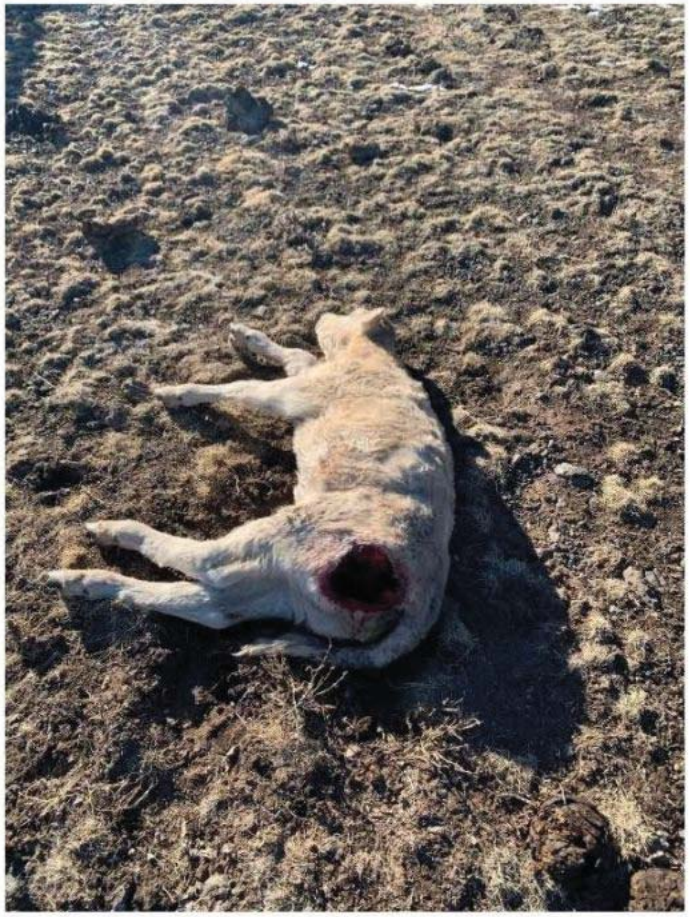

Figure 1- Courtesy of Dobson Timberline Ranch

On another occasion early in the wolf reintroduction program, my father was concerned with the wolf population (Paradise Pack) being dumped in the middle of our sheep operation. He was assured by United States Fish and Wildlife Services (USFWS) that there were no wolves in the area and that it would be a while until they would reach us, and, in that case, we would be notified ahead of time. One night a baby horse was harassed and had its rear leg ripped from its body in its own pen at our barn less than 200 yards away from our house. My dad immediately knew this gruesome scene was nothing like he had seen before in his 40+ years of being on the mountain and dealing with predators. He immediately called the United States Forest Service (USFS), as well as USFWS. They assured him there were no wolves in the area, even after my dad had relayed the story and evidence of larger than normal bite marks. Because my dad was told there were no wolves in the area, he made the decision to euthanize our livestock guard dogs. The day

after our dogs were euthanized, USFWS was at our corrals and my dad went to see what they were there for. USFWS representatives told him they were doing an investigation into a wolf that was shot, and they needed to see his guns. This was just days after they had assured us there were no wolves in the area and convinced my dad it was our own dogs that were responsible for the killing of our baby horse. After this news my dad called a United State Department of Agriculture, Animal and Plant Health Inspection Services (USDA APHIS) representative to come and do an investigation on the baby horse that was killed. During this investigation they found scat, tracks, and confirmed the bite marks were wolf bites with measurements this led to the investigation being our first of many confirmed depredations. Sadly, this experience of non-communication, secrecy, and deceit was a foreshadow of how the next 21 years would go.

These two stories are just the beginning of a long list of horrific attacks that exemplify the harsh realities, financial burden, and mental stress that we face being on the frontlines of the federal government's experiment to reintroduce the Mexican Gray Wolf. Although there are many more stories from the hundreds of slayings that we have had since the reintroduction, I hope these two that stick with me every day will also stick with you.

As I further discuss this topic, I would like to detail out some ways that we try to co-exist with the wolf in our home. We try to have a good working relationship with the USFWS as well as APHIS and the Arizona Department of Game and Fish (AZGFD). For the last three summer and fall seasons we have been working with a graduate student from Utah State University that is working through Montana State University's Western SARE Research and Education Proposal in Sustainable Agriculture, entitled: "Landowner Collaborative Strategies for Nonlethal Predator Control" This study is trying to measure the benefits of range riders and their effectiveness to help reduce stress in livestock. To collect data for this study the students come down while we are doing our work on the cattle before our long drives to different pastures. We have been trimming the tails of cows and taking body condition scores of the cows. Those scores are then sent to a lab so they can do research on their cortisol levels, which allows them to measure stress in the cattle. Through gathering this data and comparing it to wolf pressure during the year they are trying to get an idea of the added stress from having to deal with these predators and if range riders help reduce that stress. Here is a list of other things that we have done to try and co-exist and mitigate encounters with the wolf as much as possible.

- We have hired extra laborers to put up fladry to help mitigate the wolves when we still ran sheep.
- We have worked to install collars onto our cattle that had fladry as well as bells in hopes of minimizing contact with wolves. (Figure 2)

Figure 2 – Courtesy of Dobson Timberline Ranch

- We have worked to install solar ear tags that flash at night in hopes to keep wolves away from livestock (Figure 3).

Figure 3- Courtesy Dobson Timberline Ranch

- We have worked to install flashing lights on fence posts to keep wolves away at night.

- We have regularly cut our grazing periods short in pastures due to a wolf pack moving in. Not only do we lose out on the grazing fees we have paid for that pasture, but we also lose out on the gain our cattle would have gotten from that grass.

- We spend long nights with radio antennas patrolling our herds to ensure the frequencies of wolves do not get too close to our animals. We haul water to keep cattle away from water sources that are known to be close to wolves.

- I have been in contact with Dr. Malmberg with Wildlife Services after she gave a presentation on pursuit myopathy (wolves running cows until they die). I contacted her to see if she would like to do a study on our ranch as I believe we may have a lot of cases of this. We are hoping to do some future studies and certainly would stress the importance of investing resources in research.

We like to think of ourselves as forward-thinking ranchers that are willing to try and do anything to co-exist with the wolf. I believe this is evident in my previously mentioned relationship with the differing agencies as well as adding countless hours of extra work to our busy season just to try and help researchers that could hopefully help benefit the entire industry.

While these items are burdensome to say the least, we also bear a harsher reality to the presence of wolves on our forests. Aside from the direct costs of cattle being chased to death and eaten alive, the indirect costs far outweigh the direct costs of depredations. As I have worked on policy with our county Farm Bureau that made its way up to the American Farm Bureau, resulted in Congressman Stanton introducing H.R. 2695, the Wolf Act in the 119th U.S. Congress that was ultimately included in Chairman Thompsons farm bill that passed out of committee. Congressman Stanton has already begun working to gain bipartisan support for this effort once again.

I have done a lot of work to track the indirect costs that are associated with our specific ranch. In my analysis I have calculated what the wolves have cost us over the years. In 2021 my figures came out to be over $100,000 in indirect costs. In 2024, with record high cattle prices I have estimated over $320,000 in indirect costs to our ranch. Some of the indirect costs include items such as hauling water, trucking hay, extra trips to the mountain to check cattle when wolves are close to cattle, extra labor to haze wolves, decrease in calf weights at weaning time, decline in the number of cows re-breeding, and equipment depreciation from extra wear and tear. These exorbitant numbers may not seem like a large sum of money to you but in an industry where profit margins are already stressed because of increasing input costs, every dollar counts.

My family has been grazing this forest allotment since before Arizona was a state. We were the only sheep operation left in the White Mountains when the federal government decided to use the middle of our summer grazing lands as the launch point for the reintroduction in Arizona. We now no longer graze sheep due to the devastating losses directly attributed to the Mexican Gray Wolf; we simply could not absorb the costs any longer and now I am afraid we are getting to that point with our cattle operation. I have two generations still alive in my grandpa and father that were well acquainted with running livestock in the White Mountains alongside other predators. Both generations I have living today say there is nothing like the devastation brought about by the experimental Mexican Gray Wolf.

I would like to take a moment to briefly discuss the evidentiary guidelines that USDA APHIS and USFWS uses to determine livestock depredations that ultimately decide if a producer gets compensated for a depredation. This exemplifies the challenges that producers face as they attempt to co-exist with the Mexican Gray Wolf. In 2023 USFWS services changed the guidelines that had been in place since 2004. These standards recognized that in the American West, we deal with large acreage pastures and a lot of rough terrain. Some of my neighbors have ranches with pastures that are only accessible by a three-hour horseback ride. It is simply impossible to be everywhere every day and see every animal. If a calf is killed in a large pasture and not found until a few days later, a lot of the evidence that is now being required by FWS to be a confirmed kill has deteriorated to the point where a confirmation cannot be given. The new evidentiary standards adopted in 2023 specifically state that "subcutaneous hemorrhaging is the best physical evidence available to field investigators to directly associate a depredation with a direct and lethal attack by a carnivore" leading investigators to only confirm a kill with this evidence, as opposed to the previous standards that allowed for all the evidence to be considered when making a determination. Wolf fight scenes are unique, since they hunt in packs, the cow usually stops in one spot and spins in circles while fighting for its life, trampling brush and grass in the process. In the past, this fight scene could be used as part of the evidence collected in the report, along with bite marks on the hind legs, and bite impressions matching wolf jaw dimensions, were all allowed to be considered in confirming a wolf kill. In addition to the new standards, trained field staff are no longer able to make determinations on whether it was a kill or not. They simply take the information and send it to an office in Ft. Collins, Colorado for someone else to make a final determination on whether it was a kill or not. In a 2024 meeting with USFWS and USDA APHIS, USDA APHIS admitted that the field staff undergo multiple trainings and qualifications before they are allowed to do investigations on wolf depredations. In a follow-up question I asked if the office staff has the same training as the field staff and the response was "no". Other western states' Gray Wolf depredation programs allow for all evidence to be submitted and considered for confirmation of wolf kills Why are Mexican Gray wolves the only ones being held to a different standard?

In January of 2024 we had a wolf depredation that had all the textbook wolf killing signs as well as mountains of evidence pointing to it being a wolf kill. The full report can be found as Exhibit L.

- The kill was found within two days of the death of the animal (very fresh for depredations as pasture sizes are so large).
- Collared wolves had been reported in the area in the time frame of the kill with GPS pinpoint data
- AZGFD personnel reported hazing two wolves from the kill
- There was a sign of a struggle
- There was 0–25% of the carcass that remained (no soft tissue remained to find subcutaneous hemorrhaging)
- There were tracks in the area
- There was a fight scene
- There was evidence of typical wolf consumption (crushing of bones)
- Measurements on the head of the calf that matched wolf canine spreads

With the large amount of evidence collected by the trained field staff, this kill was recommended as a confirmed kill. However, when it reached the office in Ft. Collins, CO, it was overturned from confirmed status to a "probable" status with no option for me to contest that change. Untrained office staff are making final determinations and overturning highly trained field staff that are boots on the ground. It is for reasons such as this that I am advocating for finding a solution that fairly compensates ranchers on an annual basis for direct and indirect costs. These costs can be researched, found, and applied to different areas and make the burdens borne by ranchers more equitable. The American Farm Bureau has recently done research on weaning weights in cattle herds that have wolf pressure vs. herds without wolves. Their research has shown that weaning weights in herds with wolf pressure are 3.5% lower than in herds without resulting in a $34 (would vary year to year with cattle market) reduction in each calf. The economists then put together a calculation model that would figure what payment could be made that determined wolf pressure and the cost of decreasing weaning weights. A model such as this would be extremely beneficial and a step in the right direction when trying to compensate ranchers for the undue burden they face trying to manage around the federal government's experiment. Another thing that needs to be implemented is 100% compensation for livestock depredations. Right now, the USDA Farm Service Agency (FSA) under the Livestock Indemnity Program only pays 75% of market value on a confirmed wolf kill.

These new standards of evidence used by these agencies are so restrictive and only have one goal in mind, limit the number of depredations being reported. The USFWS and APHIS officials are claiming that the reason there were so many wolf depredations was because field staff was confirming kills to appease ranchers. This led to an investigation by the USDA Office of Inspector General (OIG). USFWS and APHIS officials have said the report had many instances of depredations being confirmed that should not have been and because of this the OIG instructed them to re-design their standards when it comes to confirming wolf kills. However, this is false, the OIG's report only recommendation was that a more consistent standard needed to be in place when specifying which pictures were required to be in the report. In a response to the OIG's request, APHIS admitted they did not have the authority to make changes to the standards and that would need to be done by the Mexican Wolf Executive Committee. However, in 2023 not only did APHIS and USFWS re—write a new standard for collecting evidence, but they implemented it without the Executive Wolf committee. I understand this committee does not have oversight of USDA APHIS; however, I bring this to your attention as the problems associated with the evidentiary standards and confirming wolf kills exacerbate the difficulties of living and operating within the experimental wolf recovery range.

With profit margins being so slim for small family farms and ranches and the high costs of carrying the burden of the Mexican Gray Wolf, it would be wise to find a solution to fairly compensate ranchers. I am pleading for help to alleviate the burden that is being unfairly borne by me, the American rancher, trying to serve my noble purpose of providing safe, affordable food to the American people.

I am not advocating for the complete removal of the wolf population; I am simply asking that the burdens that have been unfairly placed on the backs of ranchers in AZ and NM be met with fairness and proper compensation. In December 2024, USFWS released their 5-year evaluation of the Mexican Wolf Recovery Strategy. The report highlights that in the U.S. we are exceeding abundance and genetic tar-

gets with 257 wolves observed in 2023 while the Mexico population has not reported the same growth with only 35 wolves being reported in 2022. So, while the population in the US continues to grow the success of recovery rests in the success of Mexico's population. The continual moving of goal posts for the program, whether it be increasing the number of sustainable populations from the original 100 wolves to 300 or changing standards of evidence, are burdensome and costly to ranchers. This program is an expense to the federal government and should not be paid for by the ranchers and the others who live in the community. There are many more issues that I could discuss and cover, however, to be direct and concise, I have limited my testimony. I am very grateful for this opportunity, thank you for your time and consideration as we continue to work toward a sustainable and equitable path forward.

Dr. GOSAR. Thank you, Mr. Dobson.

I now recognize Mr. Clark for 5 minutes.

STATEMENT OF KENT CLARK, MANAGER, DOUBLE R RANCH, LOOMIS, WASHINGTON

Mr. CLARK. Chairman Gosar, Ranking Member Dexter and members of the Subcommittee. Thank you for the opportunity to provide testimony today on the consequences of experimental populations under Endangered Species Act.

My name is Kent Clark and I manage the Double R Ranch. I'm a member of the National Cattleman's Beef Association, the Washington Cattlemen Association, and the Public lands Council. Since 1925, the Washington Cattleman Association has represented ranchers and promoted the cattle industry across the state.

I grew up on a family sheep and cattle ranch in eastern Oregon near Burns. I have managed ranches in Oregon and Washington for the last 27 years. The Double R Ranch is part of Agri Beef Company. A family-owned operation based in Boise, Idaho that produces high quality beef.

Like many Western ranches, we own a base property and utilize a combination of state and Federal grazing permits for the summer range. Our ranch covers roughly 150,000 acres in the Loomis State Forest and Okanagan National Forest.

In April 2024, the U.S. Fish and Wildlife Service announced plans to introduce an experimental non-essential population of grizzly bears into the North Cascades. As President of the Okanagan County Cattlemen's Association, I submitted comments and helped others do the same.

At public meetings, opposition was overwhelming. Families voiced serious concerns about their livelihoods and safety, especially after years of failed wolf management.

For locals, it's clear that if there was habitat, bears would be there, since there are bears just over the border in Canada. Despite clear opposition from the local community, the Fish and Wildlife Service ignored our input and forged ahead.

The decision felt rushed, driven more by political pressure than sound science or responsible management. I felt like the agency was on a political deadline to finalize the plan before the Administration's term ended. No matter what we said.

This pattern is all too familiar to those of us in the West. Repeatedly we've seen the Federal Government introduce predators with promises of tools, flexibility, and clear recovery targets. Then, when

the populations grow too big, the Federal Government seems powerless to delist the species.

We saw the same thing with wolves. The Double R Ranch is west of U.S. Highway 97, which is part of the Western Washington Management Zone. We have three packs of wolves within 35 miles of my house but the entire zone breeding para quota has not yet been met so we continue to wait for some threshold to be reached while managing our area with very limited flexibility.

On the other side of Highway 97, wolves are under state management, so managers have more tools at our disposal. Managers are able to kill wolves that are caught in the act of depredating and where there are areas of chronic depredation, the state will offer additional resources.

The highway is an artificial boundary, not one that reflects the wolf habitat and because we're west of the highway, we have no management action we can legally take if a wolf is caught in the act of attacking one of our animals.

This is one of the reasons we had little faith when the same agency proposed introducing another larger predator in our backyard. The Fish and Wildlife Service claims you will have the right to protect your livestock under attack on private grounds and the recovery area.

What happens if they attack our livestock grazing on our permits or leases? All we can do is contact Fish and Wildlife Services personnel and hope they authorize the removal of the bear. The cow, calf, horse, dog, or worse yet, ranch hand that was attacked won't be able to fight for the two to five business days it takes to get approval to defend ourselves.

Grizzly bears are apex predators and the burden of managing conflicts always falls on those of us who live and work on these landscapes. Agencies make promises about management tools and compensation, but those assurances rarely go far enough. Depredation compensation funds only go so far. And as these predator populations grow, it will be challenging to keep up with these incidents.

Ranchers continue to invest in non-lethal deterrents, but these have limited effect as the predators learn and adapt. The use of Section 10(j) experimental non-essential populations needs more oversight. We've seen time and again that the Federal Government is willing to gamble with rural communities to see if they can create more species stability but we bear the burden of their experiment.

The process should demand more collaboration with local communities and adopting our concerns. We need better management tools to reduce the risks we face from new entrants to our ecosystem. It always seems that 10(j) is the way the service gets a foothold in an area for an ESA listing that will last for decades.

Chairman Gosar, Ranking Member Dexter, and members of the Subcommittee, I appreciate the opportunity to share my perspective. I love the land. I love the species that we manage. I accept that there is risk in my work and my life and I believe that the U.S. Fish and Wildlife Service shouldn't make this life riskier.

I'm happy to offer suggestions about how to have policy that works for all of us. I'm happy to answer any questions you may have.

[The prepared statement of Mr. Clark follows:]

PREPARED STATEMENT OF KENT CLARK, MANAGER, DOUBLE R RANCH

Chairman Gosar, Ranking Member Dexter, and Members of the Subcommittee, thank you for the opportunity to provide testimony on "Understanding the Consequences of Experimental Populations Under the Endangered Species Act (ESA)." My name is Kent Clark, and I am the manager of the Double R Ranch, a member of the National Cattlemen's Beef Association, a member of the Washington Cattlemen's Association, and a member of the Public Lands Council. Since 1925, the Washington Cattlemen's Association has developed a statewide, grassroots organization that devoted itself to promoting agriculture and the cattle industry, and today, 95 years later, it remains the hallmark of our association.

I welcome this opportunity to share my perspective with members of the Subcommittee on the consequences that experimental populations under 10(j) of the Endangered Species Act can have on rural areas throughout the West.

I grew up on a family sheep and cattle ranch in a predominantly rural area of Eastern Oregon near the town of Burns. My parents and older brother still live and work there on a ranch that has been in our family since the late 1800s. Following graduation, I attended Oregon State University, earning a degree in animal sciences. I began my career as a ranch manager in the remote Southeastern Oregon community of Paisley. I managed a cattle ranch there for 13 years when I met and married my wife and started our family of four children. In 2011, I made a change and entered my current job managing the Double R Ranch in Loomis, Washington, which is in North Central Washington near the Canadian border. To say the least, I have been in the ranching business my entire life, and it is truly my passion.

The Double R Ranch is part of the Agri Beef Company based in Boise, Idaho. We are a family-owned operation that produces and sells high-quality premium beef. Our brands include St. Helens, Double R Ranch, and Snake River Farms Beef. Our products are served in some of the finest restaurants in the United States and worldwide.

The Double R Ranch is typical of most western ranching operations. We own a base property where cattle are kept during winter months and calving season. The balance of the ground that we utilize for summer grazing is a combination of Washington State's Department of Natural Resources (DNR) grazing permits and leases, U.S. Forest Service (FS) grazing permits, and Bureau of Land Management (BLM) grazing leases.

The total area for all these permits and leases is around 150,000 acres in the Loomis State Forest and the Okanogan National Forest, which are all on the eastern slope of the Cascade Mountain range. As we graze these cattle in the summer, we are responsible for maintaining all the fencing and other improvements and for moving the cattle with horses and dogs from one pasture to the next during the grazing season. The ranch employs a full-time crew of myself, my wife, and four others to accomplish the demands that come with ranching.

In April 2024, the U.S. Fish and Wildlife Service (USFWS or the Service) announced they intended to use section 10(j) of the ESA to introduce a nonessential experimental population (NEP) of grizzly bears into the Northern Cascades of Washington State. This action was followed by a public comment period. Meetings were held the previous year as attempts to introduce them without a 10(j), which failed. During this process, I submitted written and oral comments and gathered others to submit comments in my role as Okanogan County Cattleman's Association President. At all the public meetings, the opposition to introducing these bears was overwhelming. Families were concerned about their farms, ranches, and children. The areas who would have bears in their backyard already had felt the impact of wolves for years, as state and federal agencies largely failed to mitigate impacts to these communities in wolf management efforts.

Despite this opposition and over the voices of those who represented the communities and knew the landscape best, USFWS personnel forged ahead with their plans and decided grizzly bears need to be a part of our lives in Washington State. In the final decision, the Service acknowledged they'd received comments opposing the introduction but made clear that these local perspectives were not important to the agency's decision. It felt like a parent telling a child, "Because I said so, end of story." For those of us on the ground, it seemed clear that the Service rushed

the process, knowing that the end of the Administration's term was drawing near, and the outcome of the election was uncertain. There are so many examples of political gamesmanship in species recovery, but this case drew a clear line between regulatory burdens and political action.

The Okanogan Valley is home to many commercial apple orchards. All the growers I have visited with and heard testify were in opposition to another bear species coming to the area to destroy their crops and, worse yet, harm those working in the orchards. The North Cascades is lined by the Okanogan Valley on the east and the Skagit Valley on the West. Both are productive agricultural areas where grizzly bears could cause significant economic harm. For comparison, in 2023, it's believed grizzly bears were responsible for 82 livestock deaths in the state of Montana. According to Montana's Department of Livestock, $211,721.98 was reimbursed to cover the loss of 145 animals in 2023. It is much easier for a grizzly bear to dine in an apple orchard or cattle than looking for scattered wild berries and other wildlife on a 20-degree slope. By introducing a 10(j) population, USFWS claims that they will be able to remedy this situation by removing bears that are causing problems in these areas. Unfortunately, USFWS has a poor track record of addressing those concerns in 10(j) species.

Based on my experiences with wolves, I remain skeptical that USFWS has the freedom to offer flexibility to manage impacts of populations, because they and the state have offered similar assurances for wolves to little effect. While I recognize that wolves are listed in the state under a different ESA class, the impact to my family and my livestock is still the same if there are predators that cannot be swiftly deterred from depredation. While wolves kill for sport, grizzlies kill for scale, and the combination would be devastating for family operations. Wolves do not respect "management areas," "state lines," "tribal boundaries," "private/public land boundaries," or any of the lines on a map that were drawn when the gray wolf introduction was proposed.

Despite the lines that were drawn, wolves are predators and will go where the food is available. The Double R Ranch is west of US Highway 97, which is one of those lines drawn, making it part of the Western Washington Management Zone. This means that even though we have three packs of wolves within 35 miles of my house in that zone, the entire zone breeding pair quota has not yet been met, and we must continue to live with the wolves being listed as an endangered species with limited to no flexibility. Our neighbors east of Highway 97 are managed by the Washington Department of Fish and Wildlife, so problem wolves can be managed even though it is still very restricted. On our ranch, we have no management action we can legally take if a wolf is caught in the act of attacking one of our animals. Throwing a rock at them would be considered harassing an endangered species and could lead to fines and prison time.

I am not saying this for dramatic effect. Last summer, one of my employees moved cattle on horseback with two border collie dogs. A pack of wolves came out of the trees, advanced toward them, and attacked his dogs. One was killed immediately, and the other managed to run off and went missing for 4 days before being located. He could do nothing to protect his dogs without risking immense fines and jail time. Without any deterrent tools, the wolves in our area have very little fear of human activity. We see them frequently in the middle of our calving areas in the spring, and they usually stand and watch you. Introducing grizzly bears into our backyard will only leave us dealing with the consequences of another apex predator.

USFWS claims that you will have the right to protect your livestock under attack on private grounds in the recovery area. However, what happens if they attack our livestock grazing on our permits or leases? Again, all we can do is contact USFWS personnel and hope they authorize the removal of the bear. Regardless, the cow, calf, horse, dog, or worse yet, ranch hand that was attacked will most likely not be able to fight for 2–5 business days. That is the time needed to get approval to remove the grizzly bear.

The ranch hands moving cattle, fixing fences, and tending to other tasks associated with caring for cattle will now be put in danger with little to no resources for managing the species. As I have detailed in my previous description of our operation, the cattle we run are all very valuable to our ranching operation, our overall company's bottom line, and over 100 other rancher's bottom lines. This does not even include all the distributors, restaurants, grocery stores, and butcher shops that handle our products. The implications these predators pose on our operations impact the supply chain. The genetic value of some of our animals is almost priceless when you put it into perspective. If that cow happens to be the one that the wolf or grizzly decides to kill for consumption, it can take years to try and recreate. It does not matter if they were introduced as a 10(j) population; the damage is done.

Our area has historically been one of the premier areas in the state for finding mule deer. I do not have any scientific data to put in front of you, but anecdotally, in the 14 years I have been here, I would guess that the mule deer population is 50% of what it was. The only real change in that amount of time has been the movement of wolves into our area. There were already significant populations of black bears and cougars, so adding another predator that uses deer as a portion of their diet has been dramatic. I am certain adding grizzly bears will not help that situation but will only further the decrease. As the deer population decreases, it is safe to assume that predation on livestock will increase.

In closing, section 10(j)—nonessential experimental populations need more oversight, collaboration with local communities, and management tools for those constantly interacting with the species. The track record of these decisions speaks for itself. Too many empty promises seem to be being made with the 10(j) filings that, in the end, are never actually being carried out. What we've seen with the wolf is rapid growth in populations across the West that don't adhere to lines on a map. Do we believe the bear will be any different?

Chairman Gosar, Ranking Member Dexter, and Members of the Subcommittee, I appreciate the opportunity to provide a review of the last several years and offer suggestions about how to build a stronger future for the coexistence of our operations and the wildlife on these lands.

Dr. GOSAR. Thank you very much, Mr. Clark.

Now Dr. Servheen, you are recognized for your 5 minutes.

STATEMENT OF CHRIS SERVHEEN, FORMER UNITED STATES FISH AND WILDLIFE SERVICE BEAR RECOVERY COORDINATOR (RETIRED), PRESIDENT AND BOARD CHAIR OF THE MONTANA WILDLIFE FEDERATION, HELENA, MONTANA

Dr. SERVHEEN. Good morning everyone. My name is Chris Servheen. I was the U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator for 35 years.

The application of 10(j) experimental population status to the management of wolves and grizzly bears allows management flexibility necessary to successfully establish wolves and grizzly bears under the ESA.

Section 10(j) of the ESA was developed by Congress to allow the successful reintroduction of listed species, particularly carnivores, where more flexibility is necessary.

More than 60 10(j) experimental populations of many kinds of species have been established and have led to successful conservation for these species. Examples include the gray wolf, grizzly bear, black-footed ferret, California Condor, and chinook salmon. Two 10(j) populations of gray wolves were released in Idaho, Montana, and Wyoming in the mid–90s and eventually both were recovered.

Mexican wolves, as you know, are reintroduced into Arizona and New Mexico and recently into Colorado under 10(j) status. For the 10(j) grizzly bear population restoration in North Cascade, maximum flexibility was built into the rule that allows increasingly aggressive management and removal of conflict bears further out from the core areas in North Cascades National Park and surrounding forests.

There are both Federal and state reimbursement programs to pay livestock owners for losses from 10(j) experimental populations and fully listed populations of both wolves and grizzly bears.

There are also many state and Federal programs to assist livestock producers with non-lethal methods to reduce livestock losses like range riding to increase human presence, providing trained

livestock guard dogs, hazing, electric fencing, livestock carcass removal, and even, in some cases, diversionary feeding. And the ranchers and the agency share the fact that neither one wants wolves or grizzly bears to kill livestock.

There is a 4(d) rule under the ESA that also allows flexibility and when applied to grizzly bears it allows grizzly bears to be captured and relocated or even killed in conflict situations such as livestock depredations.

Between 2003 and 2024, almost 500 grizzly bears have been killed across the Northern Rockies by bear managers when it was necessary to respond to livestock conflicts or to bears becoming conditioned to garbage or human foods to the point that they were dangerous.

This section 4(d) rule for grizzly bear management is like 10(j) has been an excellent way to balance the needs of local residents in the livestock industry with the objectives of grizzly bear recovery.

The 4(d) rule for grizzly bears allows cooperative consultation on the fate of bears managed under this rule. I was the Fish and Wildlife Service contact person and worked closely with my tribal and agency colleagues thousands of times to decide the fate of hundreds and hundreds of grizzly bears.

I cannot recall a single time that there was a disagreement between my state and tribal colleagues and myself over the management of a single grizzly bear.

We are in a time when thousands of Federal employees are being terminated from their jobs without cause or explanation. These job cuts include agency bear/wolf management specialists that work closely with livestock producers and the public. When these people are gone, the livestock producers will lose the assistance from their agency professionals to help prevent or respond to livestock conflicts.

Without the Federal support from these people that have been terminated, many livestock producers will be high and dry. Most grizzly bears and wolves do not kill livestock. For perspective, in Montana, there are at least 2,400 Grizzly Bears and wolves today.

In 2023, these 2,400 Grizzly Bears and Wolves killed 104 cattle and sheep, which is four one thousandths of 1 percent of the cattle and sheep in Montana and all those losses were compensated.

I can confidently say that in my 35 years of experience, most state bear managers and livestock grazing associations believe they already have all the flexibility they need to address issues like conflicts related to these species.

The ESA works because it is based on science and facts. Grizzly bears and wolves are representatives of the heritage and culture of our nation. We have eliminated grizzly bears and wolves from almost all their former range. Grizzly bears live in about 5 percent of their current range.

I hope you can continue to support the state, tribal, agricultural, and Federal agency people working together in partnership to continue recovering grizzly bears and wolves in a few places they remain today. Thank you.

[The prepared statement of Dr. Servheen follows:]

PREPARED STATEMENT OF DR. CHRISTOPHER SERVHEEN, RETIRED USFWS GRIZZLY BEAR RECOVERY COORDINATOR, PRESIDENT AND BOARD CHAIR OF THE MONTANA WILDLIFE FEDERATION

Good morning. My name is Chris Servheen, and I was the USFWS Grizzly Bear Recovery Coordinator for 35 years. As such, I led the U.S. Fish and Wildlife Service (FWS) grizzly bear recovery program from its beginning until I retired in 2016. I am currently the Board Chair and President of the Montana Wildlife Federation. I speak to you as a professional grizzly bear biologist, and as a longtime resident of Montana and a lifelong hunter and fisherman.

My testimony will focus on the application of the Endangered Species Act's 10(j) experimental population status to the management of wolves and grizzly bears. In that context I'll also address the management flexibility to manage wolves and grizzly bears that is available to state and federal wildlife managers under the Act.

As a FWS employee, I wrote the 1993 Grizzly Bear Recovery Plan and the original delisting proposal for the Yellowstone ecosystem grizzly population. That delisting was litigated in federal court, and I participated in the legal defense of the case with the Department of Justice. It is important to know that I believed in and promoted the eventual delisting of recovered grizzlies and wolves and turning them over to state management. I had faith in the wildlife professionals in state fish and game agencies and I believed that these state wildlife professionals would be good stewards who would continue to carefully manage grizzly bears and wolves using science and facts after recovery and delisting.

The application of 10(j) experimental population status to the management of wolves and grizzly bears allows the management flexibility necessary to successfully reestablish wolves and grizzly bears under the Endangered Species Act.

Section 10(j) of the ESA was developed by Congress to allow the successful reintroduction of listed species, particularly carnivores, to aid their recovery. 10(j) relieves landowner and user concerns that reintroductions may result in restrictions on the use of private, tribal, or public land. Under section 10(j), the FWS may designate a population of a listed species as experimental if it will be released into suitable natural habitat outside the species' current range but within its historic range. Treating the experimental population as threatened allows the FWS the discretion to devise management programs and special regulations for that population. Under a 10(j) designation as "nonessential, experimental," both the lethal removal prohibitions and consultation requirements of the ESA are relaxed, easing the regulatory burden associated with endangered species, and further allowing federal, state, and Tribal wildlife managers to respond to community concerns.

More than 60 10(j) experimental populations for many kinds of species have been established and many have led to successful conservation of these species. Examples include the gray wolf, grizzly bear, black-footed ferret, California condor, and Chinook salmon. Two 10(j) populations of gray wolves were released in Idaho, Montana, and Wyoming in the mid–1990s, and eventually both wolf populations were recovered. Mexican wolves were reintroduced into Arizona and New Mexico as 10(j) and recently in Colorado gray wolves were reintroduced as 10(j). Last year, with the support of the state of Washington and many tribes, a restoration plan using 10(j) was finalized to bring grizzly bears back to North Cascades National Park as per the grizzly bear recovery plan.

When FWS designates an experimental population, Section 10(j) of the ESA also requires that they determine whether the experimental population is "essential to the continued existence" of the species. An experimental population is essential if losing the population would likely "appreciably reduce the likelihood" of the species surviving in the wild. To date, no experimental population has been designated as essential. Critical habitat is not designated for nonessential experimental populations.

10(j) allows for innovative management such as occurred for the proposed grizzly bear reintroduction in the Bitterroot Ecosystem in Idaho and Montana allowing management of the 10(j) population by a citizens management committee with citizen members appointed by Governors. This committee was to make decisions that lead to recovery, and they could use innovative approaches. For the experimental population of Mexican wolves, 10(j) designation allows ranchers to kill Mexican wolves on private and tribal land that are attacking livestock.

For the 10(j) grizzly population restoration in the North Cascades, maximum flexibility was built into the rule that allows increasingly aggressive management of conflict bears further from out from the core area of North Cascades National Park and the North Cascades USFS Wilderness areas. This includes the authority to preemptively capture and relocate bears as needed and authorizations for lethal

take to private landowners for human safety, livestock protection, or property protection as needed.

There are both Federal and state reimbursement programs to pay livestock owners for losses from both 10(j) experimental and fully listed populations of both wolves and grizzly bears. Payments for losses to Mexican wolves are made by the Livestock Indemnity Program (LIP) authorized by the 2018 Farm Bill and administered by Farm Service Agency. There are state and Federal livestock loss programs in Montana, Wyoming, Colorado, Idaho, Arizona, New Mexico and Washington.

There are many state and Federal programs to assist livestock producers with non-lethal methods to reduce livestock losses like range riding to increase human presence, providing trained livestock guard dogs, hazing, electric fencing, livestock carcass removal and even in some cases diversionary feeding. Range riders are particularly effective by being present to deter wolves from areas where livestock are present. Range riders can also help find and doctor sick or injured livestock due to non-predator causes, report the presence of bears or wolves and assist in many ranching needs like fence repair.

For non-reintroduced threatened species that might come into conflicts with human activity, Section 4(d) of the ESA allows the FWS to adopt regulations necessary and advisable to provide for the conservation of a threatened species. There is a 4(d) rule for grizzly bears that allows grizzly bears to be captured, relocated or even killed in conflict situations such as livestock depredations or bears that are deemed dangerous to humans. The existing 4(d) rule for grizzly bears (50 CFR 17.40) has been highly successful because it has simultaneously allowed the management of bears when necessary while allowing grizzly populations to increase and reoccupy many areas and has promoted close cooperative efforts between state and federal bear managers.

Between 2003 and 2024 almost 500 grizzly bears have been removed (killed) across the Northern Rockies by bear managers when it was necessary to respond to livestock conflicts or to bears becoming conditioned to garbage or human foods to the point that they were dangerous. This 4(d) rule for grizzly bear management has been an excellent way to balance the needs of local residents and the livestock industry with the objectives of grizzly bear recovery.

It is important to note that the application of the flexible management under the ESA with 10(j) experimental populations of wolves and the 4(d) rule to threatened grizzly bears has resulted in progress toward species recovery and validated the close cooperation between state, Tribal and National Park Service managers and the U.S. Fish and Wildlife Service. The grizzly bear 4(d) rule requires cooperative consultation on the fate of bears managed under this rule. I was that FWS contact person and worked closely with my Tribal, and agency colleagues thousands of times to decide the fate of hundreds of grizzly bears. I cannot recall a single time that there was disagreement between state or tribal bear managers and FWS about the management decision for any grizzly bear.

We are in a time when thousands of federal employees are being terminated from their jobs without cause and without explanation. These job cuts include agency bear and wolf management specialists who work closely with livestock producers and the public to help reduce conflicts with bears and wolves and to remove or relocate any bears or wolves that have committed depredations. The non-lethal bear and wolf conflict management programs in USDA Wildlife Services are at risk of disappearing. Livestock producers will lose the assistance from these agency professionals to help prevent or respond to livestock conflicts in bear and wolf habitat.

There are also threats to funding sources such as Natural Resources Conservation Service (NRCS) who lost 1700 employees and much of the funding they use to assist livestock producers is now uncertain. NRCS provides funding for assisting livestock producers with range riders, trained livestock guard dogs, hazing, electric fencing, carcass removal and other ways to assist producers with conservation solutions.

These programs are fundamental to keeping agricultural producers in business and to helping them remain successful. There are thousands of livestock producers and farms that depend on these agency staff people and this NRCS funding. Without this Federal agency support and assistance, many livestock producers will be left high and dry. State and federal agencies have programs and dedicated personnel in place to manage grizzly bears and wolves that kill livestock. State and federal wildlife management agencies share the interests of livestock producers in that they don't want grizzly bears and wolves to kill livestock either. Livestock losses to predators are a real and valid concern because they impact people's livelihood and property. When there is a depredation, state and federal specialists respond promptly and capture or kill the depredating animal. Most grizzly bears and wolves do not kill livestock. For perspective, in Montana there are approximately

2,400 grizzly bears and wolves combined. In 2023, these 2,400 grizzlies and wolves killed 104 cattle and sheep,[1] which is 0.004% of the cattle and sheep in Montana.[2] [3]

In summary the management flexibility under the ESA with 10(j) for reintroduced species and under 4(d) for listed species provides many opportunities to address conflicts between wolves and grizzly bears and the public. I can confidently say that, in my 35 years of experience, most state grizzly bear managers and livestock grazing associations believe they already have all the flexibility they need to address issues like livestock conflicts under the 4(d) rule while the grizzly bear remains listed as a threatened species. 10(j) flexibility for wolves also provides effective tools to address the needs of livestock producers and the public while moving forward with recovery of wolf populations.

The ESA works because it is based on science and facts, and it specifically requires that the listed status of any species must be judged solely on the best available scientific data. There have been bills introduced in Congress that direct the Secretary of Interior to remove ESA protection from grizzly bears and wolves. I urge you to not pass legislation to circumvent the requirements of the ESA, and Congressionally delist grizzly bears.

I also urge you to support the flexible management provisions of the ESA under 10(j) and 4(d). These provisions allow us to proceed with the recovery of grizzly bears and wolves while simultaneously addressing the concerns and needs of livestock producers and the public. Grizzly bears and wolves are representatives of the heritage and culture of our nation. We have eliminated grizzly bears and wolves from almost all their former range. I hope you can continue to support the state, Tribal, agricultural and federal agency people working together in partnership to continue recovering wolves and grizzly bears in the few places they remain today.

Thank you for this opportunity to testify.

QUESTIONS SUBMITTED FOR THE RECORD TO DR. CHRISTOPHER SERVHEEN, FWS GRIZZLY BEAR RECOVERY COORDINATOR (RETIRED), PRESIDENT AND BOARD CHAIR, MONTANA WILDLIFE FEDERATION

Questions Submitted by Representative Dexter

Question 1. Can you tell us how the states responded between the time Trump delisted wolves in the Northern Rockies and the time the courts reversed the delisting because it lacked evidence? What did that mean for wolf populations?

Answer: On March 3, 2017, the D.C. Circuit reinstated the rule promulgated by the United States Fish and Wildlife Service ("FWS") in 2012 to remove the Northern Rocky Mountain gray wolf in Wyoming from the endangered species list under the Endangered Species Act ("ESA"). *Defenders of Wildlife v. Zinke*, –F.3d.–, 2017 WL 836089 (D.C. Cir. Mar. 3, 2017).

Wolves in Montana and Idaho were Congressionally delisted in 2011 because of a rider attached to a budget bill. Therefore, by 2017, wolves were delisted in the 3 states of Montana, Idaho and Wyoming. The recovery goal for each state was to maintain a minimum of at least 150 wolves. There is consensus many among wildlife biologists that this recovery goal of 150 per state was a floor population and not a population target that would allow states to manage down to the minimum levels of wolves rather than manage for healthy populations in the habitats that could support them. The most recent data shows that Wyoming has 192 wolves, Montana has approximately 1100 wolves and Idaho has approximately 1500 wolves, but these numbers are likely lower as of March 2025 as the wolf hunting and trapping season is still underway and hundreds of wolves have been killed in these states since the fall of 2024. In most of Wyoming, wolves are considered a predatory species and can be killed by any means year around (see map). In Idaho and Montana, wolves can be trapped and snared with bait and hunted in many areas. Wolves can also be shot a night over bait on private land with spotlights and with thermal and night vision scopes. Idaho and Montana allow payment of bounties for killing wolves and allow the reimbursement of expenses for the public to try to kill wolves. The Idaho legisla-

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[1] https://liv.mt.gov/Attached-Agency-Boards/Livestock-Loss-Board/Livestock-Loss-Statistics-2023

[2] https://www.nass.usda.gov/Statistics__by__State/Montana/Publications/Charts__and__Graphs/2022-MT-Cattle-info.pdf

[3] https://www.nass.usda.gov/Statistics__by__State/Montana/Publications/Charts__and__Graphs/2021-MT-Sheep-info.pdf

ture recently passed a bill requiring the reduction of wolves in Idaho from the current estimate of 1500 down to 150, the minimum number to avoid relisting. The Montana legislature has passed legislation to reduce wolf numbers from an estimated 1100 down to 450–550.

Question 2. As a scientist who has worked through analyses for delisting species, what sort of state-level policies would you want to see before de-listing?

Answer: State-level policies would be improved by recognition of all the ESA's requirements for recovery instead of just focusing on increases in the numbers of listed species. Many people tend to believe that recovery is strictly achieving a certain number or animals, but this is incorrect. In addition to meeting population objectives, a mandatory requirement of the ESA for a species to be recovered and delisted is that adequate regulatory mechanisms to control mortality and to assure that necessary habitat remains available after recovery are necessary. It is a requirement of the ESA that these adequate regulatory mechanisms must be in place before delisting can occur and must remain in place after delisting. Healthy and recovered

populations are populations that are carefully managed in the long term and are distributed across their suitable available habitat.

The greatest threat today to the recovery and delisting of grizzly bears and to keeping wolves delisted is the lack of adequate regulatory mechanisms resulting from state legislatures and governors who are passing and signing legislation that implements harmful anti-predator policies that are not informed by science. These polices from state legislatures result in more dead grizzly bears and wolves and directly threaten the ability of state fish and game agencies to regulate grizzly and wolf mortality to sustainable levels.

Some examples of harmful state legislation:

- Mandating the use of neck snares to trap wolves in grizzly habitat when grizzly and black bears are out of their dens. This was recently enjoined by federal court sin Idaho and Montana, but these Federal court limits on such activities would disappear if grizzly bears were delisted from the ESA.
- Allowing the use of hounds to hunt black bears in areas occupied by grizzly bears. The use of hounds to hunt black bears will result in conflicts and death for grizzly bears in the areas where hounds are used.
- Allowing the use of bait around wolf traps and neck snares. Bait will also attract grizzly bears, black bears, and other forest carnivores to these sites where they will be trapped, or neck snared and be killed or maimed.
- Paying people to try to kill wolves. This is a bounty, and it is unethical.
- Allowing shooting wolves at night over bait using spotlights and night-vision scopes. This will result in other non-target carnivores being shot and it is unethical and a violation of fair chase hunting.

If it is the intention of state agencies, legislatures, and/or the public that once delisting takes place, regulation of mortality can be relaxed, this is proof that there are in fact no adequate regulatory mechanisms "in place". "In place" means that regulatory mechanisms will continue after delisting to carefully manage and limit mortality so the species can remain healthy and recovered. Regulatory mechanisms are not a temporary mechanism to be used by state agencies and legislatures to get a species delisted, and once delisting is achieved, then eliminate or dilute regulation of mortality.

If we are to move toward real recovery than can lead to successful delisting, we need state policies that are based on science and facts, and that commit to managing for healthy and recovered populations. We need to move away from some state policies of managing some species like wolves down to the minimum number to avoid relisting. The minimum number to avoid relisting should not be treated as a population target.

If anti-carnivore state legislation continues, we stand to lose much more than healthy carnivore populations. These laws threaten the very foundation of scientific wildlife management as well as the acceptance of hunting as a legitimate and non-political management tool. If some state politicians are going to ignore science-based wildlife management and prescribe how many predators should be killed and the specific methods to be used to kill them, it will be difficult to ever manage most carnivore populations sustainably, to ever achieve species recovery, and have in place the adequate regulatory mechanisms necessary for state agencies to credibly manage recovered species like bears and wolves.

Question 3. Should state policies be assessed when analyzing threats to species during ESA listing reviews?

Answer: Yes, state policies are fundamental to the management and conservation of species. Since the ESA is supposed to be a temporary mechanism to recover at risk species to the point that they can again be turned over to state management, then state management policies are key to evaluating threats to species status. In addition, in some cases, state policies may be at least partially responsible for the species being threatened or endangered in the first place. In some cases, recovery efforts under the ESA must improve state mortality management or regulations that led to the need to list species.

Therefore, the assessment of state polices is fundamental to appropriate analyses of threats to species during listing reviews.

Question 4. Ranchers are understandably concerned about predation on livestock. How do compensation programs help ranchers mitigate these losses? How can Congress support the availability and effectiveness of these programs?

Answer: It is important to the conservation and recovery of listed species that the burden of coexisting with certain species does not fall on particular elements of society. The recovery of these species is a shared interest of the public at large. In the case of some predator species like bears and wolves, there can be livestock losses due to predation. Compensation programs to reimburse livestock producers for losses are a way to assure that the financial burden of maintaining these species is not borne by livestock producers. The ultimate solutions to easing the financial burdens of livestock producers from reintroduction or recovery of wolves and bears should involve a combination of assistance to livestock producers to reduce conflicts with livestock and predators combined with a reimbursement program for livestock losses when they do occur. There are many state and Federal programs to assist livestock producers with non-lethal methods to reduce livestock losses like range riding to increase human presence. Range riders are specialists funded with federal assistance who ride in often remote areas with livestock where predators may be present. The range riders can help reduce conflicts by providing an additional human presence to deter predators. They can also find livestock carcasses soon after death and determine the cause of mortality and remove such carcasses, so the carcasses do not attract predators. It is important to note that most livestock do not die from predators but from other causes like disease, weather or poisonous plants, but such carcasses of animals that die from these non-predator causes can attract predators if not removed promptly. Range riders act as additional eyes on the ground and can assist in reducing predation in many ways. Range riders can also help find and doctor sick or injured livestock due to non-predator causes, report the presence of bears or wolves and assist in many ranching needs like fence repair. Other conflict prevention programs with federal government assistance include hazing of predators, electric fencing, livestock carcass pickup and removal and eventual composting livestock carcasses to remove them from private ranches and leased property so they do not attract predators, and even, in some cases, diversionary feeding. Community-led conflict prevention efforts in Montana are part of a broad public-private partnership that is providing resources to ranchers, farmers and communities to expand the use of nonlethal wildlife conflict prevention tools. These grants operate on a reimbursement basis, covering costs incurred by recipients for the following community investments:

- **Bear-resistant waste solutions**—Purchase and distribution of bear-resistant garbage cans, dumpsters, grease traps and food storage lockers.
- **Infrastructure improvements**—Establishing or upgrading rural transfer stations to better secure attractants.
- **Public outreach and education**—Developing educational materials and programs to increase public awareness about bear safety.
- **Electric fencing**—Installing portable or permanent electric fencing and electric drive-over mats on access roads to protect orchards, compost piles, garbage, livestock, and grain storage.
- **Program support**—Funding staff time dedicated to community-led conflict reduction and education efforts.

Applicants may request a minimum of $10,000 and a maximum of $150,000. If depredations occur, it is important to reimburse the livestock producers for the market value of their lost stock. The combination of deterrence efforts to prevent predation losses and reimbursements when necessary are ways to address livestock predation and losses and to share the burden of living with some predatory species.

Question 5. We heard concerns regarding the economic impacts of wildlife on the livestock industry. In your career, and as a longtime resident of Montana, what have you learned about the economic benefits wildlife restoration is providing to communities?

Answer: Wildlife restoration efforts usually involve public lands sometimes adjacent to private lands. Such intermingled ownership can provide challenges as wildlife are restored as when elk herds grow and impact forage availability of private lands adjacent to public lands, or when bison expand outside reserves and move onto private lands damaging fences. Predator populations can also expand onto private lands when they are initially restored on adjacent public lands. In many areas of the west, wildlife on public lands can contribute significant economic benefits to communities in the area. For example, tourism to Yellowstone National Park contributes $828 million annually to the local economy including creating 8,560 jobs in surrounding communities. Visitors to Yellowstone and Grand Teton Park list the top two species they want to see when visiting the Parks as grizzly bears and wolves.

Of that $828 million, people who came to see wolves contributed $82 million each year. Obviously, wildlife in National Parks contribute significantly more economic benefits than wildlife outside Parks, but there are also economic benefits from people who visit non-Park public lands such a National Forests and BLM lands to see wildlife, and who appreciate the existence value of restored wildlife and intact natural ecosystems.

Question 6. What role does misinformation play in shaping public perceptions of wolves and grizzlies as major threats?

Answer: Misinformation about predators is a common problem when producing policy decisions on these species. It is unfortunate that some state anti-predator laws and the specific hunting techniques they prescribed such as shooting them at night over bait or paying people to try and kill wolves are not based on any demonstrated biological necessity and, in many cases, depart from the principles of ethical, fair chase hunting. Their passage is based on emotional appeals stoked by misinformation about predators and demonizing predators as the cause of most problems. Biological data are rarely presented to the legislators to justify these anti-predator laws. Contrary to some of the claims made about predators, there is no demonstrable or measurable threat from wolves to the livestock industry or to state big-game populations. Some of the arguments used in the Montana and Idaho legislatures to justify laws to kill wolves and bears are that wolf and black bear numbers need to be reduced to "save" deer and elk from predation and that wolves are a serious threat to the livestock industry. There is no evidence that either of these concerns are true in either state. According to the Montana Department of Fish, Wildlife and Parks, Montana's elk population was 136,151 in 2020 (MT FWP 2020), 48% above the state's elk management plan objective of 92,138 elk (MT FWP 2020). The situation is similar in Idaho, where the state Fish and Game Department announced in 2020 that "elk and whitetails continue to thrive, and mule deer herds are bouncing back. Deer and elk hunters should see plenty of game in Idaho during fall hunts as mild winters have helped rebound mule deer herds hit hard in recent years, and Idaho's elk herds continue to soar, and harvests have come roaring back over the last six years." Elk survival was also high. Biologists in Idaho found adult cow elk survival was 97% and calf survival was 73%—up from 66% in the 2018–19 winter. Mountain lions were the leading cause of elk calf mortality, and they were tied with hunter harvest as the leading cause of cow elk mortality (IDFG 2020). Wolf predation on livestock in both states is also low. Between 2018 and 2020, the three-year average number of cattle and sheep lost to wolves in Idaho was 113 per year or 0.00428% of the cattle and sheep in the state (Western Livestock Journal 2021). In contrast, more than 40,000 cattle were lost in Idaho in 2015 (the most recent year data are available) due to weather, disease, poisonous plants and other non-predator causes (USDA 2017). In Montana, the three-year average was about 110 cattle and sheep losses per year to wolves (Inman et al. 2020)—just 0.00415% of the state's sheep and cattle. Most grizzly bears and wolves do not kill livestock. For perspective, in Montana there are approximately 2,400 grizzly bears and wolves combined. In 2023, these 2,400 grizzlies and wolves killed 104 cattle and sheep [1], which is 0.004% of the cattle and sheep in Montana.[2,3]

Debates and decisions about the need for increased predator management to improve ungulate populations or to assist the livestock industry should be informed by the best available science collected and analyzed by agency wildlife management experts. However, such decisions are rarely clear or satisfying to all involved. This is even more so when the public's attention has been drawn to wolves as the "culprit" and misinformation rather than science is the point of reference. Natural systems are complex and the explanation of the dynamics of these natural systems involving predators and their prey is rarely as cut and dried as the public would like.

Question 7. How can policymakers ensure that wildlife management decisions are based on scientific evidence rather than fear-based narratives?

Answer: The ESA works because it is based on science and facts, and it specifically requires that the listed or delisting status of any species must be judged solely on the best available scientific data. In my view, the best way that Congress can ensure that wildlife management decisions are based on scientific evidence is to

[1] https://liv.mt.gov/Attached-Agency-Boards/Livestock-Loss-Board/Livestock-Loss-Statistics-2023

[2] https://www.nass.usda.gov/Statistics—by—State/Montana/Publications/Charts__and__Graphs/2022-MT-Cattle-info.pdf

[3] https://www.nass.usda.gov/Statistics__by__State/Montana/Publications/Charts__and__Graphs/2021-MT-Sheep-info.pdf

avoid legislation that circumvents the requirements of the ESA and to reinforce the importance of basing decisions solely on the best available science. I urge you to not pass Congressional legislation to delist species by circumventing the requirements of the ESA because that inserts politics into decisions that should be based only on science. If there are concerns about the status of species, I urge you to hold hearings where the views and concerns of people can be presented along with the scientific facts concerning the status of the species. More importantly, such hearings could be a forum where the adequacy and continuity of existing state mortality control mechanisms and federal land management regulatory mechanisms can be presented and debated. Such hearings could also be a forum to allow state authorities to voice their commitment to maintaining mortality control mechanisms in place after delisting rather than diluting or eliminating such mechanisms once the ESA no long applies as they are currently doing with delisted wolves.

Question 8. Your testimony spoke to the balancing act that is required to restore America's wildlife in partnership with farmers, ranchers, tribes, and rural communities. We also heard critical perspectives that speak to the concerns of those ranching on publicly owned lands and nearby. Based on your experience, where would you suggest we dedicate additional resources to support the type of flexibility and innovation that section 10(j) of the ESA provides? What improvements to the implementation of 10(j) would you recommend?

Answer: The management of animals that can kill livestock or even rarely threaten human safety, requires managing these animals, not just strictly protecting them. The implementation of these management systems benefits from the development and application of a detailed protocol of how management will be applied in various situations. Such a system worked for the multi-state, multi-agency management of grizzly bears over 35 years by the application of the Interagency Grizzly Bear Guidelines, particularly the details on pp. 51–60.[4] While the Guidelines were not perfect, they did provide a common and standardized approach to the management of human-bear conflicts while also offering the ability to tailor appropriate responses based on the experience of state and federal field specialists who knew the details of each situation. The acceptance of management decisions will vary depending on the view of the publics involved, but over time, the application of management actions based on a common set of decision criteria did benefit grizzly bears and the public perception of grizzly bears. This is not to say that such decision criteria do not exist for wolf management in some areas where they were reintroduced or where their populations are expanding, as such criteria may exist, but I am not aware of them.

The acceptance of reintroduced animals that can conflict with human activities will be built on the understanding and trust of the public in such areas. Trust is built with outreach and education about the potential for conflicts and the consistent application of management actions to prevent conflicts and address conflicts when they do occur. In the long run, in my experience, public trust is built on consistent response so that livestock producers know they will get help on ways to avoid conflicts and management of those animals that do create conflicts. There should be clear messages to the public in the reintroduction area that the agencies and the livestock producers have a shared interest neither one wants livestock to be lost to predation. Most wolves and grizzly bears do not kill livestock, and the management agencies share the interests of livestock producers. These messages, implemented with consistent application of actions to help livestock owners avoid conflicts while responding to conflicts if they happen, can be the foundation of trust in the long run. Building trust takes time. Trust will be built on actions and mutual cooperation toward the shared interests of both agencies and livestock producers.

Question 9. Committee Democrats released a list of Department of the Interior offices, including offices of the US Fish and Wildlife Service (FWS), that are slated for closure by the GSA. The FWS offices are listed below. Will their closure impact the speed with which, or likelihood that, ranchers are reimbursed for depredation by wolves or grizzlies?

Answer: We are unfortunately in a time when thousands of federal employees are being terminated from their jobs without cause and without explanation. These job cuts include agency bear and wolf management specialists who work closely with livestock producers and the public to help reduce conflicts with bears and wolves and to remove or relocate any bears or wolves that have committed depredations. The non-lethal bear and wolf conflict management programs in USDA Wildlife Serv-

[4] https://npshistory.com/publications/wildlife/interagency-grizzly-bear-guidelines.pdf

ices are at risk of disappearing. As these unwarranted job cuts continue, livestock producers will lose assistance from these agency professionals to help prevent or respond to livestock conflicts in bear and wolf habitat. The funding from FWS that assists livestock producers with ways to reduce conflicts comes from the bipartisan infrastructure law.

Other grants to assist livestock producers with these actions come from USDA/NRCS and FWS and USFS:

- **Bear-resistant waste solutions**—Purchase and distribution of bear-resistant garbage cans, dumpsters, grease traps and food storage lockers.
- **Infrastructure improvements**—Establishing or upgrading rural transfer stations to better secure attractants.
- **Public outreach and education**—Developing educational materials and programs to increase public awareness about bear safety.
- **Electric fencing**—Installing portable or permanent electric fencing and electric drive-over mats on access roads to protect orchards, compost piles, garbage, livestock, and grain storage.
- **Program support**—Funding staff time dedicated to community-led conflict reduction and education efforts.

These assistance programs to the livestock industry and to rural communities will all cease if the funding is cut, and the personnel are fired. The result will be that the livestock producers and these rural communities who appreciate this help and embrace these efforts will be left high and dry. The ultimate result of the loss of these staff positions and this funding to help reduce conflicts will be the reversal of recovery efforts for some species and declines in their numbers and range once again. The millions of dollars of funding and 40 plus years of effort that went into recovering this species will be negated.

Dr. GOSAR. Thank you very much, Mr. Servheen.

And I recognize Ms. LeValley for her 5 minutes.

STATEMENT OF ROBBIE LEVALLEY, SECRETARY, PUBLIC LANDS COUNCIL HOTCHKISS, COLORADO

Ms. LEVALLEY. Thank you, Chairman Gosar, Ranking Member Dexter, and members of this Subcommittee.

Thank you for the opportunity to provide testimony on the impacts of the experimental populations under the Endangered Species Act.

My name is Robbie LeValley and I serve as the Secretary of the Public Lands Council. Since 1968, PLC has been the only organization in Washington, D.C. dedicated to representing the unique perspectives of the cattle and sheep producers who hold the 22,000 Federal grazing permits.

I am a fourth-generation rancher from Hotchkiss, Colorado where my family and I run a cow/calf operation. Our ranch holds Federal grazing permits not only on the BLM, but the National Park Service and Forest Service as well.

We have a strong partnership with the U.S. Fish and Wildlife Service as we have partnered to manage our grazing, build additional habitat, build ecosystem projects for the threatened Gunnison sage grouse.

In 2020, Colorado narrowly passed Proposition 114 which directed state officials to introduce and manage gray wolves West of the Continental Divide by the end of 2023. Colorado Parks and Wildlife then released 10 gray wolves only on the Western Slope, aiming to establish a self-sustaining population.

Those who supported the introduction of the wolves were primarily from the Front Range of Colorado, far from the potential

reintroduction sites. Ranchers and land managers on the West Slope did not support reintroduction forced by politics because we have seen what happens when species management is driven by talking points rather than science and local feasibility.

After the passage of the proposition, we worked hard to develop a plan that would fulfill the legal obligations while minimizing the regulatory burdens and practical impacts of introducing a predator in our backyard.

While the proposition did not take into account local input, local Fish and Wildlife Service staff worked with us to provide some flexibility through a 10(j) rule. Despite applying the most flexible terms, we still faced increased risk to families and livestock with new predator population.

There was a new risk and new Federal regulations that didn't exist before. All section 10(j) population caused the same new burdens. And while the Service tried to minimize the impact in our area, that isn't the experience of most other communities across the West.

Experimental populations carry the burden of a regulatory system built on hope that a 10(j) population can thrive and 1 day be part of the numbers that can lead to a recovered population.

I would argue that for the wolves and the bears and other species that are undoubtedly recovered, an additional 10(j) population unnecessarily expand the regulatory burdens over a wider area since their success has little bearing on the species listing status.

The reintroduction, regardless of how, causes widespread impacts. Wolves kill or severely injure cattle and sheep and dogs and other pets, leading to that direct economic loss. They impact allotments for the indirect loss. And even when compensation is available, proven causation is difficult.

In 2024, two Colorado producers submitted a $582,000 depredation compensation claim, exhausting the state's fund in 1 year. This does not include the probable kills or those kills that can't be proven.

The presence of bulls increases stress on livestock, causing lower weight gain, reduced calving success, and even stress induced abortions. Costs that don't show up in any compensation program but directly impact ranch sustainability.

States see this financial impact as well. The states absorb the financial burden of monitoring mitigation and compensation programs for introduced species, often to the detriment of the other big game species in that state.

The 10(j) designation is vulnerable to a political and legal shift and what is originally an experimental, non-essential population can quickly be upgraded to a full-fledged protected species. Ranchers need certainty, not a revolving door of rules and regulations and moving the goalpost.

Despite these challenges, we remain committed to stewarding these landscapes. In my written testimony, I have made recommendations to the wider Committee on how to improve ESA administration because section 10(j) is just one small part of a larger species recover issues.

Chairman Gosar, Ranking Member Dexter and members of this Committee, I appreciate the opportunity to share our experiences

and discuss ways to ensure both species recovery and ranching sustainability.

Thank you. And I look forward to the questions.

[The prepared statement of Ms. LeValley follows:]

PREPARED STATEMENT OF ROBBIE LEVALLEY, SECRETARY, PUBLIC LANDS COUNCIL

Chairman Gosar, Ranking Member Dexter, and Members of the Subcommittee, thank you for the opportunity to provide testimony on *"Understanding the Consequences of Experimental Populations Under the Endangered Species Act (ESA)"*. My name is Robbie LeValley, and I serve as Secretary of the Public Lands Council (PLC). Since 1968, PLC has been the only organization in Washington, D.C., dedicated solely to representing the unique perspectives of cattle and sheep producers who hold the 22,000 federal grazing permits. On behalf of those thousands of permittees and landowners across the West, I appreciate the opportunity to provide testimony to this Subcommittee.

I am a fourth-generation rancher from Hotchkiss, Colorado, where my family and I run a cow-calf operation. LeValley Ranch is located in West Central Colorado and is a multi-generational business that manages private and federal land. We hold federal grazing permits on Bureau of Land Mangement (BLM) and U.S. Forest Service (USFS) lands. We have a strong partnership culture and have worked cooperatively with the U.S. Fish and Wildlife Service (USFWS) for decades as our private and public lands provide the habitat for one of the satellite populations of the Threatened Gunnison Sage Grouse. LeValley Ranch and countless other permittees across the West provide key habitat for grouse and other species, and when necessary, have modified grazing management plans to supplement agency actions for the benefit of the grouse.

Through our family operation and in our leadership roles across the industry, my family has been involved for decades in conversations about a host of species, including predators like wolves. In November 2020, the state of Colorado passed Proposition 114, which became state statute 33–2–105.8. Despite robust concern from ranchers and rural communities alike. The initiative directed the Colorado Parks and Wildlife Commission (CPW) to develop a plan to introduce and manage gray wolves in Colorado west of the Continental Divide no later than December 31, 2023. In December 2023, CPW experts captured 10 gray wolves in Oregon. They released them onto public land in Summit and Grand counties with the goal of creating a permanent, self-sustaining wolf population in Colorado.

As part of this reintroduction process, CPW requested that the USFWS designate the population that would be reintroduced as an experimental nonessential population under section 10(j) of the ESA. The ESA prohibits the "take" of any listed species except as specifically allowed by the statute and accompanying regulations. By designating wolves in Colorado as a NEP with the 10(j), take of the species is authorized in a broader range of circumstances than otherwise allowed for an endangered species, including lethal take for depredating wolves. While the ballot initiative and subsequent introduction was not my preferred outcome, I appreciate the Colorado USFWS employees who diligently worked on the entire NEPA process to authorize the10(j) designation.

Gray wolves in much of the United States are listed under the federal ESA as endangered and in most places, there are very limited tools for ranchers like me, and our state agencies, to take action when conflict arises between these apex predators and everything else in the ecosystem.

As a listed species under the ESA, primary management authority over gray wolves' rests with the FWS. FWS has delegated some of this authority to CPW to take the lead in carrying out the reintroduction in Colorado. This delegation, however, does not strip FWS of any of its authority to manage the species that it would otherwise have. Accordingly, under the current regulatory regime, it is possible, from a legal perspective, for FWS to assert its primary authority and impact wolf management. However, there is significant uncertainty regarding whether FWS would take meaningful action on wolf management. Although the agency has the legal authority to do so, even over the state's objections, FWS may not be willing or able to have that fight. There is also no telling how long such helpful intervention would last.

While this list is not exhaustive, it compiles some of the direct hardships that producers like me and many others face due to the federal wolf policy.

1. *Livestock Depredation*—Wolves kill or severely injure cattle and sheep, leading to direct economic losses. Even if ranchers are compensated for confirmed

kills, verifying wolf predation can be difficult. Carcasses are often scavenged before documentation, and stress-induced injuries or weight loss—both of which negatively impact herd health—are not compensated. Ranchers bear the financial burden of these losses, often with little recourse. At the end of the year, two counties submitted a $582,000 depredation compensation claim to CPW. If all claims are approved, this would deplete the state's compensation fund—and the state is preparing for a second round of introductions later this year. Costs and depredations will continue to grow exponentially.

2. *Stress and Herd Disruption*—The mere presence of wolves alters livestock behavior. Increased stress makes cattle skittish, leading to reduced weight gain, lower calving success, and, in severe cases, stress-induced abortion in pregnant cows. These biological responses directly impact the economic sustainability of ranching operations and highlight the unseen costs of predator management. A 2014 study in Montana found that for ranches that had experienced depredations by wolves, there was a statistically significant decrease in rate of gain: calves were approximately 22 pounds lighter[1] than calves from similar operations that did not experience depredation. This non-death loss can be the difference between a producer operating on a gain or a loss. Additional studies suggest that the financial impacts of indirect effects from wolves likely exceed direct losses.[2] while producers are only compensated for direct losses of protected species.
3. *Impact on Rural Communities*—Ranching is the economic backbone of many rural communities. As wolf populations expand, ranchers face mounting losses that threaten the viability of family-run operations. The long-term sustainability of these rural economies depends on the ability of ranchers to operate without the constant risk of predation losses that federal regulations fail to address adequately. Additionally, managing NEPs imposes significant financial burdens on states, requiring resources for monitoring, mitigation, and compensation programs. For example, Colorado's wolf reintroduction program has already led to millions in taxpayer-funded expenditures, like surveillance, management planning, and conflict resolution. While the voters who supported reintroduction of the species live primarily in eastern Colorado, those of us in the West bear the costs of introduction. These financial burdens extend beyond direct state funding—rural economies reliant on agriculture, outfitting, and tourism face increased losses and higher operational costs due to restrictions and predation impacts.
4. *Uncertainty in Future Management*—For too long, ranchers and many other industries have faced the pendulum swing of executive agency regulation. Federal wildlife policy has become unpredictable, where regulatory certainty is nonexistent. Under Section 10(j) of the ESA, the USFWS designated Colorado's reintroduced wolves as a nonessential experimental population, providing some management flexibility. However, this status is subject to change based on political shifts or legal challenges. Ranchers need regulatory certainty—not a revolving door of changing policies that disrupt our ability to plan for the future.

The presence of nonessential populations causes land and resource management to change. By introducing a new species, USFWS places regulatory burdens on the area that previously did not exist, changing the expectation for the landscape and multiple use. This often occurs with little regulatory certainty for longstanding economic and social uses of the landscape, including grazing, hunting, fishing, and wildlife tourism. Large predators introduced under 10(j) designations can reduce game populations or change their movement patterns, leading to lower hunting success and reduced revenue from hunting licenses—an essential funding source for state conservation programs. Additionally, federal land agencies must shift management priorities to accommodate predator populations, which can disrupt grazing allotments, restrict public access, and increase regulatory burdens on land users. These shifts often come without adequate stakeholder input, putting rural communities at a disadvantage when balancing conservation with economic stability.

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[1] Ramler, Joseph P., Mark Hebblewhite, Derek Kellenberg, and Carolyn Sime. 2014. "Crying Wolf? A Spatial Analysis of Wolf Location and Depredations on Calf Weight." American Journal of Agricultural Economics 96(3): 631–656. Available at: https://doi.org/10.1093/ajae/aat100.

[2] Steele, Jordan R., Benjamin S. Rashford, Thomas K. Foulke, John A. Tanaka, and David T. Taylor. 2013. "Wolf (Canis lupis) Predation Impacts on Livestock Production: Direct Effects, Indirect Effects, and Implications for Compensation Ratios." Rangeland Ecology and Management 66: 539–544. Available at: https://bit.ly/46Afz7a.

Without a doubt, there are substantial unintended consequences and increased regulatory burdens as part of any ESA designation. Designations made under Section 10(j) are not immune from that regulatory burden, because of the transitory nature of the designation. In the best-case scenario, a successful 10(j) population will be expanded, and tools could be taken away to allow for the full weight of the ESA to be applied to "ramp up" the intensity of recovery efforts. In truth, this could happen whether a 10(j) shows promising improvement, or if the species struggles to take a foothold. In either case, the 10(j) is the foot in the door that allows the Service to introduce a new federal nexus and the accompanying regulatory burdens. While this approach makes sense on paper, this Committee is aware that ESA has a long, ineffective history that makes clear that a more stringent ESA classification does not make it more likely that the species will recover.

As a federal lands grazing permittee, navigating compliance with federal regulations and looking for opportunities to improve the landscape is part of my baseline mentality. The introduction of the gray wolf in Colorado presents a direct threat to operations already navigating complex regulatory regimes. While the tools provided under the 10(j) have provided some flexibility, many tools to protect our cattle, children, and families comes too little, too late. Despite all of this, we're still here. We're here because we take pride in our work on the landscape and the active management to ensure it stays healthy and resilient. We are always adapting to a changing landscape, including a dynamic regulatory landscape. While we do what we can to continue to feed our nation, I offer some suggestions to members of this subcommittee regarding the Endangered Species Act.

Congress must take meaningful steps to modernize the ESA to ensure that conservation efforts do not come at the direct expense of those who work the land. The following policy solutions would help address the ongoing challenges ranchers face:

1. *Regulatory Certainty—Stop Moving the Goalpost:* The ESA was never intended to serve as a permanent regulatory tool—it was designed to recover species and then remove protections once recovery goals are met. While the 10(j) population in Colorado is a new population for the state, it will not be the tipping point for the lower 48's species' viability, yet populations across the country continue to be treated as though they will be the lynchpin that finally secures delisting. Congress must ensure that once a species has met recovery criteria, the Service takes action to delist the species in a timely and final manner.
2. *Support Science, not Litigation, in Decision-making:* The ESA must rely on transparent, peer-reviewed, and objective science in both listing and delisting decisions, and in decisions about critical habitat and recovery plans. Too often, species' recovery goals and listing status are based on outdated science, politically driven data selection, and poorly crafted court edicts that do not reflect the scientific reality. Congress should bolster provisions in the ESA to support USFWS's position in defending their listing, recovery, and delisting decisions from frivolous litigation.
3. *Local and State-Led Management:* States are best positioned to manage wildlife populations within their borders. States have robust state wildlife management plans, are responsible for managing all non-listed species within their borders and are best attuned to local dynamics. Federal oversight is simply unable to accurately account for regional ecological conditions, economic realities, and the direct needs of rural communities. Congress should bolster the requirements for USFWS to consult and work with states through the ESA process. This would move away from the Service's tendency to promote single-species management that compromises all other entities on the landscape and would make recovery and post-delisting processes more durable.
4. *Consider Economic Impacts in ESA Listings:* The ESA currently prohibits economic impacts from being considered in listing decisions. This is an outdated and impractical approach. Wildlife policy should not be formulated in a vacuum—it must account for the people and industries it affects. Or, as I would say, wildlife doesn't stop where the gate closes. The economic impact analysis should be considered before listing decisions are finalized. Rural communities should not bear the costs of species protection without a seat at the table.
5. *Incorporate Improved Management Tools for Ranchers and Rural Communities:* Many of the more controversial species this Committee considers are large predators that evoke widespread public engagement. When species pose a physical risk to their operations and families, the Service should ensure ranchers and landowners must have access to the full range of predator management tools, including:

- The ability to immediately remove wolves attacking livestock without excessive permitting hurdles.
- Greater flexibility in deploying non-lethal deterrents such as guard animals, fencing, and the ability to repair infrastructure damaged by predators—without burdensome federal restrictions.
- Address compensation programs so the impacts aside from depredation are considered and producers don't continue to carry the weight of these decisions.

The ESA must be reformed to reflect scientific integrity, regulatory certainty, and economic realities. Section 10(j) is a starting point and an area where we can begin to listen and learn from those on the ground who interact with these species routinely. Wolves have met recovery goals, yet their management remains dictated by political interests rather than biological science. Ranchers, who steward millions of acres of grazing land and contribute to conservation through active land management, are being sidelined in favor of a regulatory agenda that ignores the on-the-ground realities of predator coexistence.

Chairman Gosar, Ranking Member Dexter, and Members of the Subcommittee, I appreciate the opportunity to provide a review of the last several years and offer suggestions about how to build a stronger future for the coexistence of our operations and the wildlife on these lands. As a fourth-generation rancher, the institutional knowledge of the lands we manage will continue to be invaluable to these Western landscapes, but we will only be successful if we can maintain a business model that supports our families and communities.

Thank you for the opportunity to testify.

QUESTIONS SUBMITTED FOR THE RECORD TO MS. LEVALLEY, SECRETARY, PUBLIC LANDS COUNCIL

Questions Submitted by Representative Gosar

Question 1. Ms. LeValley, in your testimony, you mentioned that adoption of a 10(j) has consequences for other uses of the landscape, particularly on public lands. In Colorado, have you seen any impacts to how agencies manage public lands for grazing or other uses as a result of the reintroduction of wolves under this section?

Answer. As outlined in my testimony, the presence of nonessential populations causes land and resource management to change. By introducing a new species, USFWS places regulatory burdens on the area that previously did not exist, changing the expectation for the landscape and multiple use. This often occurs with little regulatory certainty for longstanding economic and social uses of the landscape, including grazing, hunting, fishing, and wildlife tourism. Large predators introduced under 10(j) designations can reduce game populations or change their movement patterns, leading to lower hunting success and reduced revenue from hunting licenses—an essential funding source for state conservation programs. Additionally, federal land agencies must shift management priorities to accommodate predator populations, which can disrupt grazing allotments, restrict public access, and increase regulatory burdens on land users. These shifts often come without adequate stakeholder input, putting rural communities at a disadvantage when balancing conservation with economic stability.

An example that comes to mind, for public lands permittees, is that the BLM is currently requesting that any permit renewal include a consultation with USFWS under Section 7 because of the experimental population of wolves being introduced in Colorado. This includes a change-of-season permit. As proposed species, BLM's evaluations would be conducted under the regulations for conference (50 CFR 402.10) rather than consultation. This means the determination BLM will make for wolves in Colorado is based on whether the agency action will jeopardize the continued existence of the species, or not. Based on the information provided in the background here, no BLM action occurring in Colorado could result in jeopardy of this nonessential experimental population. There is a completed BA in the Kremmling BLM office determining no jeopardy. Holding up permits for a minimum of 120 days to consult when a programmatic NEPA was already conducted for the entire State of Colorado is causing undue delays for permittees.

Additionally, the mere presence of wolves on the landscape has created uncertainty for permittees. Livestock losses due to wolf depredation often go uncompen-

sated or are subject to lengthy, bureaucratic verification processes. Even with compensation programs in place, the stress on herds, reduced weight gain, and changes in grazing patterns negatively impact the bottom line for ranchers. The long-term viability of grazing operations is threatened when federal agencies prioritize predator recovery over multiple-use mandates that support both conservation and working lands.

Question 2. Has the introduction of wolves as a 10(j)-population strengthened or undermined state authority in wildlife management? Please explain.

Answer. The introduction of wolves as a 10(j) population has strengthened state authority to some extent, particularly through the Memorandum of Understanding (MOU) between Colorado Parks and Wildlife (CPW) and the USFWS. Section 10(j) provides a framework for increased flexibility in management, which is a critical component for landowners and permittees. CPW specifically requested the 10(j) designation to ensure greater local control over wolf management, particularly regarding depredation incidents.

However, while the MOU provides a pathway for state engagement, the reality on the ground is that federal oversight still heavily dictates wolf management decisions. The ability of the state to effectively manage wolves, including implementing lethal control when necessary—is subject to federal review and potential legal challenges from activist groups. The extent to which 10(j) strengthens state authority is therefore limited by how much deference federal agencies are willing to give state wildlife managers.

Question 3. Under the ESA, the law requires species recovery to be based on the best available science. Unfortunately, this is not always the case.

Answer. USGS is the keeper of research papers and citations. Too often, older studies remain the default references in NEPA documents, rather than incorporating newer research that provides greater clarity. This outdated information can lead to agency decisions that fail to reflect current conditions on the landscape. Permittees and groups must actively submit updated research during public comment periods in the hope that it will be incorporated into decision-making.

One of the biggest issues is that natural resource studies typically last only 2–3 years, which is not reflective of long-term landscape dynamics. Additionally, research methodologies often do not align with real-world management practices, as many studies compare "no grazing" versus "bad grazing" rather than evaluating responsible, science-based grazing management. This flawed approach reinforces biased conclusions that may not reflect the actual impact of livestock grazing on habitat.

Question 4. In your experience, is the science for species recovery always up to date and reflective of real-world conditions, or do you see instances where outdated or incomplete data drives agency decisions?

Answer. In my experience, it isn't always outdated or incomplete data that drives agency decisions, but this is certainly a factor. Litigation seems to win out over science and peer-reviewed research. Too often, species recovery goals and listing status are based on outdated science and politically driven data selection because poorly crafted court edicts that do not reflect the scientific reality have excluded more updated data. The ESA needs provisions that bolster USFWS's position in defending their listing, recovery, and delisting decisions from frivolous litigation. Despite being a well-intentioned policy, it has become a punitive land management tool driven by politics that puts the burden on ranchers and rural communities.

Question 5. Could you provide some examples of outdated or incomplete data driving agency decisions for species recovery?

Answer. While there are numerous examples, the most well-known example is the stubble height requirement for sage grouse habitat. While Greater Sage-Grouse are not protected under the ESA, federal agencies have still adopted nonsensical management requirements. Federal agencies have historically enforced a blanket 7-inch stubble height requirement, assuming that taller grass equates to better habitat. However, more recent studies suggest that the quality of perennial grasses and overall habitat diversity play a more significant role in sage grouse survival than a rigid stubble height measurement. Despite this, agencies continue to rely on outdated standards that do not account for site-specific conditions or adaptive management strategies that could better support both livestock grazing and habitat conservation. However, as it relates to predator species I can name a couple of cases.

Grizzly Bear Recovery in the Greater Yellowstone Ecosystem (GYE): The USFWS has continued to list the grizzly bear population in the GYE as threatened despite

multiple scientific studies—some conducted by federal agencies themselves—showing that the population has exceeded recovery goals for decades. The decision to keep grizzlies listed has been driven more by legal challenges and shifting bureaucratic requirements rather than the best available science. State wildlife agencies, which have the most up-to-date population data, have been sidelined in management decisions, creating unnecessary conflicts between federal and state authorities.

Mexican gray wolves: The recovery plan for the Mexican wolf has been based on population models that fail to accurately reflect real-world conditions. Federal agencies have repeatedly moved the goalposts for what constitutes a "recovered" population, making it nearly impossible to delist the species. Furthermore, depredation impacts on livestock are often underreported or dismissed, as agency studies prioritize ecological modeling over direct field observations from ranchers and land users who experience wolf conflicts firsthand.

Question 6. The reintroduction of Mexican Wolves and the Fish and Wildlife Service's poor management of the population has led to a catastrophic impact of wolf depredation on livestock in Arizona. How has the depredation of livestock affected your bottom line?

Answer. Our members have certainly felt the impact. Ranchers operating in areas with Mexican wolf populations have experienced direct losses due to depredation, as well as indirect losses due to increased stress on livestock, lower conception rates, and reduced weight gain. Compensation programs, where they exist, rarely cover the full economic impact of wolf presence. In many cases, verification requirements for depredation claims are so stringent that producers receive no compensation for missing or injured animals, even when circumstantial evidence strongly suggests wolf involvement.

Arizona Game and Fish recently published the updated numbers for the Mexican Gray Wolf.

In their words:

> "Mexican wolves saw another year of growth in 2024, according to the results of the annual census. The 2024 population survey revealed a minimum of 286 Mexican wolves distributed across Arizona and New Mexico. This increase marks the ninth consecutive year of population growth, the longest continuous streak since recovery efforts began. The 2024 minimum count represents an 11% increase from the minimum of 257 wolves counted in 2023. Survey results show the population is distributed with a minimum of 162 wolves in New Mexico and 124 in Arizona."

Despite the continued consecutive growth rate, the subspecies remain protected with rural communities bearing the burden. The goalpost and recovery plans have been moved to a point where recovery will never occur.

Question 7. And, overall, what effect has depredation by Mexican Wolves had on the livestock industry in Arizona?

Answer. The livestock industry in Arizona has faced significant challenges due to wolf depredation. Beyond direct losses of cattle and sheep, ranchers have been forced to implement costly mitigation strategies such as increased monitoring, range riders, and modified grazing practices. These measures add financial and labor burdens without fully preventing losses. The presence of wolves has also strained relationships between ranchers and wildlife agencies, as federal protections often limit management options for problem wolves. The cumulative effect is reduced economic viability for ranching operations, forcing some producers to downsize or exit the industry altogether.

Dr. GOSAR. Thank you very much.

Now we recognize Members for their 5 minutes. The first gentleman up is Mr. Collins from Georgia.

Mr. COLLINS. Thank you, Mr. Chairman.

I guess you all can tell by the accent I am not from the Midwest. I am actually from Georgia, represent the 10th district. And I kind of like to make the joke a lot of times, I think we have more cows in my district than we have people.

So it kind of tells you we are a very rural district. And while we may not have grizzlies or wolves, I do want to kind of give you a problem that we do have that I hear about every year from my cattlemen's association. And that is the black vulture, which is in Georgia. And this actually is across much of the south and it attacks and has been known to kill calves, lambs, piglets, and just other type of livestock.

And so while we don't have your problem, we do have a problem because the animals that are attacked, sometimes they are not even killed but a lot of times you just have to put them down because of the nature of the severity of the injuries.

Despite this and with the problems that we have, these black vultures, their nests, their eggs, they are protected by the Migratory Bird Treaty Act. And it is because of those protections that it keeps us from addressing the problem in many ways that you have the same.

I will give you an example real quick. If a rancher has a problem, animals killed, he has got to go through the process. And Mr. Clark, I heard a little bit about what you were testifying there a few minutes ago. He's got to go through the process just to get a migratory bird depredation permit before he can even attempt to potentially take lethal remediation against the black vultures.

And that just leaves his livestock wide open for the vulture to have a buffet and keep killing. So I understand your frustrations. I hear it. I hear it every year from my ranchers, from my cattlemen. And it is the same thing. They are subject to the Federal Government's abuse of the Endangered Species Act and the misuse of the 10(j) process.

So Mr. Dobson, I wanted to go over a few things with you right quick. Over the years, how has the introduction of the experimental population of Mexican wolves impacted ranchers' ability to protect and care for their livestock?

Mr. DOBSON. Thanks for the question, Congressman.

It's made it difficult at times. Obviously there's, there's flexibility with the 10(j), especially on private property. There's not a lot of private property in my state. Only about 10 or 13 percent of the land in Arizona is private property. So not a lot of flexibility on that. But even if there was, the majority of our ranches is forest permits.

So would I want to run the risk of, you know, the publicity of taking a wolf on my private property and then having everyone show up at my doorstep?

Mr. COLLINS. Let's follow up on that. I know what you're saying. So you can, you can actually take a wolf on self-defense if you have to, but where's the burden of proof? And what are the evidentiary standards that you have to show to keep those people off your back?

Mr. DOBSON. That's a great question. So you have to prove that either the livestock was in the act of being attacked or you were in grave danger. I don't know the legalities of, you know, does it have to be photo evidence or anything like that. But again, I would never even want to be in that position to begin with.

Mr. COLLINS. Mr. Clark, you were talking about two to 5 days to get a permit. And it seems like under 10(j), once the Federal

Government gets a foothold, it's like any other Federal agency just over overreach and overburden, you can't get rid of it. What's your greatest concerns? I know you have experience with wolves. What's your greatest concerns with the grizzly bears in the North Cascades?

Mr. CLARK. Thanks for the question. My greatest concern is that even though the promises that have been made in the 10(j) process are on paper, they're going to get enforced just like the wolf recovery effort was. And that is funding can be up in the air whether or not compensation is made.

And also if there's actual how hard it is to prove that my animal is attacked by a grizzly bear and that removal can be an option.

Mr. COLLINS. Do these predators, do they understand what state lines and boundaries or how they move about?

Mr. CLARK. No. We were told that the wolves wouldn't swim the Columbia river and evidently they took swimming lessons somewhere along the way. So they don't respect any sort of line.

Mr. COLLINS. I think they're going to go where the food is, right?

Mr. CLARK. Exactly.

Mr. COLLINS. Thank you.

Mr. Chairman, I was going to yield you some time. It looks like I'm down.

Dr. GOSAR. You had some great questions.

So now the gentleman from Alaska, Mr. Begich, is recognized for 5 minutes.

Mr. BEGICH. Thank you, Mr. Chairman.

Whenever I talk about Alaska to my colleagues, I remind them my home state does resource development the right way. This includes oil and gas exploration and production. You don't have to take my word for it. The U.S. Fish and Wildlife Service own ESA Species Status Assessment for polar bear published in August 2023, asserts and I quote, "Past history has determined that onshore oil and gas operations can be conducted safely and effects on wildlife and the environment minimized." Further, they go on to say that, "Plans are reviewed by both leasing and wildlife agencies prior to any activity so protective measures specific to polar bears can be put into place prior to any new activity."

We're proud of our record of responsible development in Alaska. Yet, with regards to the polar bear, the ESA seems to be weaponized to halt projects in Alaska's Arctic. Unsurprisingly, the actual numbers of polar bears in the world are at record high numbers.

The agency's decision to list them as threatened was based on a prediction of a reduction in sea ice habitat. However, it failed to account for these bears' ability to adapt.

So my question is to anyone who would like to answer it on the panel today, why does the U.S. Fish and Wildlife Service only use leading indicators of negative impacts when building population models?

And also why do they seem to fail to adapt to disconfirming evidence of those models?

Seems like our expert panel doesn't have any answers to why they failed to adapt to disconfirming evidence, but I think that that

is an indicator that the U.S. Fish and Wildlife Service needs reform in the ESA in order to adjust those models.

And I will now yield the balance of my time back to our Chair.

Dr. GOSAR. I thank the gentleman.

Now, Mr. Servheen, are you familiar with the chicken rule?

Dr. SERVHEEN. The chicken rule? No, sir, I am not.

Dr. GOSAR. Well, there is supposedly 18 birds in a pen, a chicken can only recognize 16 of the other birds. So they hired a chicken psychologist, believe it or not, to find out what the birds think about those other two birds in the pen.

You know, I'm going to come back to you, Mr. Clark. We are seeing pictures up here. You have to let this animal die before you get compensated, right? You can't kill it? They are not feeling that, right?

Mr. CLARK. Incorrect. Thanks for the question.

No, that the, the animals are suffering the entire time until we can put them down, sir.

Dr. GOSAR. So I don't get this. We are concerned about chickens, but we are not concerned about cattle, sheep? Does that make sense to you?

Mr. CLARK. No, sir.

Dr. GOSAR. Would surprise you that previous Administration tried to rush rules and regulations on consultation through? Last year it was mucked up that the consultation is very needed with individuals and local municipalities more so today than ever before?

Mr. CLARK. Yes. Thanks for the question.

I believe that, you know, we went through this process several times in the last decade. They tried to reintroduce the species without 10(j) and during that process, the public input was very against that. And so then they rolled out the 10(j) process in order to circumvent their re-introduction.

Dr. GOSAR. Wow. So let me ask another question. Do these animals, when you show up, do they just run away, these apex predators?

Mr. CLARK. No. Thanks for the question.

No, because there is no physical harm deterrent to these animals. They become very acclimated to human presence. And so we literally will have them within, you know, 50 to 100 yards of humans and vehicles. And they just watch you do whatever you're doing.

Dr. GOSAR. I am familiar with grizzlies, that they are very sensitive to boat horns, but wolves are not. Can you tell us a little bit about that?

Mr. CLARK. So in my experience, wolves are a very intelligent animal and they figure out where they can and can't get away with predation. And whenever they associate a certain thing with danger, then they remove themselves from that area. But when there is no real danger deterrent for those animals, they're no longer afraid of anything that you throw at them.

Dr. GOSAR. So I want to ask one more question of you. So you're not against this 10(j)? It is just that it needs consultation and it needs better outlines, right? To follow?

Mr. CLARK. Exactly.

Dr. GOSAR. OK.

And same thing with you, Mr. Dobson, correct?

Mr. DOBSON. Correct.

Dr. GOSAR. I thank you.

I now recognize the gentleman from California, Mr. LaMalfa, for his 5 minutes.

Mr. LAMALFA. Thank you, Mr. Chairman. I appreciate it a lot.

You know, we are having just a big outbreak of wolf kills up in the Northeast corner of California and on the Oregon side of the line here and people are just running out of options.

On the Oregon side, they are actually taking some action to deter wolves. California is much more open to wolf destruction. So it is difficult, but I would like to ask the panel. Is there a target number that we will see that the wolf is recovered, that it is no longer threatened or endangered in North America? Is there some kind of number that we can put our finger on that we have been successful with through the ESA?

Mr. CLARK. Thanks for the question. That's an excellent question. We've been asking that of the managers of those species ever since the introduction of them and we've yet to receive an answer. If it is an answer, it changes.

Mr. LAMALFA. Do we need to do a Freedom of Information Act to get the answer from them or where is the answer?

Mr. CLARK. I would love to know that answer.

Mr. LAMALFA. Me too. There is a pretty extensive population of gray wolf in the upper middle Midwest states and in Canada, right? I mean, tens of thousands; is that correct? Are they considered endangered up there as well? Anybody who wants to please.

Mr. CLARK. Yes, thanks.

Mr. LAMALFA. And more than one of you.

Mr. CLARK. To my knowledge, there's a fully recovered population in Montana, Idaho, Wyoming. The states are in the eastern third of Oregon and Washington. The states are in charge of managing those species. So that means they're fully recovered and also in the upper Midwest.

Mr. LAMALFA. But they're still on a list of endangered or threatened, right?

Mr. CLARK. Depends on the minute.

Mr. LAMALFA. Depends on what?

Mr. CLARK. Depends on the minute.

Mr. LAMALFA. The minute. OK, so if we were to introduce giraffes to Northern America, I don't think they're considered endangered in Africa, I'm not current on that, but if you started introducing giraffes, would they become endangered here in North America as we don't have enough of them in each state. You don't have to answer that, but that seems to be the logic of how it goes.

Now when there's tons of wolves that we can go view and enjoy in the upper Midwest, my home state of California seems to have mating pairs or packs in every single county otherwise it's still considered endangered.

Is that sort of more or less the logic that we're dealing with here?

Mr. CLARK. So yes, thanks for the question. That's where I'm stuck where I live is I live on the west side of Highway 97, and I'm still in a federally protected endangered area.

So even though there's just as many wolves in my backyard as my neighbors across the river, I have to deal with it.

Mr. LAMALFA. Yes, that arbitrary, we have 97s down in my part of California, too, so same deal.

My understanding, too, is we have had, you know, at least 15 calves killed in my region there recently. And of course, the burden to prove it is a wolf kill seems to be very arbitrary as well. I mean, there's not like, you know, alien ships coming down making crop circles or also mangling a few calves. It is pretty obvious, but the Fish and Game folks don't seem to want to verify and make whatever meager award that is going to be.

But we do have a situation where they keep catching them and tagging them and putting collars on them, and our understanding of that is that it is basically halfway domesticating them. We have incidents where wolves run right past people that are doing whatever legal hazing they can do, and they run right past either getting livestock or pets right off somebody's porch.

Talk to me about that little bit there with what measures do you really have that are effective in keeping the wolves off of you?

Mr. DOBSON. So the question is, what issues do we have to keep the wolves off of us?

Mr. LAMALFA. Yes.

Mr. DOBSON. There's a lot of issues but I think the largest issue——

Mr. LAMALFA. What tools? I guess what tools? Is there anything that's effective? You're kind of alluding to that there isn't?

Mr. DOBSON. Right. And I alluded to that in my oral and it's also in my written testimony. But there's a lot of indirect costs that we bear as ranchers too to keep wolves off of our livestock.

Mr. LAMALFA. Are they effective? Yes or no?

Mr. DOBSON. At the beginning, they can be effective. And then immediately after the wolves figure out, like Mr. Clark said, that there's no danger associated with it, then they kind——

Mr. LAMALFA. Right. So they become used to it? They become used to it.

Dr. Servheen, you think this is working for people?

Dr. SERVHEEN. Well, I think with proper management we can recover grizzly bears and wolves. And I want to comment about the issue, you know, like wolves that are being calm around people and walking up to people. That's not normal and animals like that need to be removed. That's what's called habituation. Loss of normal fear response.

Mr. LAMALFA. And how do we remove them?

Dr. SERVHEEN. You shoot them and get rid of them.

Mr. LAMALFA. Do we have permission to do that?

Dr. SERVHEEN. Well, I'm not a wolf manager in California and Oregon, so I can't give you those details. But I'm a longtime manager of a large, fairly aggressive species and you can balance the needs of people with the needs of those animals by removing animals that do come into conflicts. And for grizzly bears, we don't like animals that are habituated that walk up to people. That's dangerous.

Mr. LAMALFA. It is. I am glad you agree with that because we have not heard a whole lot of help coming from anybody on the offi-

cial side. You put collars on and you tag them and they get used to it and they just run right past you.

Mr. LAMALFA. Chairman, I'm over time. I appreciate it. I yield back. Thank you.

Dr. GOSAR. I thank the gentleman.

The gentleman from Wisconsin.

I'm sorry, the gentlewoman from Colorado, Ms. Boebert is recognized for 5 minutes.

Ms. BOEBERT. Thank you, Mr. Chairman. And apologies to the gentleman from Wisconsin. We'll get right to you, sir.

Thank you, Chairman, for having this hearing today. And thank you to our witnesses for joining us. And I would especially like to thank Ms. Robbie LeValley for coming in from Hotchkiss, Colorado. Beautiful part of Colorado, if I may add. My mom's actually here. She's living in Montreux, so she's fairly close to you.

But we're here to discuss the impacts on the ESA and those that they have on the LeValley Ranch. In 2020, voters in Denver and Boulder passed Proposition 114, directing the Colorado Parks and Wildlife Commission to develop a plan to introduce and manage gray wolves in Colorado West of the Continental Divide.

Because of this, Colorado has rushed through the importation of Canadian gray wolves and has set them loose in our state, despite numerous protests and questions about the legality of this dysfunctional and chaotic approach putting predators over people.

Ms. LeValley, I have heard from farmers and ranchers across the state how this misguided proposition has created so many issues from depredation to increased regulatory burden. Would you mind discussing how the reintroduction of the gray wolf has impacted your ranch, specifically in Hotchkiss, Colorado?

Ms. LEVALLEY. Thank you for the question. When we think about the impacts, and you all have heard the impacts, as was mentioned in opening statements, for many years to come, for many years in the past and going forward, it is that regulatory uncertainty. It is the changing of the goalpost. It is the lack of ability when there is a predation that the tie actually goes to the landowner who has experienced the significant loss, whether it be a livestock or a working dog or a pet. Those are the individuals that have experienced that loss.

And again, because of this, when we look at the entirety of that program, it is very difficult to confirm those predations. It is very difficult for them to have that compensation in place. It is written down that compensation will occur. It is written down in the process but the reality on the ground is that is extremely difficult.

The same has played out in the state of Colorado with this 10(j) population. I want to be clear, we did ask for this and we worked very hard for this, but what is on paper is very difficult to implement on the ground because the reality does not match the plan.

Ms. BOEBERT. Yes, and I would agree that 10(j) ruling is very important and something that we have all fought hard to get. I have heard from farmers and ranchers across the state how misguided this proposition has created so many issues. And with this we have seen since the reintroduction of the wolves in our state, the gray wolves kill or severely injure cattle and sheep, resulting in direct economic losses to ranchers themselves.

And so you mentioned how difficult it is to verify these kills to ensure ranchers can get compensation for these losses. And at the end of the year, I think two counties submitted depredation compensation claims to CPW. And if all claims are approved, this would deplete the state's compensation fund. And the state is preparing for a second round of introductions later this year, not to mention how much the state is spending on bypassing U.S. sources to import wolves from Canada.

So Ms. LeValley gray wolf populations, including the experimental populations, not only met but also exceeded recovery goals across the lower 48 states. I believe that it is past time to delist the gray wolf and return management to the states, but will working with the state government simplify the management of these populations compared to handling the complexity of the Federal Government and the ESA?

Ms. LEVALLEY. Again, thank you for that. Each state, when we look across the entire range of whether we're talking about the wolf or the bear, then again, they have to balance that management of that species with all of the other management of the big game species.

And so it is that management and not just the single species focus that is critical for the states to take on and again have that balance for that. So overall, the numbers have recovered again.

Again, additionally, states have taken on the approaches based on their numbers, based on their habitat, based on their ability to manage, and as we move forward, then those states will continue with that. But we have to have that approach for the individual rancher who pays the price for all of these regulations and has to manage for that with cumulative impact, be able to look at a predation, be able to say that that predation is from one of the predators that is being introduced and then move forward with the process without undue regulation and burden of proof.

Ms. BOEBERT. Thank you so much, Ms. LeValley, for being here in Washington, D.C. from Hotchkiss.

Today, Colorado's agriculture producers have lost 580,000 in just 1 year from wolves already introduced. And we should be working with our farmers and ranchers who tirelessly labor to feed us instead of rushing foreign predators into our state and bloating even further a terribly mismanaged wolf program.

I think we need to have the ability to immediately remove wolves attacking livestock and without excessive permitting hurdles.

Thank you again and I yield.

Dr. GOSAR. I thank the gentlewoman.

The gentleman from Arizona, the newest member of our delegation is recognized for 5 minutes.

Ms. ANSARI. Thank you. Mr. Chair.

I am proud to represent Arizona's third congressional district. My district in which is Phoenix, Glendale and Guadalupe is very much on the front lines of the climate crisis. In 2024, we saw 143 days that reached temperatures of 100 degrees or warmer, leading to nearly 600 heat related deaths in Maricopa County.

The Endangered Species Act has been a lifeline for Arizonans. It has brought species back that stitch our ecosystem together. The Mexican gray wolf, down to seven in the 1970s and now 257 strong

across our state, is a keystone species. Our ecosystem dies without it. That is the ESA at work stabilizing the forest and rivers we rely on.

Section 10(j), the experimental populations provision allowed the wolves to be reintroduced and now Republicans want to gut it. These Trump administration rollbacks of the ESA are a theft for our communities and our ecosystems.

When Republicans talk about rolling back the ESA, it is not just about wolves or bears. It is just another piece of the agenda to silence our communities, the communities I proudly represent. They want to strip American communities of our right to be a part of the decision-making process about the land we live on, the water we drink, and the air we breathe and this is just another example of that.

Instead of undermining the Endangered Species Act, I urge my colleagues to strengthen critical conservation and recovery efforts.

With that, I'd like to turn to my questions.

Mr. Servheen, can you describe how Section 10(j) of the ESA was applied to successfully reintroduce the Mexican gray wolf, California condor, black-footed ferret, and other threatened species in my home state of Arizona?

Dr. SERVHEEN. 10(j) is used under the Endangered Species Act for the reintroduction of species, and all the species you mentioned were basically gone and had to be reintroduced. 10(j) does allow more management flexibility, and it was specifically put in place for reintroductions where there might be concerns about the impacts of this new species. New, because it was gone for a while and now it's being returned.

In general, 10(j) should have the flexibility to give local people the needs that they have to meet their needs for, whether it's livestock conflicts or safety issues or whatever. We've heard a lot in the comments today about maybe they don't believe that the way it's being applied is proper, but maybe the details on how it can be applied and those management details can be fixed or improved but 10(j) in and of itself is a very effective way to bring species back from the edge.

And we've done a tremendous job of eliminating species across the United States and under the ESA and 10(j), we've brought a lot of them back, as you mentioned. And what I could hope, or what I would hope, is that we could improve the application of 10(j) and not eliminate 10(j) as an application.

Ms. ANSARI. Thank you.

Predators such as grizzlies and wolves are known to play vital roles in our ecosystem but we hear concerns from ranchers about the potential for attacks on livestock. How do wildlife managers aim to balance the ecological importance of these animals with the needs of local communities? How would you say common compensation programs help ranchers mitigate these losses? And how can Congress support the availability and effectiveness of these programs?

Dr. SERVHEEN. Well, compensation is really important because we don't want the livestock producers, my colleagues here at the table, to be bearing the burden for these species that are brought back, like wolves and grizzly bears. They need to be compensated

for any losses they have. And there should be prompt and effective programs to manage those particular animals that are involved in predation, which we can do. We can figure out which ones are the problem and remove those.

As I mentioned in my testimony, the vast majority of grizzly bears and wolves do not kill livestock. There's a few offending animals, and those animals need to be dealt with. So I think there are ways that we can balance the needs of people with the needs of these animals. We've shown that with grizzly bears and wolves in the Northern Rockies, and I would hope that we could do that with other areas, such as the Mexican Wolf and some of the other species that were mentioned at the hearing today.

Ms. ANSARI. Thank you so much. And my final question. The ESA has successfully restored wolf and grizzly populations throughout the country, as you've mentioned. However, the growth is now being used to justify removing protections that have allowed these animals to thrive.

Under the ESA population count is just one of the criteria that must be met to delist a threatened species and ensure its long-term stability. What are some of the other criteria and what are the risks of prematurely delisting a species before it has fully recovered?

Dr. SERVHEEN. That's a really important question because many people, when they think about the recovery of listed species, just look at the numbers of animals on the landscape.

Another part of the Endangered Species Act is it requires that adequate regulatory mechanisms be in place before any population is delisted. Adequate regulatory mechanisms by and large deal with two issues, mortality regulation and the maintenance of proper habitat.

If you don't have adequate regulatory mechanisms and you turn the management over to an entity like the state, you could have serious problems where the mortality for the species that was doing fine when it was listed starts to be excessive and the population numbers go down.

And we've seen that with wolves where the states, particularly Idaho and Montana, have put in place extremely aggressive systems to try to kill the wolves. Idaho's trying to eliminate 90 percent of its wolf population from 1,500 to 150. Montana is going from 1,100 down to 450. And those are not based on any facts. There's no need to do that. The wolves are not threatening big game populations. And in fact the wolves in and of themselves have been stable since 2013.

So you know, without adequate regulatory mechanisms, what will happen is that recovered species will start to decline again and they'll be in trouble.

Ms. ANSARI. Thank you.

Mr. LAMALFA [presiding]. The Committee now recognizes Mr. Tiffany.

Mr. TIFFANY. Thank you, Mr. Chairman. We are hearing once again move the goalposts. The species have recovered, but we're going to move the goal post out of some other reason.

I want everyone in this room to take a look at this picture behind me. Everyone in this room, take a look at this picture behind me.

This is the slaughter that is going on in my home state of Wisconsin as well as many other states. And it is the reason why Representative Boebert and I have once again introduced the Wolf Delisting bill, the Pet and Livestock Protection Act.

I see some people in the room have not looked at that picture yet. Take a look at it. That is what is happening all over the state of Wisconsin and in particular in my district.

So let's Read this off from the Wisconsin Farm Bureau, Bayfield County. My child isn't safe at the bus stop. Wood County. I drive a school bus. I've seen wolves in people's driveways. Price County. I have a lot of young stock dairy cows. I went to the DNR, pictures of what happened, they told me I don't have enough evidence for a case. I sold my herd.

We are wary of our Labrador taking it for a walk in Iron County. Portage County. Numerous deer kills. Langley County. Afraid to walk my property with a dog. Langley County. I've had to secure pets indoors, especially at night. Lincoln County. We had to put one horse to sleep as it was chased through a fence and severed its hoof. A year later, we had another horse spend 8 days in the vet clinic recuperating.

Those are the stories of the carnage that is happening around America, including in my home state of Wisconsin.

Mr. Dobson, have you heard of ranchers or farmers that have not even bothered filing wolf depredation claims?

Mr. DOBSON. Yes.

Mr. TIFFANY. And why are they not filing those claims?

Mr. DOBSON. We spend a lot of time out on in the forest and spending time with these investigators. And over the years we have come to find out what will pass and what will not. And so we realize that these investigators have limited time and resources.

Mr. TIFFANY. So you're not being compensated, is that correct? For some?

Mr. DOBSON. Not on all of them, yes.

Mr. TIFFANY. And are you being compensated for a loss of weight gain or a loss of production like with milk cows?

Mr. DOBSON. No, sir. And that's, that's my largest complaint about everything is direct cost is a fraction of what the indirect costs are.

Mr. TIFFANY. Dr. Servheen, the original recovery goal for wolves in Wisconsin was 100. That was 100 for Wisconsin and the Upper Peninsula of Michigan that exists yet today, now there are well over a thousand wolves that are in Wisconsin alone, and add the Upper Peninsula and I am sure you are looking at two to 3,000 wolves that are in that area.

Would you say wolves have recovered?

Dr. SERVHEEN. I'm not a wolf expert, sir. I can't give you the details on that. The numbers sound like there's a lot of wolves out there. But as I said, to achieve recovery, you have to have more than just a number of animals.

Mr. TIFFANY. Should we allow mitigation of conflicts? You talked about that earlier. Should we allow mitigation of conflicts?

Dr. SERVHEEN. What do you mean by mitigation, sir?

Mr. TIFFANY. Removing wolves?

Dr. SERVHEEN. Yes. I think you need to manage wolves. They can't be totally protected.

Mr. TIFFANY. So do you agree with the judges that have said you cannot dispatch a wolf unless it is threatening you as a human. You can't protect your pets. You can't protect your livestock. Do you agree with that rationale by some judges?

Dr. SERVHEEN. Well, I don't know the whole story there. You know, if a wolf is threatening livestock or threatening people or threatening dogs, it would seem that that wolf needs to be removed. Who does the removal? I can't tell you that, based on the law.

Mr. TIFFANY. Do you believe those wolves should be removed?

Dr. SERVHEEN. I think that wolves that are aggressive to people and pets and livestock should be removed, yes.

Mr. TIFFANY. You said you don't trust the states. Why don't you trust my state of Wisconsin, the Pet and Livestock Protection Act, we want to return management to the states. Why don't you trust the state of Wisconsin Department of Natural Resources to manage their wolf population?

Dr. SERVHEEN. I have never said anything about the state of Wisconsin, sir. I don't know anything about the state of Wisconsin.

Mr. TIFFANY. You alluded to you do not trust states in, when you were under questioning from the gentlewoman from Arizona, you said we can't always trust states because they get it wrong. Why don't you trust a state like Wisconsin?

Dr. SERVHEEN. I think the problem is not so much the state. It's the politicians in the state. Sometimes politicians go in directions that are not really proper for wildlife management.

By and large, politicians do not make good wildlife managers. I don't want to argue with you about these issues.

Mr. TIFFANY. I'm going to conclude here my time's up.

So you want to have it both ways is what you want to have here, Dr. Servheen You are going to need to make a decision at some point. The slaughter continues here in America. The wolf has recovered. It is time to pass the Pet and Livestock Protection Act.

Look behind me. Dr. Servheen and others. 26 wildlife biologists in the upper Great Lakes states 10 years ago said it is time to delist the wolf, in particular to save the Endangered Species Act.

I yield back.

Dr. SERVHEEN. So I'm not advocating to maintain listing for Wisconsin wolves. I want to make that clear. I don't know the situation in Wisconsin. A lot of those people on that board behind you are good friends of mine and I trust them.

Mr. LAMALFA. The gentleman yields back.

We now recognize Ms. Hageman from Wyoming.

Ms. HAGEMAN. Thank you.

We have recovered the wolves and the Grizzly bear in Wyoming and we do a dang good job of managing both. I also think that we have to return to the old adage from the Bible that says those who hate wisdom love death. And that summarizes radical environmentalist obsession with predators.

Over the many years, when talking about wolves in Montana, Idaho and Wyoming the recover goal for each of those states is 150 wolves. That was agreed to by the fish, or, excuse me, the Fish and

Wildlife Service, the state of Wyoming, and has also been approved by the Circuit Court of Appeals in Washington, D.C.

Both Idaho and Montana have over 1,000 wolves. That's why they have an aggressive control program because of the depredation on their livestock association with having that many wolves in their state.

In Wyoming, we do a very good job in managing them. We have about 350 head, but we are able to manage them as predators in the vast majority of the state because that's what they are.

Mr. Dobson, in Wyoming and other Western states, we have seen firsthand how predatory introductions under ESA 10(j) rules devastate rural economies and private landowners. Your experience in Arizona mirrors the struggles faced by ranchers in my home state. And when you talk about compensation, there are so many people who will claim that the compensation programs make up for livestock losses due to predator depredation. Yet, we know that they often fail to fully reimburse ranchers for their financial and operational burdens. In fact, there is no compensation for loss of weight or other impacts on livestock. There's no compensation for the disruption to breeding programs.

And in fact, in Wyoming, we did a study on the gray wolf population after they were introduced in 1994 and we found that for every head of livestock that was killed, there were seven to eight that went missing that were killed by the wolves and none of that was subject to compensation by anyone.

The introduction of Canadian gray wolves in one Wyoming under Rule 10(j) has had a terrible impact on our livestock industry and on our other wildlife.

Have you or other ranchers in your area received adequate compensation for livestock losses due to experimental wolf populations?

Mr. DOBSON. No.

Ms. HAGEMAN. No. And that's been the experience that I have had as well and the same with the grizzly bear. Going to the grizzly bear. They have been designated as threatened since 1975. They have been recovered for over two decades.

Wyoming, in fact, does have an adequate regulatory mechanism in place to protect the grizzly bear but the Fish and Wildlife Service and rogue courts refused to allow us to delist.

In fact, the recovery goal was 500 bears. We have over 1,100 in the state of Wyoming. So again, you can imagine the impact on our livestock industry and our other wildlife populations.

The previous Administration's approach to ESA enforcement has often ignored the concerns of local communities and landowners. In fact, many administrations and Dr. Servheen, I would include you in this category, it doesn't seem that it really matters to you what the impact is to our livestock producers, to our local communities when you have these predators that are either brought in from another place or allowed to exponentially increase their population because of the protection.

Mr. Dobson and Mr. Clark, what would be some of your recommendations of how we can better manage these species to protect and provide the balance that some people give lip service to in terms of species protection at the same time that we are also protecting our other industries?

Mr. Dobson, what are your ideas?

Mr. DOBSON. As far as the 10(j)? I'm not sure I have any suggestions on that. My suggestion would that we find some sort of compensation model that takes into effect those indirect costs that we have to deal with. Like I mentioned earlier with, with Farm Bureau, three and a half percent drop in weaning weights. That's one fraction of it, right? I have to hire extra people specifically for wolves. I have to make extra trips to the mountain. I have to haul hay, I have to haul water. All of these things that don't even touch any of the cost that I have to pay out of pocket.

Ms. HAGEMAN. You know, one time I was talking to somebody who was an expert on the ESA, somebody who really wanted to have it interpreted as broadly as it possibly could and to list more and more species and to delist fewer. And I asked them, OK, what about compensation for landowners or livestock producers or the individuals that are affected by this? And they said we don't believe it is a problem appropriate to do a compensation program under the ESA. And I said why not? If this is a national policy adopted pursuant to the 1972 Endangered Species Act and you have some people who say it doesn't matter what the cost is, it doesn't matter what the economic impact is we must protect all species at all costs to make sure that they do not go extinct.

And I said if that is the national policy, why isn't there a national compensation program? And they said because we recognize if there is and if everybody has to bear that cost, that there will be less support for the Endangered Species Act.

If the cost is only borne by a limited number of people, primarily in the Western United States, primarily some of the industries such as ranching, farming, energy production, they believe that that was a fair trade off because then the rest of America could believe that this was a good policy. A small number would bear the cost, everybody else could, I guess, believe that they were doing the right thing without regard to the economic cost was and I think that's really what so many people, who support these policies, believe.

With that, I yield back.

Dr. GOSAR. I thank the gentlewoman.

The gentleman from Colorado, Mr. Hurd, is recognized for 5 minutes.

Mr. HURD. Thank you very much, Mr. Chairman.

Thank you to our witnesses.

Well, it's great to have producers here from Arizona, Washington and Colorado. I am particularly glad to have a rancher from Western Colorado here, Ms. LeValley, thank you for all you and LeValley Ranch do to feed our families, to care for our land, and to contribute to the fabric of Delta County and Colorado and the West.

In your testimony you mentioned the economic hardships that come with forced introduction of wolves. Can you talk a little bit more about not just the direct, but also the indirect costs that ranchers and livestock growers face from wolf introduction and to the extent to which those are compensated or not?

Ms. LEVALLEY. Thank you so much for this question.

And again, when I am sitting here and I am representing the Public Lands Council, I am representing grazing permittees across the West. And when we think about the economic hardship, here is an area that is often not talked about.

You've heard it alluded to today about the decrease in weaning weight, the decrease in conception rate, the impact there, the increased labor cost, the other cost that has come to bear out so significantly across the West is whole grazing allotments.

Significant well-managed grazing rotations are seriously impacted by the presence of either the wolf or the grizzly and whole landscapes can no longer be used. That is an economic hardship that is often not talked about.

When those grazing allotments cannot be used, then those areas have to be managed other ways and that management comes at a cost that is often not played out on the ground and we have that increase in fuel load and we have that increase in the potential for fire.

So it's not just that straight compensation for the depredation. It is significant loss in the weaning weight, as you see in the testimony based on research of a minus 22 pounds per animal for just the weaning weight alone.

It is the grazing allotments. It is the reduction of the grazing management rotations and the well-managed systems, as well as the conception rate as well as the stress. And in addition to that, it is the mental anguish for our producers as well to not only ride up on these depredations but constantly have to deal with that changing goal post.

Mr. HURD. Thank you very much, Ms. LeValley.

My next question is for Mr. Dobson, Mr. Clark, and Ms. LeValley. In his testimony, Mr. Servheen said that in his experience running one of the most controversial predator programs in this country's history, he believes that cattlemen's associations think that they have the tools they need to deal with depredation.

Do you agree, Mr. Dobson?

Mr. DOBSON. No.

Mr. HURD. What is missing?

Mr. DOBSON. To me, what's missing is a full compensation for indirect losses. And also, as Ms. LeValley pointed out, the changing of goal posts. That's something huge that we've dealt with from the beginning of this program.

We talked about number of wolves in Arizona, New Mexico. When first introduced, it was about somewhere 100 wolves. A little over 100 wolves is what the population needed to be. Now they've changed it to 300 because there wasn't enough genetic diversity.

So changing a goalpost makes it really hard for us to manage anything that we are told.

Mr. HURD. Thank you, Mr. Dobson.

Mr. Clark, do you believe that cattlemen's associations think they have all the tools they need to deal with depredation?

Mr. CLARK. No, I'd respectfully disagree with that statement. All the interactions that I've had in our local county cattleman's organization as well as our state, the producers are very frustrated, to say the least, with the process. They feel like they do their part, they do all the deterrence, everything that they can possibly do,

and then, like Dalton mentioned, then the goal post is moved and they can't remove a problem wolf or they can't protect their livestock.

And so it's very frustrating. And so as they get frustrated process, they become withdrawn from it.

Mr. HURD. Thank you, Mr. Clark.

Ms. LEVALLEY.

Ms. LEVALLEY. Again, it is written down on paper and what is often written down on paper is not the reality when it comes to the implementation. And so, no, there is not all the tools, and there definitely is not the ability to actually implement what tools are listed on the paper.

And too often the tools on the landscape do not reflect the reality of distance, topography, terrain, impact, and the fact that you literally do not see these animals.

Mr. HURD. Thank you very much. Thank you very much to the producers here and across the West for feeding our families.

With that, Mr. Chairman, I yield back.

Dr. GOSAR. I appreciate it.

Now, the gentleman from Washington, Mr. Newhouse, is recognized for 5 minutes.

Mr. NEWHOUSE. Mr. Gosar, Madam Ranking Member, Chairman Gosar, thank you very much for the opportunity to be part of this hearing today.

I joined because I wanted to have some input into this discussion about the Biden administration Fish and Wildlife Service introduction of the 10(j) rule that truly has the potential, and I think has proven, to have grave consequences not only in my constituents, but visitors to the northern part of my district. And as you've heard from other Members of Congress, other states in the country.

Against the will of my constituents, the Biden administration decided to, to move forward last year, finalizing a rule to establish a get this non-essential experimental population of grizzly bears into my district.

Now, this decision is a long time in the making. Over a decade of public meetings, comment periods, over two administrations, Republican and Democrat, my constituents have submitted numerous comments, almost too many to count, as well as have come here to Washington D.C. to testify, and that's not a short distance from the state of Washington.

They've attended every public meeting available to describe the potential major negative impacts that the introduction of another apex predator will have into their backyards. And yes, I said another. The Canadian gray wolf has already wreaked havoc across my district for farmers, for ranchers, even for specialty crop growers, making it nearly impossible to shelter their operations from a predator that truly knows no bounds.

So I appreciate every single one of the witnesses that are here to testify on the impacts of these experimental populations of predators.

First of all, I would like to, to ask Mr. Clark a question and thank you for making the long trek out here in Washington D.C.

You described in your testimony the negative impacts of such a designation in our state, and I think you did that extremely well.

Could you talk a little bit more about how the previous Administration ignored constituents and the impact that a dual predator load could have on operations such as yours and your neighbors?

Mr. CLARK. So like you mentioned, we had an extensive process over the last decade and a half of this reintroduction or introduction happening. It was overwhelmingly a negative response at all the public meetings, all the comments. We raise a lot of concerns that we felt like were not addressed properly. And so kind of the last minute of the last Administration, we felt like that he shoved this through quickly.

And as far as the second part of your question, again, what?

Mr. NEWHOUSE. To know if the Administration ignored our constituents, which I believe you answered that, but also the impact of having these predators to you and your neighbors?

Mr. CLARK. So we've already been dealing with a significant population of wolves for the past about 15 years. And so that has had a devastating effect on the local wildlife population, especially large ungulates, you know, deer and elk populations.

So by introducing the grizzly bear, there's, in my opinion, there's not going to be enough food source for both grizzlies and wolves to not have a bigger impact on the livestock industry than they would have if there was only one of those species there.

Mr. NEWHOUSE. Yes, that's the point that we have been trying to make, that bears eat a lot. They are going to be dropped into places that are supposedly a long ways away from population centers but where are they going to go for their food? And that's to where the people live.

Ms. LeValley, apologize, Mr. Dobson, as well as Mr. Clark, I wanted you to comment, if you could, on what I heard Mr. Huffman say.

He's of the belief that the impacts of wolves and bears are, in his words, exaggerated. Do any of you guys think that you are exaggerating the impacts to your farms or to your ranches? Or maybe are the impacts not being verified? Could that be part of the answer?

Mr. CLARK. That's an excellent question. As been alluded to before, there is a big percentage of the depredations that go unreported because of our frustration with the process.

And so there's, you know, in my opinion, a large portion of those that never get reported. And then there, as far as being exaggerated, I welcome you come visit sometime and I'll show him firsthand.

Mr. NEWHOUSE. Awesome. We will extend that invitation.

Look, realize I am out of time, Mr. Chairman. I just want to say I appreciate all the witnesses coming and testifying and also appreciate the efforts of Mr. Tiffany and Ms. Boebert of bringing this issue to the forefront.

Thank you, Mr. Chairman.

Dr. GOSAR. Thanks.

The gentleman from Puerto Rico, Mr. Hernández is recognized for 5 minutes.

Mr. HERNÁNDEZ. Thank you, Mr. Chairman.

There aren't that many grizzly bears or wolves where I come from. But I am concerned about the wider implications of meddling

with the Endangered Species Act, as well as the cuts that are affecting the agencies that supervise its execution, like, for example, USDA Wildlife Services Predation Management Program, or even the U.S. Fish and Wildlife Service.

Puerto Rico is home to a diverse array of ecosystems, many of which support unique and endangered species found nowhere else in the world. One such area is La Parguera, for example, a coastal region renowned for its rich biodiversity, including the endangered West Indian manatee and various species of sea turtles.

La Parguera, along with other protected areas on the island, serves as a vital sanctuary for these and many other threatened species. And by fostering collaboration between Federal, state and local entities, Section 10 of the ESA helps ensure that both development and conservation can co-exist in harmony.

We must protect La Parguera and places like La Parguera.

Mr. Servheen, can you explain how the dismissal of Federal employees and agencies like wildfire, U.S. Fish and Wildlife Service and the Wildlife Services Predation Management Program can undermine the ability of these agencies to operate?

Dr. SERVHEEN. Yes sir. Many of the people that are being fired or laid off, whatever you would call it, are people that are the on the ground tech technical people because they're younger, they're working in the field.

For example Wildlife Services which is the agency that deals with conflicts, apparently they've lost all their ability to hire seasonals so they won't have any seasonal people on board.

Those are the folks that work with the livestock industry within our conflicts. So I think these are going to be tremendous impacts on the people that live on the ground and, and live, work, and recreate with these animals. And if you remove the skills that are out there then the ability for the agencies to function and the ability for the public to be OK with this because they need responsiveness, they're not going to have responsiveness anymore.

So I think it's going to be tremendously negative impacts across the board. Not only for the agencies and the knowledge set, but for the public.

Mr. HERNÁNDEZ. Thank you sir.

And as I said, we must protect La Parguera and places like La Parguera in Puerto Rico and across the United States.

I yield back the remainder of my time.

Dr. GOSAR. I think the gentleman.

The gentleman from Arizona, Mr. Crane is recognized for 5 minutes.

Mr. CRANE. Thank you, Mr. Chairman, thank you for holding this important hearing today.

I want to thank the ranchers for coming here today. Thank you for all your hard work to make sure that that were fed here in this country. I also want to thank you for inspiring one of my favorite television shows, Yellowstone.

I would like to introduce something into the record.

[The information follows:]

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JOINT ANNOUNCEMENT FROM:
Arizona Game and Fish Department
New Mexico Department of Game and Fish

For immediate release, March 3, 2025

Mexican wolf population grows for ninth consecutive year

2024 population survey revealed a minimum of 286 Mexican wolves distributed across Arizona and New Mexico

PHOENIX — The wild population of Mexican wolves saw another year of growth in 2024, according to the results of the annual census.

The 2024 population survey revealed a minimum of 286 Mexican wolves distributed across Arizona and New Mexico. This increase marks the ninth consecutive year of population growth, the longest continuous streak since recovery efforts began.

The 2024 minimum count represents an 11% increase from the minimum of 257 wolves counted in 2023. Survey results show the population is distributed with a minimum of 162 wolves in New Mexico and 124 in Arizona.

A sedated Mexican wolf is carried from a helicopter to a team of staff who will conduct a health check and replace or attach a collar to the wolf before releasing it back into the wild.

"Once again, the data collected on the recovering Mexican wolf population show progress, particularly in the context that in 1998 when the first release into the wild occurred and we now approach the population goals in the current recovery plan," said Stewart Liley, the Chief of Wildlife for the New Mexico Department of Game and Fish.

"Each year, the wild Mexican wolf population numbers increase, and the areas they occupy expands. Genetic management using pups from captivity is also showing results. In total, 126 pups carefully selected for their genetic value have been placed in 48 wild dens throughout the recovery area since 2016 and some of these fosters have produced litters of their own. As we evaluate Mexican wolf recovery efforts, examining the last decade of data certainly provides confidence that recovery will be achieved."

Mexican wolf population information is gathered from November through February by the Interagency Field Team. During this time, the field team conducts ground and aerial counts, using a variety of methods, including remote cameras, scat collection, and visual observation.

Counting the population at the same time each winter allows for comparable year-to-year trends at a time of year when the Mexican wolf population is most stable.

Among the 2024 findings:

- A minimum of 60 packs were documented at the end of 2024: 37 in New Mexico and 23 in Arizona. A wolf pack is defined as two or more wolves that maintain an established home range.
- A minimum of 164 pups were born in 2024, 79 surviving until the end of the year (a 48% survival rate).
- At least 26 breeding pairs (16 in New Mexico, 10 in Arizona) were recorded in 2024.
- There were 112 collared wolves in the wild at the end of the year, which is 39 percent of the minimum population of Mexican wolves.

The field team documented additional success with fostering efforts in 2024. To date, a minimum of 20 fostered Mexican wolf pups have survived to breeding age, and at least 10 fostered wolves have successfully bred and produced litters in the wild. Fostered Mexican wolves have produced more than 20 litters, and several of those offspring have gone on to produce pups of their own.

"The results of this year's count reflect the hard work of many people and agencies that lead recovery. It also supports the recovery strategies in the 2022 Mexican Wolf Recovery Plan as we see both demographic and genetic objectives being exceeded this year, said Clay Crowder, Assistant Director, Arizona Game and Fish Department.

"Prior to the first release into the wild, many thought that a successful free-ranging wild Mexican wolf population was impossible, but as we can see from the ninth consecutive year of population growth, we are knocking on the door of recovery."

The Mexican wolf is listed separately from the gray wolf as an endangered subspecies under the federal Endangered Species Act. In 1977, the partners in Mexican wolf conservation initiated efforts to conserve the subspecies by developing a bi-national captive breeding program stemming from just seven Mexican wolves. Mexican wolves were first reintroduced to the wild in 1998.

In addition to the minimum wild population, there are approximately 350 Mexican wolves currently maintained in more than 60 facilities throughout the United States and Mexico under the Mexican Wolf Saving Animals From Extinction program.

Partners in Mexican wolf recovery in the United States include the Arizona Game and Fish Department, New Mexico Department of Game and Fish, U.S. Fish and Wildlife Service, U.S. Department of Agriculture USDA) Forest Service, USDA APHIS Wildlife Services, White Mountain Apache Tribe, Bureau of Land Management, National Park Service, and the Saving Animals From Extinction program.

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NOTE TO MEDIA:
B-roll of the capture and counting operation is available at
https://drive.google.com/file/d/1T76AReal8IXN6qcBQ6ELHnTMoWb1mlir/view

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Mr. Chairman, this is a joint announcement from Arizona Game and Fish Department. Mexican wolf population grows for the ninth consecutive year. The 2024 minimum count represents an 11 percent increase from the minimum of 257 wolves counted in 2023. Survey results show the population is distributed with a minimum of 162 wolves in New Mexico and 124 in Arizona.

Mr. Dobson, thank you for coming here today sir and representing Arizona ranches. It is appalling to hear some of the real-life examples you have shared of what it is like to run a ranch in wolf country. I sent a letter last year to the Fish and Wildlife Service to find out more information related to their Mexican wolf efforts in my district because I was hearing stories like yours.

They waited 5 months to respond to that letter and seemed to double down on this ever changing recovery plan goal.

Mr. Dobson, you have shared that your ranch has been in your family for five generations and you were only 7 years old when Mexican wolves were reintroduced into your area. Did you have to stop any operations as a result of reintroduction of wolves at that time?

Mr. DOBSON. Yes. We got out of the sheep business completely. We were the last sheep operation left in the White Mountains and we stopped that in 2012.

Mr. CRANE. How much did that cost your family business?

Mr. DOBSON. I haven't run the numbers, but it probably a lot of money over the last 12 years or 13 years. And time/value money into the future as well.

Mr. CRANE. How has Fish and Wildlife Service response to livestock depredation evolved since they first began reintroducing the wolves?

Mr. DOBSON. We have, at first it was a relationship of not having any trust. There's a lot more trust there now with the boots on the ground. But it changes from administration to administration.

The higher levels, like I mentioned before in Fort Collins, with them taking back over the final say in depredations, they're overstepping their trained professionals that they have in the field.

Mr. CRANE. Can you tell us what measures you and your family have had to take to prevent livestock depredation incidents?

Mr. DOBSON. Yes. So we, when we had the sheep, we would do fladry where we would put a electric fence along the bottom strand of barbed wire with red flags on it. We've had flashing ear tags placed in cattle. We've hauled water, we've hauled hay. We have done studies, partnered with universities to do research and range riding programs, different things like that.

Mr. CRANE. Does Fish and Wildlife Service provide funds or assistance in those prevention efforts or does that burden fall entirely on you?

Mr. DOBSON. There are grants that you can apply for. Most of the time we are doing those things out of our own pocket. They'll come to us with the, you know, with the ear tags, with the fladry. They'll donate those goods. But as far as time spent implementing those things, extra days work to get the ear tags in to take measurements. The extra time I'm covering all the labor and all the extra.

Mr. CRANE. You did mention that indirect cost of depredation far outweigh the direct cost, $320,000 in 2024 by your estimates, is that correct?

Mr. DOBSON. Correct.

Mr. CRANE. Do you worry that your cattle operation could face the same fate as your sheep operation after decades of this experimental wolf population terrorizing your ranch and the associated costs?

Mr. DOBSON. Yes.

Mr. CRANE. How have these new 2023 guidelines impacted your ability to be compensated for confirmed kills by wolves?

Mr. DOBSON. It's greatly affected us. The standards that are widely used all across the West, they take into account subcuta-

neous hemorrhaging as well as other evidence of fight scene, bite marks, raking, things like that.

And now with the new SOP 11 for, for the Arizona, New Mexico Mexican gray wolf population, it relies solely on subcutaneous hemorrhaging as being able to confirm a wolf kill. And without that, there's no confirmed kill.

Mr. CRANE. So it's become a lot more difficult for you to recuperate some of the money from wolf kills, is that what you're telling us?

Mr. DOBSON. Correct.

Mr. CRANE. Thank you.

I yield back, Mr. Chairman.

Dr. GOSAR. I thank the gentleman from Arizona.

The gentleman from Montana, Mr. Downing, 5 minutes.

Mr. DOWNING. Thank you Mr. Chairman, for holding this important hearing here and thank you to the witnesses for your time.

So recent reports show a noticeable increase in human-grizzly bear encounters in Montana as bear populations continue to expand. And you know, human interaction, livestock depredation. We've seen hunters, hikers, mountain bikers. There's a horrible tragedy in Ovando a couple of years ago with a bicyclist.

In the Northern Rockies, grizzly numbers have surpassed 2,000, contributing to more frequent interactions with people, including property damage and attacks.

I am going to start with Dr. Servheen. You have been deeply involved in grizzly bear recovery efforts. The grizzly bear populations in the Greater Yellowstone ecosystem and Northern Continental Divide ecosystem have met and exceeded all biological recovery benchmarks.

So would you agree that these populations have surpassed the U.S. Fish and Wildlife Service's recovery goals, including maintaining a minimum population of 500 bears in the Greater Yellowstone ecosystem for over two decades and exceeding the requirement of at least 48 females with cubs of this year's in the demographic monitoring area.

Dr. SERVHEEN. Well, the numbers of bears are sufficient in the Northern Rockies, that is true. And as I mentioned previously, there are other Endangered Species Act requirements for delisting and recovering species. In addition to numbers of animals it requires that adequate regulatory mechanisms be in place so that the population, if it's delisted, doesn't immediately start reversing and go downhill.

I was the original writer of the first delisting rule for Yellowstone for grizzly bears in 2007. And it was litigated and overturned. And I was supportive of recovery and delisting.

But what has happened is that in recent, recent years we've seen the involvement of politicians in the management of grizzly bears. And what has happened is that politicians have now put extremely risky and mortality causing activities across grizzly bear habitat that has negated the ability to manage mortality.

And so there are no longer adequate mortality regulatory mechanisms in place for grizzly bears, Particularly in Montana and also in Idaho. And what we've seen is that politicians are, in their efforts to kill wolves, that are putting new and innovative ways to

kill wolves on the landscape, which also kill grizzly bears. And therefore we won't know about those grizzly bear deaths.

And it's really unfortunate because I was a big proponent of recovery and delisting until politicians at the state level started getting involved in the management of grizzly bear and wolves. And now I do not trust the state politicians, and I don't think grizzly bears should be delisted because of the risky factors they've put in place.

Mr. DOWNING. Thank you. I'm gonna go a little deeper on another part of this here, Dr. Servheen. You know, the U.S. Fish and Wildlife Service has proposed reintroducing grizzly bears to the Bitterroot ecosystem. And given the grizzly bears have been documented moving temporarily from the Northern Continental Divide ecosystem into the Bitterroot before returning to the Northern Continental Divide, is there a concern that reintroduced bears would do exactly the same, potentially negating the reintroduction?

Dr. SERVHEEN. Well, at this point, I don't believe there's been a decision made to reintroduce bears. As you say, there have been bears that have moved down in there from other ecosystems. All those bears have been males because males are the ones that disperse. Females tend to be much more resident, and they don't move down to new places.

And the reason that we're concerned about bears moving in on their own is that all you're going to get is males. They won't find any girlfriends down there, and because of that they'll probably go back.

So maybe there'd be a combination where you'd put a few females in there, and that way those dispersing males might stay there. It will be a gradual process, but some might go back.

Mr. DOWNING. Thank you.

I am going to switch lines here. Mr. Clark, you run a ranch in Loomis, Washington, an area where the Federal Government has moved forward with grizzly bear introductions under 10(j), despite clear opposition from the state and local community.

Can you describe how these Federal decisions will impact your ability to operate your ranch and protect your livestock?

Mr. CLARK. Thanks for the question. As I said before, we run on a mix of state and Federal grazing permits. And the way the 10(j) language is, the decision they made, there will be different zones and in those zones any Federal ground in the North Cascades, basically, to put it simply, will be in the most protected areas.

And the burden will be basically there will have to be severe problems before anything will be addressed. And so since I run cattle in that area, I feel like I'm going to have not only wolves trying to attack my cattle, but I'm going to have grizzly bears now attacking my cattle as well. And then, and then the burden of proof will be on me to try to figure out how to handle that.

Mr. DOWNING. Right. Thank you for your answer. I wish I could go deeper, but unfortunately I have run out of time, so, Mr. Chair, I yield.

Dr. GOSAR. I thank the gentleman.

The gentleman, the Ranking Member, Dr. Dexter, is recognized for her 5 minutes.

Dr. DEXTER. Thank you, Mr. Chair, and thank you all for coming.

I know great lengths for all of you or most of you.

Mr. Servheen, DOGE, under the direction, and Dr. Servheen, I'm sorry, under the direction of Elon Musk, has targeted the Fish and Wildlife Service for mass layoffs.

We understand that the USDA Livestock Indemnity Program is also on the OMB's master list for analysis. These are skilled professionals who have dedicated their careers to saving our plants and animals from extinction and also working with our ranchers.

Do you believe our ranchers are more likely to be compensated and worked with fewer staff?

Dr. SERVHEEN. No. As fewer staff are available, there's fewer people to investigate, fewer people to respond. Fewer people to respond when rancher calls and says, hey, I've got a depredation here. Fewer people to determine whether it really was a depredation.

I mean, the whole system is going to really come down on the shoulders of the agriculture community and the ranching community because they're not going to have much help anymore if these people are gone.

Dr. DEXTER. That does sound like a distinct possibility and certainly one that our witnesses have all talked about, that the lack of ability to get proof of a predation undermines their ability to be compensated. So it feels like that is absolutely something that we should all be trying to prevent.

How would the loss of staff impact the services ability to implement 10(j) specifically?

Dr. SERVHEEN. Well, you know, the implementation of 10(j) depends on personnel to make decisions, to work with partners at the state level, to work with partners in wildlife services, to work with and go out to communities. Those people could be the people that disappear.

I mean, the whole grizzly bear recovery program right now that I ran for 35 years may disappear because of this. And, you know, then there wouldn't be people to implement the recovery of species at all.

And once people are gone, they're never going to be replaced. And this idea that, you know, you can kind of remove professionals and things keep going, that's not the case. It's like going to the auto shop and they say, well, they laid off half the mechanics and so we're not going to be able to fix your car here for like 3 months.

That's what's going to happen to the people of the United States with this continuing.

Dr. DEXTER. And obviously I am concerned about species recovery. Do you believe that species will recover more quickly or slowly with the loss of these Fish and Wildlife Service employees and USDA employees?

Dr. SERVHEEN. Well, there probably won't be recovery at all because recovery requires a lot of effort to, you know, build a recovery program, which is what I did for 35 years starting it.

We started with like 250 grizzly bears and we've got 2,000 now. That takes a lot of effort, a lot of working with the public, a lot of cooperation with the state agencies and building the system that allows those animals to recover on the landscape. Without people in place, that will not happen.

Dr. DEXTER. And who stands to benefit from a hollowed out Fish and Wildlife Service?

Dr. SERVHEEN. Well, I guess those people that don't want species recovered, you know, and I'm not denigrating my colleagues here at the table because I'm a big supporter of the livestock industry.

I mean, we need these people on the land. Not only do they feed us, but you know, the old term cows not condos. We'd rather have big operating ranches than a bunch of subdivisions. And we want to keep these people on the landscape. We want to work with them and help them with their needs that they've talked to you about today.

There's probably ways to improve the system and get them better responses so that we can balance the needs of these animals with their needs on the landscape. I know there are because we did that in Montana.

Dr. DEXTER. I appreciate that and that leads me to the last question I wanted to ask you, which I have heard very clearly. The suffering of animals is unnecessary to prove predation and that we are not getting appropriate compensation to our ranchers and our farmers.

I believe that there is a win-win here and I've heard almost universal acceptance that that would be the ideal. Do you believe that there is more opportunity, Dr. Servheen, for working with the actual implementation the on-the-ground reality for our ranchers and making sure that we protect species while also protecting their livelihoods?

Dr. SERVHEEN. Yes, I think there are many ways to improve the system. And the testimony you've heard from these folks is not so much that they don't want wolves around, they just want a system that is responsive to their needs.

I think there are ways to do that, and I would hope that we could be responsive to their needs to help these animals beyond the landscape and to keep the livestock industry healthy as well.

Dr. DEXTER. And just to reiterate what we have already established, do you think that is more likely with fewer Fish and Wildlife Service?

Dr. SERVHEEN. It's absolutely unlikely with fewer Fish and Wildlife Service. It'll get worse and these people and their need for response, there won't be anybody to respond anymore and everything will erode. The animals will go downhill. The agriculture industry will be facing conflicts. Everybody will be up in arms. And the erosion of our systems, our ecosystems, will just rapidly increase.

Dr. DEXTER. Thank you, Dr. Servheen.

I yield back.

Dr. GOSAR. Thank you.

Dr. Servheen, in your testimony you mentioned that during your entire career you never had disagreement with local stakeholders holders regarding grizzly management. This seems to be very different than today, than in the past. Would you say that?

Dr. SERVHEEN. Well, I'm talking about the state decision makers, the tribal decision makers, for example, when they——

Dr. GOSAR. But in your statement you made it broad. You said you didn't have any disagreement.

Dr. SERVHEEN. Well, we never had disagreement at the agency, the cooperative agency levels. The state, the tribal and the Federal agencies all agreed when a bear needed to be removed that it was removed. We could respond and do what needed to be done.

Dr. GOSAR. OK, so now I think you are familiar with the ecosystems of the Upper Green versus in Alaska versus, like eastern Arizona, right? They are very different.

One is the largest primitive area in the United States out of the lower 48 outside of Alaska, that is the Greener River Basin in the eastern Arizona. They got a lot more contacts with a lot more people along that side. So there's a very big difference here.

Now, to the, to the other three, I thought this country was based on, you are innocent until proven guilty. How does this make you feel that you are guilty till you are proven innocent? You have got to prove these kills.

What do you think, sir? Go down the line.

Mr. DOBSON. Could you clarify the question?

Dr. GOSAR. Yes. When you are getting paid for these animals, you have to prove it. In our system, you are innocent until proven guilty. So how does that make you feel? Isn't there better ways to do this?

Are you familiar with a little tachycardia where you get an AKG with your thumbs down? Technology is going to fill this in because, I mean, I could envision a day where you have a poor animal suffering and you could actually take a little dipstick and put it in there and you will have wolf DNA and that is very, very simple. And instead of somebody coming out to show them that you had a depredation kill, you actually have it all documented: you can send it right in. Would that work for you?

Mr. DOBSON. That probably is something that we'd consider.

Dr. GOSAR. How about you?

Mr. CLARK. Yes, I think that having some sort of simpler process of proving would be very beneficial.

Dr. GOSAR. Dr. Servheen?

Dr. SERVHEEN. Well, there are—we're on the verge of systems just like you described, where you can determine the DNA of the species by looking at the bite marks and determining that. And I'd like to clarify the fact that if an animal is suffering because it's been attacked and it's going to die, I don't see why you wouldn't be able to kill the animal.

It's going to die anyway. I'm not going to let it suffer and I wouldn't advise any rancher to do that either.

Dr. GOSAR. I agree. But I have heard over and over again that they don't get the compensation and it is been held up over and over again. So I just want to make sure.

Ms. LeValley?

Ms. LEVALLEY. You bring up an excellent point. And there is improving technologies. The bottom line, though, whatever is written down, it has to be easier to prove because right now the tie does not go to the individual on the ground.

The tie goes to it's not determined to be a predation by either a wolf or another predator. And that is the reality in many of our states. It is that ability to say this is a predation by wolves because the wolves are in this area. And whether it's DNA or whether it

is the preponderance of evidence, that has to be a clearer and more direct process in order for the animal.

We're talking about wolves that aren't doing what they should be. They should not be the ones that continue to train their offspring to do what they shouldn't be. We know there's better technologies, but it has to be clearly communicated, not just written down communicated, that it's OK for that rancher to say, this is a wolf and the individual authorizing the compensation saying yes instead of, well, maybe not.

Dr. GOSAR. And you also have to have software on the receiving end too, don't you? That is up to date. So cross contamination really is a problem.

Now, Dr. Servheen, do you actually support bringing back the desert grizzly?

Dr. SERVHEEN. The desert grizzly? Well, there used to be grizzlies in Arizona. I think it would be a challenge. You know, I don't know that I support bringing back grizzly bears to Arizona.

Our challenge is to keep the populations. We've got six populations in the recovery plan. If we can recover all those, I think we're doing pretty good. But going into places like Arizona and creating a new island population, that would be very risky, not only for the bears, but for the public. I don't know that I'd support that.

Dr. GOSAR. I agree. Well, I'm going to yield back, but we're going to do a quick second round.

And so I'm going to acknowledge the gentlewoman from Oregon for her next 5 minutes.

Dr. DEXTER. Thank you, Mr. Chair. I want to be really brief because I feel like we've covered a lot of ground today.

But Dr. Servheen, is there anything you've heard today that, that you would like to respond to or would like to clarify?

Dr. SERVHEEN. Well, thank you for that opportunity.

Yes. When I did testify that the majority of the state wildlife managers and the livestock associations in Montana feel that they've got all the tools they need to manage depredating bears and wolves. That's what I meant. I left out the word Montana.

So yes, I think there's a lot of satisfaction with the system that's out there now. And I want to emphasize the fact that grizzly bears and wolves need to be managed. They can't be strictly protected.

And so when there are problems, you have to deal with those problems. We eliminated the conflict bears, the conflict wolves. We've still got 2,400 or more grizzly bears and wolves after eliminating the conflict animals because most of them do not kill livestock. I'll just re-emphasize that.

Dr. GOSAR. All right. I have got one more question for you.

Are you familiar with the reintroduction of wolves in the Upper Green River lakes?

Dr. SERVHEEN. The Upper Green River in Wyoming?

Dr. GOSAR. Yes.

Dr. SERVHEEN. Yes. Well, in the Yellowstone ecosystem.

Dr. GOSAR. Yes, it is.

Dr. SERVHEEN. The Upper Green is part of that. Yes.

Dr. GOSAR. What happened with that?

Dr. SERVHEEN. Well, there were wolves reintroduced to Yellowstone. Those wolves are now delisted. They're no longer listed. They were recovered.

Dr. GOSAR. No, but didn't they find there were some 30 some animals that were already there in Upper Green River? And that became a problem because you brought in a different bloodline into that whole system that was artificial?

Dr. SERVHEEN. I don't think there were animals there, to be honest with you. There were some dispersing animals from Northern Montana that came from Canada. There were bear, excuse me, wolves in Montana before the reintroduction, but they weren't in the Yellowstone system.

And there may have been one or two dispersing wolves because they'll go 500 to 1,000 miles that were seen in the upper green but there was not a population of wolves. These were just maybe a disperser or two and they were not going to make wolf population stable in that area.

Dr. GOSAR. So wasn't there a presentation from a gentleman who actually filmed and documented there was over 30 wolves in that upper area?

Dr. SERVHEEN. There may be. I have never seen that and I'm not aware of that.

Dr. GOSAR. OK, a real quick question. Are you familiar with Beefalos in Arizona on the Grand Canyon?

Dr. SERVHEEN. With what in the Grand?

Dr. GOSAR. Beffalos.

Dr. SERVHEEN. Beefalos.

Dr. GOSAR. They look like bison, but they're really a cross between cows and bison?

Dr. SERVHEEN. No, I'm not familiar with that.

Dr. GOSAR. Well, there was never buffalo on the Grand Canyon. So it's an invasive species. But yet I've been here now, this is I am starting my 16th year and we have problems because the government said they were to shoot them all.

Well, that would have been really cool. And just let them rot. There's been food for the condors for a couple days, but the smell would never get past you. And now we can't get rid of them.

Now some of the tribes from the Midwest have taken some of those, understanding that they are a cross, but we still can't get rid of those. And how much have they done to the desecration of the Grand Canyon?

We have these wind storms because these, as you know, these, these bison will rip out the roots out of the ground. So we have a problem there. And I think trust is a series of promises kept. We've always said that and I've always adhered to that.

And so when we see the Fish and Wildlife Service start helping us out along those lines, I think you get a lot more cooperation. Trust is built that way.

Now I am going to move down the line. What was the question that you wanted asked that wasn't asked and what's its answer?

We'll start with you, Mr. Dobson.

Mr. DOBSON. I think we pretty well covered most of what I wanted to cover. I really think that when the goal posts get moved and

it feels like the burden is on the rancher, that to us is the most frustrating part.

We all have a place we'd rather be maybe today than to come all the way out here. And so for us to I think be looked down upon and say that we're just trying to complain and kill wolves, I think is completely false.

If it wasn't an issue for us, if it wasn't a problem, then we wouldn't be making a problem. And I don't think you can find a single rancher that deals with wolves or that deals with grizzlies that feels the exact same way that we do.

And so I don't think that it's just something that can be brushed aside. And so what we're really advocating for is help to make up the difference from these costs that we're bearing, because this is an experiment by the Federal Government.

And so for the Federal Government program that's affecting private business and private property, then I think that that should be compensated.

Dr. GOSAR. Mr. Clark.

Mr. CLARK. Thank you for the opportunity. Two things. One is that I feel like the grizzly bear decision in particular was something that was strongly opposed by locals. And we got it imposed on us by people that don't have to choose to interact with grizzly bears if they don't want to. But I have to.

That's where I live, that's where my children are, that's where my employees are, that's where my livelihood is. And the other thing is in the compensation criteria, I run cattle that I feel are better than anybody else's in this world.

Dr. GOSAR. Are they Black Angus?

Mr. CLARK. No, they're a cross of Wagyu and Angus. And it's proprietary. But anyway, if I lose certain cattle in that herd, it isn't just a two-thousand-dollar cow. It's literally the genetics that I've been working on my entire career that I'm losing and so how do I get compensated for that?

Dr. GOSAR. Gotcha.

Dr. Servheen?

Dr. SERVHEEN. I think you've pretty much asked all the questions. I think the important issue here is that don't throw the baby out with the bathwater. If there needs to be a refinement of 10(j) and the refinement of the ESA, then you know, I'm all for that and would be happy to contribute to your efforts to do that. But don't say it doesn't work or the recovery of species is wrong.

And we, you know, we have a lot of damage that we've done to the earth and we've got the ability to fix it and to maintain the heritage of the American West with some of these animals. And it's important to do that because the long, longer we wait, the harder it'll be to do that. So that's my comment.

Dr. GOSAR. Ms. LeValley?

Ms. LEVALLEY. The Endangered Species Act, when we think about when it was first written, was well intentioned and it did not contain this punitive initially. It did not contain the tie the hands behind the back it recognized that all were there and we needed to work together.

And so it has morphed into a litigation tool, a land management tool that is absolutely punitive, it absolutely takes away that incen-

tive to want to be there on the ground working. And it literally moves that goalpost, once numbers are reached or once habitat is reached, now we have to define other habitat.

And so I would just encourage, as this is being looked at and evaluated and debated, that it morphs back to more of the original intent and not just strictly based on what's the new and shiny object to add to the more recent 1,100 pages for the Endangered Species Act.

Dr. GOSAR. Well, you know, I know a little bit about this because my grandfather brought Black Angus into the Harvard Country and Green River, Upper Green River. So I know a little bit about that.

So it's been very interesting. It's been a great discussion this morning. Thank you for all that you've done. I know those members who have additional questions. They'll get those to you and we'll ask you to respond within 10 days.

So thank you very much for coming.

Under Rule 3, oh, I already did that.

If there is no further business?

We are adjourned.

[Whereupon, at 12:18 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submissions for the Record by Rep. Gosar

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The Catron County Commission requests that our testimony be included in the official record.

The Mexican Wolf has impacted Catron County Citizens and our economy for the last 28 years. From our children to our livestock, to our pets and the financial burden that they have put on us. Catron County residents should not have to live like this. The constant concern, and even fear, for our livelihoods, our livestock, our horses and pets, even our children. We, as Americans, shouldn't have to live like this.

Mexican Wolf 10j Population Problems and Solutions

The Mexican wolf population in New Mexico and Arizona is listed as endangered by the ESA 10j, experimental, non-essential designation. There are significant problems with the management of this population of wolves that have hurt the economic viability of cattle ranches in the Southwest.

A consistent theme from the United States Fish and Wildlife Service (USF&WS) and multiple wolf advocacy groups is that wolves cause an infinitesimal amount of economic harm to livestock producers. They quote statistics using the total number of cattle in a state or region as the denominator and then use the latest USF&WS "confirmed" wolf depredation statistic for that same location as the numerator. The resulting number is usually less than a hundredth of a percent for all cattle killed by wolves. This unscientific method uses a biased high denominator and an inaccurate numerator.

When evaluating the risk of wolves killing cattle, the denominator must represent the population of livestock EXPOSED to wolves. And the numerator should represent the realistic livestock loss, not

an artificial number created by eliminating every possible kill except a small subset. When actual numbers of livestock exposed to wolves are compared to all kills and missing livestock, including calves that disappear from their mother's side when wolves are around, the loss is nearly 3.5%. That percentage is more than double the USDA Farm Service Agency guideline for "normal mortality" of 1.5%, which represents all livestock mortality for any reason.
Clearly Mexican Wolves are an economic threat to livestock producers in New Mexico and Arizona.

Mexican Wolf 10j Population Problems:

- The Mexican wolf population is close to the recovery goal in the U.S., but the population in Mexico is almost non-existent. Mexico needs to be removed from the recovery goals of the reintroduction.
- The USF&WS and its partner agencies, the Arizona Game and Fish Department and the New Mexico Game and Fish Department will have collectively spent over $83MM by the end of 2025 and it is projected to cost another $7-$8MM per year until 2043 to fully recover the Mexican wolf.
- The USF&WS admits that its objectives are being met with annual wolf survival each year. And annual mortality has been consistently less than the scientifically accepted threshold for a growing wolf population. But the USF&WS has only removed 2 wolves for repeated livestock depredations in the last 4 years, when multiple wolf packs are chronic livestock killers.
- Most scientific research concludes that wolf habituation creates problems for the safety and protection of livestock, pets and people. But the USF&WS decision to solely rely on "non-lethal" methods of wolf control has made the Mexican wolf population a habituated group of animals without much fear of humans. Pets are being snatched off the front porch of homes, horses are being killed in pens near houses, wolves regularly roam within city limits.
- The USF&WS will not give ranchers access to the same GPS collar data that their own personnel use to locate wolves. It's hard for ranchers to manage for wolves if you don't know where they are.
- The USF&WS has artificially reduced the number of livestock killed by wolves in official reports by authorizing Wildlife Services to change depredation investigation Standards of Evidence (SoE), making it more difficult to confirm wolf kills of livestock and pets. Probable wolf kills and livestock injured by wolves do not even show up in the official statistics.
- These same changes to the SoE have made it harder for ranchers to get compensated for wolf killed livestock. Federal money is not available to pay for anything other than confirmed kills. The counties are forced to come up with locally raised funds to pay for any depredations that are not official "confirmed" wolf kills.
- The USF&WS has stopped issuing permits that allow ranchers to kill wolves when they repeatedly kill livestock.

- The ESA 10j rule created for this population of Mexican wolves only allows ranchers to protect their livestock and pets on private land, not their legally leased BLM and USFS pastures, where their cattle are grazing. That means that if a wolf attacks their cows or calves or working dogs on leased land, they are helpless to prevent an attack.

Mexican Wolf 10j Population Solutions

Immediate solutions that can be implemented with executive action:

- Give ranchers access to wolf GPS collar data so they can manage their ranches around wolves. The same information that the agencies use.
- Instruct Wildlife Services to return to the SoE that had been used for over 19 years prior to politically driven changes in 2023. This will enable ranchers to get paid with federal funds for wolf depredations and keep wolf depredation statistics honest.
- Issue kill orders to Wildlife Services for wolves that repeatedly kill livestock. Provide ranchers with kill permits for these same wolves.

Solutions that will require changes to the ESA 10j rule:

- Remove Mexico from the Mexican wolf recovery plan. Implement Mexican wolf recovery on a population that is U.S. based only. Down-list wolves to threatened status when the population reaches an average of 300 for 4 years.
- Change the 10j rule, so that ranchers can protect their pets and cattle on their legally leased pastures, by shooting wolves that attack their animals.
- Increase federal funding for livestock depredations and the associated costs of ranching with wolves by using the savings from ending the Mexican wolf reintroduction.

Signed:

Buster Green

Audrey McQueen

Haydn Forward

PowerPoint Presentation

Submissions for the Record by Rep. Dexter

Upper Skagit Indian Tribe
25944 Community Plaza Way
Sedro Woolley WA. 98284

February 28, 2025

Honorable Chair and NR House Committee Members:

I respectfully submit today on behalf of the federally recognized Upper Skagit Indian Tribe (Tribe) of Sedro Woolley, Washington, in support of proceeding with the April 2024 Grizzly Bear Record of Decision Species Act Proposed Section 10(j) designation.

The people of our Tribe have resided in the North Cascades since Time Immemorial and we advocate the hereditary Indigenous perspective of a People nurtured in the very landscape in question. As such, we encourage restoration of species that have traditionally contributed to the native ecosystem's health and our wellbeing. We will continue to speak out on behalf of those creatures who themselves cannot. In our culture, we teach our children to leave our environment in a better condition than we inherited—we know that we borrow the present from our future generations. Today, the chain which binds all living things together in nature is broken, as so much that once was is now lost.

Upper Skagit Indian cultural affiliation to Grizzly Bear is as great as its cultural affiliation to the North Cascades, the bear's natural habitat. A large body of ethnohistoric, ethnographic, and archaeological evidence demonstrates that the Upper Sḵagit People represent the original precontact occupants of the Upper Skagit River Valley (Blukis Onat 1990; Collins 1974; Lane and Lane 1977; Miller 2023; Miller et al. 2019; Smith 1988). The Upper Skagit is the tribe that historically occupied, and is most culturally affiliated with, the northern portion of the area that is designated Management Zone 1 of the proposed 10(j) rule. The Tribe's ancestral villages and camps extended along the length of the Skagit River and all its tributaries, where Upper Skagits hunted Grizzly Bear (Collins 1974:52).

The Tribe's history, culture, and identity is so intertwined with Grizzly Bears and the NCE landscape that it is impossible to separate them. In the Lushootseed language spoken by Upper Skagit People, Grizzly Bear is called sʔtəbtábəl' (Bates et al. 1994:219, 317) and this word origin exists today in the North Cascades place names, such as the "Stetattle" River, where Upper Skagit Indian elder Charlie Moses lived seasonally until 1898 (see Fig. 1 below; Shone 2005; USIT 2019). This map name first appeared in the notes and sketches of explorer George Gibbs about 1858 and later in the U.S. Boundary Commission's 1866 map of "The Western Section", where the entire northern reach of the Skagit River is labeled as the "Steh-tatl Valley" (see Fig. 2 and U.S. Boundary Commission 1866). Not only was Grizzly Bear traditionally hunted, it was also a spiritual being who conferred hunting prowess on those individuals who possessed Grizzly Bear guardian spirit (Collins 1974:150).

USFWS has established more than 60 experimental populations using Section 10(j) of the Endangered Species Act. The rule has been used for condors, falcons, salmon, and bald eagles. It is our hope to see Grizzly bears return to the landscape in the most responsible manner with Section10(j) in place to allow managers the flexibility to address any issues that may arise with relocation. I can be reached be reached at sschuyler@upperskagit.com if you have any questions.

Sincerely,

Scott Schuyler
Tribal Elder & Policy Rep for Natural & Cultural Resources
Upper Skagit Indian Tribe

Figure 1. Stetattle Creek near its junction with the Skagit River, located just upstream from the original home of Upper Skagit Indian elder Charlie Moses (2023 Photo by S. Schuyler).

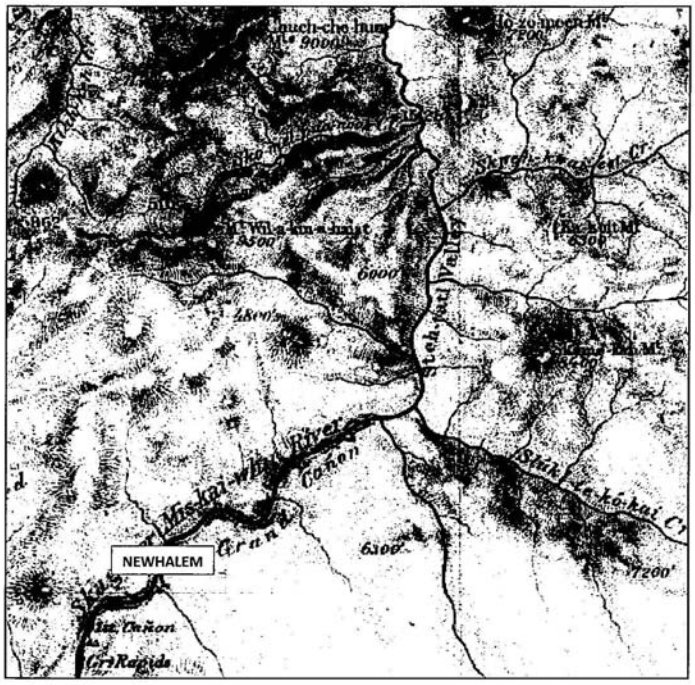

Figure 2. 1866 U.S. Boundary Commission Map. Note map designation of "Steh-tatl Valley" in the location of present-day Ross Lake Reservoir.

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