

**THE U.S. FISH AND WILDLIFE SERVICE'S  
PROPOSED FISCAL YEAR 2024 BUDGET**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON  
ENVIRONMENT AND PUBLIC WORKS**  
**UNITED STATES SENATE**

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

\_\_\_\_\_  
MAY 16, 2023  
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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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SHELLEY MOORE CAPITO, West Virginia, *Ranking Member*

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## **THE U.S. FISH AND WILDLIFE SERVICE'S PROPOSED FISCAL YEAR 2024 BUDGET**

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**TUESDAY, MAY 16, 2023**

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:17 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (Chairman of the Committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Kelly, Padilla, Cramer, Lummis, Boozman, Sullivan, and Ricketts.

### **OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Good morning, everyone. I am happy to welcome everybody today and call this hearing to order.

Today, we are here to discuss President Biden's fiscal year 2024 budget proposal for the U.S. Fish and Wildlife Service. To help inform our discussion, we again welcome Martha Williams, I told her I left my own Martha in Wilmington this morning to jump on a train and come down here. She said, where are you going? I said, I am going to go listen to another Martha.

We are happy that you could join us today. Director of the Fish and Wildlife Service, before our Committee, Director Williams, we thank you for your service, and we thank you for joining us today.

The President's budget request includes just over \$2 billion for the Fish and Wildlife Service, \$2 billion. That is about an 18 percent increase in funding over 2023 enacted levels. This increase would provide much needed resources at a time when we are asking the agencies to do more, a lot more, especially to permit infrastructure projects efficiently.

First, as habitat loss and climate change continue to drive biodiversity loss in our country and around the world, the Service's mission of conserving, protecting, and enhancing our Nation's wildlife and habitats has never been more critical. In addition, the agency's role in the Federal permitting process is especially important given the historic passage of the Bipartisan Infrastructure Law, along with the CHIPS and Science Act, and the Inflation Reduction Act.

We know that the resulting investments from these laws are already starting to drive a revolution in clean energy development, infrastructure improvement, and climate adaptation. But as part of its mission and congressionally mandated responsibilities, the Service must consult with other agencies to ensure that we are deploy-

ing these investments, and permitting projects, in a way that does not jeopardize species.

However, neither the Bipartisan Infrastructure Law, which we helped write literally in this room, nor the Inflation Reduction Act included direct funding for the Service's responsibilities related to permitting. So, in other words, Congress has increased the number of environmental reviews the Service must complete, but has not yet provided the resources the Service needs to meet this added workload. I think we have an obligation to do something about that, and I hope we will.

I have heard some of our colleagues raise concerns about the Service's Endangered Species Act consultation process leading to delays and backlogs in the permitting process. Well, lack of agency capacity is a major contributing factor to bottlenecks. The President's 2024 budget would provide the agency with adequate resources to improve efficiencies in the environmental review process, while also protecting species. We can do both, and we must do both.

The President's budget request also includes a \$50 million increase for planning and consultation activities, which would support an additional 225 full time employees for this work. With this increase, the Service expects to be able to complete more than 280 additional formal consultations and 3,100 additional informal consultations annually. Make no mistake: That will make a real difference.

Some of our colleagues have also suggested that Congress should just consider bypassing the Service's role in permitting. But it is my strongly held belief, a belief that I think most of the people in our country also share, that we have a moral imperative to protect the species with which we share our one and only planet.

What a lot of people might be surprised to learn is that preserving biodiversity has clear economic benefits. According to a 2022 report by J.P. Morgan, recent biodiversity losses have cost up to \$20 trillion per year, that is trillion with a T, per year in lost ecosystem services. These services include protecting our food supplies as well as providing clean air and clean water.

For example, our food production relies on biodiversity for pest control, for pollination, and for soil fertility. Healthy and biodiverse forests and oceans absorb more carbon dioxide. And we all rely on biodiverse ecosystems to provide clean water to drink. When we lose biodiversity, nature stops providing these precious services.

While global biodiversity loss presents a real threat to our economy and environment, the good news is that our Nation's strong environmental laws help preserve biodiversity. The President's budget enables the Service to fulfill its responsibilities under these laws, which include the Migratory Bird Treaty Act, the Lacey Act, and the Endangered Species Act.

The Service also manages over 850 million acres of lands and waters through the National Wildlife Refuge System. Some of the most beautiful land and water in America. The fiscal year 2024 budget would address the major staffing shortage experienced across our refuge system over the last decade by providing funding for an additional 168 full time employees, such as refuge managers, law enforcement, and visitor services specialists.

In Delaware, we are proud of our two national wildlife refuges. They are located southeast of Dover, about 50 miles away. They are a joy to visit, a real jewel for our country. I have an opportunity to visit these refuges quite frequently, and in fact, I am looking forward to visiting Prime Hook National Refuge next week to see our world famous red knots come by for lunch, flying from the southern part of our planet all the way up to the North Pole. These tiny birds stop on our beaches to feast on horseshoe crab eggs during their famous migration journey from the southern tip of South America to the tundra of the north Arctic. Bombay Hook and Prime Hook are major destinations for birdwatchers from all over the world, meaning these destinations support our ecotourism industry in Delaware, as well.

Some people think that just because we have more five star beaches than any other State that that is why tourists come to Delaware. A lot of people come from all over the world because they are interested in birding, including the red knot.

Both of our wildlife refuges have been short staffed for the last couple of years. We need to address this shortfall for our refuges in Delaware and frankly, for those refuges that are located around the country.

Let me conclude by saying that when Congress tasks an agency with an important mission and an increased workload, we must in turn provide sufficient funding so that they can get the job done that they are expected to do. The budget we are discussing today recognizes this responsibility and the opportunity that comes with that responsibility.

With that, we look forward to hearing more from Director Williams today on how the President's 2024 budget would support the important work that she oversees at the Fish and Wildlife Service.

Before we hear from you, we look forward to hearing from our Ranking Member, Senator Capito, for her comments.

Senator Capito.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,  
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Chairman Carper, and thank you, Director Williams for being here. And thank you for the open door of communication, and the visit to West Virginia, certainly appreciate that.

We have discussed in previous hearings the frustrations that I have had with the delays that consultation under the Endangered Species Act has added to projects in West Virginia and elsewhere. Our State Department of Transportation has faced delays in road and bridge projects. Our Department of Environmental Protection has dealt with delays in consultation on not only active mining permits, but also on projects to remediate our abandoned mine sites through the AML programs.

Local government officials have come to me to express frustration with delays to water and sewer projects. And private industry has faced delays due to a backlog of ESA consultation requests.

So you heard many of these concerns from me when you came to West Virginia, and when we talked on the phone most recently,

and I appreciate the fact that you do listen and try to make those things better.

I do want to acknowledge and thank the Elkins Field Office for its work on the biological opinions on two major projects in West Virginia: The Mountain Valley Pipeline and Nucor's sheet steel mill.

I also want to acknowledge the additional resources that you have allotted in reviewing projects in West Virginia through creating three new full time positions in the Elkins Field Office, and by detailing staff from elsewhere in the Service to help address the backlog of project reviews in our State.

However, more work is needed, and the Service must better utilize its resources to ensure the projects are reviewed in a timely manner. Section 7 consultations under the Endangered Species Act are the poster child for project delays and bureaucratic roadblocks in the Federal environment review and permitting process.

Fairly or not, other agencies often cite the slow Section 7 consultations as the justification for not advancing their own permitting process. The Administration continues to blame these delays solely on a lack of funding and staffing.

Currently, West Virginia State agencies, the private sector, and even other Federal agencies are funding positions at the Service's Field Office in Elkins. This feels like West Virginians are kind of getting taxed twice to do the same work that the Service does.

We even experience delays with getting the very paperwork in place that establishes cooperative agreements for my State's agencies to even use the taxpayer dollars to fund staff for the Field Office. The West Virginia Department of Highways has been funding a position at the Field Office for more than 10 years. Let me say that again, 10 years. Even so, the West Virginia DOH is willing to fund a second position at the Field Office to move consultations for roads and bridges through the process. There is a lot of money flowing on these roads and bridges projects.

But unfortunately, the West Virginia DOH has been locked in back and forth negotiations with the Field Office for months over how to do just that. I do not believe that adding a second position with the same duties should take months to negotiate after 10 years of experience of working the same kind of agreement.

Additionally, the Process Agreement between West Virginia DOH, the Federal Highways, and the Service, which we discussed during your visit last August, still has not been finalized months later. The backlog of biological assessments and consultations seems to never end, and recent species listings and rulemaking by the Service don't seem to be helping the problem.

The Service admits that northern long-eared bat populations are declining due to effects separate and apart from infrastructure projects or economic development activities. One of the delayed projects is important to my State, the Coalfields Expressway, which recently received a rural grant through the IIJA. There are similar stories all across the country, and they demonstrate that there is a failure of the Federal Government's incoherent policies and implementation.

Just in the past 2 weeks, the Senate has passed three resolutions of disapproval on Fish and Wildlife regulatory actions that have



significant consequences on landowners and project developers. On the one hand, the President has been trumpeting the IIA, and at the same time, the Administration is throwing wrench after wrench into the planning and construction process for key infrastructure projects.

The Biden administration's alleged statements of support for key infrastructure projects do not match the actions, and so that historic investment, the good it can do, and the jobs and tax revenues it would support, is withering on the vine. The Service must start striking a balance between recovering species and protecting American livelihoods.

With that, Mr. Chair, I turn it back to you.

Senator CARPER. Thank you, ma'am.

You mentioned Elkins a couple of times in your statement. I am thinking a couple of days ago it was Mother's Day, and as the Ranking Member knows, my mother and father, their families grew up near Beckley, but my mother, the first years of her life, lived in Elkins.

Senator CAPITO. And Mother's Day was created by a West Virginian.

Senator CARPER. It gets better and better.

Senator CAPITO. Yes, it just all starts and ends there.

[Laughter.]

Senator CARPER. That is great. Thanks very much, Senator Capito.

Now we are going to turn to our witness, no stranger to this Committee, and a friend to this Committee, and a mother, as it turns out, in her own right.

Martha Williams currently serves our Nation as the Director of the Fish and Wildlife Service. Prior to her leadership role at the Fish and Wildlife Service, Ms. Williams served as the Director of the Montana Department of Fish, Wildlife, and Parks.

How long did you live in Montana?

Ms. WILLIAMS. Over 20 years, Mr. Chairman.

Senator CARPER. Since a child, right?

All right, I understand you are a lifelong outdoor enthusiast, and enjoy hiking, hunting, and fishing. I remember you talking with us about those passions when you were here for your confirmation hearing.

Director Williams is also the mother of two wonderful children, Kate and Ian. How old are they now?

Ms. WILLIAMS. Twenty and 22. Time flies.

Senator CARPER. Boy, doesn't it though.

On behalf of our Committee, we want to wish you a happy belated Mother's Day, and to Kate and Ian, thank them for sharing their mom with us.

Director Williams, welcome back to the Environment and Public Works Committee. It is good to see you. Please proceed with your statement when you are ready. Thank you.

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

Ms. WILLIAMS. Good morning, Chairman Carper, Ranking Member Capito, and Members of the Committee. Thank you very much for the opportunity to testify on the U.S. Fish and Wildlife Service's fiscal year 2024 budget request.

At the Fish and Wildlife Service, we connect people with nature. Our mission is working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. Today, I will highlight a few of our programs for which we are seeking additional support.

Our greatest asset is our talented and dedicated work force. They work hand in hand with our partners, amplifying our collective conservation efforts. That is our superpower.

That cooperative spirit is found across the Service. And one example is in our Partners for Fish and Wildlife program. Since the program began in 1987, the Service had helped landowners restore more than 7 million acres of habitat on private lands, leveraging program funding with partner contributions at a four to one ratio, and completing over 1,800 projects this last year alone.

For fiscal year 2024, the Service is requesting a \$19.5 million increase for this Partners program. These projects not only benefit wildlife but also provide benefits to local communities through improved drought resistance, water conservation, and wildfire resilience.

The success of our Partners program shows how our relationships are central to the Service's conservation mission. And this is true across other programs, including the Coastal Program, migratory bird joint ventures, our fish passage work, and more.

Collaboration is also key to the progress we are making on protecting, recovering, and de-listing species under the Endangered Species Act. Hundreds of species are stable, recovering, or recovered.

For example, 3 months ago, in partnership with the Department of Defense, we de-listed San Clemente's Bell sparrow and four other species. Two months ago, after decades of work across the southeast with State and local partners, we announced our intention to de-list the wood stork.

We are requesting an \$88.5 million increase for our Ecological Services Program to build on our successes and help recover species by bringing them back to stable populations, as well as supporting at risk species to prevent the need to list altogether.

Ecological Service is also central to our Government's consultation and planning capacity to help deliver infrastructure projects throughout the country. Our employees are always looking for ways to improve efficiency, consistency, and transparency for our consultations. For example, we took the initiative to put in place an online tool designed to streamline consultations, help project proponents build stronger and more efficient consultations.

We are also operating with 20 percent less staff than we had two decades ago. Expanding our work force capacity will help ensure that the Service's consultations aren't a bottleneck for projects. As

we increase investment in our country's infrastructure, sufficient work force capacity is even more critical.

The good work we are supporting across the country needs to be matched with responsible stewardship on the lands that the Service manages. Our refuge system spans more than 850 million acres of lands and waters, and contains 568 refuge units. The refuge system has grown over time. But over the past 10 years, staffing has decreased by nearly 25 percent.

Our request includes an \$83 million increase to help rebuild the work force of the refuge system. It will ensure that we have the law enforcement agents, visitor services staff, and biologists on hand to properly manage these precious lands and waters.

Thank you for the opportunity to testify today. If enacted, this budget will make a significant difference. And of course, I am pleased to answer any questions that you may have.

[The prepared statement of Ms. Williams follows:]

**Testimony of Martha Williams,  
Director, U.S. Fish and Wildlife Service,  
Department of the Interior,  
Before the Senate Committee on Environment and Public Works  
On the Fiscal Year 2024 Budget Request**

**May 16, 2023**

Good morning, Chairman Carper, Ranking Member Capito, and Members of the Committee. Thank you for the opportunity to testify before you today on the U.S. Fish and Wildlife Service's (Service) Fiscal Year 2024 budget request, and for the Committee's continued support of the Service's work. The Administration continues to show strong support for the Service and our conservation mission through its annual budget request.

This past year we were pleased to begin implementation the Bipartisan Infrastructure Law, through which the Service received nearly \$111 million for just over 300 projects across the country. The Bipartisan Infrastructure Law is a significant investment in the nation's infrastructure and economic competitiveness. The law is also a substantial investment in wildlife conservation. In the Bipartisan Infrastructure Law's inaugural year, the Service identified 12 projects in the Delaware River Basin, 33 project in the Klamath Basin and five projects in the Lake Tahoe area that will provide habitat restoration, invasive species control, conservation of at-risk species and other benefits to these ecosystems. The Service and its partners also started work on 40 National Fish Passage Program projects, which are restoring habitat connectivity for aquatic species and reducing flooding risks and public safety hazards throughout the country. And, we co-sponsored a first-ever National Fish Passage Bipartisan Infrastructure Law workshop to pull together diverse stakeholders, including more than 100 practitioners from federal and state agencies, Tribes, conservation organizations and other partner organizations, to identify shared goals in an effort to make the most of this opportunity. We are also improving habitat by plugging 175 orphan wells on six National Wildlife Refuges in Louisiana and Oklahoma. These wells are actively leaking hydrocarbons, methane and contaminated water, and pose a threat to wildlife, their habitat and nearby communities. And through the Service's Sagebrush Conservation program, we are implementing 49 projects in the western states to conserve strategic areas within the sagebrush ecosystem and safeguard precious water resources for neighboring communities and wildlife.

As excited as we are about the opportunity afforded to us by the Bipartisan Infrastructure Law, the Service would not be capable of undertaking this work without a robust base budget to fund our dedicated staff who implement programs and projects. I am pleased to announce that the Administration's budget request provides significant resources for base capacity and our conservation mission. Throughout, the Service's budget request carries forward our commitment to building successful partnerships and working collaboratively. Working with others is a critical component of our mission and something we rely on daily to be successful.

The FY2024 President's budget request for the Service totals \$4.2 billion, including current appropriations of \$2.2 billion. The discretionary portion of the Service's request is an increase of \$315 million above the 2023 enacted level. A majority of this increase directly supports conservation and retaining biodiversity on the landscape.

The budget also includes \$2 billion available under permanent appropriations, most of which is provided directly to states for fish and wildlife restoration and conservation.

The FY2024 budget promotes strategic investments to implement the goals of America the Beautiful, the Administration's conservation initiative to address the impacts of climate change on natural resources, conserve species and habitats, reconnect Americans with the outdoors, facilitate economic development and create good-paying job opportunities. At its core, America the Beautiful is about supporting locally-led and voluntary efforts to conserve, steward and restore lands and waters on local, state, Tribal and private lands. America the Beautiful is about working with communities to identify what conservation programs and projects work well for them. We want to invest in those efforts and stitch them together into a collaborative and inclusive approach to conservation across the country.

Key investments in the FY2024 budget request also include Conservation and Biodiversity, Service Capacity, Science and Customer Service.

#### **Conservation and Biodiversity**

This year we are celebrating the 50<sup>th</sup> anniversary of the Endangered Species Act (ESA). Our budget request includes an increase of \$19 million for species recovery and an overall increase of \$88.5 million for our Ecological Services program, which will support our endangered species work. The ESA provides a critical safety net for fish, wildlife and plants and has prevented the extinction of hundreds of imperiled species, promoted the recovery of many others and helped conserve habitats upon which they depend.

But the ESA alone cannot recover imperiled species. The law's success depends to a large extent on partnerships and our collaborative efforts with stakeholders across the country. The ESA continues to be tremendously successful because it facilitates and incentivizes collaborative conservation.

Our FY2024 budget request will continue to support those collaborative efforts through a nearly \$30 million increase in our Partners for Fish and Wildlife program, which will help improve habitat for listed and at-risk species while supporting traditional land uses such as ranching. The Partners program will also invest \$3 million in connecting wildlife corridors to allow for species to move across the landscape, connecting habitat.

The budget also provides \$14.6 million in additional funding for our Migratory Bird program's conservation and monitoring efforts to help address the documented loss of over 3 billion birds since 1970, a net loss of 29 percent of the breeding bird population over the last half-century. In contrast, we have been tremendously successful in keeping waterfowl populations at sustainable levels. So, we know how to conserve birds – if we have the resources to do it. The total requested

increase for Migratory Birds is \$38.1 million, including funding for our partners in Joint Ventures around the country.

Another persistent conservation challenge is invasive species. We need to shift our approach from funding eradication efforts for already established species to funding prevention, so species do not get the chance to establish. The budget would provide \$7.4 million in additional funding for invasive species prevention to address problem species before they spread.

### **Conservation Capacity Needs**

The Service's ability to address the threats to wildlife and ecosystems and effectively leverage investments like the Bipartisan Infrastructure Law depends on the capacity of our programs to do their day-to-day work. The FY2024 budget request invests heavily in that capacity, with additional funds for endangered species consultation and other environmental permitting work, as well as funding for recovery of listed species, migratory birds and native fish.

The National Wildlife Refuge System spans more than 850 million acres of lands and waters and includes 568 national wildlife refuges, 38 wetland management districts, 49 coordination areas and five national marine monuments that cover 760 million acres of submerged lands and waters. There are refuges located in all 50 states, including 63 refuges with wilderness areas. The Refuge System embodies our nation's commitment to conserving wildlife populations and biodiversity for the benefit of present and future generations of Americans. Yet, the Refuge System has 800 fewer staff than they did 10 years ago, when there were far fewer refuges.

To begin to address this dire capacity need, we are requesting an additional \$30.5 million for wildlife and habitat management. Funding for refuge operations—including wildlife and habitat management, visitor services, refuge law enforcement and planning—is \$454.3 million, or \$63 million above the previous year's enacted level. The increase will be used for adaptive management, habitat resilience and the use of science-driven decision making.

Another capacity issue is in our Ecological Services program. Ecological Services planning and consultation capability is at an all-time low due to spiking workload and a real decrease in funding. Effective project development and economic growth depends on the work completed by our Ecological Services program. To meet the increasing demand, we are requesting an increase of \$50.5 million.

In addition to the requested funding to increase environmental permitting capacity, the budget also proposes to expand our existing authorities to allow federal agencies to more effectively transfer funds provided under the Bipartisan Infrastructure Law to both the Service and the National Marine Fisheries Service to complete permitting activities. This authority will help address the unique workload surge anticipated from the Bipartisan Infrastructure Law and would accelerate environmental reviews in support of responsible development of priority infrastructure projects and energy solutions across the country.

In addition to demand for consultations, requests for other environmental reviews such as those related to migratory bird permitting are also at historically high levels due to infrastructure

funding and economic growth. This budget request proposes to provide an additional \$7.8 million to support staff handling migratory bird permitting in our regional offices.

Many of the Service's programs are currently facing capacity issues; however, our Fisheries field offices have not received any increased funding in recent years. The ability of these offices to assess the status and trends of aquatic species, evaluate the causes of species decline and work with partners to implement actions to restore fisheries populations is lagging. Our request would provide an increase of \$10 million to provide more capacity for Fisheries field offices.

### **Advancing Science**

Science is the foundation of our work, and a robust science program is critical to ensure we are making fully informed decisions across all of our programs. The President's budget request includes an increase of \$20 million for the Service's Science Applications program, including \$13.5 million for Science Partnerships to work with partners on landscape level planning and shared science, as well as \$6.6 million for translating science into useful tools for on-the-ground management.

### **Customer Service**

The Service's mission is to conserve wildlife on behalf of the American public. Our efforts to provide the public with the best customer service possible are another cornerstone of the FY2024 budget request. We are engaged in a series of efforts to improve customer service, including addressing the fact that environmental policy decisions have often failed to adequately account for environmental injustices. One of our primary focal points for supporting the Administration's initiative to advance racial equity in conservation and recreational access is the Urban Wildlife Conservation Program.

The program encompasses 101 urban national wildlife refuges, including seven flagship refuges that deliver additional programming for visitors, 32 designated Urban Wildlife Refuge Partnership cities and 30 Urban Bird Treaty cities. The FY2024 budget includes an additional \$5.5 million to support creation of five more urban flagship refuges and an additional \$1 million to support urban bird treaties.

In order to serve members of the public seeking one of our permits, we are requesting an additional \$6 million for upgrades to our online system, known as E-permits. Enhancements will include continued work on secure paperless CITES permitting, the inclusion of the Migratory Bird program's permits and allowing users to apply online for Refuge System special use permits. We envision that all Service permits will be available online in the next few years.

### **Construction and Maintenance**

Implementing an aggressive agenda to tackle conservation in the face of climate change requires a commensurate investment in support resilient facilities and real property. The Service is responsible for more than \$50 billion in constructed real property assets that include over 25,000 structures as well as nearly 14,000 roads, bridges and dams. Our FY2024 construction request is

\$51 million, \$21 million more than the 2023 enacted amount, including \$42 million for line-item construction projects.

Starting in FY2021, the Great American Outdoors Act Legacy Restoration Fund provided mandatory funding for Refuge System Deferred Maintenance. This is in addition to the Deferred Maintenance funding within our Refuge program, which is funded at \$48.6 million.

Altogether, this budget includes \$366.2 million for asset maintenance and construction. The Service will use these funds to address high-priority health and safety needs for Service-owned assets to begin a transition to a life-cycle maintenance strategy that will reduce long-term maintenance costs and improve the experience of our visitors.

#### **Law Enforcement and International Affairs**

The Service's Office of Law Enforcement investigates wildlife crimes and enforces the laws that govern and facilitate trade in wildlife and wildlife products. FY2024 funding is proposed at \$104.4 million for the Office of Law Enforcement, an increase of \$12.3 million above the 2023 enacted level.

We continue to work with the State Department, other federal agencies and foreign governments to address the threat to conservation and global security posed by illegal wildlife trade and trafficking. A portion of the funding proposed for the Office of Law Enforcement will support implementation of the new Big Cat Public Safety Act, which prohibits the private possession of big cats and makes it illegal for exhibitors to allow direct contact with cubs.

The budget request also includes \$26.7 million for the International Affairs program, \$5.1 more than the 2023 enacted amount. This increase will support expanded conservation capacity for iconic species such as elephants and rhinos, as well as climate adaptation and resiliency efforts abroad.

Our international program complements our law enforcement efforts by developing strategies to target consumer demand for illegal products, which is driving a rapid increase in the poaching of species such as tigers and pangolins. And, as part of the One Health effort, the two programs also work to protect against disease transmission through the wildlife trade.

#### **Legislative Proposals**

This year's budget request contains a number of important legislative proposals which would enhance the Service's ability to use our resources to the maximum extent possible. As discussed above, we are asking for transfer authority for Bipartisan Infrastructure Law funds from other federal agencies to support environmental reviews for covered projects. This has worked well where existing authority exists, such as with the U.S. Forest Service.



Another legislative proposal is to expand good neighbor authority to the Service. This would allow states, counties and Tribes to enter into agreements to perform forest, rangeland and watershed restoration work on federal land. Another proposal for stewardship contracting authority would allow the Service to trade forest products for land management and services.

A fourth legislative proposal was also included in our FY2023 budget request. Resource protection authority would allow us to recover funds from responsible parties when Service resources are injured or destroyed. Currently, the costs of repair and restoration falls upon the appropriated budget and any fines or penalties are paid to the U.S. Treasury.

#### **Conclusion**

Thank you again for your support for the U.S. Fish and Wildlife Service.

Questions for the Record  
 Senate Energy and Public Works Committee  
 Oversight Hearing on FWS FY24 Budget  
 May 16, 2023

**Questions from Chairman Carper:**

**Question 1:** In response to the ongoing U.S. Department of Justice Investigation into the illegal importation of non-human primates (NHPs) from Cambodia and the denial of CITES permits, importers have voluntarily suspended all shipments of NHPs from Cambodia to the United States. This has resulted in a significant and growing shortage of available NHPs for federally required studies in many drug development programs. While it is critically important that the United States know the lineage of purpose bred specimens, it is also critical that the United States and U.S. biopharmaceutical companies have access to an adequate supply of NHPs. Failure to meet this need could halt clinical research, as well as place the U.S. biotech sector at a distinct disadvantage while countries like China seek to grow their domestic biopharmaceutical industry.

- a. In light of these actions, what specifically is the U.S. Fish and Wildlife Service (Service) doing to verify the accuracy of CITES permits for Cambodian NHPs?
- b. Does the Service have a plan and timeline for establishing testing and lineage criteria that clinical research companies can access to assess the viability of any new imports of NHPs from Cambodia? If so, would you please provide the Committee with that information?
- c. Has the Service received any proposals from third-party organizations or private companies, and what is the process and timeline for evaluating those proposals?
- d. Is the Service participating in a broader interagency process to develop and/or evaluate potential solutions to the current shortage of NHPs in the U.S.? If so, which other agencies are involved, and would you describe the process and timeline for developing solutions?
- e. How does the proposed Fiscal Year 2024 budget support the development of solutions to this problem?

**Response:** As you may know from the briefings and information my staff have provided to your staff, in November 2022, the U.S. Attorney's Office for the Southern District of Florida announced an indictment against eight individuals charged with smuggling and conspiracy to violate the Lacey Act and the Endangered Species Act (ESA). The defendants facing these felony charges include the owner/founder of a major primate supply organization, its general manager and four of its employees; and two officials of the Cambodian Forestry Administration, Ministry of Agriculture, Forestry and Fisheries (MAFF).

Long-tailed macaques (*Macaca fascicularis*), also known as crab-eating macaques, are protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and require permits in order to be imported into the U.S. CITES is implemented in the U.S. through the ESA. The indictment reflects an investigation conducted by the U.S. Fish and

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Wildlife Service (Service, FWS) and alleges that these individuals conspired to acquire wild-caught macaques and launder them through Cambodian entities for export to the U.S. and elsewhere, falsely labelled as bred in captivity. It is alleged that in order to make up for a shortage of suitable monkeys at breeding facilities in Cambodia, the co-conspirators enlisted the assistance of the CITES authority in Cambodia and the MAFF to deliver wild-caught macaques illegally taken from multiple sources, including national parks and protected areas in Cambodia. And it is alleged that these illegally-taken wild macaques were delivered to breeding facilities and in some cases they, or their offspring, were subsequently exported under falsified CITES export permits.

Any imports of CITES-listed species, including long-tailed macaques, must comply with all applicable federal laws and regulations, including those found at 50 CFR, Chapter 1, Subchapter B, Part 23. It is up to the importer to prove the validity of their permits, which includes the source of the species. The Service's Office of Law Enforcement is open to discussing shipments with importers on a case-by-case basis, and is accepting written proposals identifying potential protocols which may improve the government's ability to verify parentage and captive-bred status of non-human primates. However, parties that are subject to an ongoing investigation must be referred to the Department of Justice.

From 2018 to 2022, 60,784 live non-human primates were cleared by the Service and imported into the United States for biomedical research. Of that total, 15,157 live non-human primates were cleared by the Service and imported into the United States from Cambodia, or 24.9% of the total. Due to the various codes used by importers for shipments of live non-human primates for biomedical research, this data also includes some imports of live non-human primates for other scientific and educational purposes. This data does not include imports of biomedical samples or tissues sourced from non-human primates. The table below shows yearly totals.

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Country	2018	2019	2020	2021	2022	Country Total
BB - Barbados	0	0	192	70	291	553
CA - Canada	20	0	83	27	71	201
CN - China	5,644	4,588	948	762	0	11,942
DE - Germany	35	0	4	0	0	39
FR - France	0	0	0	12	0	12
GB - England	0	0	44	0	0	44
GY - Guyana	25	0	40	93	105	263
ID - Indonesia	50	0	0	120	990	1,160
KH - Cambodia	2,092	2,451	4,536	2,604	3,474	15,157
KN - Saint Kitts & Nevis	254	238	508	536	348	1,884
MU - Mauritius	1,366	2,929	5,910	7,517	5,993	23,715
PH - Philippines	0	700	350	699	362	2,111
VN - Vietnam	120	120	120	1,240	1,607	3,207
ZA - South Africa	166	90	80	80	80	496
<b>Yearly Total</b>	<b>9,772</b>	<b>11,116</b>	<b>12,815</b>	<b>13,760</b>	<b>13,321</b>	
<b>Grand Total</b>						<b>60,784</b>

As the data indicates, in 2020 the People's Republic of China instituted policies that restricted the export of wildlife, including non-human primates. The restrictions were implemented following the COVID-19 pandemic and have significantly reduced the nation's supply of non-human primates. As a result, other countries have increased their supply to meet the ongoing demand for live non-human primates in the United States.

Following the November 2022 indictment, the Service met with numerous federal agency partners regarding the alleged trafficking of long-tailed macaques and falsification of CITES documents. The Service is committed to working with other federal agencies, foreign governments, industry, and others to ensure the sustainable and legal trade of wildlife, including long-tailed macaques.

The Service's Fiscal Year 2024 budget request includes an increase of \$7.234 million for the Office of Law Enforcement, which would enable the Service to hire a new class of special agents. The Service's network of special agents and international attachés are on the front lines of our efforts to combat wildlife trafficking.

This is an active, ongoing investigation. As such, we are providing this response for each of your questions for the record.

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**Questions from Senator Cramer:**

**Question 1: Ms. Williams, the Fish and Wildlife Service's recent Proposed Rule on drain tiling near Waterfowl Production Area easements is a step in the right direction and I thank you for the effort. As we discussed at the hearing, ensuring consistency across federal wetland policies promotes consistency for landowners. Also, working proactively with the agricultural community will help ensure the Proposed Rule constitutes meaningful changes for producers.**

- a. Will the FWS consult with the U.S. Department of Agriculture's Natural Resources Conservation Service to ensure consistency across federal wetland programs?**

**Response:** Although there are legal differences between the wetland conservation provisions of the Food Security Act of 1985 and Service wetland easements, the Service does consult with U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) and uses a consistent method to calculate drain tile setbacks from protected wetlands. The Service will continue to consult with NRCS to ensure consistency across federal wetland programs whenever possible to support the Service's conservation mission, especially easement programs for which both the Service's wetland easements and NRCS wetland reserve easements prohibit any drainage of protected wetlands.

- b. Will you commit to working with the agricultural community in the Prairie Pothole Region to ensure the Proposed Rule makes substantive improvements for farmers and ranchers?**

**Response:** Yes. The Service seeks to work with all affected stakeholders to ensure the Proposed Rule improves the administration of wetland easements in the Prairie Pothole Region. This includes working with farmers and ranchers to provide timely and reliable information with which to confidently plan and install drain tile with a pledge from the Service that future enforcement actions won't be taken. This also includes assurances to the conservation community, and especially those who purchase Federal Duck Stamps, that the Service will continue to work cooperatively with the agricultural community to safeguard easement-protected wetlands in the Prairie Pothole Region, which are vital to the Nation's waterfowl and waterbird populations.

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**Questions from Senator Ricketts:**

**Question 1: Please identify the Congressional Act that specifically authorizes the Service to protect 30 percent of our nation's lands and oceans by 2030.**

**Response:** Executive Order 14008 directs the Department of the Interior (Department), Department of Agriculture, Department of Commerce, and the Council on Environmental Quality to outline steps to conserve at least 30% of U.S. lands and waters by the year 2030. The Conserving and Restoring America the Beautiful 2021 Report states its central recommendation is that the pursuit of a decade-long national conservation effort be faithful to eight core principles. These principles—which include a commitment to collaboration, support for voluntary and locally led conservation, and honoring of Tribal sovereignty and private property rights—are essential ingredients to building and maintaining broad support, enthusiasm, and trust for this effort. These principles are also indispensable to achieving durable outcomes that meaningfully improve the lives of Americans. This initiative is rooted in the desire to better support and honor the people and communities who serve as stewards of our lands, waters, and wildlife. The Department is engaging a range of stakeholders, including agricultural and forest landowners, fishermen, outdoor enthusiasts, sovereign Tribal nations, States, U.S. territories, local officials, and others to identify strategies that reflect the priorities of all communities.

The Service has a longstanding commitment to conserving and protecting lands and waters, as well as the species reliant on those lands and waters and uses existing authorities granted by Congress to do so whether under the Migratory Bird Treaty Act, the National Wildlife Refuge System Administration Act, the Endangered Species Act, or numerous other laws.

**Question 2: In 2021 The National Fish and Wildlife Foundation was awarded \$440 million over 5 years by the DOI for grants that would implement the 30x30 program.**

**a. How much of this funding comes out of the USFWS's authorized programs?**

**Response:** Section 40804 of the Infrastructure Investment and Jobs Act (P.L. 117-58) requires the Department to provide grants to States, U.S. territories, and Tribes to implement voluntary ecosystem restoration projects on private or public land. The Service is coordinating with the Department to issue those awards for ecosystem restoration projects.

Section 40804 of P.L. 117-58 provides \$440 million over five years to the Department. To date, \$199.9 million has been awarded to the National Fish and Wildlife Foundation (NFWF) for the management and implementation of this grant program. None of the funding awarded to NFWF for implementation of Section 40804 comes from the Service's appropriations.

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**b. Does the Service review and approve any of the 30x30 grants made through the Foundation?**

**Response:** In the implementation of Section 40804, the Service oversees the cooperative agreement and is part of a collaborative selection process with the Department and NFWF and has had substantial involvement in developing the grant program and selection criteria. The Service approves each of the grants under the program to States, U.S. territories, and Tribes.

**c. For the Foundation grants you have approved so far, what is the total amount that has been funded for 30x30 programs?**

**Response:** In the implementation of Section 40804, for Fiscal Years 2022 and 2023, \$199.9 million has been awarded to NFWF, and ninety-two projects have been selected to receive funding for ecosystem restoration.

**Question 3: What percentage of FWS budget is being used to implement 30x30?**

**Response:** A key part of the America the Beautiful initiative is conservation, which is the primary mission of the Service. The Service's FY 2024 budget request supports the Administration's call to action to support locally led conservation and restoration efforts across public, private, State, and Tribal lands and waters.

**Question 4: The 2024 proposed budget requests \$9 million, a \$2 million increase plus a full-time employee to help oversee the NFWF program. If the purpose of giving the money to the Foundation was to streamline the grant process, why is it costing the American people more?**

**Response:** The National Fish and Wildlife Foundation – U.S. Fish and Wildlife Service Conservation Partnership typically delivers around \$7 million in grant funding to a wide variety of recipients to further the conservation and management of fish, wildlife, plants, and other natural resources. NFWF distributes grant funding through a competitive challenge grant program with a statutory non-Federal matching requirement of 1:1, doubling federal investments in these conservation projects. In recent years, NFWF has averaged an even higher 3:1 match.

In Fiscal Year 2024, the Service is proposing to further leverage that successful matched funding to support twenty-four different competitive grant programs, allowing increased scale and geographic impact compared to awards in Fiscal Year 2023. The Fiscal Year 2024 budget request maintains funding for the existing single FTE overseeing this program, who ensures that funded projects comply with relevant federal laws.

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**Question 5: The US FWS's near-sighted approach has proven to have dire consequences. For example, there was an incident with the Loup Power Canal and the Loup Power District. The Federal Energy Regulatory Commission (FERC) license included a US FWS biological impact statement requiring water flow to be shut off in the canal when the Platte River water temperature reached 93 degrees.**

**In July 2017, the river reached 93 degrees, and the water flow to the canal was shut off. In anticipation of the rising temperatures, the Loup Canal applied for a waiver with US FWS on Wednesday. FERC failed to approve the waiver until the following Monday. Because of the time it took for the waiver to be approved, stagnant water in the canal lowered and dissolved oxygen levels, and an estimated 50,000 fish died.**

**What can the US FWS do to take a more integrated and open-minded approach when considering the implications of narrowly tailored biological impact statements?**

**Response:** Fortunately, the type of incident you describe is rare. Federal agencies and applicants are given the opportunity to review draft biological opinions, and when possible the Service develops the reasonable and prudent measures (RPM) and their associated terms and conditions for a biological opinion in collaboration with the federal agency and applicant (see Endangered Species Consultation Handbook at 4-7). This collaboration is intended to help foster a more integrated approach.

Regarding the Loop Power Canal specifically, both the Loup Power District and the Federal Energy Regulatory Commission (FERC) had reviewed the biological opinion before it was finalized, and neither expressed concerns regarding the draft RPM and associated terms and conditions. After the 2017 incident, FWS immediately suspended the RPM and associated terms and conditions. The procedures that resulted in the fish kill have been suspended until those issues are resolved, and there have not been any additional fish kills since the incident. Currently, FWS is collaborating with the Loup Power District, FERC, and the Nebraska Game and Parks Commission to permanently address the issues that caused the 2017 incident.



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**Questions from Senator Boozman:**

**Question 1: You suggested in your testimony that the science was clear on the impacts of lead on our country's fish and wildlife populations, and then use that argument to justify putting regulations in place to prohibit the use of lead ammunition and fishing tackle on the public's national refuge system. Yet we are aware of a number of peer reviewed studies and papers that contradict that conclusion.**

**Why is the Administration picking and choosing certain science and ignoring other science in making a decision to prohibit lead ammunition and fishing tackle on any national wildlife refuge?**

**Response:** The Service evaluates all available scientific information from peer-reviewed studies that we are aware of when we make management decisions to meet the mission of the National Wildlife Refuge System. The Service is not aware of any studies that contradict the conclusion we reached in the 2022-2023 Final Station-Specific Hunting and Sport-Fishing Rule: that lead ammunition and tackle have a negative impact on wildlife and human health. In support of our decision, we cited over 90 scientific sources in our Cumulative Impacts Report, which is available here: <https://www.regulations.gov/document/FWS-HQ-NWRS-2022-0055-16123>.

**Question 2: The bald eagle population in North American is on the rise – a terrific accomplishment and one to celebrate. This is an undisputed fact and we have data and graphs to support that bald eagles continue to increase in number, year after year. Yet you sight that lead is having a population level impact on bald eagles.**

**So why then, would this administration choose to disenfranchise and cast a shadow on millions of hunters and anglers, the original conservationists that have brought back so many species from the brink of extinction, when you have a population that is not only stable, but growing?**

**Response:** The recovery of the bald eagle population in the U.S. is a conservation success story. Bald eagle populations are currently increasing, largely as a result of past efforts to curtail and even ban the introduction of harmful substances into the environment to which eagles are especially sensitive (e.g., Dichlorodiphenyltrichloroethane or DDT). These efforts, and others, led to the successful delisting of the bald eagle under the Endangered Species Act in 2007. The Service continues to prioritize the conservation of bald eagles, in part, because we have been directed to do so by Congress under both the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

There is clear, strong evidence of the negative impact of lead ammunition on bald eagles both for individual birds and at the population level. For instance, a study published in 2022 by the U.S. Geological Survey studied eagles nationwide over an eight-year period and found that just under 50 percent of the individual birds tested showed repeated lead poisoning. The study also found

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that population growth rates are slowed by lead poisoning at rates of 3.8 percent for bald eagles annually.

The Service considers conservation actions when the science supports intervention, including necessary regulations, to protect species on Service lands and waters. The Service appreciates hunters and anglers and is committed and actively seeks to increase access for hunting and fishing on our refuge system. At the same time, the law requires the Service to ensure these activities are compatible with our mission to conserve and protect fish and wildlife. This is why we took a moderate approach to the 2022/2023/2024 hunt/fish rules.

**Question 3: In the justification for the 2022 Hunt/Fish Rule that proposed the prohibition of lead ammunition and/or fishing tackle on 8 NWRS units, you claim that there are affordable alternatives to lead. Would please provide the economic analysis, market studies and peer reviewed data the Service used to back up this statement?**

**Response:** The Service is not aware of any peer-reviewed studies illustrating the cost difference or availability between lead and non-lead ammunition and tackle. Instead, both the Service and other wildlife management entities rely on anecdotal data and observations from retailers, sporting groups, and hunters and anglers themselves.

Many partners and sporting organizations, including states and the North American Non-Lead Partnership, state that the price difference between non-lead ammunition and lead ammunition is typically, at most, \$10 per box (Maine: <https://www.maine.gov/ifw/hunting-trapping/hunting/nonlead-ammunition.html> and Non-Lead Partnership: <https://huntingwithnonlead.org/frequently-asked-questions>). The price of non-lead ammunition is typically the same as premium lead ammunition and, in some cases, it costs less than lead ammunition. Hunters who remain within legal state bag limits are unlikely to use more than one box of ammunition in a season while hunting. Because ammunition and tackle are often the least expensive equipment that hunters and anglers need, this cost difference is low and should not be a barrier to hunting and fishing.

The Service is considering potential giveaway and exchange programs to help hunters and anglers transition from lead to non-lead alternatives in places where we have restricted the use of lead ammunition or tackle. We would target such programs to low-income and subsistence hunters and anglers who would be the most impacted by any additional costs related to non-lead regulations.

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**Question 4: The Administration is prioritizing refuges near cities and disadvantaged communities, this is laudable as this will provide thousands of acres of outdoor recreational opportunities to the communities. However, it is puzzling, with the Administration's emphasis on disadvantaged communities and tribes, why would you ever consider going down the path of taking access to hunting and fishing out of the reach of the very communities you claim to prioritize by putting regulations in place, that through lack of availability and higher prices, prohibit these individuals from being able to legally hunt and fish?**

**Response:** The Service emphasizes and prioritizes access to hunting and fishing as two of the six priority public uses of the National Wildlife Refuge System. The Service has opened or expanded nearly 2,700 opportunities on over 6.1 million acres since 2017 to provide increased access for hunters and anglers across the country, many of which support disadvantaged communities in both urban and rural areas.

The cost and availability of non-lead ammunition and tackle could potentially contribute to rising costs associated with outdoor recreation; however, we remain interested in finding ways to help ameliorate those costs, including increased demand for non-lead ammunition and tackle. Our increased focus on urban areas and increased access, along with efforts to minimize the compliance burden of regulations on individuals and businesses, should help to address these issues overall. In places where we have proposed phasing out the use of lead ammunition or tackle, we are considering potential giveaway and exchange programs to help hunters and anglers transition from lead to non-lead alternatives in places where we have restricted the use of lead ammunition or tackle. Such programs would be targeted to low-income and subsistence hunters and anglers who would stand to be the most impacted by any additional costs.

**Question 5: There are numerous examples around the country of where education and voluntary actions have led to hunters and anglers to using non-lead alternatives. In fact, in a letter on the 2022 Hunt/Fish Rule, the Association of Fish and Wildlife Agencies recommend a non-regulatory approach to this issue. Since you indicated that you are working with AFWA on a solution, should we assume that the solution going forward will involve a thoughtful non-regulatory approach?**

**Response:** The Service has a history of encouraging voluntary use of non-lead ammunition and tackle on Service lands and waters through our hunter and angler education programs. These programs provide scientific information about the harm that lead can cause to wildlife and demonstrate the performance of non-lead ammunition. Despite years of efforts to encourage voluntary adoption of non-lead options, we believe that adoption of non-lead ammo and tackle on the National Wildlife Refuge System remains low.

The Service is facilitating an open, transparent, and inclusive process to inform future policy decisions on the use of lead ammunition and tackle on the National Wildlife Refuge System. We seek to understand diverse partner and stakeholder perspectives on this issue, including perspectives on the use and efficacy of non-regulatory approaches. While we do not have an

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anticipated outcome for this process, we are seeking to understand a variety of viewpoints before moving forward with any policy decision, including any application of regulations where necessary to ensure compatibility with refuge purposes.

**Question 6: You had mentioned the HWCC will be engaged on a solution to the lead ammunition and fishing tackle issue. Can you please provide the names, affiliations and credentials of the ammunition and fishing tackle industry representatives represented on the Council that will be directly involved in discussing this issue?**

**Response:** The list of Hunting and Wildlife Conservation Council (HWCC) members is available here: <https://www.fws.gov/program/hwcc/hunting-and-wildlife-conservation-council-members>. The HWCC appointed four members to a Wildlife Health subcommittee and the Service is engaging with this subcommittee on the topic of lead ammunition. Those members are: Land Tawney, Backcountry Hunters and Anglers (Subcommittee Chair); Joel Webster, Theodore Roosevelt Conservation Partnership; Brad Brooks, The Wilderness Society; and Simon Roosevelt, Unaffiliated.

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**Questions from Senator Sullivan:**

**Question 1:** Zoos and aquariums across the nation, such as the Alaska SeaLife Center (ASLC) located in Seward, have not been receiving timely animal care permits from the FWS. The ASLC is Alaska's only marine mammal stranding network facility and is responsible for a larger area than any other member of the national network. These permits are essential for the management and care of their animals – to highlight the issue, here is an example: a permit to transfer rehabilitated walrus to more permanent homes has been outstanding for more than four years with no update. ASLC is a member of the Association of Zoos and Aquariums (AZA) – AZA has indicated that animal care permit delays are endemic to the FWS permits office nationally in recent years. There has been high turnover in the permits office (6 acting directors in the last 2 years) and lack of in-office presence, which makes it difficult to get calls returned or emails answered. And, as the FWS launched an e-permits system in January 2021, applicants have no visibility of active permits that pre-date the system, and there are no key Points of Contact given in the online system to reach out to about permit delays. These difficulties for even routine permits are negatively affecting the operations of many zoos and aquaria. Recently, I led a bipartisan letter to Asst. Secretary Estenoz signed by six Senators that highlighted this issue and proposed remedies.

**Can you commit to permit office processing reform, to ensure smooth facility operations and protect the welfare of animals under the care of zoos and aquariums?**

**Response:** The Service is committed to continually improving delivery and timing of our permit processing responsibilities and ensuring the public's trust. We value our relationship with zoos and aquariums and strive to process their applications in a timely and efficient manner, as we do for all permit applications we receive.

The effective and efficient processing of permit applications is an important part of the mission of the Service. The Service's International Affairs program issues more than 30,000 permits per year under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Endangered Species Act, and other laws designed for the protection of at-risk species. In addition to protecting species at risk of over-exploitation, our permits facilitate more than \$675 million in legal wildlife trade annually. In reviewing permit applications, we use the best available biological information to make findings aligned with the requirements of the statutes and regulations that we are entrusted with implementing.

In 2020, we launched a centralized, electronic system for permits called ePermits. Since then, we have been steadfastly improving the system and increasing its capacity. Continued development of ePermits is planned through 2028. Additionally, we are preparing a proposed rule to streamline our permitting regulations and ensure application fees better reflect our costs for processing applications, as most application fees have not been changed since 2005. Any fee changes would reflect rising operational costs, complexity of evaluating some application types, and the need for improved technology to better streamline the process and reduce burdens on the permitted communities. Further, we are working with a third party to conduct a review of the

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permit program to identify additional efficiencies and resources needed. The review will systematically evaluate our permitting processes, organizational structure, and staffing levels with the aim to maximize our ability to deliver positive conservation outcomes. Additionally, we thank you and your congressional colleagues for the recent \$1.2 million in FY23 appropriated funds to help address the International Affairs permitting backlog. With these funds, we have hired new staff to work on permitting.

**Question 2: In Southeast Alaska, we have a growing problem of sea otters impacting our world-class fisheries. Populations are thriving, but they are decimating our rich shellfish and finfish fisheries – estimates show 21,500 otters can eat nearly 127 million pounds of shellfish annually. Commercial harvest in these fisheries is just 5% of the otter’s consumption in the range. Their overpopulation is profoundly impacting the local economy, and proper federal, state, and local management is necessary to address these concerns. I understand that the Fish and Wildlife Service is working on a report to Congress with a “complete survey and stock assessment report” for southeast sea otters.**

**a. Do you have a timeline for when the Fish and Wildlife Service will finish that report?**

**Response:** The Service is preparing its report to Congress in response to the appropriations language directive on southeast Alaska sea otters and will transmit that report as soon as it is complete.

Though that report to Congress is still in development, in July 2023 the Service released a technical report documenting the latest findings from the 2022 Southeast Alaska Sea Otter Survey. In that report, the Service calculated the first updated abundance estimates for the Southeast stock of northern sea otters in 10 years: 22,359 sea otters. Based on these results, the population size of the Southeast stock is still increasing and is below the estimated carrying capacity for the region of 48,083 sea otters. The Service looks forward to working alongside stakeholders to continue seeking ways to address conflicts consistent with the Marine Mammal Protection Act.

**b. Can you commit to engaging on this issue and working with me on establishing meaningful active management of sea otters?**

**Response:** Yes, the Service is committed to working with your office and other stakeholders to explore ways to mitigate sea otter and fisheries conflicts through collaborative efforts, while complying with the Marine Mammal Protection Act. In 2019, the Service and partners convened a Southeast Sea Otter Stakeholder Meeting as an inclusive forum for stakeholders to make their voices heard on this issue, review the latest in sea otter science, and develop recommendations to address resource conflicts. That meeting resulted in a report of recommendations that the Service and partners have been acting to implement, including the completion of the 2022 aerial survey.

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Since that 2019 meeting, the Service continues to regularly convene partners—Tribes, Alaska Department of Fish and Game, commercial shellfisheries, NGOs, and others—through the Southeast Sea Otter Stakeholder Working Group. That group provides a forum for sharing concerns and identifying next steps. We would welcome your office’s engagement in that group.

**Question 3: Hunting and fishing are very important to Alaska, both to our way of life and the economy – there are over a dozen national wildlife refuges in my state. But I’m concerned that actions like restricting traditional ammunition and fishing tackle, as was done in the FWS’ 2022-2023 Station-Specific Hunting and Fishing Final Rule, will make it harder for the public to enjoy these opportunities.**

- a. Should we expect that any future expansions of hunting and fishing in any wildlife refuges will come with the caveat that lead tackle and ammunition will be restricted, therefore making it harder for people to participate in these activities?**

**Response:** The Service is required to evaluate all activities on the National Wildlife Refuge System, including hunting and fishing, for compatibility with our responsibility to protect and conserve wildlife. When the science is clear that a particular use, such as the use of lead ammunition or tackle, will materially interfere with or detract from our ability to achieve refuge purposes, the Service is required to find that use incompatible. The Service considers the socioeconomic impacts of how we manage our hunting and fishing programs before making changes. This includes considering the impacts of any requirements to use non-lead ammunition or tackle on hunters and anglers.

The Service is conducting a transparent process to evaluate the future of lead use on the National Wildlife Refuge System and seek input from partners and stakeholders. As we work through this process, we are taking a precautionary approach by not expanding the use of lead on the National Wildlife Refuge System. While we do not have an anticipated timeframe or outcome for this process, we want to ensure that the process, while deliberate, takes no more time than necessary.

- b. Since this decision doesn’t appear to be supported by any science specific to these areas, are we to expect this to result in more non-scientific management decisions elsewhere by the FWS?**

**Response:** The Service evaluates all available scientific information from peer-reviewed studies that we are aware of when we make management decisions to meet the mission of the National Wildlife Refuge System. In support of our 2022-2023 Final Station-Specific Hunting and Sport-Fishing Rule, we relied on the best available science, which included over 90 scientific sources cited in our Cumulative Impacts Report: <https://www.regulations.gov/document/FWS-HQ-NWRS-2022-0055-16123>.

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The standard is “best available” science because, as with many threats to wildlife, there are limitations on the possibilities for scientific study of lead impacts to wildlife. Extensive field data collection would not be an efficient or effective use of station resources and may not be feasible for some species, so the best available science will still need to employ widely accepted scientific tools like sample populations, statistical analysis, and extrapolation. Interpreted through the professional expertise of Service personnel, the best available scientific studies provide evidence of lead impacts that is applicable to wildlife anywhere, including in any state or territory of the United States. The Service determined through scientific analyses in our National Environmental Policy Act analyses, refuge plans, and compatibility determinations that lead ammunition and tackle have negative impacts on species at each refuge where we made the decision to require non-lead ammunition and tackle.



Senator CARPER. Ms. Williams, thanks again very much for joining us.

To my colleagues, thank you all for being here, and to our staff, who has helped us prepare for this hearing, I want to say thanks to each of you as well.

My first question deals with Endangered Species Act consultation and permitting. Fish and Wildlife Service, as you know, is responsible for consulting with other Federal agencies to ensure that Federal actions such as issuing permits for infrastructure projects, there is a lot of that going on, as you know, across our country, but to make sure that those Federal actions do not jeopardize endangered species.

The fiscal year 2024 budget request from the Administration includes a substantial increase to meet this responsibility. The budget request also includes a legislative proposal to increase transfer funds from other agencies for the Service to consult on projects funded by the Bipartisan Infrastructure Law.

My question is, would you take a minute or two to talk with us about why these requests in the budget are important to prevent bottlenecks in the environmental review process?

Ms. WILLIAMS. Thank you for that question, Chairman Carper. Indeed, the consultation portion of the Endangered Species Act is the backbone of the Act. Countless consultations over the past 50 years have saved individual species and populations from going extinct. While they can provide for delays, we also complete so many of these consultations on time.

As an example, we had over 1,000 formal consultations in the past year, over 11,000 informal consultations, and with the new tool I mentioned in my testimony, the IPaC, we also provided over 22,000 consultation services that didn't even get into the formal process.

With that said, we have many consultations that we undertake. They are increasing, which is a good thing. But we also, as you note, need the capacity to be able to complete these in a timely manner. It is a matter of a relationship, as I have been talking about, where we exchange information back and forth with project proponents. And that is what makes these projects sometimes better and provides for conserving these species that are so important to the American public.

Senator CARPER. All right. Thank you.

Let me just ask a question, we hear a lot of concerns, I am sure you hear them too, about consultation causing project delays. You referred to that. But isn't it true that the vast majority of consultations actually occur quickly? I would like you to elaborate on that, please.

Ms. WILLIAMS. Yes, thank you, Chairman Carper. Indeed, the vast majority of the consultations do occur quickly. Very few of them provide delays. Those are typically on the more complex projects end, where there are more species involved.

But I will say that we are willing to work with project proponents and with all of you in providing the best service we can. These consultations are important, and I think it is the few that become so controversial, and most of them go through more quickly on the informal basis and with no delays.

Senator CARPER. Thank you.

A question that is more directed to Delaware, we all have our interests in our own States. We are interested in the whole country, but especially in our own States we represent.

The Bipartisan Infrastructure Law, as you know, invested some \$25 million, \$26 million in the Delaware River watershed through something called the Delaware River Basin Conservation Act. This funding, which will be spent over, I believe it is 5 years, will support projects that restore habitat and ensure that communities have vitality in their watersheds.

I understand that demand for this funding exceeds available dollars. So it makes sense that the Service would continue to request regular appropriations despite the influx of funding from the Bipartisan Infrastructure Law.

Here is my question. Would you take a moment to elaborate for us on the Service's support for this program? Is it true that you have received more proposals than you can fund?

Ms. WILLIAMS. Thank you, Chairman Carper.

Yes, that is true. For the Delaware River Basin Act, we received far more requests or proposals than we are able to fund. This is true, I believe, across the board, across the country with programs like this that are collaborative in nature, where we work with so many different partners and leverage funds to get really important work done on the ground.

Here is an example, just this year, where we are working to restore habitats in Blackbird Creek Watershed in Delaware alone, where we have worked with States and other partners, we typically work with NGOs as well, to create 22 acres of dynamic coastal habitat. What that does is it addresses poorly buffered riparian corridors, it improves water quality and habitat connectivity, it improves coastal resilience, as you are so well aware of, and community protection.

So yes, this is a really good example of good government, where we are taking proposals from communities and partners and helping to get that work on the ground.

Senator CARPER. Thanks for your responses to those questions.

Let me turn to Senator Capito for whatever questions she would like to ask.

Senator CAPITO. Thank you.

As I mentioned in my opening statement, West Virginia State agencies are now funding multiple folks in the Service's Elkins field office to obtain the Section 7 consultations. Two weeks ago, I introduced the RESTART Act with members of this Committee. The bill includes a program that would allow for States to assume the Section 7 responsibility of the Service. There is precedent for States assuming a Federal agency's responsibility under other environmental laws, like NEPA.

So my assumption would be, more efficient for States rather than using their funds to pay for Federal staff to do the same work indirectly, to do it more directly through the State, and it would help resolve the apparent staffing issues facing the Service.

I think I know what you are going to say to this, but I am going to ask it anyway. Do you support an assumption program for Section 7 consultations by the States?

Ms. WILLIAMS. Thank you, Senator.

I have not seen the text yet, but of course I support assistance in achieving these consultations. I would like to not have to use transfer authority, I would like to not have to ask other agencies to help support our capacity to complete our work. Hence the budget request before you today.

I know that increased capacity is not always the answer. In this instance, it is important.

Senator CAPITO. Are there other ways your Service could work with the States to sort of ameliorate these programs?

Ms. WILLIAMS. Senator Capito, yes. An example is the IPaC process. I think for us to work with the States in obtaining information and streamlining project proposals, absolutely, it is constantly building that relationship. So yes, there are ways to work with the States. I hope that we already do. Some State agencies, as you have indicated, we have an easier time coming up with memoranda and agreements. But we know it is always important to build off that relationship.

So we do work hand in hand, and should.

Senator CAPITO. And should, yes.

You and I have talked repeatedly about my concern with the uplisting of the northern long-eared bat from threatened to endangered. I do appreciate that the Service delayed the effective date of this listing to further consult with stakeholders on the transition.

According to your own agency, bat populations are declining due to white-nose syndrome. Has the Service explored the possibility of allowing 4(d) rules for endangered species that are listed due to effects unrelated to infrastructure development, such as white-nose syndrome?

Ms. WILLIAMS. Thank you, Senator Capito, for that question.

Yes, it is something we certainly would consider, but don't feel the Endangered Species Act allows us to have a 4(d) rule with an endangered status.

With that said, in the delayed effective date for the uplisting from threatened to endangered for the northern long-eared bat, we have been working with our partners to get those assurances in place and allow both protection for the bat and for projects to move forward.

So while a 4(d) rule technically is not available for endangered status, we still have lots of options to work with our partners, and certainly have a long track record of doing so with bats, Indiana bats, for example, and northern long-eared bats.

Senator CAPITO. Obviously, that particular bat, the northern long-eared bat, is found in 37, 38 States.

Ms. WILLIAMS. Yes.

Senator CAPITO. I asked you this on the phone the other day, but I just want to get it out, the Service is planning to vaccinate bats to prevent white-nose syndrome. What is the progress on that?

Ms. WILLIAMS. Thank you for that question, too, Senator Capito.

We are trying to approach white-nose syndrome in a number of ways. One is to conserve bats that are still existing, so that they are still around for when we do find a solution for white-nose syndrome. One option that we are researching is vaccines for bats, but

there are a whole number of projects that we are working with all of our partners to try to find a solution to white-nose syndrome. And I think we have made some progress. But we certainly haven't solved it.

Senator CAPITO. Thank you.

Senator CARPER. Senator Padilla, welcome. You are next. Go ahead.

Senator PADILLA. Thank you, Mr. Chairman.

Director Williams, good morning. It is good to see you here in person. I want to thank you for testifying on the fiscal year 2024 budget, and I look forward to continuing our work together, not just as a member of the Committee, but through my role as Chairman of the Subcommittee with oversight over the Fish and Wildlife Service.

I would begin by asking you about the legislative proposal in the President's budget to extend good neighbor authority and stewardship contracting authority to the Service. I think it is a smart idea, frankly, because I have seen how this authority, which currently only the Forest Service and the Bureau of Land Management have, has enabled the Federal Government to work with the State of California to address critical land restoration needs.

Would you spend a few minutes just explaining how these authorities to the Fish and Wildlife Service would work, and how it would improve the Service's ability to both manage public lands and benefit private lands?

Ms. WILLIAMS. Thank you, Senator Padilla. It is good to see you this morning.

Our budget request included three legislative requests, one, as Chairman Carper mentioned, for transfer authority, and then also the good neighbor authority, and the stewardship contracting authority.

So as you mentioned, these have been incredibly successful and helpful for the Forest Service and the BLM. We, the Fish and Wildlife Service, would like to be able to take advantage of this authority.

What the good neighbor authority does is it really allows us to enter into agreements with adjacent landowners or partners to perform watershed, rangeland, forest restoration work on Fish and Wildlife Service lands. It is part of building those strong community relationships.

The stewardship contracting authority would allow these non-Federal partners to enter into long term contracts to protect the habitat quality on Service lands in exchange, for example, for timber or other forest products.

So both would be incredibly helpful in building on our relationships, and really providing some innovation on the lands that we manage.

Senator PADILLA. I look forward to working with you to advance those proposals through the Senate, through the House, and to implement them when they are finally official.

I want to take us back to your confirmation hearing for a minute. If you recall, I spoke about how I have made equitable access to nature and wildlife a priority of mine. Like 80 percent of Americans, I grew up in an urban area, specifically the densely populated

Southern California region, city of Los Angeles, more specifically where many communities are unable to connect, frankly, with local biodiversity and the natural world, for a number of reasons.

Moreover, in many local communities even trees and parks are scarce, and pavement is prevalent. I mention pavement, because when you have enough pavement, when you hit that critical mass, you end up creating urban heat islands, which has the additional effect of keeping kids indoors, particularly in the summertime.

I am concerned that urban communities, and particularly our children, do not have the opportunity to connect with nature and enjoy the benefits of connecting with nature. Director Williams, can you speak about the importance of the Service's Urban Wildlife Conservation program and how your budget request will help increase access to the outdoors for so many Americans who do live in urban areas?

Ms. WILLIAMS. Thank you, Mr. Chair.

Senator Padilla, as I started my comments this morning, I stated that the Fish and Wildlife Service's role is to connect nature to people or to connect people with nature. So why wouldn't that mean in rural and urban areas across the country?

One of the values of the National Wildlife Refuge System is that those refuges are across the country in urban and rural communities, and are very much part of the community, and should be. At the moment, we have a focus on the Urban Wildlife Conservation Program, so that includes urban refuges, but it also includes urban migratory bird treaty cities to connect people in urban areas with nature.

I just 2 weeks ago was in Boise, Idaho, with the Secretary where each year we provide \$1 million going forward for an urban refuge. And it was awarded to Boise, there at the Deer Flat Refuge, because of the work they have done with the community, especially in an Hispanic access organization and getting kids to the refuge.

I have to say it was one of the best events that I have been to. The backdrop of where the Secretary spoke was a sandbox where all the kids were playing. That was probably more fun than all the rest of the event to see them outside, and taking advantage of this area.

So, Senator, I would love more support in the budget request for increased money for urban refuges.

One last point on this, what we have learned through our Urban Conservation Program, we have developed what we call standards of excellence for this program that I would like to apply across the Fish and Wildlife Service, and that is, showing up in the community, meeting people where they are, asking the community what they want and need, and to really be better partners within the community. So I see that as a model across the board for the Fish and Wildlife Service. Thank you.

Senator PADILLA. Thank you very much.

Thank you, Mr. Chair.

Senator CARPER. Thank you.

Senator Cramer, you are next, then followed by Senate Whitehouse, and then Senator Lummis.

Senator CRAMER. Thank you, Mr. Chairman.

Thank you, Ms. Williams, for being here.

Lake Ilo National Wildlife Refuge is a Fish and Wildlife Service managed refuge near Dunn Center, North Dakota. Recently, my office was inundated by calls because the way the Fish and Wildlife Service dealt with, the local management dealt with seepage in an earthen dam, which needs to be dealt with, obviously, was to drain it, drain the lake in April. Evidently, again, only concerned citizens call, but evidently without very good communications with them or the local communities.

Now, of course, the local groups are dealing with the fallout of that. These are some pictures of the fallout from that. As you can see, they are cleaning up the dead fish. It is unsightly, to say the least, and other bad qualities.

My bigger concern, and that is a big concern, but my bigger concern is that the permanent fix that the Service has been working on isn't expected to be completed for a couple of years. This is kind of a big, immediate problem. I am pleading with you to work with me, tell me how I can help you fix this earthen dam sooner than a couple of years from now. Because another spring would be really, really difficult like this.

So can we try to work it faster, please?

Ms. WILLIAMS. Senator Cramer, I see the photos. I am aware of this issue, and yes, it is really unfortunate and one of the not fun things that we get to work on. Obviously, our primary concern is for the public safety of this dam, hence the draw down. My understanding is that we are working to get the design complete, and understand too the need to do this as quickly as possible.

I apologize if we haven't worked well with the community. I know that we have tried. I even saw some photos from a listening session with the county.

But I would like to work with you on this and can understand that it is very unfortunate.

Senator CRAMER. I think the communication problem was more the timing that you actually had mentioned getting to it.

One of the issues, while it is a recreational area, it is also used a lot by agriculture. So when a farmer comes to a spring in the drought area, and their source of water is gone, you understand all that. I want to help you do this a year sooner, if we can do that.

Ms. WILLIAMS. Thank you, Senator.

One thing I read, too, one of the comments from one of your constituents, was that there used to be a refuge employee there at the Lake Ilo National Wildlife Refuge. Because of our capacity issue with refuges, we have dropped 25 percent of our capacity. The increased budget request would help us have somebody, an employee at Lake Ilo National Wildlife Refuge, to work with your constituents on a more frequent basis. That would be a benefit.

Senator CRAMER. It would be. Thank you for that.

Now, back to my favorite topic with you, waterfowl protection area easement mapping. Now, we have made some nice progress on pre-1976 mapping, getting the digital maps, the satellite maps, to our landowners who have the easements. That has certainly improved the look of things, and we have a better understanding of what is actually an easement and what isn't.

Unfortunately, I am hearing that new easements are not receiving satellite maps. Again, I don't know if this is, what the issue is.

But again, please help me. What I worry about is not just not having a certain high tech literal map of an easement. But it further erodes confidence between the landowner and the Service.

The other thing, while I am on easements, we also would like to get to a 95 percent certainty standard, which is what the NRCS at USDA has for their easements, rather than the 99 percent that the Service uses. Just reconciling all of this I think would help everybody better understand what they are dealing with.

As you know, there is a lot of confusion on whether some people are dealing with the Fish and Wildlife Service or USDA, not your problem. But to the degree we can reconcile some of these things, the better.

What do you know about the satellite maps with new easements? Is that true or what is the challenge?

Ms. WILLIAMS. Senator Cramer, first, I want to pull back a minute and recognize the work we have done together. I think, I hope you see we have improved this situation where we for the first time have a national handbook on wetland easements. We have clarified that refuge managers, not law enforcement agents, are responsible for managing easements. We have completed the pre-1976 mapping and appeal process. We have codified for clarity in transportation drain tile setbacks.

So yes, now we are starting this new process. My understanding is that we are working to provide these color satellite photos for the new easements. I don't have the totally up to date information, but that is something we were aware of. It is a helpful tool, and we would like to be able to provide it.

Senator CRAMER. I appreciate all of that, and we can talk about it more later.

The 95 percent versus 99 percent deals specifically with the drain tile confidence threshold. Just reconciling that with the USDA would be great. Thank you.

Ms. WILLIAMS. Senator Cramer, I would say I am working diligently. It is something I am very proud of in this Administration, across agencies. And I would like to be consistent with the NRCS. I do understand that that is helpful, to not have discrepancies amongst agencies.

Senator CRAMER. A lot of silos in the Federal Government. I appreciate your working across them.

Thank you.

Senator CAPITO [presiding]. Senator Whitehouse.

Senator WHITEHOUSE. Thank you very much.

Thank you very much for being here, Director.

A year ago, I asked you about the effort of the Fish and Wildlife Service with respect to oceans and coasts, because I constantly see underrepresentation of oceans and coasts work across the Federal Government. The Army Corps flood program has dedicated as little as 1 percent of its money to coasts. The Land and Water Conservation Fund heavily favors upland and freshwater States and upland and freshwater projects in coastal States.

So we who have coastal States and a very significant ocean environment right offshore feel very often that we don't get much attention. Could you let me know what if any improvements have been made in the past year, so that the oceans part of the United

States of America is given something resembling even handed treatment compared to upland and freshwater?

Ms. WILLIAMS. Senator Whitehouse, I remember that question, and I think of it often. One way is our request for the increase for our Coastal Program, and our Coastal Program is similar to Partners for Fish and Wildlife and other collaborative programs, where we provide technical and financial assistance to partners to restore and improve coastal habitat on public and private lands.

With that said, Senator, I very much understand and appreciate the critical role that these coastal lands play, not just uplands, but coastal wetlands are the first defense against sea level rise and storms, water quality, flood control, et cetera.

Senator WHITEHOUSE. Offshore fisheries, and reefs, and things like that.

Ms. WILLIAMS. Critical to species. What has improved, I believe, Senator Whitehouse, is that we are working very closely, I am working very closely with Janet Coit from NOAA on all of our programs going forward.

Senator WHITEHOUSE. Yes, she is aware of Rhode Island's problems, having worked as the Rhode Island Department of Environmental Management Director.

The scale of this is really pretty staggering. The figure I use is zeta joules, the joule being the unit of measure of heat energy, zeta being a number that has 21 zeroes behind it. It is enormous. To put scale to that enormous number of zeroes, the entire human consumption of energy on the planet runs at about half a zeta joule. So it is a damn big number.

For the price of that, because of carbon emissions, and because of the magnification effect of the carbon emissions in the atmosphere, the oceans have been estimated to be absorbing 14 zeta joules of heat every year, multiple Hiroshima level explosions worth of heat per second happening in the oceans.

So it is really a dramatic effect. And it is not just a fraction of our fossil fuel energy expenditure, it is a vast multiple. So the oceans are taking a beating far in excess of the actual heat value of fossil fuel, or result of fossil fuel emissions. So I think it is really important that we pay attention to that.

If you don't mind, we talk often about the monetary value of wildlife. But I would like to ask you, if the only value of wildlife is seen as what can be monetized, will we do a decent job of protecting our wildlife, particularly at a time described as a great extinction?

Ms. WILLIAMS. Senator Whitehouse, while trying to calculate the monetary value of wildlife can be a helpful tool, it is by no means the only tool. And part of, I think about the support for wildlife in this country, is the emotional well being and the sense of awe that wildlife invokes in all of us. Even the most ardent detractors, still when they see an elephant or landowners who—

Senator WHITEHOUSE. Or a red knot that flew to Delaware from Brazil. An impressive feat for a little bird.

Ms. WILLIAMS. Right, these incredible stories.

Senator WHITEHOUSE. Well, thank you. Keep that in mind, because I think there is a persistent effort to limit our effort to support wildlife and hold off the great extinction to only what can be



monetized. And I think we agree that what can be monetized is only a small fraction of the actual value of a healthy ecosystem with robust wildlife.

Thank you.

Ms. WILLIAMS. Thank you. Beautifully said.

Senator CAPITO. Thank you.

Senator Lummis.

Senator LUMMIS. Thank you, Madam Chairman.

Ms. Williams, thanks for always being accessible. Even though we don't agree on everything, you have been very pleasant to work with, and we appreciate that, and very accessible.

I know that you would be surprised if I didn't bring up the grizzly bear, so I will bring it up first. The Fish and Wildlife Service is now 4 months overdue on the 12 month review of the State's delisting petition. And I know you have had conversation with the Wyoming Game and Fish on this.

Can you provide me with an update on the timeline?

Ms. WILLIAMS. Yes, Senator Lummis, very attuned to this issue, because I care about it, and I want to make progress. I think it is one of the success stories, and a story we should be able to tell of how we have conserved and restored grizzly bears.

Indeed, we, the Fish and Wildlife Service, we were behind on the 90 day petitions, where the three States, Wyoming, Idaho, and Montana, petitioned the Fish and Wildlife Service to delist grizzly bears. So we were behind in finding both Montana's and Wyoming's petitions to warrant further review, and we declined Idaho's petition, for which I think we are just about to be challenged on that petition.

What that did, though, while we were behind in those findings, is we now go through a 12 month petition review, it is called, where we take the 90 day finding and go in deeper to develop either a proposed de-listing rule or a finding that de-listing isn't warranted. So we are going through that process right now, diligently. And as both you and I understand, we need to do that following the science and with care, so that any solution is durable.

What I don't want to see, and I don't think any of us want to see, is flip-flops or delays from litigation. I want to get the rules just right.

Senator LUMMIS. Well, I urge you to act with vigor on this petition. The grizzly has been recovered for 20 years, 20 years. Yet it is still on the list. To me, that sort of negates the whole purpose of the Endangered Species Act, when it has been acknowledged that the recovery numbers have been consistently met and exceeded since 2003, and yet this species is still listed.

I would just encourage you to act with vigor.

Ms. WILLIAMS. Senator Lummis, the irony is not lost on me of my past career in working on wolves where in Montana we were working with Wyoming on adequate regulatory mechanisms. And now we are trying to work closely with the State of Montana to help them have the adequate regulatory mechanisms in place to be able to get to a de-listing. Thank you.

Senator LUMMIS. Now I am going to switch over to the critical habitat designations. As Ranking Member Capito noted, there have been three different bipartisan resolutions of disapproval to U.S.

Fish and Wildlife Service actions. That I think should put the Service on notice that the Congress thinks that some re-visiting of the approaches you are taking to definitions of critical habitat and the manner in which certain species are being evaluated could use some rethinking.

So I just encourage you to do that. It is actually quite a thing for the Congress to pass Congressional Review Act matters and resolutions of disapproval. So to have three come in front of the Service in such a short time I think should give you all pause.

With that said, I would like to ask something about migration corridors. There is great bipartisan interest across 11 western States for elk, mule deer, and pronghorn migration corridors. How does the Service's budget request treat migration corridors?

Ms. WILLIAMS. Senator Lummis, thank you for that question.

I do recognize the overwhelming support for migration corridors. Just last week, unfortunately I was not able to go to it, but there was a meeting in Tucson where Deputy Secretary Tommy Beaudreau announced funding, I think it was \$4 million for migration corridors. Our budget request does build in corridors. I can't remember the exact number for that, and I can get it to you. But I very much would believe it is important, it builds support for these really important movements. It gets to the sense of awe and migration in wildlife, too.

So I will get you the exact number. I appreciate your support, and I think it is very important.

Senator LUMMIS. No worries. We will follow up with you.

Thank you for being here.

I yield back.

Senator CARPER [presiding]. All right. Thank you.

Senator Ricketts, Senator Capito and I flipped a coin to see whether you would be next or Senator Boozman. Senator Ricketts, you won it this time.

[Laughter.]

Senator RICKETTS. Great. Thank you very much, Mr. Chairman. Thank you, Ms. Williams, for being here today.

When you think about Fish and Wildlife, you all establish goals and metrics for some of the topics you want to do, like how you measure success, is that fair?

Ms. WILLIAMS. Yes, Senator.

Senator RICKETTS. Would you agree it is important to actually have definitions or goals when you are trying to achieve something, a particular plan?

Ms. WILLIAMS. Generally, yes, Senator.

Senator RICKETTS. OK. And in reading through the Fish and Wildlife proposed budget, the President's 30x30 environmental program is specifically mentioned there. One of the important things in the executive summary says, "The Service is a key player in the Administration's goal for an ambitious America the Beautiful Initiative." And America the Beautiful is what used to be called the 30x30 plan, which is to put 30 percent of the United States into conservation by the year 2030. It goes back to President Biden's Executive Order 14008 that he published on January 27th of 2021. Is that accurate?

Ms. WILLIAMS. Yes.

Senator RICKETTS. So in that goal to conserve 30 percent of the United States, what is the definition of conservation? How are you defining conservation?

Ms. WILLIAMS. Senator Ricketts, with this question, I have paid close attention, obviously, to the America the Beautiful initiative, and specifically to your State, working with the other State directors and with the Association of Fish and Wildlife Agencies. Understanding from the Fish and Wildlife Service's perspective, conservation includes the principles by which the America the Beautiful initiative was put in place. That includes respecting private property rights, focusing on collaborative, community based conservation.

If you see our budget request for Partners Program, for the Coastal Program, we at the Fish and Wildlife Service are taking the America the Beautiful initiative and asking for the capacity and funding for building those community based partnership programs.

Senator RICKETTS. So one definition that some of the environmental groups have put out there have said to permanently protect in the natural state. Does that mean you disagree with that statement, that conservation does not mean to permanently protect in the natural state?

Ms. WILLIAMS. Senator, that could be one way to define conservation, but there are many including—

Senator RICKETTS. Don't you have to have a definition of conservation to be able to say 30 percent of the United States is conserved? Don't you have to have a definition of that before you can even reach that goal?

Ms. WILLIAMS. Senator, as I said, I think there are many ways to talk about conservation—

Senator RICKETTS. But if there are many ways to talk about conservation, then how can you know if you actually reach that goal? Because if there are many ways to talk about it, you could have a definition, I could have a definition. But that may mean that we are not at 30 percent in my view and is in 30 percent in your view.

Ms. WILLIAMS. Senator, in implementing the America the Beautiful at the Fish and Wildlife Service we are focused on our approach, the approach that that initiative set out. I am personally less focused on the numbers and more focused on the approach and making progress with all of our partners.

Senator RICKETTS. So when you say you are a key player in the America the Beautiful, you don't really mean getting to 30 percent of the country conserved by 2030, then?

Ms. WILLIAMS. Senator, that is an audacious goal that I would love to achieve.

Senator RICKETTS. So, but if you would love to achieve it, how can you achieve it if you won't define conservation and what conservation means? How can you achieve 30 percent if you can't even define what conservation means?

Ms. WILLIAMS. Senator, we can achieve it by working with others in all the ways that the America the Beautiful initiative sets out, which includes, as I have said, a number of ways to achieve conservation. What might be conservation in your State might look different than what conservation efforts would be in Senator Whitehouse's State, coastal versus prairie.

Senator RICKETTS. But then you can never get to 30 percent, because if you are going to change the definitions, you don't even know if you have ever reached there. Right?

Ms. WILLIAMS. No, I don't agree with that, but Senator, I am happy to visit with you more. We have not had a chance to meet and talk before today's hearing, so I am happy to come visit and talk through this with you. What I care about is how we are implementing and doing our work in your State.

Senator RICKETTS. So in your budget, how much of your budget is going to the America the Beautiful plan?

Ms. WILLIAMS. Senator, we don't have a line item for the America the Beautiful plan, or the initiative. What our budget request asks for, as I started my testimony today, for example, a \$19 million increase in our Partners for Fish and Wildlife Program, which is most pertinent in your State. So that contributes toward the America the Beautiful initiative, as does our Coastal program, as does our request for joint ventures for migratory birds, working with our partners, as does our habitat budget request for the refuge system.

So there are ways in which we address conservation throughout our budget that recognize the various types of conservation we can achieve.

Senator RICKETTS. OK, thank you. Thank you, Ms. Williams.

Thank you, Chairman.

Senator CARPER. When Ms. Williams was first nominated for this post, she had come to us from Montana where she had worked for the Governor of Montana, as I recall. She indicated in her responses to our questions that she would be responsive, and would certainly be willing to sit down and talk with us, our staffs, and to come to our States. Sometimes nominees make those promises, they don't keep them. She has kept them. And I would urge you to take advantage of that.

Senator RICKETTS. Thank you, Mr. Chairman.

Ms. WILLIAMS. Thank you.

Senator CARPER. All right.

Senator BOOZMAN, please.

Senator BOOZMAN. Thank you, Mr. Chairman, and thank you, Ms. Williams, for being here. We appreciate all of your hard work.

We have had the opportunity to visit. We have raised concerns about the Ninth Circuit's 2015 Cottonwood decision. There you have a situation kind of like Senator Ricketts was talking about, you have different people who have different views of conservation and maybe use different methods to block things.

Because of that, we have a situation where it is difficult for the Forest Service to get things done. We have talked about rule-making and things. Can you tell us how that is progressing, or if it is progressing, and the necessity for doing that?

Ms. WILLIAMS. Thank you, Senator Boozman. I just have to say I had hoped to be in your fair State next weekend where my son is racing, in Fayetteville, and I look forward to meeting you out there, not just here.

Senator BOOZMAN. The biking capital of the world.

Ms. WILLIAMS. The biking capital of the world. And we have talked about the Cottonwood decision. What I would say is, and I

am very proud of this, as I mentioned earlier, in our work across the agencies in this Administration. So the Department of the Interior, we have worked closely with U.S. Department of Agriculture on this issue where we together provided technical assistance on Senate legislation in the past. And we stand ready to provide technical assistance going forward and helping you through this process.

Senator BOOZMAN. So you would like for us to do it, but you are not going to do any rulemaking?

Ms. WILLIAMS. Senator, I believe that the better solution is through the legislation and the work that we did with USDA to provide technical assistance. I think that is a better fix than regulation.

Senator BOOZMAN. Tell me about the September 2022 U.S. Fish and Wildlife final rule that prohibits the use of lead fishing tackle and ammunition on nine individual wildlife refuges. Do you have any scientific data backing that up? Is there a study that says that there is harm? Can you tell me about that?

Ms. WILLIAMS. Senator Boozman, yes, I am glad you asked about lead on national wildlife refuges. I do think there is lots of different information out there, and confusion.

First off, we all know and realize that lead has negative impacts on the environment. As an example, there was just this year a study from USGS, I think the Journal of Wildlife Management, that demonstrated the negative impacts of lead on eagle populations, for example.

When I was the Director of Montana Fish, Wildlife, and Parks, we had a rehabilitation center. I remember going to see a bald eagle that had lead poisoning. If you have seen it, it can cause paralysis, death, tissue deterioration, behavioral changes. It is real, and it is not something that is very pleasant to see. We also know, the science shows specific impacts on condors. For example, 120 condors have died from lead poisoning.

Nonetheless, for the Fish and Wildlife Service, we are not promulgating a rule prohibiting lead across the system. Instead, what we are doing is working with the Hunting and Wildlife Conservation Council—thank you for being on the Migratory Bird Conservation Council—and we are working with a joint task force of the Association of Fish and Wildlife Agencies, to find a way forward to limit lead on the landscape and think of a way to have affordable, non-lead ammunition, so that we don't impact access.

Hunting is still very important on our refuges. But we would also like to be able to address the impact of lead and are working with partners and want to work with partners to find a long term solution for that.

Senator BOOZMAN. Very good. We appreciate all of your efforts on the Migratory Bird Commission. That is something that is a great success. I think it is really a good example of how all kinds of strange bedfellows came together, which is generally a really good thing, for a common goal that made a big difference. Give yourself a pat for your work in that effort also. Thank you.

Ms. WILLIAMS. Thank you.

Senator BOOZMAN. Thank you, Mr. Chairman.

Senator CARPER. Senator Boozman, thank you for those questions.

I have a couple of questions, then Senator Capito has a few. We have about 12 more members waiting outside in the hall, we are going to unlock the doors and let them in to grill you a little bit longer.

[Laughter.]

Senator CARPER. My next question, this is a question that deals with science, science based decisionmaking. When the Fish and Wildlife Service makes their determinations regarding a species, I am told it does so based on best available science. This means that sometimes the Service proposes to protect species and habitats in ways that are politically unpopular for some constituencies.

For example, the Service must take climate science into account and must provide protection for species, even when it means the regulations may impact industries that aren't causing the species' decline. What gets less attention are all of the ways the Service collaborates with States, with Tribes, with local governments, with industry and other conservation partners, to provide the flexibility and the assistance in implementing these decisions.

Would you talk with us for a minute or two about why it is important that science remains at the heart of the Service's decision-making? Will you also share with us on this Committee today what happens after the Fish and Wildlife Service takes a regulatory action and all of the ways in which you work with stakeholders on implementation?

Ms. WILLIAMS. Thank you, Chairman Carper, for that question.

Certainly, science underpins all that we do at the Fish and Wildlife Service. We implement, for example, the Endangered Species Act based on the science and the law, which yes, indeed, often brings us into the crosshairs of controversy.

But I would argue, Senator, that our job is to adhere to the science and to adhere to the law. Sometimes, rarely do I make a decision that is popular or liked by all. I just can't imagine one, that often they are controversial.

Nonetheless, the science, the law underpins our work, and we too recognize we must build strong relationships with our partners, whether it is NGOs, whether it is Tribes, whether it is States and local communities and industries, too. Often there is a lot of interest in an uplisting of a species like the northern long-eared bat, a listing of species like lesser prairie chicken.

We would not move forward with those proposals if we didn't think we had the science telling us to do so. We know we are entering the crosshairs in doing this. But the science is very clear on species, those two species especially.

Our work with the States and our partners is never done. We can never communicate too much. My hat is off to the Fish and Wildlife Service employees and USGS, other scientists who help us deliver that science on the ground. We are a decentralized agency, so we do rely on those employees on the ground, hence this budget request.

I hope I have answered your question, Senator.

Senator CARPER. I think you have.

I am going to ask another question, and I will ask you to answer briefly, if you would, please. Then we will yield to Senator Cardin and then back to Senator Capito.

Would you elaborate on the importance of the Science Applications Program? Further, what might the Service be able to accomplish with the funding you have requested for this program in the fiscal year 2024 budget? Then we will turn to Senator Cardin.

Ms. WILLIAMS. Thank you for asking that question, Chairman Carper, because it is a program that often goes unnoticed. Our budget request does include an increase for the Science Applications Program, which has been grossly underfunded in the past couple of years, I think in part because people don't always remember or know what Science Applications does. Sometimes our best work does go, we undertake it under the radar.

The Science Applications essentially works with partners to provide science. An example currently is that we have developed a joint task force with the Association of Fish and Wildlife Agencies on landscape conservation. This is where the States have come to us and asked for support from Science Applications in building out this process. And without this funding, we would not be able to address the concerns of the States, and/or be forward thinking in landscape conservation.

So Science Applications is similar to the Partners Program, the Coastal Program where we leverage moneys from other processes and provide technical assistance, and as you asked, the critical science to be making sound decisions. It is very important.

Senator CARPER. Good. Thank you for that response.

Senator Cardin, welcome, and thank you.

Senator CARDIN. Thank you, Mr. Chairman.

Let me thank Ms. Williams for her leadership at Fish and Wildlife.

You are one of our major stakeholders in our efforts in Maryland to deal with our coastal area habitats and to deal with the Chesapeake Bay.

I am going to ask you a few questions in regard to specific budget items. In most cases, I am pleased, in one case I am not, and I will go over that with you.

First, in regard to the Neotropical Migratory Bird Conservation, I am glad to see a significant increase in the President's budget. This has been a bipartisan effort in our Committee to deal with the realities of neotropical migratory birds that are well beyond our shores. A lot of these funds are used in other countries in our hemisphere, where we have migratory birds that come into the United States.

First, thank you, and any comments you have as to how those additional funds would be utilized.

Ms. WILLIAMS. Yes, Senator Cardin, I am so glad you asked about this program. The neotropical migratory birds are so important at the moment. The demand for the program far exceeds our funding, so our budget request bumps up to the demand that we have been seeing of \$10 million, whereas we only have funding for \$5 million.

I want to give you a really specific example of a bird that I know you and I both care about, and that is the Baltimore oriole.

Senator CARDIN. It has been doing better of late.

[Laughter.]

Ms. WILLIAMS. I would like to go to a game this year.

For Mother's Day, I was thinking about Mother's Day and being so grateful to my mother and my children, and really, Mother Earth, what we are all talking about here. I was lucky enough on Mother's Day to sit and watch a Baltimore oriole come into the same spot in a sycamore tree where I had seen it build its nest. It came around and chose its spot and started to build its nest.

That is thanks to the Neotropical Migratory Bird Program that helps conserve these birds as they migrate out of the country, and those stopovers and wintering grounds are just as important as when they are here.

Senator CARDIN. I was in Ecuador and Colombia, which both raved about our Neotropical Migratory Bird Program, how important it is in regard to their game plans.

Let me get a little bit to our wildlife refuges. We in Maryland are proud to have five. Your budget, I want to make sure it is adequate because we want it to be six. We have a proposed new refuge in the southern part of our State.

Are there adequate resources in order to not only preserve but expand our wildlife refuges?

Ms. WILLIAMS. Senator Cardin, not at all. One of my priorities while I am in this position is to get more support for our incredible national wildlife refuge system that has been chronically underfunded and where we are understaffed, whether from law enforcement, visitor services, biologists on the ground.

So these refuges, as you know, are so important to the communities and to the American public. They are very different than other public lands in that people hunt and fish on them. There is a lot of interaction on refuges, whether urban or rural.

So we are at an inflection point with the refuge system and have asked for a substantial increase to be able to take care of them.

Senator CARDIN. Including the expansion, I hope, into the southern part of our State.

Ms. WILLIAMS. Including.

Senator CARDIN. Thank you.

Let me mention one area of disappointment. We established a Chesapeake Wild Program in order to deal with the habitat issues around the Chesapeake Bay. The additional funds in fiscal year 2023, we got it up to \$8 million. But now there is a suggestion of zeroing it out in your budget.

I take it that was just a mistake, you didn't really mean that.

[Laughter.]

Ms. WILLIAMS. Senator Cardin, the Chesapeake Wild Program is really incredible. And it is another example of this collaborative approach.

What we did is we requested the funding in our Science Applications space so that we can provide these services, but yes, it is a really great program. We would love to see it funded. But it may not be specifically called out in our budget request.

Senator CARDIN. Thanks for that explanation. We will try to help you with getting it specifically called out.

Thank you, Mr. Chairman.



Senator CARPER. Your conversation about the Baltimore orioles reminds me, a couple of times I have had the pleasure of going to an Orioles game. I am a huge Detroit Tigers fan, and Ben is nice enough to invite me to join him sometimes. And a couple of years ago, I was not able to go, but there was a playoff game involving the Baltimore Orioles and the Detroit Tigers. It was the final game of the playoff.

Ben was kind enough to call me right at the end of the game, the Orioles had won, and the cheering was so loud you could almost hear it from Delaware. He held the phone out so I could listen to everybody cheering the Baltimore Orioles for the demise of my Detroit Tigers. That is the kind of fan he is.

[Laughter.]

Senator CARDIN. And I appreciate your not holding it against the Baltimore oriole neotropical migratory bird.

[Laughter.]

Senator CARPER. Never. We will find a way to get even, though. But it won't be that way.

All right.

Senator Sullivan, welcome.

Senator Sullivan and I have had the opportunity to sit through a couple of Army-Navy games before. He's a Marine colonel, and I spent some time in the Navy. We had different uniforms, but the same team. There you go.

Senator SULLIVAN. Definitely the same team, Mr. Chairman. Thank you.

Director Williams, thank you for being here. We were talking earlier in the hearing about consultations. One big frustration of mine that I have raised with your boss, Assistant Secretary Estevez and the Assistant Secretary for Indian Affairs yesterday, the Dep Sec Interior, the Secretary of Interior, we are not getting the consultations that we deserve in Alaska. We just don't.

As part of your confirmation process, you committed to me that you were going to do things focused on Alaska, you would reach out to the people, you would reach out to me, Senator Murkowski, our Congressman Peltola. You guys aren't doing that.

Your agency manages over 70 million acres of land in Alaska. That is bigger than Arizona. No disrespect to the Chairman, that is 40 times bigger than Delaware. I was in a meeting with the President of the United States recently, I handed him a big map of Alaska, 45 executive orders and executive acts since the Biden administration has taken to singularly focus on Alaska, 45. Most of them I read about in the newspaper. It is just outrageous.

So I need to get from you again, and I have had this phone call with everybody, if you are going to do something in Alaska, you need to consult with me and Senator Murkowski and our Congresswoman before you do it. I know you get a lot from the radical enviros who tell you to go do these things. You have got to consult with us.

Can I get your commitment on that again? I have asked this for everybody. They all say, oh, sure, Senator. Then I read about it in the newspaper again. I am starting to get really, really, really mad.

And I raised this with the President. I even said, Mr. President, this is wrong. You know it, I know it. It is wrong.

So can I get the commitment again in this hearing? If you are going to do something to my State, reach out to me and the stakeholders first. The Center for Biological Diversity is not listed in the Constitution, but the Senate is. And it is a frustration of mine, an enormous frustration of mine.

Ms. WILLIAMS. Chairman Carper, Senator Sullivan, of course I absolutely want to work with you on all of what we do in Alaska. I am very proud of the regional director that I chose for Alaska, and I think there are a number of projects, impacts, approaches, that indicate deep engagement and understanding of the need to consult in your State.

Senator SULLIVAN. OK, well, good.

Let me ask, your mission is to conserve, protect, and enhance fish, wildlife, plants, and their habitats. That is the mission, correct?

Ms. WILLIAMS. Yes.

Senator SULLIVAN. Is Fish and Wildlife Service a sub-agency, then, within the Department of Interior when it comes to conservation of fish and wildlife?

Ms. WILLIAMS. Yes, the Fish and Wildlife Service, we talk about it as a bureau within the Department of the Interior.

Senator SULLIVAN. OK. And you and I have talked a lot about ANILCA, you have read ANILCA?

Ms. WILLIAMS. Yes, Senator.

Senator SULLIVAN. Have you read the Sturgeon 1 and Sturgeon 2 U.S. Supreme Court cases, nine to zero, by the way?

Ms. WILLIAMS. Yes, Senator, but I can't claim to have been the State's attorney general.

Senator SULLIVAN. OK. Good point. That law gives Alaska plenary authority over the methods and take and means of harvest of our fish and game resources, including hunting on Federal lands. You are aware of that?

Ms. WILLIAMS. Senator, I should re-read the Sturgeon cases.

Senator SULLIVAN. It does. It is not a trick question.

So again, I am just trying to, when there is so much overreach on areas that we think just from the Federal law perspective provides our State with the management rights of fish and wildlife, fish and game, even on Federal lands, again, it is very frustrating. The amount of frustration back home is really significant.

Let me just mention two final ones, because I am running out of time here. The Fish and Wildlife Service has declined to list the Alexander Archipelago wolf in southeast Alaska as endangered. I wrote you on March 31st on this issue. You have noticed Congress has been very actively overturning through CRAs the Endangered Species Act listings.

We need to take a hard look at that one. The critical habitat there would be very damaging to the people in the southeast. Very few populations, Native, non-Native, think that that population is declining. We actually think it is objectively healthy, so does our State. If you can take a look at that.

Then of course there is the King Cove Road. Once again, the Secretary said, oh, we need to consult more with the people. At the same time, they say, we are going to do environmental justice.

The people of King Cove, the vast majority of them are Native, have been consulted for 30 years. They want the road. She doesn't need to do any more consultation. Of the 900 people there, I think every one wants the road. They have been consulted. And the Secretary, as she always does, comes up with some big excuse that harms the Native people and says, we need to do more consultation.

Do you have any comments on why you pulled out of that litigation? I appreciate your coming to King Cove. But again, the frustration of my State is felt on that, particularly from the Native population. King Cove is boiling over in a huge way.

Ms. WILLIAMS. Senator, I do have comments on that in that I think this is, yes, it is controversial. I was able to go there with the Secretary and Senator Murkowski. I know that we had high level officials there this spring.

My answer is that as the first Native American Secretary, she does hear this. She is pushing me to think in new ways, and the point of moving forward is to do so in a durable and lasting way that is more defensible for litigation. So I am very proud of this Administration and this Secretary in how she is pushing us to think of our relationship in the State of Alaska in a lasting way.

I look forward to working with you on this issue, and I know there is more information to come and soon. And I know it is a very, very important topic that has bantered around for far too long.

Senator SULLIVAN. And the wolf in southeast.

Ms. WILLIAMS. The wolf, Senator, the Alexander Archipelago wolf, we would like to work with you. We have worked closely with the State of Alaska and even had a member of the Alaska Department of Fish and Game on the species data assessment team review. So we are pulling the State into that process, along with others, very carefully. I understand your interest in the impact.

Senator SULLIVAN. Thank you.

Thank you, Mr. Chairman.

Senator CARPER. You are welcome.

Senator Capito, thanks for your patience.

Senator CAPITO. Thank you. I just have two kind of quick questions, I think.

In March, OMB and CEQ and the Permitting Council issued guidance on implementation of President Biden's permitting action plan. The guidance suggested, directed agencies to submit agency action plans to improve the permitting process.

Have you submitted your action plan?

Ms. WILLIAMS. I believe, Senator Capito, the action plan is for the department as a whole. I don't believe that the Fish and Wildlife Service submitted a bureau plan.

Senator CAPITO. Did you have input into the overall department action plan?

Ms. WILLIAMS. Yes. I am working with the department on all of these issues.

Senator CAPITO. What were some of the strategies and actions that you recommended?

Ms. WILLIAMS. Senator Capito, I would like to follow up with you on that.

Senator CAPITO. OK.

Let me ask a question on FTEs. How many people are now working for Fish and Wildlife? What is your full time equivalent right now, today?

Ms. WILLIAMS. It is over 9,000, Senator. I don't have the exact number.

Senator CAPITO. I don't know, you are only covered for 8,500, so you already have 500 more than you—

Ms. WILLIAMS. OK, seasonal, so 8,500, I believe you have the more accurate number before you today.

Senator CAPITO. And you are asking for an additional 817 in the resource management portion, which is, I assume, the Section 7 and all that. OK.

The reason I am asking the question is, it came out in our meeting when you came to West Virginia, and I don't know that it is just our State. There were FTEs that were left unfilled in the office. There could have been more people working there. And there was budgetary authority to do that. But the recruitment was low. And I think the Elkins field office, to their credit, is now filling those positions.

So my question is, before we would fill another 800 new positions, do you have your present positions, there is a recruitment issue with Federal Government, there is trouble getting our Federal employees back into the office, there is all kinds of agency jumping, one biologist might be in yours and then decide to go over to DOE or something like that.

I guess what I am asking you is, at you at capacity now, full capacity, according to your budgetary constraints?

Ms. WILLIAMS. Senator Capito, I think there are a number of ways for me to answer that. We are not always at full capacity with people moving around, and yes, we have had a specific focus on the West Virginia field office and building out capacity there, which thankfully, we have made great strides there.

Yes, we also, like other Federal agencies, are always focused on recruiting top talent. And I would argue that the Fish and Wildlife Service, our employees have been hard at work throughout the pandemic. Some, our law enforcement and refuge staff on a day to day basis showing up at the refuges, and others remotely, which is an important tool.

So we at times though also have vacancies without the funding to fill them. So part of our request is to be able to fill these positions, for example, in the refuge system, we haven't had the budget to be able to do so. So it is a combination.

But having the authority to always be filling in and then the request in our budget I believe will allow us to do a better job and meet the demands the American public expects of us.

Senator CAPITO. So in your wildlife refuge fund, I am not exactly sure if this is out of yours or if this is something that we extrapolated from your budget, you are asking for more people in the National Wildlife? Is that true? Wildlife Refuge Fund?

Ms. WILLIAMS. Yes, Senator. We are asking for additional capacity within the National Wildlife Refuge system, which is down 25 percent in the last 20 years.

Senator CAPITO. Well, as you know, our Canaan Valley, which we are going to go to together at some point in our futures, is a very beautiful spot, and obviously visited quite frequently. It has some of the best species, both animal species but also plant species, in the world.

Thank you very much. Thanks again for your responsiveness. I appreciate the time you spent with us today. Thank you.

Ms. WILLIAMS. Thank you, Senator.

Senator CARPER. Senator Capito, thanks for spending time with us.

I have several more questions I want to ask for the record. I would like to give you the opportunity, maybe if there is a question or two that you have not been asked that you had hoped to be asked, or would like to pose a question. Then you can answer it, do the asking and the answering. Something you expected to be asked but you haven't, and you would like to raise it anyway. Go ahead. We don't do this for every witness, only the ones from Montana.

[Laughter.]

Ms. WILLIAMS. And whose name is Martha. Because we are wonderful.

I appreciate that opportunity, sincerely appreciate that. I would like to take the opportunity, now that you have given it to me, to express or to ask why is our budget request important. And my answer would be that at this time, with the biodiversity crisis, with climate, with a once in a generation investment in infrastructure, that we have a chance to make a difference for the better, for the American people, for communities, and for the ecosystem functions that support all of us.

So this is a very important time for these investments, and for us to meet this moment in time we need this increase in people and funding to be able to deliver.

It has been a privilege.

Senator CARPER. Thank you for both the question and the answer.

I just chatted with my staff for a moment there while you were responding. There is a meeting later today at the White House. We know the President has invited bipartisan Democrat and Republican leadership from the House and the Senate to try and make sure that we avert Armageddon in terms of our fiscal situation and avoid going into default. I hope we are successful.

There has been increasing talk about how the issue called permitting reform could somehow end up playing a role to help get us to make sure we don't do something like a self-inflicted wound and default on our debt.

I don't know if there is any correlation, the might be a correlation between Congress providing the kind of funding that the President has requested for Fish and Wildlife staff, an increase in staffing as we have discussed here today, that there may be a relationship between our willingness to do that and in the end, our ability to take the steps we talked about doing with respect to permitting reform, so that we can better ensure that the clean energy that is around the country gets there, and we do it in a way that commu-

nities are listened to in that process, and we do it in a way that businesses and industry have certainty and predictability.

Is there a correlation, is there a relationship here?

Ms. WILLIAMS. Chairman Carper, I am so glad you asked that. There is a direct correlation between the Fish and Wildlife Service capacity and our ability to provide the consultations that do not need to be a bottleneck for infrastructure projects and others. Where we have the capacity, we deliver. And those consultations can proceed smoothly and efficiently.

But where we do not have the capacity, it becomes that much more difficult. I believe that we have seen over 30,000 projects, or we have seen a large increase in projects and requests for consultations coming through that we have responded to with the capacity. We could be that much more efficient, we could be more proactive.

Senator CARPER. Thank you for that. Thank you for that comment. It confirms what I have been thinking.

I want to again thank members of our staffs, both minority and majority, for their work in preparing us for this hearing. I want to extend my thanks to our colleagues, Democrat and Republican, who have joined us today. I think almost every committee in the Senate is meeting today, either in business meetings or hearings. I am grateful that we had such a good turnout on both sides of the aisle.

I also want to thank you for joining us today. I want to thank you for your testimony today and for your willingness to respond to our questions. We are grateful to you for your continued service to this country. I am sure they are proud of you back in Montana, where you spent so many years of your life.

As I would say in the military, we had a couple of people on here, including Senator Sullivan and myself, who spent quite a few years in the military. We also say of folks who serve in uniform that we value their service and appreciate their service. But their spouse also serves, and we want to say thanks to your family for allowing you to serve first Montana and now our country.

Before we adjourn, I want to ask unanimous consent to submit for the record a variety of materials that relate to today's budget hearing. This is one of my favorite parts of the hearing, when I ask unanimous consent to do something and there is nobody here to object. So I am not going to object to my own request.

Without objection, it is approved.

[The referenced information was not received at time of print.]

Senator CARPER. Senators are going to be asked to submit questions for the record, and they can, and we hope they will. They can do that through the close of business on Tuesday, May 30th.

We are going to compile those questions as they submit them, and we are going to submit them to you and your staff. We are going to ask you to try to reply to us by Tuesday, June 13th.

Not seeing anyone else asking to be recognized at this time, with that, this hearing is adjourned. Thank you so much.

[Whereupon, at 11:57 a.m., the hearing was adjourned.]