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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

May 3, 2024

Charles F. Sams
Director
National Park Service
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Martha Williams
Director
U.S. Fish and Wildlife Service
U.S. Department of the Interior
1849 C Street NW
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Dear Director Sams and Director Williams:

The House Committee on Natural Resources (Committee) is investigating the National Park Service (NPS) and U.S. Fish and Wildlife Service (Service) rule, *Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Grizzly Bear in the North Cascades Ecosystem, Washington State (Grizzly Bear Rule)*, to establish a nonessential experimental population (NEP) of the grizzly bear within the North Cascades ecosystem in the State of Washington¹ and related Final Grizzly Bear Restoration Plan/Environmental Impact Statement, North Cascades Ecosystem (Final EIS).²

The Grizzly Bear Rule and subsequent, related Final EIS identify a “preferred alternative” that requires the translocation of grizzly bear from their existing environment to an ecosystem in which there has not been a confirmed sighting of the species in three decades.³ As you are aware, the Endangered Species Act (ESA) was enacted in 1973 to help protect and recover imperiled wildlife species from extinction.⁴ Grizzly bear populations in the Greater Yellowstone Ecosystem (GYE) and the Northern Continental Divide Ecosystem (NCDE) are biologically recovered and have exceeded their recovery goals. As a result, states have repeatedly petitioned for delisting the grizzly bear and shifting management of the species over to state management plans.⁵ According to NPS, “scientists think the Yellowstone area population is recovered and may have reached its

¹ *Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Grizzly Bear in the North Cascades Ecosystem, Washington State*, 88 FR 67193 (Sep. 19, 2023), <https://www.federalregister.gov/documents/2023/09/29/2023-21418/endangered-and-threatened-wildlife-and-plants-establishment-of-a-nonessential-experimental>.

² *Grizzly Bear Restoration Plan/Environmental Impact Statement, North Cascades Ecosystem*, U.S. Department of Fish and Wildlife Service, National Park Service, March 2024, <https://parkplanning.nps.gov/document.cfm?parkID=327&projectID=112008&documentID=135745>

³ Id.

⁴ Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq.

⁵ *Feds to Consider Grizzly Bear Delisting*, BOONE AND CROCKETT CLUB (Feb. 8, 2023), <https://www.boone-crockett.org/feds-consider-grizzly-bear-delisting#:~:text=%E2%80%9CWe%20are%20dedicated%20to%20scientific.using%20whatever%20tools%20we%20have.>

capacity for resident grizzlies in many areas of the ecosystem.”⁶ Despite this, the grizzly bear remains listed as threatened under the ESA. Meanwhile, NPS and the Service continue to pursue the unnecessary reintroduction of NEP grizzly bear populations in both the Bitterroot Ecosystem of Montana and Idaho, and the North Cascades Ecosystem of Washington, despite longstanding and strong opposition to the proposals from their respective nearby communities.⁷

As you are aware, on November 10, 2022, NPS and the Service announced the initiation of an Environmental Impact Statement (EIS) to evaluate options for restoring and managing grizzly bears in the North Cascades ecosystem.⁸ On September 28, 2023, NPS and the Service announced the *Grizzly Bear Rule*, under section 10(j)⁹ of the Endangered Species Act, as amended,¹⁰ for the potential introduction of grizzly bears in the North Cascades ecosystem and initiated a public comment period.¹¹

For decades, residents of Northern Washington have raised numerous, significant concerns regarding the potential reintroduction of a grizzly bear population in their region.¹² Over the years, the surrounding communities of the North Cascades region have consistently opposed this unnecessary action due to the potential consequences for their communities, including danger to people, local wildlife, livestock, and crops.¹³ The State of Washington has been so strong in its opposition that state law clearly limits the transportation or introduction of grizzly bears. Specifically, Washington Revised Code (RCW) 77.12.035 states: “Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington State may be utilized by the department for management programs.”¹⁴ Notably, the Lacey Act, as amended, prohibits the “importation, exportation, transportation, sale, receipt, acquisition, or purchase of any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States.”¹⁵ This raises the question of whether the Service’s proposed transportation and introduction of non-native grizzly bears from elsewhere in the U.S. to Washington State would itself be a violation of the Lacey Act.¹⁶

⁶ *Grizzly Bears & the Endangered Species Act*, NATIONAL PARK SERVICE (Last accessed Mar. 7, 2024), <https://www.nps.gov/yell/learn/nature/bearesa.htm>.

⁷ *Endangered and Threatened Wildlife supra* note 1; *USFWS initiates process to evaluate restoration of grizzly bears in Bitterroot ecosystem*, U.S. FISH & WILDLIFE SERVICE (Jan. 17, 2024), <https://www.fws.gov/press-release/2024-01/usfws-initiates-process-evaluate-restoration-grizzly-bears-bitterroot>.

⁸ *North Cascades Grizzly Bear Restoration EIS*, U.S. FISH AND WILDLIFE SERVICE (last accessed November 1, 2023), <https://www.fws.gov/project/north-cascades-grizzly-bear-restoration-eis>.

⁹ 16 U.S.C. § 1539.

¹⁰ Public Law 93–205, 87 Stat. 884, as Amended Through P.L. 117–286.

¹¹ *Endangered and Threatened Wildlife, supra* note 1.

¹² Courtney Flatt, *Keep Grizzly Bears Out Of Washington, Residents Say*, KUOW NEWS (Mar. 9, 2015), <https://kuow.org/stories/keep-grizzly-bears-out-washington-residents-say/>.

¹³ *Id.*

¹⁴ Washington Revised Code Title 77. Fish and Wildlife § 77.12.035.

¹⁵ *Lacey Act*, DEP’T OF THE INTERIOR (Last Accessed Jan. 29, 2024), <https://www.fws.gov/law/lacey-act-explaining-that-the-lacey-act-as-amended-prohibits-the-importation-exportation-transportation-sale-receipt-acquisition-or-purchase-of-any-fish-or-wildlife-or-plant-taken-possessed-transported-or-sold-in-violation-of-any-law-treaty-or-regulation-of-the-united-states/>.

¹⁶ *Id.*

The Department of the Interior (DOI) previously decided not to pursue reintroduction due to local opposition.¹⁷ In February 2015, the Obama administration began an environmental review process for an updated *North Cascades Ecosystem Grizzly Bear Restoration Plan* and accompanying EIS.¹⁸ In 2017, DOI held public meetings, Tribal consultations, and stakeholder briefings and initiated two public review and comment periods for the Draft EIS. Over 143,000 comments were received, and staunch opposition to the plan was encountered.¹⁹ Finally, on July 7, 2020, then DOI Secretary David Bernhardt decided not to move forward with the *North Cascades Ecosystem Grizzly Bear Restoration Plan* and associated EIS because “grizzly bears are not in danger of extinction” and “the people who live and work in north-central Washington have made their voices clear that they do not want grizzly bears reintroduced into the North Cascades.”²⁰

In addition, the failure to delist a recovered species while concurrently translocating the same species from recovered ecosystems to an ecosystem where the species has not been sighted in decades calls into question the motivation of the NPS and Service and its application of the ESA statute. If the grizzly populations in the GYE and NCDE are healthy enough to withstand the abrupt removal and relocation of some of their population to other ecosystems, it stands to reason that these populations are also suitable for delisting. On the other hand, if the GYE and NCDE populations do not meet the criteria for delisting, then the Service removing grizzly bears from their populations could harm species recovery, and the ecosystems cannot support the relocation scheme. The NPS’ and the Service’s apparent agreement that removing protected species from their native range and their translocation to a non-native ecosystem either indicate an inconsistent application of the ESA by the Service in its delisting decisions or further reinforce the need to delist the grizzly bear.

The Committee is concerned that the reintroduction of a NEP grizzly bear population in the North Cascades ecosystem is being considered despite the strong opposition of the local and regional communities and stakeholders and without proper consideration for the listing status and management of species populations. The previous decision by DOI to stop the *North Cascades Ecosystem Grizzly Bear Restoration Plan* is being ignored by NPS and the Service. The *Grizzly Bear Rule* and related Final EIS are not necessary, and the public record has made it clear that the relocation of grizzly bears is not welcomed in Washington State by the residents and many stakeholders the action would impact. Rather, the Biden administration is once again bending to the agenda of ecoactivists²¹ who are largely located outside the region, ignoring input from local residents.

¹⁷ *Secretary Bernhardt Listens to Local Concerns and Scraps Plans to Reintroduce Grizzly Bears into the North Cascades Ecosystem*, DEP’T OF THE INTERIOR (July 7, 2020), [https://www.doi.gov/pressreleases/secretary-bernhardt-listens-local-concerns-and-scraps-plans-reintroduce-grizzly-bears#:~:text=Bernhardt%20announced%20today%20at%20a.Environmental%20Impact%20Statement%20\(EIS\).](https://www.doi.gov/pressreleases/secretary-bernhardt-listens-local-concerns-and-scraps-plans-reintroduce-grizzly-bears#:~:text=Bernhardt%20announced%20today%20at%20a.Environmental%20Impact%20Statement%20(EIS).)

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Wildlife Advocates Applaud Restart of Process to Potentially Return Grizzly Bears to North Cascades, November 8, 2022, <https://www.northcascadesgrizzly.org/restart-process-to-return-grizzlies/> (last accessed April 4, 2024)

To assist the Committee with our investigation, please provide the following records, documents, communications, or information, in electronic format, as soon as possible, but no later than May 16, 2024:

1. Since January of 2021, has the NPS or the Service considered delisting the grizzly bear within any ecosystem of the United States, exclusive of Alaska? Provide a narrative response.
2. Since January of 2021, has the NPS or the Service, exclusive of Alaska, considered allowing for the state management of grizzly bears? Provide a narrative response.
3. All documents and communications regarding the *Proposed Grizzly Bear Rule*.
4. All documents and communications between NPS or Service officials and third parties regarding the *Proposed Grizzly Bear Rule*.
5. All documents and communications between NPS or Service officials and Washington State regarding the *Proposed Grizzly Bear Rule*.
6. All documents and communications between NPS or Service officials and Governor Inslee or his office regarding the *Proposed Grizzly Bear Rule*.
7. All documents and communications between NPS or Service officials and the Washington State Department of Fish and Wildlife regarding the *Proposed Grizzly Bear Rule*.
8. All documents and communications between NPS or Service officials and the Idaho Department of Fish and Game regarding the *Proposed Grizzly Bear Rule*.
9. All documents and communications between NPS or Service officials and the British Columbia Ministry of Forests, Lands and Natural Resource Operations regarding the potential reintroduction of a grizzly bear population in the North Cascades ecosystem.
10. All documents and communications between NPS or Service officials and any of the First Nations of British Columbia regarding the potential reintroduction of a grizzly bear population in the North Cascades ecosystem.
11. All documents and communications between NPS or Service officials and any representatives of Defenders of Wildlife and/or their representatives regarding the potential reintroduction of a grizzly bear population in the North Cascades ecosystem.
12. All documents and communications between NPS or Service officials and any representatives of Friends of the North Cascades Grizzly Bear and/or their representatives

regarding the potential reintroduction of a grizzly bear population in the North Cascades ecosystem.

An attachment to this letter provides additional instructions for responding to the requests from the Committee on Natural Resources. Please contact the Majority staff for the Oversight and Investigations Subcommittee at (202) 225-2761 or HNRR.Oversight@mail.house.gov with any questions. Under House Rule X, the Committee on Natural Resources has "general oversight" of any matter relating to its jurisdiction, including all matters concerning the Endangered Species Act, the National Park Service, and the U.S. Fish and Wildlife Service.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources



Paul A. Gosar, D.D.S.
Chairman
Subcommittee on Oversight and Investigations



Cliff Bentz
Chairman
Subcommittee on Waters, Fisheries and Wildlife



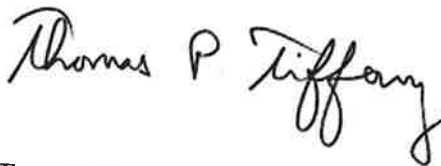
Lauren Boebert
Member of Congress



Harriet M. Hageman
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Dan Newhouse
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Tom Tiffany
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Enclosure