



Natural Resources Committee Member Hearing Day

Congressman Jim Baird, November 2, 2023, 10:15 am – 12:15 pm

- Thank you, Chairman Westerman and Ranking Member Grijalva for allowing me to speak about the challenges facing communities in my district and throughout the country.
- The Endangered Species Act is a well-intentioned law that should play an important role in protecting vulnerable and iconic species that define the American wilderness. Unfortunately, in recent decades, unelected bureaucrats have misused the ESA, giving them far too much power over the lives of Americans and the economic vitality of our communities.
- The people of Monticello, Indiana, know this all too well. Monticello is located between two dams on the Tippecanoe River, making the area ideal for recreation. Many of the town's residents rely on summer tourism provided by the river for their livelihoods. But two years ago, that all changed.
- After years of overregulation of the five listed mussel species downstream, the area was drained without notice to the public, irreversibly damaging local wildlife and private property due to outdated drought condition procedures. (*Show poster pictures*)
- Thankfully, we were able to secure a reevaluation of the determined minimum flow rate, reducing the number of abnormal low flow events while also accurately measuring water levels closer to the dam and not 35 miles upstream.
- Now, Washington Bureaucrats are again pushing to enlist a new species of mussel, the Salamander Mussel, and propose new Critical Habitat that could repeat the mistakes of the past.
- This new listing would not only impact my home state of Indiana but would also affect Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, Wisconsin, and your state, Mr. Chairman, Arkansas.
- Despite the Fish & Wildlife Service's claim that they've worked with experts to assess the current status of Salamander Mussels, the petition for this enlistment dates back to 2010. I think we can all agree that 13-year-old data is not reliable enough to make decisions about our natural resources.
- Moreover, this new enlistment would designate anywhere Salamander Mussels are found as a "Critical Habitat" and even allows the Service to establish Critical Habitats in areas where the mussels haven't been found. The Trump Administration issued a rule back in 2020 defining the word "habitat." However, one of the Biden Administration's first

moves was to throw out that rule. This uncertainty allows the Service to designate any area as critical WITHOUT any species present.

- It is unfortunate that far-off unelected bureaucrats can have so much influence on rural America, on the places that they have never visited, and on the people that they will never meet. I urge this committee to help reign in the power of the EPA and Fish and Wildlife Service and give clarification on definitions such as habitat.