

DAVID WATKINS
STAFF DIRECTOR

VIVIAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

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

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Martha Williams
Principal Deputy Director
U.S. Fish and Wildlife Service
1849 C Street, N.W.
Washington, D.C. 20240

Samuel Rauch
Deputy Assistant Administrator for
Regulatory Programs
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Ms. Williams and Mr. Rauch,

Under the previous administration, many of our foundational environmental laws were systematically dismantled, particularly the Endangered Species Act (ESA). The ESA has prevented the extinction of 99% of listed species and is widely popular among the American people. However, the Trump administration valued the profits of polluting industries over the best interests of the American people and our wildlife, and as a result, the ESA was gutted. Amid simultaneous biodiversity and climate crises, it is more important than ever to conserve and protect species. There are numerous ESA-related decisions made by the preceding administration that warrant scrutiny. The faster we right these wrongs, the better the outcomes for endangered and threatened species.

I appreciate the Biden administration's decision to review several ESA-related rules issued by the previous administration,¹ and urge you to repeal the following ESA rules:

1. "Revision of Regulations for Interagency Cooperation" (84 Fed. Reg. 44976)

This rule undercuts the heart of the ESA by allowing agencies to create exemptions for critical habitat designations, particularly unoccupied critical habitat, which is often essential to the conservation and recovery of the species.

2. "Revision of the Regulations for Listing Species and Designating Critical Habitat" (84 Fed. Reg. 45020)

For the first time, this rule allows the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to consider economic factors during species' listing decisions. With this change, the agencies plan to compile and reference information on the economic impacts of listing decisions, but claim it will not influence their determinations, effectively undermining their own scientific review. The rule also changes the definition of "foreseeable future" to allow decisionmakers to ignore long

¹ WhiteHouse.gov. 2021. *Fact Sheet: List of Agency Actions for Review*. January 20. Accessed February 12, 2021.
<https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/>

term threats to wildlife, including threats from climate change, and ignoring the economic repercussions of both.

3. “Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat” (85 Fed. Reg. 81411);

The definition of “habitat” in this rule potentially excludes some areas that require restoration or modification to support a species. Federal agencies have long designated degraded habitats as “critical habitat” under the ESA and then worked to restore those areas to serve as strongholds for species recovery; however, under this definition, those habitats would be left out.

4. “Regulations for Designating Critical Habitat” (85 Fed. Reg. 82376); and

This rule states that FWS “shall” exclude areas when the costs of designating critical habitat outweigh the benefits (except in cases where extinction will result). The rule takes a provision that was intended as an alternative in well-justified circumstances, and instead makes exclusion of critical habitat the baseline in scenarios when there are conflicting interests. This effectively lowers the statutory bar for species recovery down to mere survival.

5. “Revision of Regulations for Prohibitions to Threatened Wildlife and Plants” (84 Fed. Reg. 44753).

This rule was not entered into the Biden administration’s January 20, 2021 list of agency actions for review, but I urge you to review and repeal this rule as well. This rule eliminates the blanket 4(d) rule for the FWS, and consequently no longer guarantees protections for threatened species under the ESA.

Beyond these general changes to the ESA, the Trump administration made scores of decisions regarding endangered and threatened species that were not backed by the best available science. This anti-science agenda was exemplified by the process undertaken to change the species protection plans for the operation of California’s Central Valley Project (CVP), the largest federal water project in the United States. The biological opinions issued in 2019 by the Department of the Interior and Department of Commerce for the CVP significantly weakened longstanding protections in the 2008 and 2009 biological opinions for listed species in the Sacramento-San

Joaquin Delta (Delta).² Numerous public reports reveal how federal scientists' concerns that the revised biological opinions would jeopardize the existence of key species were suppressed.^{3,4,5}

I urge you to rescind these biological opinions and replace them with species protection plans that strengthen species recovery measures to prevent extinction. In 2016, then-Interior Secretary Sally Jewell wrote that reinitiation of consultation on the 2008 and 2009 biological opinions would “likely lead to new or amended biological opinions that will increase protections” for listed species given rapid population declines, and that these new protections “could lead to further reductions in water availability south of the Delta.”⁶ Since then, the 2017 annual state survey of Delta smelt found only two adult smelt – the lowest catch in the history of the survey – and the three annual surveys since 2017 found zero Delta smelt.⁷ These trends reflect broader declines in Delta fish species that must be reversed immediately to prevent extinction.

There are also numerous problematic actions by the Trump administration on individual species, including those that were denied listing that face direct threats from climate change. I recommend an independent peer review of these actions by appropriate scientific societies (e.g. Society for Conservation Biology, American Ornithological Union, Freshwater Mollusk Conservation Society, American Fisheries Society, etc.) and if necessary, a new rulemaking process to address the errors within. Below is a list of those decisions.

Wrongly Delayed Actions:

Monarch Butterfly. In January, the wintering count of western monarch butterflies (those that overwinter in California) was just 2000 butterflies, which represents a 99.99% decline in that population compared to the 1980s.⁸ The U.S. Geological Survey projects the Eastern population will go extinct within 20 years.⁹ Despite this, FWS made a “warranted but precluded” finding, and signaled it would take no action for at least four years.¹⁰ Monarchs must be prioritized for listing

² U.S. Fish and Wildlife Service, Biological Opinion for the Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and State Water Project (Oct. 21, 2019),

https://www.fws.gov/sfbaydelta/cvp-swp/documents/10182019_ROC_BO_final.pdf; National Marine Fisheries Service, Biological Opinion for the Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and State Water Project (Oct. 21, 2019),

<https://www.fisheries.noaa.gov/resource/document/biological-opinion-reinitiation-consultation-long-term-operation-central-valley>.

³ Sommer, Lauren. “Trump’s California Water Order Rushes Science and Cuts Out Public, Emails Show.” KQED (Mar. 7, 2019), <https://www.kqed.org/science/1938750/trump-pressure-on-california-water-plan-excludes-public-rushes-science-emails-show>.

⁴ Boxall, Bettina. “Salmon study may foil Trump’s plan to boost water deliveries to Central Valley farms.” LA Times (July 18, 2019), <https://www.latimes.com/environment/story/2019-07-18/endangered-salmon-threaten-trump-delta-plan>.

⁵ Tobias, Jimmy et al. “Trump’s California water plan troubled federal biologists. They were sidelined.” Guardian and Sacramento Bee (Feb. 13, 2021), <https://www.theguardian.com/environment/2021/feb/13/california-water-trump-administration-endangered-species>.

⁶ Secretary of the Interior Sally Jewell, Memorandum for the President: Update on California Water Issues (August 30, 2016).

⁷ California Department of Fish and Wildlife, Monthly Abundance Indices, accessed on Feb. 19, 2021 (online at <http://www.dfg.ca.gov/delta/data/fmwt/indices.asp>).

⁸ Xerces Society Western Monarch Thanksgiving Count. 2021. Western Monarch Thanksgiving Count Data, 1997-2020. Available at www.westernmonarchcount.org.

⁹ Semmens, B., Semmens, D., Thogmartin, W. et al. Quasi-extinction risk and population targets for the Eastern, migratory population of monarch butterflies (*Danaus plexippus*). *Sci Rep* 6, 23265 (2016). Available at <https://doi.org/10.1038/srep23265>

¹⁰ USFWS. 2020. *Monarch Butterfly*. December 15. Accessed February 12, 2021. Available at <https://www.fws.gov/savethemonarch/>.

in fiscal year 2021. The Biden administration has announced they are reviewing “Endangered and Threatened Wildlife and Plants; 12-Month Finding for the Monarch Butterfly,” 85 Fed. Reg. 81813 (December 17, 2020).

Not Warranted Findings:

The Trump administration issued “not warranted” findings for 118 species, many of which are clearly imperiled and lack other protections. In denying protections for several of these species, the Trump administration ignored the dire consequences of climate change either by speciously pointing to uncertainty in climate impacts or by truncating how far in the future impacts were considered (e.g. foreseeable future). These actions fall well short of constituting the best available science.

American wolverine. In the lower 48 states, the wolverine is dependent on persistent spring snowpack for denning and raising kits.¹¹ Climate change is causing earlier spring snowmelt and is therefore an existential threat to the species. The wolverine was twice proposed for listing (in 2013 and 2016)^{12, 13} and twice withdrawn, most recently in October.¹⁴ The first withdrawal was overturned by the District Court of Montana which found that FWS improperly relied on the alleged uncertainty of climate impacts to deny protection.¹⁵

Pacific walrus. The walrus inhabits Arctic waters off Alaska and is imperiled by the rapid loss of sea ice habitat due to global warming.¹⁶ Walruses need sea ice for giving birth, nursing young, and resting. The loss of summer sea ice has forced walrus mothers and calves to come ashore in large numbers, where they have limited access to food and young walruses have been trampled to death in stampedes.¹⁷ FWS found the walrus warranted listing in 2011 because of sea ice loss but placed it on the candidate list.¹⁸ In 2017, the Trump administration reversed course and denied listing by down-playing the threats of climate change and claiming that walruses will somehow adapt to the loss of their sea ice habitat.¹⁹

Montana arctic grayling. Gone from roughly 90% of its historic range in the Upper Missouri River of Montana, the grayling, a member of the trout family, was first identified as a candidate for listing in 1982 because of a combination of habitat degradation and over-withdrawal of water.²⁰

¹¹ USFWS. 2018. *Species Status Assessment for the North American Wolverine*. Lakewood: U.S. Fish and Wildlife Service.

¹² USFWS. 2013. "Endangered and Threatened Wildlife and Plants; Threatened Status for the Distinct Population Segment of the North American Wolverine Occurring in the Contiguous United States." *Federal Register*. February 4.

¹³ USFWS. 2016. "Endangered and Threatened Wildlife and Plants; Proposed Rule for the North American Wolverine." *Federal Register*. October 18.

¹⁴ USFWS. 2020. "Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule for the North American Wolverine." *Federal Register*. October 13.

¹⁵ *Defenders of Wildlife v. Jewell*. 2016. 14-246-M-DLC (U.S. District Court District of Montana, April 4).

¹⁶ MacCracken, James G. 2012. "Pacific Walrus and climate change; observations and predictions." *Ecology and Evolution* 2072-2090.

¹⁷ USFWS. 2014. *Species Assessment Report Pacific Walrus*. U.S. Fish and Wildlife Service.

¹⁸ USFWS. 2011. "Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List the Pacific Walrus as Endangered or Threatened." *Federal Register*. February 10.

¹⁹ USFWS. 2017. "Endangered and Threatened Wildlife and Plants; 12-Month Findings on Petitions to List 25 Species as Endangered or Threatened Species." *Federal Register*. October 5.

²⁰ USFWS. 2014. "Endangered and Threatened Wildlife and Plants; Revised 12-Month Finding on a Petition to List the Upper Missouri River Distinct Population Segment of Arctic Grayling as an Endangered or Threatened Species." *Federal Register*. August 20.

Threats to this species have only grown worse since that time because of increased irrigation to grow alfalfa and climate change driven drought. FWS concluded it warranted protection on multiple occasions but has now been twice denied.²¹ Both these denials were overturned by courts. The Trump administration's third denial last year again ignores climate impacts.²²

Bicknell's thrush. The smallest of the thrushes, Bicknell's thrush is threatened by climate change and habitat loss both on the mountain tops in the northeastern U.S. where it breeds, and the Caribbean Islands where it overwinters.²³ In denying the thrush protection, FWS only looked 30 years in the future and used the definition of significant portion of range that has been invalidated by the courts.^{24,25}

Cedar Key mole skink. This lizard only occurs on Cedar Keys on Florida's Gulf Coast where it lives in beach berms at the high tide line.²⁶ This habitat and the Cedar Keys are threatened by climate change driven sea-level rise. As with the thrush, FWS limited analysis of future climate impacts to 30 years.²⁷ Similarly, FWS previously denied protection for the Florida Keys mole skink. The Florida Keys mole skink's not warranted finding has been overturned by the courts for failing to rely on the best available science and falsely concluding that threats to the species were not concentrated even though some Keys are expected to be inundated to a greater degree than others.²⁸

Eastern hellbender. The largest salamander in North America, the eastern hellbender faces severe threats from pollution, habitat destruction, disturbance and climate change.²⁹ As with other species, FWS used the invalid definition of significant portion of range and only looked 25 years in the future when assessing the impacts of climate and urban development.³⁰ FWS did propose to protect a small portion of its range in Missouri as a distinct population segment³¹ but left the species unprotected in the majority of its range despite the presence of the same threats found in Missouri.

Fisher, West Coast population. A close relative of mink and otters, the fisher, has disappeared from much of its former range on the West Coast. The fisher faces severe threats from loss of old

²¹ USFWS. 2020. *Arctic Grayling*. July 23. Accessed February 12, 2021. Available at <https://www.fws.gov/mountain-prairie/es/arcticGrayling.php#:~:text=Arctic%20grayling%20are%20still%20present,significantly%20in%20range%20and%20abundance>.

²² USFWS. 2020. "Endangered and Threatened Wildlife and Plants; Four Species Not Warranted for Listing as Endangered or Threatened Species." *Federal Register*. July 23.

²³ USFWS. 2017. "Bicknell's Thrush." *U.S. Fish and Wildlife Service*. August. Accessed February 12, 2021. Available at <https://www.fws.gov/northeast/bicknellsthrush/PDF/BicknellsThrushfactsheet.pdf>.

²⁴ USFWS. 2017. "Endangered and Threatened Wildlife and Plants; 12-Month Findings on Petitions To List 25 Species as Endangered or Threatened Species." *Federal Register*. October 5.

²⁵ *Center for Biological Diversity v. Jewell*. 2019. 16-cv-1932 (United States District Court for the District of Colorado, September 26).

²⁶ USFWS. 2018. *Species Status Assessment for the Cedar Key Mole Skink Version 1.2*. U.S. Fish and Wildlife Service.

²⁷ USFWS. 2015. "Endangered and Threatened Wildlife and Plants; 90-Day Findings on 31 Petitions." *Federal Register*. July 1.

²⁸ (Center for Biological Diversity v. U.S. Fish and Wildlife Service and David Bernhardt 2020)

²⁹ USFWS. 2019. *Eastern Hellbender (Cryptobranchus alleganiensis alleganiensis)*. September 12. Accessed February 12, 2021. Available at <https://www.fws.gov/southeast/wildlife/amphibians/eastern-hellbender/>.

³⁰ USFWS. 2018. *Species Status Assessment Report for the Eastern Hellbender Version 1.1*. Midwest Region: U.S. Fish and Wildlife Service.

³¹ USFWS. 2019. "Endangered and Threatened Wildlife and Plants; 12-Month Petition Finding and Endangered Species Status for the Missouri Distinct Population Segment of Eastern Hellbender." *Federal Register*. April 4.

forest habitats from logging and climate change driven fires, as well as poisoning by rodenticides.³² This species was found to warrant protection in 2004 but placed on the candidate list instead. In 2014, the fisher was proposed for listing only to see the listing withdrawn in 2016. The courts overturned the withdrawal and the fisher was again proposed for listing in 2019.³³ In 2020, the Trump administration listed the fisher in the southern Sierra Nevada but denied protection in the rest of the West Coast.³⁴

Bi-state sage grouse. Similar to the fisher, FWS has ping-ponged between concluding the bi-state population of sage grouse warrants listing only to reverse course (most recently in 2020) when it was decided listing was warranted but precluded.^{35,36} The population already lost half of its range and abundance from habitat degradation and climate change and is at immediate risk of losing another third in the near future.³⁷

Purple lilliput mussel. The purple lilliput mussel has seen half of its populations disappear from agriculture and urbanization pollution, dams and diversions, invasive species, and other factors³⁸. In denying the mussel protection, the Service acknowledged that it may soon be wiped out across the Great Lakes and Cumberland Basins, but concluded these basins were not significant to the species as a whole.³⁹

Red Tree Vole, North Oregon Coast population. The red tree vole is one of the most arboreal mammals in North America, living almost its entire life in the treetops, feeding on conifer needles. FWS found the vole warranted listing in 2011, but instead of providing protections, placed it on the candidate list. In 2019, however, the Trump administration reversed course and withdrew the listing.⁴⁰

Coldwater crayfish. Since this species was petitioned for listing in 2010, it was split into three distinct species, but all were denied protection.⁴¹ All three have very small ranges in Arkansas and Missouri where they are threatened by pollution and an invasive, non-native crayfish. FWS failed to consider whether these species are threatened or endangered in a significant portion of range. For two of the species, FWS said that their ranges are too small to consider any portion significant

³² USFWS. 2016. *Final Species Report - Fisher (Pekania pennanti) West Coast Population*. U.S. Fish and Wildlife Service. Available at <https://www.fws.gov/klamathfallsfwo/news/Fisher/Final/SpeciesRpt-FisherFinal-20160331.pdf>.

³³ USFWS. 2019. "Endangered and Threatened Wildlife and Plants; Threatened Species Status for West Coast Distinct Population Segment of Fisher With Section 4(d) Rule." *Federal Register*. December 19.

³⁴ USFWS. 2020. "Endangered and Threatened Wildlife and Plants; Endangered Species Status for Southern Sierra Nevada Distinct Population Segment of Fisher." *Federal Register*. May 15.

³⁵ USFWS. 2020. "Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rules To List the Bi-State Distinct Population Segment of Greater Sage-Grouse." *Federal Register*. March 3.

³⁶ USFWS. 2019. *Species Status Assessment: North Oregon Coast Population of the Red Tree Vole (Arborimus Longicaudus) Version 1.0*. Portland: U.S. Fish and Wildlife Service.

³⁷ Coates, Peter S. 2020. "Spatially explicit models of seasonal habitat for greater sage-grouse at broad spatial scales: Informing areas for management in Nevada and northeastern California." *Ecology and Evolution* 104-118.

³⁸ USFWS. 2020. *Species Status Assessment Report for the Purple Lilliput*. Atlanta: U.S. Fish and Wildlife Service.

³⁹ USFWS. 2020. "Endangered and Threatened Wildlife and Plants; 12-Month Finding for Purple Lilliput." *Federal Register*. U.S. Fish and Wildlife Service, September 29.

⁴⁰ USFWS. 2019. *Endangered and Threatened Wildlife and Plants; 5 Species Not Warranted for Listing (Red Tree Vole)*. December 19. Accessed February 2, 2021. <https://www.federalregister.gov/documents/2019/12/19/2019-27334/endangered-and-threatened-wildlife-and-plants-five-species-not-warranted-for-listing-as-endangered>.

⁴¹ USFWS. 2019. *Endangered and Threatened Wildlife and Plants; 12-Month Findings on Petition for Coldwater Crayfish*. April 4. Accessed February 2, 2021. <https://www.govinfo.gov/content/pkg/FR-2019-04-04/pdf/2019-06535.pdf>.

and for the third, they concluded there was no concentration of threats even though the invasive crayfish only occurs in portions.^{42,43}

Southern hog-nosed snake. As with hundreds of species, the southern hog-nosed snake has declined with the loss of its long-leaf pine habitats. The snake has lost much of its range and 60 percent of identified populations are likely extirpated.⁴⁴ FWS truncated how far in the future it looked for both the impacts of urbanization and climate change and also failed to consider whether the snake is threatened or endangered in a significant portion of its range.⁴⁵

Berry Cave salamander. This salamander is limited to just nine caves in eastern Tennessee, where it faces threats from urbanization, pollution, human visitation, and a competing salamander.⁴⁶ FWS found it warranted listing in 2011 but added it to the candidate list instead of providing protection. In 2019, FWS reversed course and denied protection,⁴⁷ relying on a lack of concentration of threats despite the varied threats and status between the nine populations.

Clear Lake Hitch. This fish is limited to two lakes in California, where it faces threats from climate change-driven drought, over-withdrawal of water, pollution, and invasive species.⁴⁸ In 2014, the California Division of Wildlife listed the hitch as threatened under California's Endangered Species Act. As with other species, while climate change was acknowledged as a stressor in the finding, FWS still stated that they believed the hitch populations would remain healthy and failed to analyze whether the hitch are threatened or endangered in a significant portion of range.⁴⁹

Roundtail Chub. First identified as needing consideration for protection in 1982, the roundtail chub and the closely related headwater chub were found to warrant protection in 2009 but were added to the candidate list instead of receiving protection. In 2015, both were proposed for listing. That proposal was withdrawn in 2017 after new science showed they may not be separate species. Rather than determine whether the combined species warrants protection in the lower Colorado River Basin, FWS withdrew the rule.⁵⁰

⁴² USFWS. 2018. *Species Status Assessment Report for the Coldwater Crayfish and Eleven Point River Crayfish Version 1.0*. Bloomington: U.S. Fish and Wildlife Service.

⁴³ USFWS. 2018. *Species Status Assessment Report for the Spring River Crayfish Version 1.0*. Bloomington: U.S. Fish and Wildlife Service.

⁴⁴ Tuberville, Tracey D. 2000. "Apparent Decline of the Southern Hog-Nosed Snake." *Journal of the Elisha Mitchell Scientific Society* 19-40.

⁴⁵ USFWS. 2019. *Species Status Assessment Report for the Southern Hognose Snake Version 1.1*. Atlanta: U.S. Fish and Wildlife Service.

⁴⁶ USFWS. 2019. *Species Status Assessment Report for the Berry Cave Salamander Version 1.1*. Atlanta: U.S. Fish and Wildlife Service.

⁴⁷ USFWS. 2019. *Endangered and Threatened Wildlife and Plants; 12 Species Not Warranted for Listing (Berry Cave Salamander, Longhead Darter, Southern Hognose Snake)*. October 7. Accessed February 3, 2021.

⁴⁸ USFWS. 2020. *Species Status Assessment for the Clear Lake Hitch Version 1.0*. Sacramento: U.S. Fish and Wildlife Service.

⁴⁹ Agency, California Natural Resources. 2013. *Report to the Fish and Game Commission Evaluation of the Petition from the Center for Biological Diversity to List Clear Lake Hitch as a Threatened Species Under the CESA*. California Department of Fish and Wildlife.

⁵⁰ Feyrer, Frederick. 2019. *Observations of the spawning ecology of the imperiled Clear Lake Hitch*. Sacramento: California Water Science Center.

Brook floater. This freshwater mussel has been extirpated from more than half its range and 80% of the sites where it survives are in poor condition. FWS only looked out 15-30 years and did not adequately look at the significant portion of its range, or climate impacts.⁵¹

Longhead darter. This freshwater fish has been extirpated from portions of its range by mountaintop removal coal mining in Appalachia.⁵²

Relict dace. On December 3, 2020, FWS declined to list the Johnson Spring Wetland Complex population of the relict dace, a freshwater fish, as a Distinct Population Segment (DPS), because “the JSWC population did not qualify as a DPS” and thus was not a listable entity.⁵³ Evidence suggests that there was political interference in the decision to not list the JSWC population of the relict dace as a DPS.⁵⁴ In a March 29, 2019 assessment of the DPS status, FWS stated “we conclude that designation of the JSWC relict dace population as a DPS meets the intent of the 1996 FWS DPS policy.” Listing this relict dace DPS would have conflicted with the Long Canyon mine expansion project in Nevada, which is opposed by Tribes and environmental groups.⁵⁵

Delistings and Downlistings:

American burying beetle. In response to a petition from the International Petroleum Association of America, the Trump administration downlisted the American burying beetle from endangered to threatened despite its admission that the threats to the beetle have worsened since the species’ listing in 1989. FWS also issued a 4(d) rule that increases extinction risk for the beetle by exempting habitat destruction in the southern Plains of Oklahoma on all areas except those already in conservation for the species.⁵⁶ The beetle once occurred across the entire eastern half of the U.S. and several Canadian provinces, but is now only found in a tiny fraction of that range, in isolated populations. Far from showing recovery, the downlisting findings reported that the beetle was likely to go extinct in the southern Plains in the next couple decades because of warming temperatures.⁵⁷

⁵¹USFWS. 2018. *Species Status Assessment Report for the Brook Floater*. Cortland: U.S. Fish and Wildlife Service.

⁵² Eisenhour, David A. 2011. "Conservation Status of the Longhead Darter in Kinnicoek Creek Kentucky." *Southeastern Fishes Council Proceedings*, December 1: 13.

⁵³ USFWS. 2020. *Endangered and Threatened Wildlife and Plants; Eleven Species Not Warranted for Listing as Endangered or Threatened Species*. 85 FR 78029.

⁵⁴ Documents obtained under the Freedom of Information Act from US Fish and Wildlife Service; requested December 16, 2020 by Center for Biological Diversity as “relict dace not warranted decision file” received March 1, 2021. Relevant excerpts include: 1) March 29, 2019. USFWS. Assessment of DPS status authored by Laurie Averill-Murray. States “we conclude that designation of the JSWC relict dace population as a DPS meets the intent of the 1996 FWS DPS policy.” 2) November 11, 2019. USFWS. Marked-up version of Region 8 no-DPS finding. Comment by Averill-Murray: “I’m not finding that the conclusion follows from the evidence provided and available to us. The dots are not connecting for me.” 3) August 18, 2020. Voicemail left by Lee Ann Carranza, Deputy Field Supervisor of the Reno Fish & Wildlife office, to Averill-Murray, stating: “I talked with Mike Fris yesterday regarding relict dace. And they’re pursuing the finding of not a DPS. Paul [Souza] said he feels so strongly about it that he’s moving forward and he doesn’t feel the need to talk with Tony [Wasley] before moving it forward. Period. So. It is what it is.”

⁵⁵ <https://drive.google.com/file/d/1I0iZUkayfkQNanF9kObv3S2AQ-Fkww9F/view>

⁵⁶ 2019. *Endangered and Threatened Wildlife and Plants; Reclassifying the American Burying Beetle*. May 3. Accessed February 3, 2021.

⁵⁷ USFWS. 2019. *Species Status Assessment Report for the American Burying Beetle Version 1.0*. U.S. Fish and Wildlife Service.

Gray wolf. The Trump Administration’s recent decision to delist the gray wolf removes protections from gray wolves across the country⁵⁸ despite them occupying less than 10% of their historic range and facing ongoing persecution. The scientific peer review panel found that the proposal misrepresented the most current science regarding wolf conservation and taxonomy.⁵⁹ The Biden administration announced they are reviewing “Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife,” 85 Fed. Reg 69778 (November 3, 2020).

Thank you for your attention to reviewing these decisions. The Trump administration took backwards leaps at a time when a forward charge was necessary to save species. I urge you to not only undo the missteps of the past four years, but to also forge a new path toward saving threatened and endangered species by issuing new and stronger endangered species regulations. I look forward to working with you to strengthen protections for biodiversity and correct these past wrongs. Should you have any questions, please reach out to Lora Snyder on my staff at Lora.Snyder@mail.house.gov.

Sincerely,



Raúl M. Grijalva
Chair
Committee on Natural Resources

⁵⁸ UFWFS. 2020. "Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife." *Federal Register*. November 3.

⁵⁹ Atkins North America, Inc. 2019. "Summary Report of Independent Peer Reviews for the U.S. Fish and Wildlife Service Gray Wolf Delisting Review." Available at https://www.fws.gov/endangered/esa-library/pdf/Final%20Gray%20Wolf%20Peer%20Review%20Summary%20Report_053119.pdf.