WRITTEN STATEMENT FROM THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

SUBMITTED FOR THE RECORD FOR THE LEGISLATIVE HEARING
ON
H.R. 1897, "ESA AMENDMENTS ACT OF 2025"

BEFORE THE
SUBCOMMITTEE ON WATER, WILDLIFE, AND FISHERIES
HOUSE COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

MARCH 25, 2025

The National Oceanic and Atmospheric Administration (NOAA) is responsible for the stewardship of the nation's living marine resources and their habitat. Backed by sound science, NOAA Fisheries provides vital services for the nation, including management and sustainment of our fisheries to provide food for the American people, ensuring safe sources of seafood, the recovery and conservation of protected species, and healthy ecosystems. The resilience of marine ecosystems and the economic integrity of coastal communities depends on healthy marine species, including protected species such as salmon, whales, sea turtles, and corals.

The Endangered Species Act

Under the Endangered Species Act (ESA), NOAA Fisheries works to conserve and recover marine and anadromous species while preserving robust economic and recreational opportunities. There are more than 160 endangered and threatened marine and anadromous species under NOAA's jurisdiction. Our work includes listing species under the ESA; monitoring species status; designating critical habitat; developing and implementing actions to recover endangered and threatened species; consulting with Federal agencies to insure their activities are not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat; and working with states, tribes, and other partners to conserve and recover listed species. NOAA Fisheries shares the responsibility of implementing the ESA with the U.S. Fish and Wildlife Service, which has jurisdiction over terrestrial and other aquatic species.

Since it was signed into law, more than 99 percent of the species listed under the Act have been saved from extinction and some of America's most iconic species have been recovered to the point where they no longer meet the definition of threatened or endangered. From Eastern Pacific gray whales to humpback whales along the Atlantic coast, NOAA Fisheries, in carrying

out its mandates under the ESA, has been integral to species recovery and efforts to remove species from the Threatened and Endangered Lists.

NOAA Fisheries works closely with its many partners, including states, tribes, other federal agencies, industries, and conservation organizations to conserve and recover ESA-listed species. These efforts include making science-based listing, reclassification, and delisting determinations in compliance with the standards and requirements outlined in section 4 of the ESA. In accordance with section 4, we apply the best scientific and commercial (e.g., trade) data available to assess the status of species, evaluate threats, and consider protective efforts being made to conserve the species. In addition, to ensure a robust process, we provide our status reviews to co-managers, expert peer reviewers, and the public prior to issuing final classification decisions. We have also standardized our status review process such that we have generally kept pace with the petitions received by NOAA Fisheries, and have never had a lengthy backlog of species awaiting review. When designating critical habitat, we similarly adhere to the statutory requirement to identify critical habitat based on the best available science, and we thoroughly assess and consider the national security, economic, and other relevant impacts before designating any area as critical habitat. Prior to completing any designation, we coordinate extensively with the Department of Defense, Department of Homeland Security, relevant states, tribes, and other relevant affected agencies; we also provide public access to our underlying analyses and mapping data on our website.

Through use of our Species Recovery Grants under section 6 of the ESA and through the Pacific Coastal Salmon Recovery Fund programs, we have provided millions of dollars to states and tribes to support management, research, monitoring, and outreach activities that have direct conservation benefits for listed species under the ESA within state waters. Through these grant programs, states and tribes have undertaken critical management and recovery activities and conducted vital research for a diverse range of listed species, including white abalone, corals, Atlantic and shortnose sturgeon, marine turtles, Southern Resident killer whales, Hawaiian monk seals, and Pacific salmon and steelhead. Furthermore, with this funding, we have restored thousands of stream miles for listed salmon, which have indirectly benefited commercial and recreational fisheries along the west coast.

We also continue to seek science-based innovations to address threats to species and support their recovery in ways that can minimize risks to species and costs to industry. One such initiative—the Advanced Sampling and Technology for Extinction Risk Reduction and Recovery—is focused on reducing extinction risk and supporting recovery of protected species through technological innovation. New and better data is also critical to our efforts. We continually seek to expand our partnerships and cooperative conservation efforts, and improve and strengthen our implementation of the ESA to bring greater benefits to listed species and surrounding communities.

Section 7 of the ESA provides a program for NOAA to work in partnership with other Federal "action" agencies toward species conservation and recovery. Through it, Federal agencies use their existing authorities to conserve and recover species. In addition, NOAA works with Federal agencies to "insure" their actions (e.g., construction permits, oil and gas program activities, fishery management plans) are not likely to jeopardize the continued existence of listed species or adversely modify or destroy designated critical habitats.

Through section 7, NOAA has developed strong partnerships with the Environmental Protection Agency, Bureau of Ocean Energy Management, Army Corps of Engineers, Navy, Forest Service, and other agencies and industry applicants to conserve and recover listed species. We continue to work with our partners to improve implementation of the Interagency Cooperation program and in numerous examples, our actions to conserve and recover listed species benefit human communities as well. For instance, a recent NOAA-Federal agency partnership has provided communities with incentives for taking local actions that both mitigate flood risk to homeowners and businesses, and protect ESA-listed species through preservation of the natural and beneficial functions of floodplains, resulting in lower flood insurance premiums and reduced property damage from flooding. Through these partnerships, NOAA continues to make improvements to the implementation of section 7 so that it works for action agencies, industry, and our species.

We improved on our ESA consultation processes during the first Trump administration, and continue to build on those successes to this day. For instance, through our efforts to create more efficient ESA consultations, we reduced the average number of days from consultation initiation to completion for both formal and informal ESA consultations. After undertaking these efforts, we reduced the average time to completion of *informal* consultations to 34 days, a 40 percent reduction compared to the baseline average (data from 2013 to 2016) of 57 days.

Through the permitting mechanisms authorized under section 10(a)(1)(B) of the ESA, NOAA Fisheries supports both the conservation of marine species and other economically important activities, ranging from state fisheries to power plant operations. Congress recognized the need to reduce conflicts between listed species protection and non-federal economic activities when it amended the ESA in 1982 to add this particular permitting authority. Section 10(a)(1)(B) permits now serve as the mechanism for non-federal entities, which range from state natural resources agencies to power companies, to receive authorization under the ESA for any incidental take of listed species while conducting their otherwise lawful activities. Because the permit issuance criteria under the ESA require a conservation plan and actions to minimize and mitigate take of listed species, these permits serve as an important means of preventing the further decline and promoting the recovery of listed species, while also allowing other economically important activities to continue. This facet of our ESA program has effectively allowed us to develop creative partnerships and generate long-term conservation commitments while delivering regulatory assurances to permittees. While we have made strides in increasing our effectiveness in supporting permit applicants by providing scientific advice on mitigation and minimization

measures, as well as providing other guidance and resources, we are currently working to streamline the process for issuing these permits by, for example, creating an online application system, developing templates, and streamlining required environmental reviews.

Several aspects of this bill align with our existing goals to streamline our conservation and recovery work and also align with Administration priorities to facilitate energy development, timber production, and California water projects. The ESA provides a number of tools to expedite interagency consultation, and we are currently exploring these in coordination with action agencies so that consultations involving oil and gas or other energy development are expedited as high priority consultations.

Conclusion

Over the past 50 years, the ESA has led to innovation, conservation and science to support species and the habitats on which they depend. Healthy ecosystems support fisheries, forestry, tourism, and community health, among other societal benefits. The United States is a model for others as we seek to support economic development while ensuring the continued existence of species.

Our work with partners to conserve and recover threatened and endangered species is ongoing and evolving. Over the past few decades, we have improved our implementation of the statute, which has resulted in the recovery of species and prevention of extinctions. NOAA is proud to serve the nation's coastal communities and industries, ensuring responsible stewardship of our ocean and coastal resources. We value the opportunity to continue working with this Subcommittee on these important issues, and we look forward to working with Congress over the coming years to further improve implementation of the ESA and optimize species conservation without creating unnecessary burdens on economic development.