

**Testimony of the Honorable Joel Bousman  
Commissioner, Sublette County, Wyoming  
Chairman, Public Lands Committee, Wyoming County Commissioners Association  
2<sup>nd</sup> Vice President, Western Interstate Region of the National Association of Counties  
Committee on Oversight and Government Reform  
Subcommittee on the Interior, Hearing on  
“Barriers to Endangered Species Act Delisting, Part I”  
April 20, 2016**

Thank you Chairman Lummis, Ranking Member Lawrence, and members of the Interior Subcommittee.

My name is Joel Bousman; I am a rancher and County Commissioner in Sublette County Wyoming, and Chairman of the Public Lands Committee of the Wyoming County Commissioners Association. I also serve as the 2<sup>nd</sup> Vice President of the Western Interstate Region of the National Association of Counties, whose membership consists of fifteen Western states and hundreds of counties across the West.

As many of us in the West have known for quite some time, when a species is put on the Endangered Species Act list, it's a bit like checking into the Hotel California. But the inability for listed species to leave the endangered species list is no longer a fact just for westerners. One need look no further than the Great Lakes wolf to find that barriers to delisting fully recovered species is a nationwide problem that plagues the successful implementation of the ESA as a whole.

That is why the topic of this hearing is so very important. At the county level, we do not deny the value of protecting truly endangered species. But it is troubling to see that for some the goal of the ESA appears to be permanent and perpetual listings rather than actual species recovery. It is equally troubling that the ESA itself has created a system that favors closed-door litigation over transparent cooperation with local governments.

With that in mind, I want to address you about the role county government can play in effective wildlife management and in improving the outcomes of the ESA.

Often when we think about species conservation and the ESA we tend to think about the federal government's relationship to the states. There is good reason for this. In Wyoming and all across the West, state game and fish agencies are local experts that can and should be trusted with managing wildlife appropriately. However, it is important to understand that the Fish and Wildlife Service also has an obligation to consult with and receive input from counties affected by petition listings and regulations written as a result of ESA listings.

Section 1533(b) of the ESA twice lists counties as necessary partners in the process. First, when deciding upon whether a species is threatened or endangered, the Fish and Wildlife service must take into account the conservation efforts not only of the state, but also of the state's political subdivisions. Later in the same section the Fish and Wildlife Service is required to give actual

notice of any new regulation or designation to counties and invite comment from counties about those regulations.

Despite this language, I am concerned that too often the federal government either ignores its obligations to counties, or acknowledges counties only as a “check-the-box” exercise. While the language is clear, its overly-vague instructions let the Fish and Wildlife Service off the hook on any meaningful coordination with counties. If we want a law that leads to successful conservation and actual recovery of species, this is a part of the ESA that is crying out for Congressional attention.

The National Association of Counties, which represents America’s 3,069 county governments, urban and rural, has adopted into its permanent platform important goals for modernizing the ESA to ensure it is a more successful law. Specifically, the NACo platform acknowledges that the ESA is a critically important law, and it goes on to say:

*“NACo supports reforming the ESA to mandate that the federal government treat state and county governments as cooperating agencies with full rights of coordination, consultation, and consistency to decide jointly with appropriate federal agencies when and how to list species, designate habitat, and plan and manage for species recovery and de-listing.”*

But why? What is it that counties have to offer that others do not when it comes to engagement on ESA petitions, listings, regulations, or delistings?

First and foremost, what we have to offer is a broad view on the necessity for, the pitfalls of, and the effects on our counties resulting from ESA listings. Federal and even state agencies can sometimes be hindered by the narrow focus of their particular agency mission. Industry and NGO stakeholders take a narrow view. But by the very nature of the charge of the office, a county commissioner must take into account the health and welfare of their entire county: its people, land, water and wildlife.

We have found in Wyoming that the most successful efforts of federal land managers have been ones that were developed collaboratively with local governments. FLPMA’s requirements of coordination and CEQ’s cooperating agency process, while not silver bullets, provide the framework and the flexibility for local governments and the federal agencies to at least attempt a collaborative approach. Sometimes this process works and other times it does not, but as it is currently written, the ESA does not promote, and certainly doesn’t require that level of collaboration with local governments.

That omission of law is to the detriment of successful species recovery because it marginalizes the very people who can be most effective in developing conservation proposals that are accepted at the local level. County officials have more on-the-ground and specific knowledge of wildlife in our counties and how management decisions might create ripple effects impacting other issues. County officials can serve as a bridge between the federal agencies and the people living in our counties if we are allowed to do so.

In addition, we often find ourselves as a bridge between federal agencies themselves. Again thanks to our broad charge as local officials, we, by necessity, work with every agency. As a result, we sometimes find ourselves trapped between two agencies with different missions and we become the messenger between them.

This very scenario played out recently in an issue dealing with potential take of Grizzly Bears in the Bridger-Teton national forest in Sublette County. Livestock grazing permittees found themselves in a very difficult situation as the “take” of grizzlies was approaching the limit under the federal management plan. It took the county bringing together the Forest Service and the Fish and Wildlife Service, with help from our Governor, to reach an appropriate resolution.

The moral of the story is that the Fish and Wildlife Service stands to gain from a coordinated effort with local governments – a coordinated effort not currently required in the ESA. Not only would such a change create more meaningful conservation – which should be our collective goal, but it also helps to inoculate the Fish and Wildlife Service from the kinds of groups and individuals who appear to be more interested in the money to be made from litigation than in actual, boots-on-the-ground species conservation.

There may have been a time in America’s past when inflexible laws were necessary to overcome cultural apathy toward conservation. But as has been so eloquently explained many times by this subcommittee’s chairman, America’s signature conservation laws have not kept pace with our cultural conservation ethic – what you, Chairman Lummis, have called our 21<sup>st</sup> century conservation ethic.

Allowing for greater local input, engaging in efforts to understand the customs and culture of the local community and undertaking an honest assessment of socioeconomic impacts of the ESA is not a threat to species viability. Rather, it can and should be a benefit in creating necessary regulations that can be embraced at the local level. The best decisions are always made by local people working collaboratively with state and federal agency personnel at the ground level.

The Endangered Species Act, unfortunately, is a law deeply rooted in a 20<sup>th</sup> century model of top-down mandates. The ESA should be a mechanism that provides support and resources to states and local governments. In our estimation, the lack of specific and intentional coordination with local governments is a barrier to de-listing, and perhaps one of the easiest problems to remedy that would benefit species in need of conservation and recovery efforts.

Thank you and I look forward to your questions.

**Biographical Summary**  
**Joel Bousman**

Joel Bousman is a fourth generation rancher from Boulder, Wyoming. Joel is a commissioner on the Sublette County Board of County Commissions and currently serves as the Chairman of the Wyoming County Commissioners Association (WCCA) Agriculture, Water, State and Public Lands Committee. Joel also serves as the 2<sup>nd</sup> Vice President of the Western Interstate Region of the National Association of Counties.

For many years Joel has been involved in public service, including service on the Sublette County School Board, the Wyoming Governor's Brucellosis Coordination Team, the Wyoming Sage Grouse Conservation Planning Committee, as well as many other local and state boards and committees. In addition to his public service, Joel has been a lifelong member of the Wyoming Stock Growers and has served as Chairman of the Wyoming State Grazing Board and Supervisor of the Sublette County Conservation District

Joel has been happily married to his college sweetheart, Susan for 46 years and lives and works the family ranch with his wife, children and grandchildren.