

March 10, 2022

The Honorable Patrick Leahy
Chairman
Committee on Appropriations
United States Senate
The Capitol S-128
Washington, DC 20515

The Honorable Richard Shelby
Vice Chairman
Committee on Appropriations
United States Senate
The Capitol S-128
Washington, DC 20515

The Honorable Rosa DeLauro
Chairwoman
Committee on Appropriations
U.S. House of Representatives
The Capitol H-307
Washington, DC 20515

The Honorable Kay Granger
Ranking Member
Committee on Appropriations
U.S. House of Representatives
1036 Longworth House Office Building
Washington, DC 20515

Dear Chairman Leahy, Vice Chairman Shelby, Chairwoman DeLauro, Ranking Member Granger,

In October 2021, the U.S. Fish and Wildlife Service made the heartbreaking decision to remove 22 animals and one plant from the endangered species list because of extinction. This was the largest set of delistings in the agency's history and a stark reminder that the United States is currently not doing enough to stem the loss of our nation's biodiversity and halt the global extinction crisis. These 23 species—including the ivory-billed woodpecker, Bachman's warbler, Scioto madtom, San Marcos gambusia, eight species of Southeastern freshwater mussels, eight birds and a flower from Hawai'i, and a bird and bat from Guam—will now join the list of 650 species in the United States that have likely been lost to extinction.¹

Sadly, the majority of extinctions are entirely preventable, so when we lose a species to extinction it represents an unforgivable moral failure. The U.S. has one of the most powerful tools to end extinction—the Endangered Species Act—yet decades of underfunding has kept it from realizing its full potential. Congress has recognized the urgent need for more funding, as demonstrated by the Build Back Better Act, which, if passed, would offer some short-term relief by providing the Service \$500 million for important conservation programs and initiatives, including \$180 million for developing and implementing recovery plans, \$20 million for critically endangered species conservation, \$250 million for climate mitigation, \$40 million for grassland restoration, and \$10 million for wildlife corridors. This supplemental funding would help the Service make progress towards restoring healthy ecosystems, rebuilding abundant wildlife populations, and addressing the threat of climate change to biodiversity, including helping the U.S. meet its pledge to end deforestation by 2030. However, Congress has yet to pass the Build Back Better Act, so increased funding through the appropriations process is needed now more than ever.

Unfortunately, the Service has been operating on a shoestring budget for so long that the

¹ Stein, B. A., N. Edelson, L. Anderson, J. Kanter, and J. Stemler. 2018. *Reversing America's Wildlife Crisis: Securing the Future of Our Fish and Wildlife*. Washington, DC: National Wildlife Federation.

supplemental funding in the Build Back Better Act would still fall short of what's needed. To meet the current needs of our most imperiled animals and plants, **the data show that the Service requires a budget of \$704.05 million, distributed across five programs, starting in FY2023.** The scientific community agrees that significantly more funding is needed – to date more than 1,900 scientists have signed a letter originally published in the prestigious journal *Science* in November 2019, entitled “Solve the biodiversity crisis with funding” calling for fully funding conservation programs that protect biodiversity from severe and growing threats.

Over 1,600 species are now protected in the United States under the Endangered Species Act, and thousands more are likely to need protection if action is not taken to address these threats. Globally, an additional one million animal and plant species face extinction within the coming decades,² and millions more are declining as habitat loss, climate change, wildlife exploitation, pollution, and other human activities continue to threaten their survival. If Congress truly wants to stem the extinction crisis, it must make bold investments in protecting our nation's most vulnerable species. Too many species sit in limbo at the edge of extinction, or are being lost altogether, when we can ensure they remain part of our rich natural heritage. This funding package will ensure every listed species receives a minimum of \$50,000 per year for recovery and will allow the Endangered Species Act to be implemented in the way Congress intended when it dedicated our country to protecting the species and the habitats that need it most.

Listing

The Endangered Species Act is an incredible success for protecting species; the vast majority of listed species are still with us today. Yet despite the protections the Act provides, chronic underfunding for the listing program has resulted in many animals and plants waiting over a decade to receive safeguards. These delays can have devastating consequences. In total, nearly 50 unlisted species have been declared extinct while waiting for protections because of these funding shortfalls. This is unacceptable.

As a factual matter, the Service needs at least \$78.7 million, or an increase of at least \$15 million per year for at least the next three years, to process the backlog of 430 species that still need to be reviewed for protection under the Act. Currently, the Service fails to make dozens of findings from its listing workplan every year. In FY2021, the agency failed to make required findings for 66 imperiled species, including the Florida bonneted bat, sickle darter, and Louisiana pigtoe.³ An increase of \$15 million could contribute to removing an additional 53 species from the listing backlog each year, at an estimated cost of around \$280,000 for each new listing decision. At current funding rates, however, it could take the Service up to 10 years to process all of the remaining species that the agency has identified as potentially needing protection. Meanwhile, if trends hold, one species will be declared extinct every year in the United States while waiting for protection under the Act. Thus, we urge Congress to significantly increase the amount allocated to listing in the FY2023 Interior and Environment appropriations bill so that the program finally

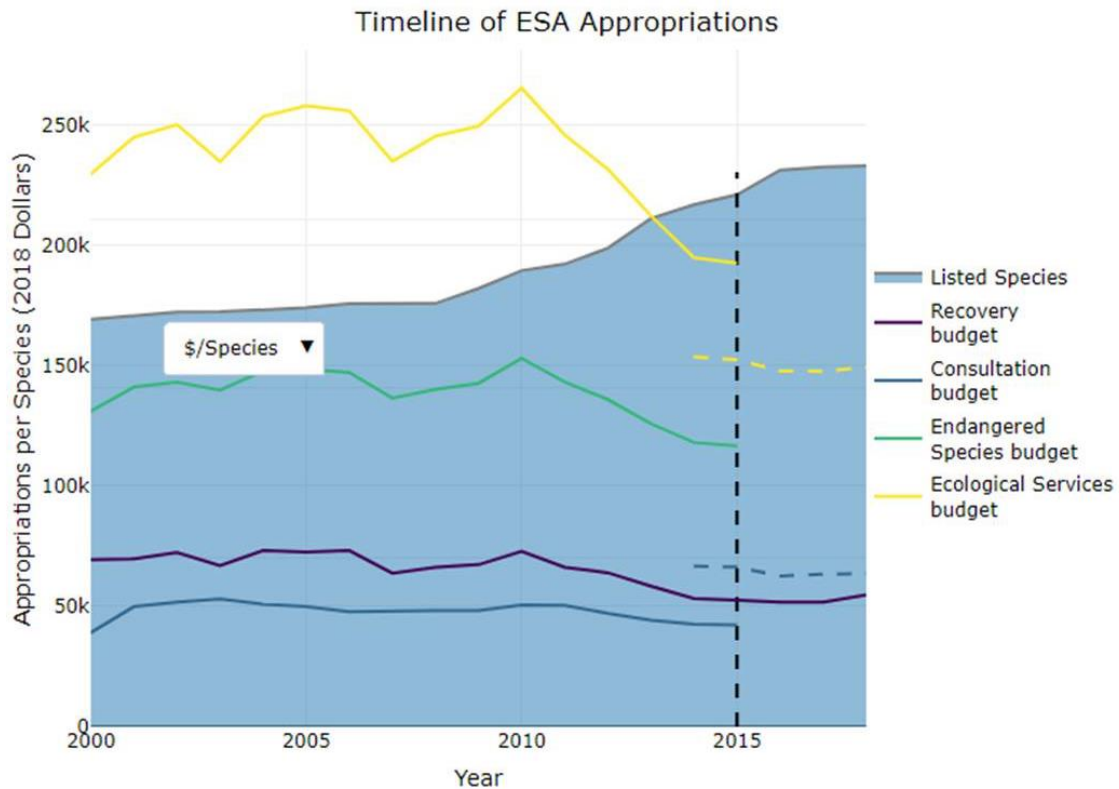
² S. Diaz, J. Settele, E. Brondizio. 2019. Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services available at: <https://www.ipbes.net/news/Media-Release-Global-Assessment>

³ The Service failed to make required findings for 30 species in FY2017, 78 species in FY2018, 46 species in FY2019 and 58 species in FY2020.

has sufficient funds to protect all species at risk of extinction.

Recovery

The Service's recovery program includes planning for recovery, implementing recovery actions, and tracking recovery progress. Unfortunately, recovery appropriations have been essentially flat over the past two decades, and when controlling for inflation and the number of listed species, have declined since 2010 (purple line):



Endangered Species Act funding for the U.S. Fish and Wildlife Service has remained flat and even declined since 2010. Note that the funding for two components shifts after 2014 because of budgeting changes, but does not change the overall pattern. Data from FWS, shown in inflation-adjusted 2018 dollars.

The additional funding for developing and implementing recovery plans that would be provided in the Build Back Better Act would be enormously helpful, as one in four listed species do not even have recovery plans, and the ones that do often have plans that are more than a decade old and may not reflect the best available science. However, hundreds of endangered species still receive less than \$1000 a year for their recovery, with many receiving no funding from the Service at all.⁴ The agency desperately needs additional funding—beyond what is provided in the Build Back Better Act—to help stabilize and save the most critically endangered species and

⁴ See U.S. Fish and Wildlife Service, Federal and State Endangered and Threatened Species Expenditures (Fiscal Year 2017), available at: <https://www.fws.gov/endangered/esa-library/pdf/2017-Expenditures-Report.pdf>

ensure that every listed species receives a minimum amount of funding for their recovery.

Additional funding for the recovery program can also help support dedicated extinction prevention programs for critically endangered species at the brink of extinction, including listed Hawaiian plants, freshwater mussels, desert fish, and butterflies. Of all of the endangered species in the United States, these are some of the fastest declining groups and they desperately need emergency funding before it's too late.

Funding drives recovery progress, and species will never be able to recover to the point where they can eventually be delisted if there continues to be a lack of sufficient funding. We strongly recommend Congress fund a minimum of \$50,000 per year per species for recovery to make sure that no species slips through the cracks. Accordingly, Congress can significantly reverse the slide of more animal and plants towards extinction and put every species on a path to recovery by providing \$287 million for the recovery program in 2023, which is more than double the current—and insufficient—funding levels.⁵ This includes \$66.9 million for recovery planning, which is essential to guiding species back from the brink; \$202 million for recovery actions, which range from reducing poaching to invasive species control; and \$18.1 million for conservation status reviews that need to occur every five years.

Planning and Consultation

The Planning and Consultation program includes key processes that ensure species receive fundamental protections while allowing flexibility for infrastructure and other forms of development. The Service evaluates (“consults on”) the effects of over 10,000 federal actions on listed species per year to help protect species and their habitat, and over the past two decades has worked with states, counties, and private landowners across the country to create over 1,000 Habitat Conservation Plans to help conserve species. But this program is stressed: appropriations have been flat or declining for years. Additional funding can help the Service complete timely project evaluations, additional conservation plans, and overall better help conserve species and their habitats. Further, Congress made significant investments in our natural infrastructure by passing the Infrastructure Investment and Jobs Act. The Service will play an important role in ensuring that any infrastructure project stemming from these investments does not harm endangered species or undermine their conservation or recovery, and this additional funding will allow them to do that more effectively.

There are also opportunities to improve the efficiency and effectiveness of consultations, such as through the widespread adoption of technologies such as the Services’ Integrated Planning and Conservation (IPaC) system and the addition of dedicated personnel to monitor compliance with the Act. For planning and consultation to be maximally effective and efficient, Congress should provide \$162.1 million in FY 2023 and beyond. This includes \$149.1 million for standard consultations; an additional \$1.7 million for pesticide consultations and \$648,400 for IPaC development; \$9 million for voluntary conservation; and \$1.7 million for basic compliance

⁵ Evans et al., *Species recovery in the United States: increasing the effectiveness of the Endangered Species Act*, Ecological Applications (Jan. 2016), available at: https://www.researchgate.net/publication/289249207_Species_recovery_in_the_United_States_increasing_the_effectiveness_of_the_Endangered_Species_Act.

monitoring that does not currently exist.

Conservation and Restoration

The Candidate Conservation component of the Conservation and Restoration program provides a key mechanism to help conserve species by improving their habitat and removing threats before they need to be listed. Early conservation action means species are more secure than waiting until species are on the brink of extinction, and it is much more cost-effective. The Service currently has 26 candidate species designated, including America's most iconic pollinator, the monarch butterfly.⁶ To efficiently keep species back from the brink of needing the protections of the Act, Congress should provide \$14.8 million for Candidate Conservation.

Cooperative Endangered Species Conservation

Congress recognized the need for the federal to cooperate with the states and others to conserve species, and the Cooperative Endangered Species Conservation Fund (CESCF) serves as an essential source of funding for states and conservation on private lands. Critically, at least half of all listed species spend a portion of their life cycle on private government lands, and we need to provide the resources to facilitate recovery by everyone.⁷ The states cannot do this alone, whether because they lack the legal tools or the funding and other necessary commitments.⁸ To reverse the gap from previous funding shortfalls and match the current need for state and private lands conservation, the Service requires CESCF funding of at least \$161.5 million for FY 2023 and beyond.

Additional Appropriations Recommendations

Given Congress and the administration's climate priorities, we suggest three key areas within the Ecological Services program that link directly to climate change and warrant additional attention (beyond the baseline suggested above) for FY2023:

First, of the 1,667 ESA-listed species in the United States, just 409 have recovery plans that have been updated in some way in the past decade, meaning over 1,200 species are missing plans for recovery or have plans that are at least a decade old and that may no longer contain the best available science. Critically, this shortfall means there may be missing science pertaining to the threat of climate change, as found in a 2019 analysis of endangered animal recovery plans. Recovery plans whose core content and guidance – not just recovery criteria – are more than 10 years old should be revisited and, as needed, revised to ensure that climate change is accounted for in their assessment of the species.

Second, because both Congress and the Biden administration recognize the need to act now to

⁶ See U.S. Fish and Wildlife Service, Candidate Species Report, *available at*: <https://ecos.fws.gov/ecp/report/candidate-species>

⁷ Stein et al., *Precious heritage: The Status of Biodiversity in the United States*, Oxford University Press (2000).

⁸ See Camacho et al., *Assessing State Laws and Resources for Endangered Species Protection* (Oct. 2017), *available at*: <https://www.law.uci.edu/centers/cleanr/news-pdfs/cleanr-esa-report-final.pdf>; see also Kurose et al., *Unready and Ill-Equipped: How State Laws and State Funding are Inadequate to Recover America's Endangered Species* (Feb. 2019), *available at*: <https://centeractionfund.org/wp-content/uploads/CBD-AF-Unready-and-Ill-equipped-State-ESA-Laws.pdf>

address the climate crisis, there is a concomitant need to ensure that ESA-listed species are not a casualty of well-intentioned federal actions. Ecological Services should be fully funded to carry out both ESA section 7(a)(2) consultations and support other federal agencies in developing 7(a)(1) conservation plans that will help the nation address climate change. At a minimum, we recommend a 3-fold increase specifically in the consultation program budget for each of the next five years to front-load our ability to address both the climate crisis and the biodiversity crisis in tandem.

Third, we recommend that Congress show its support for private landowners in addressing the climate and biodiversity crises by dramatically increasing funding for the Habitat Conservation Plan (HCP) program of Ecological Services. Private lands will be critical to achieving the national goal of protecting at least 30% of U.S. lands and waters for biodiversity and climate by 2030, including for the goal of protecting threatened and endangered species. We recommend funding specifically to the HCP program budget be increased 3-fold to both fill an existing need over the next five years – HCPs have long been in greater demand than FWS can meet – and in anticipation of increased funding and implementation of private lands conservation programs like the Working Lands for Wildlife Program (WLFW) and the Natural Resources Conservation Service (NRCS).

Combating the global wildlife extinction crisis and stemming the loss of biodiversity will require bold investments in protecting our nation’s most vulnerable species. There is no longer any time to waste. We have already lost hundreds of species to extinction in the United States, and now one million animal and plant species here and around the world are facing extinction in the coming decades if we fail to take immediate action. As Secretary Haaland recently stated:

“The specifics for each of the species demise’ vary, but the story arc is essentially the same. Humans altered their habitat in a significant way, and we couldn’t or didn’t do enough to ultimately change the trajectory, before it was too late. But this moment as sobering as it is, can serve as a wakeup call our children and grandchildren will not know the earth as we do, unless we change the status quo. We’ve got to do better by this planet, and we need to do it now.”

Conserving our planet’s natural heritage is a monumental challenge, but we can do more, and we know what to do for our most imperiled wildlife and plants. That means providing sufficient funding for the listing program to ensure species are recognized as imperiled; for planning and consultation to ensure basic protections are applied to species; for recovery planning and recovery work; and for collaborative work across public and private lands to ensure we work together to protect our natural heritage. The sooner we act, the more species can be saved from extinction, and the faster species can be recovered and delisted. Thank you for your consideration.

Sincerely,

Center for Biological Diversity
Defenders of Wildlife

Alaska's Big Village Network
Alaska Clean Water Advocacy
Alpine Lakes Protection Society (ALPS)
American Bird Conservancy
American Indian Mothers Inc.
Animal Legal Defense Fund
Animal Welfare Institute
Animals Are Sentient Beings, Inc.
Animas Valley Institute
Antelope Valley Conservancy
Arkansas Valley Audubon Society
Assateague Coastal Trust
Audubon Colorado Council
Audubon Society of Portland
Bard Center for Environmental Policy
Basin and Range Watch
Bat Conservation International
Battle Creek Alliance
Beyond Nuclear
Bird Conservation Network
Black Warrior Riverkeeper
Born Free USA
Boulder Rights of Nature, Inc.
Buffalo Field Campaign
Californians for Western Wilderness
Center for a Humane Economy
Christian Council of Delmarva
Christians Caring for Creation
Citizens Resistance at Fermi Two
Ciudadanos Del Karso
Coalition for a Nuclear Free Great Lakes
Colorado Grizzly Project
Community Congregational Church
Concerned Citizens for Nuclear Safety
Conservation Law Foundation
CORALations
Council on Intelligent Energy & Conservation Policy
Defiance Canyon Raptor Rescue
Delaware-Otsego Audubon Soc., Inc.
Desert Tortoise Council
Don't Waste Arizona
Don't Waste Michigan
Downeast Salmon Federation
Earth Path Sanctuary
Earthjustice
Eastern Coyote/Coywolf Research

Endangered Habitats League
Endangered Species Coalition
Environment in the Public Interest
Environmental Protection Information Center- EPIC
Evergreen Audubon
Florida Conservation Voters
Florida Wildlife Federation, Inc.
Footloose Montana
Fort Collins Audubon Society
Foundation Earth
FOUR PAWS USA
Friends of Bumping Lake
Friends of Harbors, Beaches and Parks
Friends of Merrymeeting Bay
Friends of the Earth U.S.
Glen Canyon Institute
Golden West Women Flyfishers
Great Old Broads for Wilderness
Greater Hells Canyon Council
Green Art Labs
Green State Solutions
Greenpeace USA
Health Professionals for a Healthy Climate
Healthy Gulf
Heartwood
Honor the Earth
Hoosier Environmental Council
Howling For Wolves
Humane Action Pittsburgh
Humane Society Legislative Fund
In Defense of Animals
In the Shadow of the Wolf
Indiana Forest Alliance
Information Network for Responsible Mining
International Fund for Animal Welfare
International Marine Mammal Project of Earth Island Institute
Justice for Wolves
Kentucky Heartwood
Kettle Range Conservation Group
Kickapoo Peace Circle
League of Conservation Voters
Long Beach Alliance for Clean Energy
Los Padres ForestWatch
Louisiana Audubon Council
Marine Mammal Alliance Nantucket
Miami Waterkeeper

National Parks Conservation Association
National Wolfwatcher Coalition
Natural Resources Defense Council
New England Coalition on Nuclear Pollution
New Mexico Audubon Council
Northeast Oregon Ecosystems
Northwest Center for Alternatives to Pesticides
Northwest Environmental Advocates
Nuclear Information and Resource Service
NY4WHALES
Occidental Arts and Ecology Center
Oceanic Preservation Society
Ohio Nuclear Free Network
On Behalf of Planet Earth
Pesticide Free Zone
Raptors Are The Solution
Red Wolf Coalition, Inc.
Resource Renewal Institute
RESTORE: The North Woods
Rock Creek Alliance
Rocky Mountain Wild
Russian Riverkeeper
Safe Energy Rights Group
San Bernardino Valley Audubon Society
San Diego Coastkeeper
Save The Colorado
SAVE THE FROGS!
Save the Manatee Club
Save the Scenic Santa Ritas Association
Save Our Cabinets
Save our Sky Blue Waters
Selkirk Conservation Alliance
Sequoia ForestKeeper®
Shoals Environmental Alliance
Sierra Club
Sierra Forest Legacy
SoCal 350 Climate Action
Social Justice Commission (Episcopal Diocese of Western Massachusetts)
Southern Utah Wilderness Alliance
The Humane Society of the United States
The Safina Center
The Shalom Center
Turtle Island Restoration Network
Upper Peninsula Environmental Coalition
Valley Women's Club Environmental Committee for the San Lorenzo Valley
Ventana Wilderness Alliance

Virginia Organizing
Wasatch Clean Air Coalition
Watershed Alliance of Marin
Waterway Advocates
Western Nebraska Resources Council
Western Watersheds Project
WildAgain Wildlife Rehabilitation, Inc.
WildEarth Guardians
Wild Nature Institute
Winnemem Wintu Tribe
Wolf Conservation Center
Wolves of the Rockies
Wyoming Untrapped
Wyoming Wildlife Advocates
Zero Waste California