November 14, 2018

The Honorable John Barrasso  
Chair  
Environment and Public Works Committee  
United States Senate  
Washington, D.C. 20510

The Honorable Thomas R. Carper  
Ranking Member  
Environment and Public Works Committee  
United States Senate  
Washington, D.C. 20510

Dear Chairman Barrasso, Ranking Member Carper,

Please accept the following written testimony regarding the November 15 oversight hearing titled “Examining Funding Needs for Wildlife Conservation, Recovery, and Management.” The Endangered Species Act has been severely underfunded by Congress for decades. In 1988, Congress required the wildlife agencies to provide cost estimates in each animal and plant’s recovery plan, yet Congress has never used the information in those recovery plans to guide funding for the Act.¹

Based on these recovery plan cost estimates from the expert, career-scientists at the federal wildlife agencies, roughly $2.3 billion per year is needed to fully fund the recovery of every animal and plant currently protected by the Endangered Species Act.² This is roughly the same amount of federal funding given to oil and gas companies to subsidize extraction of fossil fuels on public lands each year, and just 0.1% of the total given in tax cuts by the Republican majority to corporations and the wealthiest Americans during this Congress. We believe saving our natural heritage from extinction is worth this modest investment.

Instead, the U.S. Fish and Wildlife Service receives less than 80 million dollars per year for recovery of endangered species—just 3 percent of what is needed. Despite inadequate funding, the Endangered Species Act has been incredibly effective, saving more than 99% of the animals and plants under its care from extinction. If the Act had adequate funding, there is no question many more species could be fully recovered, but unfortunately, none of the witnesses chosen for this hearing will be discussing the funding needs of the 1,800 currently listed species.

We are also providing written testimony to strongly oppose the “Endangered Species Act Amendments of 2018.” The draft legislation is little more than a gift to polluters and special interests that have deliberately fomented a fraudulent, far-right myth that the Endangered Species Act isn’t meeting the

² See Attachment
recovery objective of the Act. The scientific data show that not only has the species and threatened
animals and plants under its care, but it has put most of these species on a path to recovery or stabilized
their precipitous declines.

Chairman Barrasso’s legislation ignores a basic scientific fact — recovery of endangered species takes
time. The Bald Eagle was one of the first species protected under the Endangered Species Act, but
nonetheless it still took 40 years to recover the Bald Eagle nationwide before it was finally delisted in
2007. At its lowest point, the North Atlantic Right Whale was reduced to around 270 individuals,
including just 51 breeding females. Right Whales only give birth to one calf every four years and do
not begin to reproduce until they are at least 10 years old. As a result, scientists at the National Marine
Fisheries Service believe that recovery of this magnificent whale will take centuries. The fact that we
have not lost Right Whales to extinction is a testament to the effectiveness of the Endangered Species
Act. But Chairman Barrasso’s legislation would deem this conservation success a failure because Right
Whales haven’t arbitrarily been recovered already.

Indeed, nearly half of the plants and animals protected under the Endangered Species Act have been on
the list of threatened and endangered species for less than 20 years. It is simply not biologically possible
for most endangered animals and plants to have recovered in such a short amount of time. However,
many species are recovering at the pace expected by scientists and at the rate predicted within their
recovery plans. Chairman Barrasso’s claim that the Endangered Species Act is not meeting the recovery
mandate is simply false — it is ludicrous to demand that endangered species recover faster than what is
biologically possible — and is not a rational basis for changing this highly effective law.

Chairman Barrasso’s draft legislation would gut the Endangered Species Act and effectively put the
States in charge of conserving all endangered animals and plants. It is worth remembering that under the
United States’ approach to wildlife management, it is the States that have the original responsibility to
manage wildlife populations. When wildlife is protected under the Endangered Species Act, it is
because the States have failed to meet their duties and responsibility to be good stewards of the
environment. The States fail to manage wildlife — and especially non-game species — because they do
not provide sufficient resources to manage their wildlife and most states have inadequate legal
mechanisms to protect them. In fact, the state of Wyoming does not have a state-level equivalent to the
Endangered Species Act at all. Nor does Wyoming have any legal mechanism to protect plants within
its boundaries. A recent study of state-level protections found that only 18 states provide protections to
plants, even though plants make up a majority of the species protected by the Endangered Species Act.
If Chairman Barrasso’s draft legislation were to become law, nearly 1000 endangered plants and animals
would quickly be put back on a path to extinction.

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3 Removing the Bald Eagle in the Lower 48 States From the List of Endangered and Threatened Wildlife, 72 Fed. Reg. 37346
(July 9, 2007).
4 Valdivia1, A. S. Wolf, K. Kieran Suckling, 2018 Marine mammals and sea turtles listed under the U.S. Endangered Species
Act are recovering, bioRxiv preprint first posted online May. 15, 2018; doi: http://dx.doi.org/10.1101/319921; see also,
https://www.fisheries.noaa.gov/species/north-atlantic-right-whale
6 Camacho, A.E., M. Robinson-Dorn, A.C. Yildiz, T. Teegarden, Assessing State Laws and Resources for Endangered
We would like to make two additional observations regarding the draft legislation. First, according to the Congressional Budget Office, over 250 major laws have had their authorizations expire. These expired laws cover approximate $300 billion in spending, nearly half of the federal government’s non-Defense discretionary spending. The disingenuous talking point that the Endangered Species Act must be “modernized” because its authorization has expired ignores the reality that this is true of hundreds of laws passed by Congress. If reauthorization is such an important concern, then we recommend the Environment and Public Works Committee pass a clean reauthorization of the Endangered Species Act to fully fund the law, without using it as an excuse to pursue an extreme partisan agenda to gut this critically important law.

Second, Chairman Barrasso’s hearings surrounding his draft legislation — much like the recommendations of the Western Governors Association — have been little more than a dog-and-pony show designed to create the illusion of an inclusive process. The “recommendations” from the Western Governors Association (WGA) were not representative of the comments and recommendations made by those that participated in the many stakeholder meetings and events from 2015 to 2016. In fact, the official “recommendations” from the WGA on how to change the Endangered Species Act were sent to both the National Governor’s Association and to Congress before the process for consideration input from stakeholders was complete. Likewise, Chairman Barrasso’s staff invited representatives from the environmental community to discuss the draft legislation only in the context of an off-the-record event behind closed doors. Any feedback or input provided can be ignored, taken out of context, or manipulated purely for partisan gain.

Additionally, we would like to register our strong opposition to H.R.4647 – the Recovering America’s Wildlife Act (RAWA), H.R.2591 – the Modernizing the Pittman-Robertson Fund for Tomorrow’s Needs Act of 2017, and S. 1514, the Hunting Heritage and Environmental Legacy Preservation (HELP) for Wildlife Act.

The Recovering America’s Wildlife Act is simply the wrong approach to getting funding for at risk animals and plant species because it further increases the dependency of conservation on the endless extraction of oil and gas from public lands and offshore waters. One of the largest single threats to our environment is climate change, and if we heed the warnings of the Intergovernmental Panel on Climate Change and are serious about protecting at risk animals and plants, then the United States needs to quickly phase out the use of fossil fuels. Increasing our addiction to fossil fuels by inextricably linking conservation to fossil fuel development dooms both our climate and our wildlife to a bleak future. Protecting at risk species is the morally right thing to do, and if our country can afford enormous tax breaks for the richest corporations on the planet, then it can also afford to conserve our natural heritage.

Neither H.R. 2591 nor S. 1514 help conserve our natural heritage in any fashion and are not worthy of further discussion or review.

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Finally, we would like to note that in the years since Senator Barrasso has been chairman of the Environment and Public Works Committee, he has never explained how any of his legislative proposals would actually benefit a single, specific threatened or endangered plant or animal anywhere in the United States, let alone in Wyoming. None of the legislative proposals being considered at the November 15 hearing will not actually benefit the recovery of any currently-listed species. We request that the Chairman consider and reflect on this reality.

Sincerely,


Brett Hartl
Government Affairs Director
Center for Biological Diversity