

March 2, 2021

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,

On behalf of our millions of members and supporters, we request that you provide the U.S. Fish and Wildlife Service the critical funding the agency desperately requires to protect, conserve and recover our nation's endangered species and natural ecosystems. The Endangered Species Act is one of the best tools we have to stem the current wildlife extinction crisis, yet it has been chronically underfunded for decades. While Congress provided a modest increase for the Service in Fiscal Year 2021, it fell woefully short of what is required to meet the needs of our most imperiled animals and plants.

To begin to make up for lost ground and support the Biden Administration's commitment to address the threat of climate change to biodiversity, **the data show that the Service requires a budget of \$592.1 million, distributed across five programs, starting in FY2022.** 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 on Congress to fully fund conservation programs that protect biodiversity from severe and growing threats.

The world is in the midst of a staggering wildlife extinction crisis. Wildlife and plant populations are crashing around the world, with one million species facing extinction in the coming decades due to threats of habitat loss, climate change, wildlife exploitation, pollution, and other human activities. The earth is literally on fire, and wildfires from California to the Amazon to Australia have taken a massive toll on wildlife and altered entire ecosystems. The Bobcat fire—one of the largest in Los Angeles County history—destroyed more than 115,000 acres between the San Gabriel and Antelope valleys, scorching one of the most abundant wildlife habitats in L.A. County. But perhaps most starkly, the devastating global impacts of the COVID-19 pandemic demonstrates just how dangerous it can be when we fail to sufficiently protect biodiversity.

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. In

North America alone, almost two-thirds of bird species have declined, some precipitously, in recent decades. The eastern monarch butterfly population, which numbered over a billion, has declined by 85% in just two decades, while the western population of monarch butterfly has crashed by 99.9%. Only 1,914 western monarchs were recorded overwintering in California this year, indicating that the migration has already collapsed. In the continental United States, more than 10 species have been declared extinct since 2010, including two butterflies, two beetles, two freshwater snails, a snake, a crustacean, a pocket gopher and the eastern puma. Numerous other species haven't been detected in decades and will likely be declared extinct within the coming years.

Fortunately, the United States has the strongest wildlife conservation law in place to help combat the global extinction crisis, the Endangered Species Act. Despite the protections the Act provides, decades of underfunding have prevented it from realizing its full potential. 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**

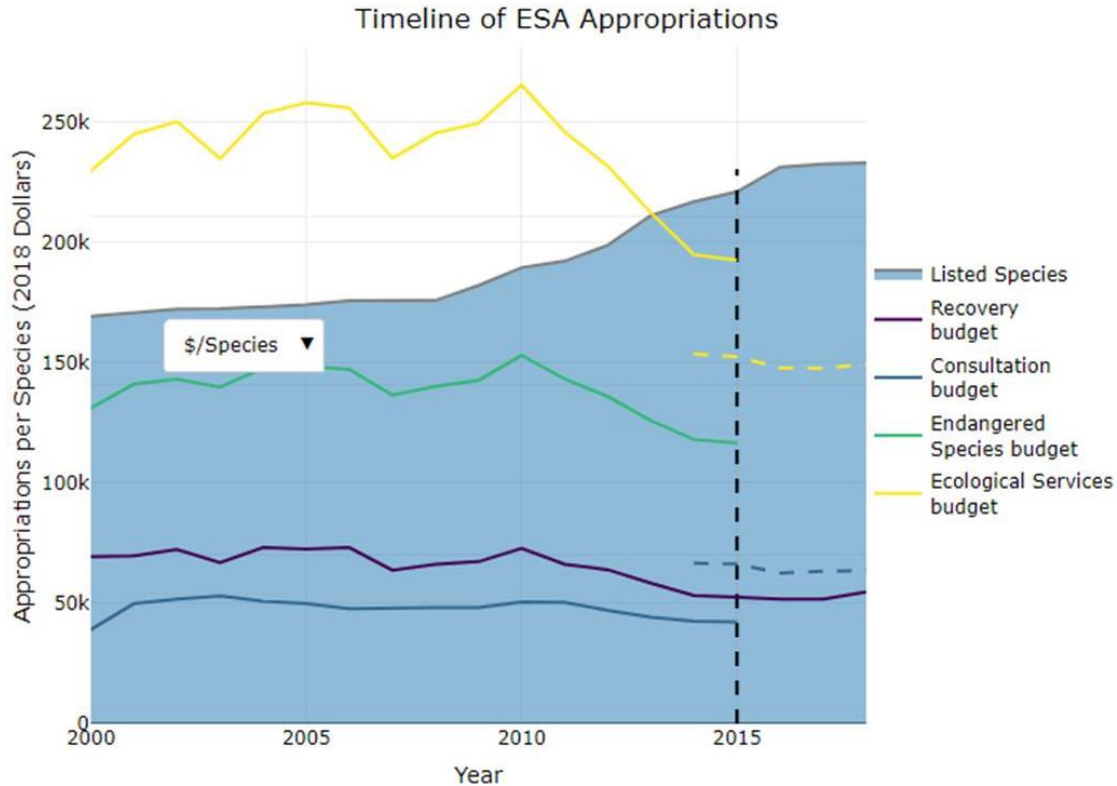
Listing a species — placing it under the Endangered Species Act's care — is the single best means of averting extinction. The Endangered Species Act is an incredible success for protecting species; the vast majority of listed species are still with us today. In contrast, nearly 50 unlisted species have been declared extinct while waiting for protections because of funding shortfalls. The Service's seven-year listing workplan<sup>1</sup> details how the agency will prioritize the evaluation of over 350 species for listing and is supported by many stakeholders. At current funding rates, it may take the Service up to 10 years to process all of the remaining species that the agency has identified as potentially needing protection under the Act. Based on the time and cost required to evaluate species for listing and status changes (such as delisting), we recommend increasing the listing program budget to \$63.7 million in 2022 and thereafter. This recommendation is approximately three times current funding and would allow the Service to process the entire listing backlog in less than four years. To ensure species receive the detailed scientific analyses they need to determine if they need to be protected by the Act, we urge Congress to fully fund the listing program.

## **Recovery**

The Service's recovery program includes planning for recovery, implementing recovery actions, and tracking recovery progress. Because funding drives recovery progress, it is essential to provide sufficient resources for the recovery program: it is how the Service can ensure threats are minimized or removed so species are conserved. 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):

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<sup>1</sup> U.S. Fish and Wildlife Service, National Listing Workplan, 7-year workplan (Sept. 2016) *available at*: <https://www.fws.gov/endangered/esa-library/pdf/Listing%207-Year%20Workplan%20Sept%202016.pdf>.



*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.*

More concerning, according to the reports provided by the Fish and Wildlife Service that are required by Congress each year, hundreds of endangered species receive less than \$1000 a year for their recovery, with many receiving no funding from the Service at all.<sup>2</sup> We strongly recommend that Congress provide 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 the Service with \$240.3 million for the recovery program in 2021, which is more than double the current—and insufficient—funding levels.<sup>3</sup> This includes \$56.1 million for recovery planning, which is essential to guiding species back from the brink; \$169.1 million for recovery actions, which range from reducing poaching to invasive species control; and \$15.1 million for conservation status reviews that need to occur every five years.

<sup>2</sup> See U.S. Fish and Wildlife Service, Federal and State Endangered and Threatened Species Expenditures (Fiscal Year 2016), available at: [https://www.fws.gov/endangered/esa-library/pdf/2016\\_Expenditures\\_Report.pdf](https://www.fws.gov/endangered/esa-library/pdf/2016_Expenditures_Report.pdf).

<sup>3</sup> 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](https://www.researchgate.net/publication/289249207_Species_recovery_in_the_United_States_increasing_the_effectiveness_of_the_Endangered_Species_Act).

## 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—including conducting highly technical analyses for issues such as pesticide effects—as part of this program. Over the past two decades, the Service 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 since the early 2000’s; nearly one-fifth of formal project evaluations run over deadlines; and the funding needed for conservation planning has dropped in past years, reducing the number of plans that have been completed.<sup>4</sup>

There are opportunities to improve the efficiency and effectiveness of these processes, such as through the widespread adoption of technologies such as the Service’s 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 needs to provide the Service with \$149 million in FY 2021 and beyond. This includes \$137 million for standard consultations; an additional \$1.5 million for pesticide consultations and \$500,000 for IPaC development; \$8.4 million for voluntary conservation; and \$1.6 million for basic compliance 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.<sup>5</sup> To efficiently keep species back from the brink of needing the protections of the Act, Congress needs to provide \$13.5 million for Candidate Conservation.

## Cooperative Endangered Species Conservation

Congress recognized the need for the federal government 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 lands, and we need to provide the resources to facilitate recovery by everyone.<sup>6</sup> The states cannot do this alone, whether because they lack the legal tools or the funding and other necessary commitments.<sup>7</sup> To

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<sup>4</sup> See U.S. Fish and Wildlife Service, Conservation Plans by type and U.S. FWS Region, available at: [https://cci-dev.org/working\\_papers/agreements\\_overview.html](https://cci-dev.org/working_papers/agreements_overview.html).

<sup>5</sup> See U.S. Fish and Wildlife Service, Candidate Species Report, available at: <https://ecos.fws.gov/ecp/report/candidate-species>

<sup>6</sup> Stein et al., *Precious heritage: The Status of Biodiversity in the United States*, Oxford University Press (2000).

<sup>7</sup> 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*

reverse the gap from previous funding shortfalls and match the current need for state and private lands conservation, the Service requires CESCO funding of at least \$125.6 million for FY 2022 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 FY2022:

First, of the 1,665 ESA-listed species, 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 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 their 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).

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The current extinction crisis is a wake-up call to society and Congress that more must be done. 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

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(Feb. 2019), *available at*: <https://centeractionfund.org/wp-content/uploads/CBD-AF-Unready-and-Ill-equipped-State-ESA-Laws.pdf>

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  
Advocates for Snake Preservation  
Alabama Rivers Alliance  
Alaska Clean Water Advocacy  
Alaska's Big Village Network  
All-Creatures.org  
Alpine Lakes Protection Society  
American Wild Horse Campaign  
Animal Legal Defense Fund  
Animal Welfare Institute  
Animals Are Sentient Beings, Inc.  
Animas Valley Institute  
Appalachian Trail Conservancy  
ASLE: Association for the Study of Literature and Environment  
Audubon Society of Portland  
Bark  
Basin and Range Watch  
Battle Creek Alliance/Defiance Canyon Raptor Rescue  
Bird Conservation Network  
Black Warrior Riverkeeper  
Born Free USA  
Boulder Rights of Nature, Inc.  
Bucks County Audubon Society  
California Wildlife Foundation/California Oaks  
Californians for Pesticide Reform  
Californians for Western Wilderness  
Cascades Raptor Center  
Cascadia Wildlands  
Central Colorado Wilderness Coalition  
Christian Council of Delmarva  
Coalition for Sonoran Desert Protection  
Coast Range Association  
Coastal Plains Institute  
Colorado Grizzly Project  
Colorado Native Plant Society  
Community Congregational Church  
Conservation Congress  
Conservation Council For Hawaii

Conservation Law Foundation  
Conservation Northwest  
CORALations, Inc.  
Desert Tortoise Council  
Dolphin Connection  
EARTHDAY.ORG  
Earthjustice  
Eastern Coyote/Coywolf Research  
EcoEquity  
Endangered Habitats League  
Endangered Species Collation  
Endowed Chair for Nature and Humanity, Stony Brook University  
Environment in the Public Interest  
Environmental Protection Information Center  
Footloose Montana  
Friends of Bell Smith Springs  
Friends of Blackwater, Inc.  
Friends of Merrymeeting Bay  
Friends of the Earth U.S.  
Friends of the Eel River  
Fund for Wild Nature  
GARDEN, Inc.  
Gaviota Coast Conservancy  
Glynn Environmental Coalition  
Great Old Broads for Wilderness  
Great Old Broads for Wilderness Middle Park CO chapter  
Great Rivers Environmental Law Center  
Greater Hells Canyon Council  
Green Peace Corps  
GreenLatinos  
Greenpeace US  
Healthy Gulf  
Heartwood  
Howling For Wolves  
Humane Society Legislative Fund  
Humboldt Baykeeper  
In the Shadow of the Wolf  
International Fund for Animal Welfare  
International Marine Mammal Project at Earth Island Institute  
International Rivers  
International Society for the preservation of the Tropical Rainforest  
Kentucky Heartwood  
Klamath Forest Alliance  
Klamath-Siskiyou Wildlands Center  
Living Rivers & Colorado Riverkeeper  
Long Beach Alliance for Clean Energy

Los Padres ForestWatch  
Madison Audubon  
Maine Audubon  
Mass Audubon  
Miami Waterkeeper  
Missouri Coalition for the Environment  
MountainTrue  
National Parks Conservation Association  
National Wolfwatcher Coalition  
Native American Community Board  
Native Fish Coalition  
Natural Resources Council of Maine  
Natural Resources Defense Council  
NC WARN  
Network for Environmental & economic Responsibility United Church of Christ  
Northeast Oregon Ecosystems  
Northern Jaguar Project  
Northwest Center for Alternatives to Pesticides  
Northwest Environmental Advocates  
Northwest Environmental Defense Center  
NY4WHALES  
Oasis Earth  
Occidental Arts and Ecology Center  
Oceanic Preservation Society  
One More Generation  
Oregon Natural Desert Association  
Oregon Wild  
Orono Land Trust  
Pelican Island Audubon Society  
Pennsylvania Habitat Connectivity  
Performing Animal Welfare Society (PAWS)  
Predator Defense  
Preserve Lamorinda Open Space  
Public Lands Project  
Quiet Use Coalition  
Raptor Education Group Inc.  
Raptor Services, LLC  
Raptors Are The Solution  
Real Food Media  
RESTORE: The North Woods  
Rock Creek Alliance  
Rocky Mountain Wild  
San Bernardino Valley Audubon Society  
San Juan Citizens Alliance  
San Luis Valley Ecosystem Council  
Save Our Cabinets



Save Our Sky Blue Waters  
SAVE THE FROGS!  
Save the Manatee Club  
Sea Turtle Conservancy  
Sheep Mountain Alliance  
Shoals Environmental Alliance  
Sierra Club  
Sierra Forest Legacy  
Sky Island Alliance  
Social Compassion in Legislation  
Social Justice Commission (Episcopal Diocese of Western Massachusetts)  
South San Juan Broadband of Great Old Broads for Wilderness  
Southern Utah Wilderness Alliance  
Southwest Environmental Center  
Spokane Riverkeeper  
Sustainable Arizona  
The Cloud Foundation  
The Humane Society of the United States  
The Valley Women's Club Environmental Committee for the San Lorenzo Valley  
The Walden Woods Project  
Toxic Free NC  
Turner Endangered Species Fund  
Turtle Island Restoration Network  
Upper Peninsula Environmental Coalition  
Upstate Forever  
Ventana Wilderness Alliance  
Virginia Organizing  
Wasatch Clean Air Coalition  
Washington Wild  
Waterkeeper Alliance  
Western Nebraska Resources Council  
Western Wildlife Conservancy  
Wild Farm Alliance  
WILD HORSE EDUCATION  
Wild Zone Conservation League  
WILD COAST  
WildEarth Guardians  
Wilderness Watch  
Wildlife Rescue & Rehabilitation  
Wolf Conservation Center  
Wyoming Untrapped