

January 10, 2023

The Honorable Deb Haaland
Secretary
U.S. Department of Interior
1849 C Street, NW
Washington, DC 20240

Martha Williams
Director
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041

Re: FY2024 Funding Request for the U.S. Fish and Wildlife Service’s Ecological Services Program

Dear Secretary Haaland and Director Williams,

Nearly 50 years ago, President Nixon signed what has become one of the world’s most successful conservation laws—the U.S. Endangered Species Act. In a short but powerful statement, Nixon declared:

Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed. It is a many-faceted treasure, of value to scholars, scientists, and nature lovers alike, and it forms a vital part of the heritage we all share as Americans. I congratulate the 93d Congress for taking this important step toward protecting a heritage which we hold in trust to countless future generations of our fellow citizens. Their lives will be richer, and America will be more beautiful in the years ahead, thanks to the measure that I have the pleasure of signing into law today.¹

Since its enactment in 1973, the Act has saved countless imperiled species from extinction and has put hundreds more on the road to recovery. Thanks to the Endangered Species Act, iconic species like the humpback whale, bald eagle, and snail darter are still with us today. Simply put, it is our most powerful tool to combat the extinction crisis and stem the loss of biodiversity currently facing our country and the global community. However, decades of underfunding have kept it from realizing its full potential.

Thus, as we prepare to celebrate the Act’s 50th anniversary, **we urge the Biden administration to make bold investments in protecting our nation’s most vulnerable species by requesting a budget of \$841,370,000 for the U.S. Fish and Wildlife Service to fully implement the Endangered Species Act.** Currently, the Service only receives around 50% of the funding required to properly implement the Act.² As a result, 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.

¹ Richard Nixon, Statement on Signing the Endangered Species Act of 1973. Online by Gerhard Peters and John T. Woolley, The American Presidency Project <https://www.presidency.ucsb.edu/node/255904>

² See the Center for Conservation Innovation’s 2022 analysis at <https://defenders-cci.org/publication/fy24-fws-funding-request/>.

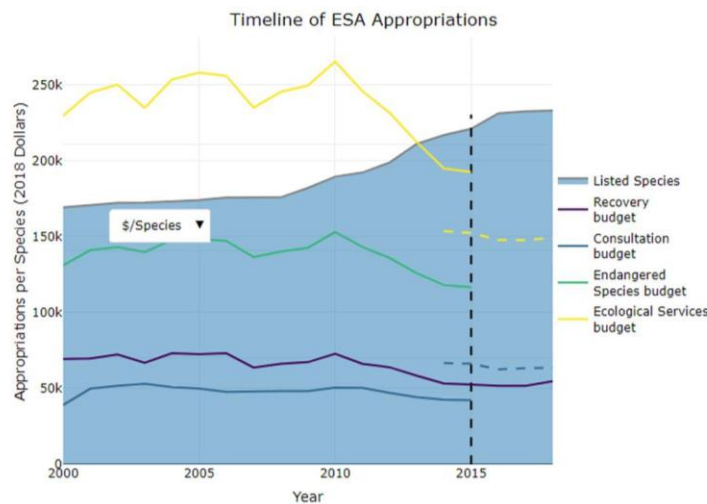
Listing

We very much appreciated that President Biden’s FY2023 budget requested a more than \$79 million increase for endangered species, but we were disappointed that this only included a mere \$2.7 million increase for the listing program. Listing a species is the critical first step under the Act to avert extinction. Despite recent Congressional support for significant increases to the program, the listing budget has not seen a meaningful increase in decades. The Endangered Species Act is an incredible success for protecting listed species; the vast majority of listed species are still with us today. However, 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 \$66.3 million, or an increase of at least \$11.3 million per year for at least the next four years, to process the backlog of nearly 300 species awaiting review. Currently, the Service fails to make dozens of findings from its listing workplan every year. In FY2022, the agency failed to make required findings for 42 imperiled species, including the Penasco least chipmunk, Louisiana pigtoe and the Texas kangaroo rat. An increase of \$11.3 million could contribute to removing an additional 34 species from the listing backlog each year, at an estimated cost of around \$330,000 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 the Biden administration to significantly increase its request for the listing budget in the upcoming FY2024 budget request so that the program finally has sufficient funds to protect all species at risk of extinction.

Recovery

The Service’s recovery program includes recovery planning, implementation, and recovery progress tracking. 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 changes to the budget structure but does not change the overall pattern. Data from FWS, shown in inflation-adjusted 2018 dollars.

While we are grateful that the Inflation Reduction Act provides a temporary boost to the recovery program—\$125 million over the next 10 years—the Service needs every dollar of additional recovery funding to help save the most critically endangered species from extinction. Currently, hundreds of endangered species still receive less than \$1,000 a year for their recovery from the Service, with many receiving no funding from the Service at all.³ In addition, 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. The agency desperately needs additional funding—beyond what is provided in the Inflation Reduction Act—to help stabilize and save the most critically endangered species and 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 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 that the administration include a minimum of \$50,000 per year per species for recovery in its request to make sure that no species slips through the cracks. Accordingly, the administration can significantly reverse the slide of more animal and plants towards extinction and put every species on a path to recovery by requesting \$467.9 million for the recovery program in 2024, which is more than four times the current—and insufficient—funding levels.⁴ This includes \$295,031,600 for recovery planning, which is essential to guiding species back from the brink; \$158,424,450 for recovery actions, which range from reducing poaching to invasive species control; and \$4,306,600 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 1,400 Habitat Conservation Plans to help conserve species. But this program is stressed: appropriations have been flat or declining for years. Additional

³ See U.S. Fish and Wildlife Service, Federal and State Endangered and Threatened Species Expenditures (Fiscal Year 2018) available at: <https://www.fws.gov/sites/default/files/documents/endangered-and-threatened-species-expenditures-fiscal-year-2018.pdf>

⁴ 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.

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 and the Inflation Reduction 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, the administration should request \$179.3 million in FY 2024 and beyond. This includes \$158,850,000 for standard consultations; an additional \$1,235,500 for pesticide consultations; \$4,236,000 for "ECOSphere" development; \$13,237,500 for voluntary conservation; and \$1,765,000 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 23 candidate species designated, including America's most iconic pollinator, the monarch butterfly.⁵ To efficiently keep species back from the brink of needing the protections of the Act, the administration should request \$10.15 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.⁶ The states cannot do this alone, whether because they lack the legal tools or the funding and other necessary commitments.⁷ To close 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 \$117.7 million for FY 2024 and beyond.

Additional Appropriations Recommendations

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

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

⁷ 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>

We would also appreciate your consideration of these crucial recommendations:

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. This means that over 1,200 species are missing plans for recovery or have plans that are at least a decade old and unlikely to be based on 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.⁸ 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. The Biden Administration has dedicated \$125 million in the Inflation Reduction Act to be directed at recovery plans and recovery actions for ESA listed species, which will provide some much needed recovery funding. We recommend spending \$90 million of this funding on recovery implementation, with an additional \$30 million aimed at the development of recovery plans for those species that lack them or those with recovery plans that require significant revision. The remaining \$5 million of this funding should be dedicated to updating species' 5-year reviews that are out of date.

Second, programs and departments throughout Ecological Services are struggling with capacity issues, facing increased workloads without the necessary number of FTEs to complete all tasks. Staff working on habitat conservation plans, consultations, and within the Ecological Services field offices are in particular need of additional support to continue project work across the country. We recommend an increase in staffing wherever possible to help address these needs. We also recommend additional staffing at USFWS headquarters in key areas related to national coordination for these programs, particularly where there are few staff members tasked with this work (e.g. with habitat conservation plans and candidate conservation agreements).

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 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

⁸ Delach, A., Caldas, A., Edson, K.M. *et al.* Agency plans are inadequate to conserve US endangered species under climate change. *Nat. Clim. Chang.* **9**, 999–1004 (2019). <https://doi.org/10.1038/s41558-019-0620-8>

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
7 Directions of Service
Alameda Creek Alliance
Amazon Watch
Animal Welfare Institute
Animal Wellness Action
Animal Wellness Foundation
Animals Are Sentient Beings Inc
Animas Valley Institute
Appalachian Trail Conservancy
Audubon Society of Central Arkansas
Audubon Society of Portland
Between the Waters
Beyond Pesticides
Bird Conservation Network
Black Warrior Riverkeeper
Boulder Rights of Nature, Inc.
Breathe Project
Buckeye Environmental Network
Buffalo Field Campaign
Californians for Western Wilderness
Center for a Humane Economy
Christian Council of Delmarva
Christians Caring for Creation
Circle Mountain Biological Consultants, Inc.
Citizens Committee to Complete the Refuge
Conservation Alabama
Conservation Congress
Conservation Law Foundation
Cottonwood Environmental Law Center
Desert Tortoise Council
Difference Makers Media, LLC
Earthworks
Eastern Coyote/Coywolf Research
Eco-Eating
Endangered Habitats League
Endangered Species Coalition
Environmental Protection Information Center- EPIC
Foundation Earth

FreshWater Accountability Project
Friends of Blackwater, Inc.
Friends of Bumping Lake
Friends of the Earth US
Global Owl Project
Great Old Broads for Wilderness
Hawk Mountain Sanctuary
Hoosier Environmental Council
Humane Action Pittsburgh
In Defense of Animals
International Marine Mammal Project of Earth Island Institute
Intheshadowofthewolf
Kentucky Heartwood
Kettle Range Conservation Group
Los Padres ForestWatch
Maryland Ornithological Society
Minnesota River Valley Audubon Chapter (MRVAC)p
National Parks Conservation Association
National Wolfwatcher Coalition
Natural Resources Defense Council
New Mexico Audubon Council
North Cascades Conservation Council
Northeast Oregon Ecosystems
Oasis Earth
Occidental Arts and Ecology Center
Ocean Conservation Research
Oceanic Preservation Society
Orange County Coastkeeper
Post Carbon Institute
Predator Defense
Primate Conservation Inc.
Public Lands Proect
Raptors Are The Solution
Reef Relief
Resource Renewal Institute
RESTORE: The North Woods
Rocky Mountain Wild
Russian Riverkeeper
Save Our Sky Blue Waters
Save The Colorado
SAVE THE FROGS!
Save the Manatee Club
Save the Pine Bush
Selkirk Conservation Alliance
Sequoia ForestKeeper®
Sierra Club

Sierra Forest Legacy
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Nazareth Western Province Leadership
SoCal 350 Climate Action
Social Compassion in Legislation
The #RelistWolves Campaign
The Rewilding Institute
The Walden Woods Project
Toxic Free North Carolina
Tucson Audubon Society
United Plant Savers
Wasatch Clean Air Coalition
WaterWatch of Oregon
Waterway Advocates
Western Wildlife Outreach
WildEarth Guardians
WildWest Institute
Wolf Conservation Center
www.SafeEnergyAnalyst.org