

TESTIMONY OF JAMIE RAPPAPORT CLARK
EXECUTIVE VICE PRESIDENT
DEFENDERS OF WILDLIFE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
PUBLIC WITNESS HEARING
APRIL 19, 2007

Mister Chairman and members of the subcommittee, I am Jamie Rappaport Clark, Executive Vice President of Defenders of Wildlife. Founded in 1947, Defenders of Wildlife has over 500,000 supporters across the nation and is dedicated to the protection and restoration of wild animals and plants in their natural communities.

I come before today you not only in my capacity with Defenders of Wildlife but as a former federal career employee with the U.S. Fish and Wildlife Service, and, subsequently its director, to tell you that the Fish and Wildlife Service (FWS) is an agency in crisis, and the wildlife related programs in the other land management agencies also are at the breaking point. Budgets over the last six years have left the Service in danger of failing at mission critical programs, unable to meet its inherently federal obligations for both domestic and international wildlife conservation. Fixed costs have gone unmet and the agency is cannabilizing itself to stay afloat. As staffing keeps shrinking far below needed levels, the agency is undergoing a massive restructuring, institutionalizing a smaller FWS with resources inadequate to satisfy its mission. Defenders deeply appreciates the needed infusion of funds provided in H.J. Res. 20, the FY 2007 appropriations bill. Unfortunately, significant additional funding will be needed over the coming years to reverse the damage to the FWS and other agencies and to make them once again whole. We know that the subcommittee must operate within the constraints of its 302(b) allocation, but we ask you to do as much as possible. Defenders has worked during the development of the FY 2008 Congressional budget resolutions to support important increases for the environment and natural resources budget function, and we will continue to work for increases for the subcommittee for FY 2008 and the coming years.

TO PREVENT COLLAPSE OF THE AGENCY'S FUNCTIONS, THE SUBCOMMITTEE SHOULD BEGIN TO REBUILD THE FWS WORKFORCE WHICH HAS SUFFERED SUBSTANTIAL LOSSES. H-Rpt 109-465 accompanying H.R. 5386, the FY 2007 House Interior, Environment and related agencies appropriations bill expressed concern that FWS has lost 600 staff from 2004-2006, equivalent to a 7 percent staffing reduction. Information on specific programs corroborates that the Service is facing a staffing crisis, and reductions in force or buyouts may be imminent in some regions. In addition, numerous key vacancies in mission critical functions are being left unfilled, creating serious challenges for program implementation in many areas.

- The endangered species program is experiencing a 30 percent overall vacancy rate in the ecological services account and in some areas that rate may be close to 50 percent.
- The Refuge System has lost nearly 230 staff from 2004-2006 and projects a further reduction of at least 335 positions that equal a 20 percent reduction in total.
- Since 2002, the law enforcement program has lost 45 staff, more than 8 percent overall, including 16 percent of its special agents, and is in desperate need of both agents to enforce federal wildlife conservation laws and scientists for their world renowned wildlife crime forensics laboratory. In addition, the program will lose 10 more staff due to mandatory law enforcement retirement by 2011 and another 10-15 agents eligible are expected to retire voluntarily.

- Over the past three years, under the International Wildlife Trade program, the Division of Scientific Authority has lost one third of an already very small number of employees and the Division of Management Authority has suffered a 15 percent staffing reduction.

TO STOP SEVERE EROSION OF PROGRAMS, THE SUBCOMMITTEE SHOULD FULLY FUND FIXED COSTS, INCLUDING, IF POSSIBLE, UNFUNDED AMOUNTS FROM EARLIER YEARS. H. Rpt. 109-465 correctly highlighted severe erosion of programs throughout the bill due to absorption of rising fixed costs, such as pay, rent, utility and fuel, observing that the nine largest agencies in the bill have suffered over \$1.2 billion in “hidden” decreases from FY 2001-2006. The National Wildlife Refuge System is a poster child for these impacts. According to Service data, the System needs a \$15 million yearly increase just to keep up with annual fixed costs. Based on this figure, just to stay even with the peak FY 2004 level of \$391.5 million, its FY 2008 funding level should be \$451.5 million. Other programs in FWS need 3-5 percent in increases each year to keep up with fixed costs. They, like the Refuge System, are continuing to spiral downwards in an unacceptable manner.

THE SUBCOMMITTEE SHOULD RESTORE THE INTEGRITY OF THE NATIONAL WILDLIFE REFUGE SYSTEM, ONE OF THE CROWN JEWELS IN OUR NATION’S CONSERVATION HERITAGE. To cope with funding shortfalls, the Service is in the process of making an unacceptable “Sophie’s choice” to restructure the Refuge System, practically ensuring that the Refuge System envisioned in the landmark 1997 National Wildlife Refuge System Improvement Act will never be realized. Forced to leave vacancies open, FWS is shifting staff to ensure that mission critical functions are carried out at highest priority refuges. Determining “highest priority” has been hugely challenging due to discrepancy among regions and lack of national policy guidance to ensure that critical conservation functions of the System as a whole are being maintained. Scores of refuges are being de-staffed, significant acreage is now overseen by distantly located staff, and services to the public and wildlife are being significantly cut, including loss of law enforcement, invasive species control, species restoration, and environmental education and other public use programs. The Cooperative Alliance for Refuge Enhancement, a diverse coalition of 21 national conservation, sporting, and scientific organizations will soon release a comprehensive analysis of Refuge System funding needs that recommends a yearly level of \$765 million for Refuge Operations and Maintenance by FY 2013.

THE SUBCOMMITTEE SHOULD PROVIDE INCREASES TO IMPORTANT FWS GRANT PROGRAMS WHERE IT WILL NOT TAKE NEEDED FUNDING FROM CORE AGENCY OPERATIONS, AND PROVIDE DIRECTION THAT MAXIMIZES THEIR EFFICIENCY. Defenders’ highest priorities among the grant programs are the State and Tribal Wildlife Grants (STWGP), Cooperative Endangered Species Fund, and Landowner Incentive and Private Stewardship Grants. While we strongly support these programs, we also have been concerned that, under the guise of increasing cooperative conservation, the administration has justified cuts to core FWS operations by purporting to meet these obligations through funding the grant programs. The STWGP was established to serve the federal interest by conserving species before they decline to the point where they need Endangered Species Act protection. We ask the subcommittee to continue its strong oversight of the implementation of the new Action Plans created through STWGP and to consider giving the Service direction to explore ways to maximize efficiency of all its grant programs by using the proactive Action Plans to help target their funding.

THE SUBCOMMITTEE SHOULD REFOCUS THE BUREAU OF LAND MANAGEMENT (BLM) ON ITS MULTIPLE USE MISSION, AND, IN PARTICULAR, HALT THE DIVERSION OF BLM WILDLIFE FUNDING TO PAY FOR ENERGY AND OTHER PROGRAMS. The administration has virtually

converted the BLM from a multiple use agency to an agency dominated by one use: energy development. The full cost of the administration's energy policies has not been accounted for in budget requests, yet energy development and other extractive industries on federal land are expected to generate \$4.5 billion in 2008. We ask the subcommittee to explore ways in which the extractive industries can be required to pay their fair share for mitigation needs and federal costs associated with energy development. For example, we support the administration's proposal to repeal provisions in Section 365 of the Energy Policy Act that prohibit BLM from implementing cost recovery fees for processing applications for permits to drill. Also, of high importance to Defenders, we ask the subcommittee to include language prohibiting the uncompensated diversion of resources from the Wildlife and Fisheries Management and Threatened and Endangered Species Management activities to other programs. As highlighted in the BLM's own internal reviews, these activities have routinely seen more than 30 percent of funding siphoned away to pay for compliance activities of BLM's energy, grazing and other non-wildlife related programs, which should instead come from benefiting programs. In particular, funding in the Threatened and Endangered Species activity should be focused on proactive efforts to recover listed species on BLM lands. Moreover, this diversion of resources has made the Challenge Cost Share program increasingly important, with reports that it is the primary means through which proactive wildlife conservation work is accomplished. Finally, while the budget touts a \$15 million cross-cutting "Healthy Lands Initiative" that it says is targeted to protecting wildlife and restoring habitat in energy interface areas, it is unclear exactly how this money will be spent, and whether it will be effective, given the small amount proposed in the face of such massive damage to the resources.

THE SUBCOMMITTEE SHOULD RESTORE THE LWCF. Habitat loss is the single biggest threat facing wildlife. According to a recent Forest Service report, the U.S. loses 6,000 acres of open space a day or 4 acres each minute. The Bush administration has repeatedly cut LWCF funding by increasingly greater levels each year. Even though the unspent balance in the Fund on paper will exceed \$15 billion by the end of FY 2007, the Bush administration proposed just \$57.9 million in its FY 2008 budget, a 60% cut below FY 2006 levels.

THE SUBCOMMITTEE SHOULD BEGIN TO ADDRESS PRESSING NEEDS RELATED TO INCREASED U.S.-MEXICO BORDER TRAFFIC AND ENFORCEMENT. Federal lands along the Southwest border continue to suffer significant damage from the impacts of illegal immigration and related enforcement, including tons of trash, hundreds of miles of illegal trails and roads, hundreds of abandoned vehicles, fouled water sources, vandalized and stolen facilities and equipment, and degraded habitat across the landscape. Public lands in the area are spending significant portions of already insufficient budgets in inadequate attempts to deal with the impacts. To date, there has been no assessment by land management agencies of the costs to fully address the situation – we ask the subcommittee to include language in the bill requesting a full estimate of these costs in the FY 2009 budget so that the subcommittee can take steps to provide the level of funding to ensure these lands and the wildlife they support are not irreparably harmed.

THE SUBCOMMITTEE SHOULD RESTORE THE INTEGRITY OF THE USGS COOPERATIVE FISH AND WILDLIFE RESEARCH UNITS. Without an infusion of funds, one fifth of all CFWRU scientist positions (24) will be vacant by the end of FY 2008 to remain within allowable spending levels. The Research Units provide critical scientific capability to the four land management agencies.

THE SUBCOMMITTEE SHOULD REJECT THE ADMINISTRATION'S PROPOSED CUT TO FOREST SERVICE (FS) WILDLIFE AND FISHERIES HABITAT MANAGEMENT. Although more than 425

listed species and another 3,200 at-risk species occur on FS lands, the budget proposes an 11 percent cut (\$14.1 million) and reduction of 187 staff.

THE SUBCOMMITTEE SHOULD TAKE STEPS TO BLOCK ANY ADMINISTRATIVE PROPOSAL THAT WOULD UNDERMINE THE ENDANGERED SPECIES ACT. Recently, FWS draft documents were leaked that propose sweeping changes that, if enacted by rule, would dramatically alter implementation of the ESA. While Department of the Interior officials have stated that many of these changes are no longer under consideration, it is clear that new regulations are being developed. Defenders remains highly concerned that damaging administrative changes will yet be proposed, and we urge the subcommittee to include language intended to prevent any such proposal.

RECOMMENDED FY 2008 PROGRAM FUNDING LEVELS (DOLLARS IN MILLIONS)

Program	President's Request	Recommended Level
FWS Endangered Species Total	146.5	185.2
<i>Candidate Conservation</i>	<i>8.6</i>	<i>12</i>
<i>Listing</i>	<i>18.3</i>	<i>25.2</i>
<i>Recovery</i>	<i>68.1</i>	<i>84.8</i>
<i>Consultation</i>	<i>51.6</i>	<i>63.2</i>
FWS National Wildlife Refuge O&M	394.8	451.5
FWS Law Enforcement O&M	57.6	66.6
FWS Migratory Bird Management	40.6	52.7
FWS International Affairs	10	17.6
FWS State and Tribal Wildlife Grants	69.5	100
FWS Cooperative Endangered Species Fund	80	96.2
FWS Multinational Species Conservation Fund	4.3	10
FWS Neo-tropical Migratory Bird Cons. Fund	4	5
FWS Landowner Incentive Program	0	27.4
FWS Private Stewardship Grants	0	11
BLM Wildlife and Fisheries	41	55.9
BLM Threatened and Endangered Species	22	29.4
BLM Native Plants	4.6	15.8
BLM Challenge Cost Share	9.4	19.4
FS Wildlife and Fisheries Habitat Management	117.6	159.9
USGS Coop. Fish and Wildlife Research Units	15.4	20.5
Land and Water Conservation Fund: Federal	57.9	220