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Committee on Environment  
and Public Works

Washington, D.C.

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LEGISLATIVE HEARING TO EXAMINE S. 2372, THE RECOVERING AMERICA'S  
WILDLIFE ACT

Wednesday, December 8, 2021

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 10:02 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Merkley, Kelly, Padilla, Lummis, Boozman, Ernst.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES  
SENATOR FROM DELAWARE

Senator Carper. The hearing will come to order, please. I invite our guests to take a seat.

Senator Capito and I are delighted to be with all of you. Martin, good morning. Roy, good morning.

Today, we are privileged to examine an important piece of bipartisan legislation, conservation legislation, the Recovering America's Wildlife Act.

We are fortunate today to have an esteemed panel of witnesses before us: Dan Ashe, Collin O'Mara, Sara Parker Pauley, and Jonathan Wood. We thank all of you for joining us here today.

We will also hear from two of our colleagues, Senator Martin Heinrich and Roy Blunt. Martin, welcome. Roy, welcome. They are prime sponsors of this bill, and we are pleased to welcome each of you. This morning, we thank you for joining us and for your passionate leadership on this important issue.

Our committee has enjoyed an enviable bipartisan track record of enacting wildlife conservation legislation over the past several years, such as the WILD Act and the ACE Act. We hope that this hearing will jump-start a discussion to build on that bipartisan record of success.

A recent report by the United Nations shows that nearly one

million species may be pushed to the brink of extinction in the years ahead, one million. That alarming number should serve as a dire warning for all of us to do our part to protect our planet and all of God's creations that inhabit it with us.

Biodiversity loss threatens our economy; it threatens our ecosystems; it threatens our health. That is why the Recovering America's Wildlife Act is needed, and why I am grateful, why we are grateful, for our colleagues and our friends who have put so much effort into developing this piece of legislation. We are looking forward, in fact, I think we are eager to work with you on improving this legislation.

The Recovering America's Wildlife Act aims to provide much-needed resources for wildlife conservation and recovery. With that need in mind, this legislation would also provide billions of dollars to States and to tribes for those purposes.

As a recovering governor, I understand that States play a leading role in wildlife conservation across our Country. In recent decades, my home State, the first State, Delaware -- what was yesterday, the 7th? Yes, it was the 7th. I think it was 234 years ago yesterday that Delaware became the first State to ratify the constitution, so it is a big week for us in Delaware.

In recent decades, our home State, the First State, has made great strides in recovering species like the horseshoe crab, the DelMarVa fox squirrel, the red knot, and the piping plover. Few

people understand this better than one of our witnesses today, Collin O'Mara, who is our former Secretary of the Department of Natural Resources and Environmental Control. A warm welcome, Collin.

That success in Delaware was made possible by working side-by-side with the Fish and Wildlife Service and other partners. The concern that some have raised with the Recovering America's Wildlife Act, as drafted, is that it may not sufficiently support this important teamwork, but we will get into that later.

In a recent visit to Prime Hook National Wildlife Refuge in the southern part of our State, I learned that the northeast region of the Fish and Wildlife Service is spearheading an effort amongst, I think 10 States, including Delaware, to prevent the saltmarsh sparrow from reaching the brink of extinction.

In addition to playing this important coordinating role for proactive wildlife conservation, the Fish and Wildlife Service leads efforts for recovering our Nation's threatened and endangered species. That is the kind of critical work done by federal agencies that needs our support, and I hope to find a way forward for this legislation to do just that.

Let's keep in mind that private landowners also play a central role in species conservation and species recovery. We

need to ensure that the Recovering America's Wildlife Act properly recognizes and supports their contributions, as well.

Our committee has spent a considerable amount of time over the last several years hearing from numerous experts from all across the Country about wildlife management and the challenges that it faces. One common theme emerged from all those hearings and conversations, and here it is: all of the entities involved in wildlife conservation need increased financial resources to be successful.

So while we should absolutely address the funding needs of our States and Tribes, we cannot afford to ignore the legitimate needs of our Federal agencies and other partners.

Lastly, as our committee contemplates all of these funding needs, we should also contemplate funding sources. The Recovering America's Wildlife Act proposes nearly \$14 billion in investment, and, as drafted, the legislation identifies a funding source that may not be reliable or fully pay for the bill's spending.

As our colleagues has oftentimes heard me say, things that are worth having are worth paying for. This wildlife funding legislation is definitely worth having and worth paying for.

Again, we look forward to hearing from our colleagues and our witnesses today, and we look forward to working together toward our common goal of recovering America's wildlife.

With that, I am privileged to turn to our Ranking Member, Senator Capito, for any comments that she would like to make. Senator Capito?

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES  
SEANTOR FROM WEST VIRGINIA

Senator Capito. Thank you, Senator Carper, for calling today's hearing. I want to thank Senators Heinrich and Blunt for attending, along with our witnesses, and I look forward to hearing from each of you.

I appreciate that the Association of Zoos and Aquariums is represented today. Just recently, I toured the Oglebay Good Zoo in Wheeling, West Virginia, which is accredited by the AZA. The Good Zoo houses 20 species, I didn't realize this until I actually saw it with my own eyes, the Good Zoo houses 20 species that are deemed rare or endangered, and its staff is doing valuable work on research to inform conservation of these animals.

Speaking of zoos, here in Washington, the Administration and -- did you get that? Okay.

[Laughter.]

Senator Capito. The Administration and Congress should pursue bipartisan policies to preserve our Nation's public lands, wildlife, and ecosystems. Our environment, our natural resources, and access for sportsmen are legacies we have been entrusted with safeguarding for future generations of Americans. So today's hearing is focused on the legislation that has been introduced by Senators Heinrich and Blunt, the Recovering



America's Wildlife Act, and I thank them for their advocacy.

The bill has broad support from both sides of the aisle, as well as support from the stakeholder community, including hunters and anglers, conservation organizations, and industry. I am eager to learn more about the legislation through today's hearing. As I understand it, the goal of Recovering America's Wildlife Act is to provide funding to States to cover conservation efforts that will recover species as well as prevent listing additional species under the Endangered Species Act.

As part of this discussion today, I want to emphasize for me the importance of State-driven conservation. Conservation is most effective when led by State and local entities in cooperation with voluntary efforts by private landowners. These are the people that know their habitats, their communities, and their local economies the best. Recovering America's Wildlife Act provides each State with the flexibility to tailor their conservation strategies to meet its specific needs.

West Virginia is home to 1,233 species of greatest conservation need. I don't know if I am included in one of those, but I might be.

[Laughter.]

Senator Capito. With State-driven efforts, the unique needs of each of these species can be addressed through

conservation efforts that will help recover declining populations. As I do when I evaluate legislation under consideration by this committee, my focus will continue to be providing States with the flexibility to address their unique needs and circumstances.

As introduced, the Recovering America's Wildlife Act relies on revenue collected from environmental-related violations and enforcement actions to help address its cost. As I understand it, the bill will result in \$14 billion in direct, mandatory spending over a 10-year period. I think this is an issue, and Senator Carper mentioned this, that we need to consider against the background of the growth of our debt and deficit during this pandemic, and in light of the \$4 trillion package that has been recently introduced and is under consideration.

We also need to consider how effective any new conservation efforts will be if the Administration continues to pursue its rollback of sensible ESA regulations, which may serve to actually undermine investments in conservation.

In particular, I am deeply concerned with Fish and Wildlife's revisiting of changes made to the implementation of ESA under the previous Administration. These rollbacks will set us back in achieving our conservation goals by increasing costs and burdens of doing the right thing: specifically, the decision to rescind the 2020 regulation defining the term habitat for

purposes of designating critical habitat under ESA. Leaving habitat undefined creates uncertainty for private landowners on whom species recovery absolutely depends. In any discussion of conservation, I think it is important to address common sense reforms for ESA.

Cooperation with States and landowners is key for species recovery. Under the ESA, we should ensure that we balance the interests of Americans and their livelihoods with protecting species facing population declines.

I look forward to the discussion today on proactive wildlife and habitat conservation solutions. I thank you again for holding this hearing, and I thank my fellow Senators for being with us today.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you, Senator Capito.

As we turn to our witnesses, we are fortunate to have the prime sponsors of the legislation before us: Senator Martin Heinrich from New Mexico, and Senator Roy Blunt, Senator from the State of Missouri, We are delighted that you could be with us today. Thank you.

I think, Martin, we would like to hear from you first, so feel free to lead us off. Thank you.

STATEMENT OF THE HONORABLE MARTIN HEINRICH, A UNITED STATES  
SENATOR FROM THE STATE OF NEW MEXICO

Senator Heinrich. Chairman Carper, Ranking Member Capito, and distinguished members of this committee, thank you for allowing me to share a few words about the Recovering America's Wildlife Act, or RAWA.

I have been very proud to team up with my Republican colleague from Missouri, Senator Roy Blunt, on this bipartisan legislation, and I am grateful for the support of the 16 Republican and 16 Democratic cosponsors, including many members of this committee, as well as the support from the Administration on this issue, including their testimony in support of the House version of this legislation.

RAWA would establish a robust and reliable federal funding stream for collaborative, proactive, voluntary, on-the-ground conservation work. Consistent funding support has long been the missing piece in scaling up the type of recovery projects that have proven effective in recovering wildlife and plant species to healthy levels.

We are just coming off of elk season in New Mexico, and I am happy to say that my freezer is full. But elk were extinct in New Mexico just a century ago. It is thanks to previous generations of conservationists, sportsmen and sportswomen, that I have the privilege of interacting with this amazing and

beautiful animal.

I am indebted to people like Aldo Leopold, Elliot Barker, and federal, State, and tribal leaders whose actions led to the restoration of elk, mule deer, and pronghorn populations in my home State and species like wild turkey and waterfowl and white-tailed deer all across our Nation.

The abundance of many species that we hunt and fish today is the direct result of collaborative work inspired by those previous generations of Americans and financed by bedrock conservation laws like Pittman-Robertson and Dingell-Johnson. Yet despite the incredible successes of these programs, particularly with game species and sportfish and the successes of the Endangered Species Act in preventing hundreds of species from going extinct, it has been clear for decades that too many species are still declining or even headed toward extinction.

Without enough resources, our State and tribal wildlife agencies have been forced to pick and choose which species are worthy of their attention. As a result, more than 12,000 species are currently identified as species of greatest conservation need.

We have a once-in-a-generation opportunity to change this paradigm and save thousands of species with a solution that matches the magnitude of the challenge. The Recovering America's Wildlife Act offers us a path forward. RAWA will fuel

locally driven, science-based projects that will restore healthy fish and wildlife habitat and robust wildlife populations.

These projects will create substantial economic benefits, including good-paying jobs in rural communities. They will preserve outdoor recreation activities like hunting and fishing and wildlife viewing that support literally millions of additional jobs across our Country, and they will save the Federal Government and the private sector tens of billions of dollars by saving species before they need emergency room measures just to survive.

Before I finish, I want to emphasize just how bipartisan this issue is. This committee has proven that we can still pass bipartisan conservation provisions within the Infrastructure Investment and Jobs Act, the American Conservation Enhancement Act, and the Water Resources Development Act.

Last year, many of us here helped to pass the historic Great American Outdoors Act into law, which is already helping us tackle the longstanding infrastructure backlog in our national parks and on our public lands. As one of the most important wildlife bills in decades, the Recovering America's Wildlife Act will allow us to make similar historic progress on species recovery and wildlife habitat.

I am proud of the coalition of sportsmen and sportswomen, conservationists, scientists, States, Tribes, and wildlife

advocates who are calling on Congress to pass RAWA. I have letters of support that I would like to submit for the record representing all 50 States, numerous tribes, and nearly 2,000 organizations across the Country, such as the National Wildlife Federation, Ducks Unlimited, the Boone and Crockett Club, the Congressional Sportsmen's Foundation, NRDC, the Audubon Society, and the Nature Conservancy.

Senator Carper. Without objection.

[The referenced information follows:]



Senator Heinrich. I will close by saying that I want my grandchildren to experience the same wonder I had as a child catching leopard frogs, watching fireflies light up the dark. I hope that we can pass onto them the full complement of our natural heritage, from bison to bumblebees, as well as traditions like hunting, fishing, and wildlife viewing. That is what this is all about.

Thank you, Chairman.

[The prepared statement of Senator Heinrich follows:]

Senator Carper. Thank you very, very much for your testimony. Thanks for your passion for this and your leadership, not just on this issue, but on so many others we have worked on in recent years. Thank you.

Senator, you mentioned what you want for your grandchildren. My wife and I just want one grandchildren.

[Laughter.]

Senator Carper. We will worry about the rest later.  
Senator Blunt, you are recognized.

STATEMENT OF THE HONORABLE ROY BLUNT, A UNITED STATES SENATOR  
FROM THE STATE OF MISSOURI

Senator Blunt. Thank you, Chairman Carper, and thank you and Ranking Member Capito for not only holding the hearing, but for inviting the two of us to attend as you look at this piece of legislation.

I also want to thank my colleague, Senator Heinrich, who really has worked so hard to advance this and to be sure that we had a significant group of bipartisan cosponsors, 32 bipartisan cosponsors. Senator Heinrich has really worked hard to put this together. We have worked hard to find a pay-for we believe works. We have also worked to be sure that we had broad based support from all 50 States, including the conservation agencies in those States.

This legislation, as Martin has said, would be the most significant investment in wildlife conservation in a generation. It would fund proactive, voluntary conservation efforts to address really what is the Nation's wildlife crisis. I also think it is a perfect partner to what we did in the last Congress, as we look toward the future of restoring America's great parks system.

Enactment of this legislation into law would boost our economy, create more outdoor recreation opportunities, provide regulatory certainty to landowners across the Country who

otherwise are facing costly and burdensome impacts of potential threatened and endangered species listings, and conserve our national heritage for future generations.

A significant part of the goal here is to work with the State agencies so the Federal Government never has to be involved in an endangered species situation, as they work hard to do what they can to be sure that they never get into that situation.

I am also pleased to introduce one of the panel's witnesses today, Ms. Sara Parker Pauley, who is testifying on behalf of the Association of Fish and Wildlife Agencies. This is a group she served as the organization's President up until just September of this year. She currently serves as the ninth director of the Missouri Department of Conservation, a position she has held since November of 2016.

Before that, she served as the Director of the Missouri Department of Natural Resources from 2010 to 2016. She began her professional career as a Policy Analyst in the Missouri Department of Conservation in 1993. A native of Columbia, Missouri, Sara received both her law degree and her bachelor's degree in journalism from the University of Missouri and did post-graduate studies in Australia as a Rotary Fellow.

Just last month, she and I did four joint events in Missouri highlighting the recovery potential of this Recovering

America's Wildlife Act. This act establishes a new program, the Wildlife Conservation and Restoration Program within the U.S. Fish and Wildlife Service to promote voluntary conservation efforts to restore and protect at-risk, threatened, or endangered species.

This program would provide approximately \$1.3 billion annually to States, territories, and tribes for activities related to proactive and collaborative habitat restoration efforts to increase wildlife populations or to prevent species from becoming listed on the Endangered Species Act.

This bill would help fund critical conservation efforts in our State and our grasslands. It would help promote species like the bob-white quail, which were pretty numerous when I was growing up in Missouri, but have almost disappeared from our landscape, meadow larks, and greater prairie chickens. The restoration efforts that Sara and others have been parts of, including everything from restoring animals who, at one time, were very present in our State, to the support of species like wood ducks and other migratory animals that come through our State, animals and birds.

This legislation would boost Missouri's outdoor recreation economy. Currently, that economy supports 93,000 jobs in our State and contributes about \$7.5 billion to the local economy and depends on healthy fish and wildlife populations. The bill

would ensure more wildlife viewing opportunities, which directly contributes to millions of jobs and billions of consumer revenue.

In Missouri, based on the legislative proposal, we estimate that we would receive about \$22 million annually, including the State matching funds. That compares to about \$1 million that the State receives right now.

I haven't seen the entire list on this bill, but normally, on any distribution of money in the Country, Missouri is right around \$25 million. We are right in the middle, so every State should look at that \$22 million annual number, and you are going to be somewhere on either side of that. Obviously, \$22 million would make a lot more impact than the \$1 million currently received from the Federal Government for these funds.

I certainly look forward to working with the Chairman, the Ranking Member, and my significant cosponsor here who has done so much work on this. This bill, as drafted, as Martin has already suggested, has broad bipartisan support in the Senate. It has a diverse group of stakeholders around the Country, including the Association of Fish and Wildlife Agencies, the Congressional Sportsmen's Caucus, the National Wildlife Federation, and 1,500 or more organizations representing State fish and wildlife agencies, industry associations, and businesses.

Thank you again for holding this hearing, for looking at this bill. We appreciate the opportunity, all of the cosponsors do, to continue to work with this committee as you think about what would really be an exciting addition to what we do for our wildlife in the Country.

Thank you, Chairman.

[The prepared statement of Senator Blunt follows:]

Senator Carper. Thank you both very, very much. Thanks for joining us. We look forward to seeing you at about 11:30 on the Floor when we start voting, and thanks again for your leadership.

With that, I am going to call our second panel of witnesses, if they would take their seats. We will introduce you and we will get started.

Senator Capito and I have welcomed each of you individually, but we welcome you now collectively, and we are delighted that you are able to join us on this important day for this important hearing. I will just briefly introduce folks, Sara Parker Pauley has already gotten an introduction from Senator Blunt, but we are joined today by Dan Ashe, President and CEO of the Association of Zoos and Aquariums. Dan, very nice to see you. You bring a world of experience to this hearing today.

Collin O'Mara, President and CEO of the National Wildlife Federation, former Secretary of the Department of Natural Resources and Environmental Control and longtime friend of many of us in Delaware.

Sara Parker Pauley, who has already been introduced by Senator Blunt, President of the Association of Fish and Wildlife Agencies, and last but not least, Jonathan Wood, Vice President of Law and Policy for the Property and Environment Research



Center.

Dan, I am going to ask you if you will start us off with your testimony. Please proceed with your testimony when you are ready.

STATEMENT OF DAN ASHE, PRESIDENT AND CEO, ASSOCIATION OF ZOOS  
AND AQUARIUMS

Mr. Ashe. Good morning, Chairman Carper and committee members. It is good to be here again. On behalf of the Association of Zoos and Aquariums and the Defenders of Wildlife and the National Wildlife Refuge Association, I just want to start by saying thank you for everything you do to protect wildlife and wild places, I think especially the respect and dignity that you bring to these discussions, so thank you very much.

Yesterday, I enjoyed reading Bob Dole's posthumous opinion piece in the Washington Post, and if anybody hasn't seen it, I recommend it. In it, he recalls in 1951, newly elected to the Kansas House of Representatives, being asked by a reporter, what is on his agenda. He said, "Well, I am going to sit back and watch for a few days, and then I am going to stand up for what I think is right."

When I became U.S. Fish and Wildlife Service Director, a former director and a good friend, Lynn Greenwalt, gave me some similar advice. He said, "Dan, find time to ponder. Lots of people are going to ask you to make decisions, and they are going to tell you that those decisions are urgent, and sometimes they will be. But most of the time," he said, "it is going to be important for you to find a time and some quiet and ponder."

We are struggling against the planet's sixth mass extinction. It is driven by human existence, our economy, our ecology. It didn't begin yesterday; it won't be solved tomorrow, even if you pass the Recovering America's Wildlife Act today. How you act and the decisions you make are going to set the stage and the tone. It is worth some time to sit back and ponder.

Wildlife conservation is a shared endeavor. It is not individual; it is not State or tribal or federal. It requires commitment and funding at all of those levels.

My testimony, my written testimony includes two illustrative and real-life examples: bald eagle and California condor. Here is another, more recent one. In November of 2018, I got a letter from Eric Sutton, the Executive Director of the Florida Fish and Wildlife Conservation Commission. They were encountering and unfolding disease, 95 percent fatal, destroying Florida's coral reef tract and were asking for AZA members to use their facilities to help get ahead of it and rescue and hold healthy coral in refugia until the cause and a solution could be identified. Today, 20 of our members are holding thousands of Florida coral colonies, conservation giants like Sea World and Disney, but tiny titans like Colorado's Butterfly Pavilion.

In the process, we discovered that what is now called stony coral tissue loss disease isn't limited to Florida. It is

pandemic across the Caribbean. It can't be solved by the State of Florida or the Commonwealth of Puerto Rico or Sea Worlds or Butterfly Pavilions. That is all necessary, but it is going to require much larger cooperation, including federal agencies like NOAA and international and intergovernmental efforts.

The same has been true with waterfowl; the same is true with monarch butterflies and little brown bats. If our goal is to recover America's wildlife, we need to deploy all of our tools and fund all of our tools, and certainly don't leave some of your best tools with the least and most constrained access to funding. You can do both: you can provide needed funding for tribal and State agencies, and for the federal agencies that we know are going to be key ingredients in success.

Thank you for the opportunity to be here today. I am happy to answer any questions that you might have and help in any way as you hopefully look to find some time and some quiet and sit back and ponder and do what you think is right.

[The prepared statement of Mr. Ashe follows:]

Senator Carper. Dan, thank you for that timely and wise testimony. I spend a fair amount of my time every day on the train, going back down the Northeast Corridor, and I use that time to ponder. Some people sleep on trains. I never do, but I do ponder a lot, and there is plenty for us to ponder with respect to this.

On a lighter note, Bob Dole, many of us had the opportunity to serve. He served in World War II with my dad and my uncles and all, and was a real hero, as you well know. He later married Elizabeth. I remember the day that he sat in a Senate hearing not unlike this one, in order to introduce his wife, who had been nominated to be Secretary in the Administration of George Herbert Walker Bush. He had such a wonderful sense of humor. He said, as we were just sitting here, he said, alongside of his wife that he was introducing to his colleagues, he began with these words: "I regret that I have but one wife to give for my Country."

[Laughter.]

Senator Carper. He gave a lot, and we miss him and love him, and are thinking of Elizabeth today, a former colleague in the Senate, as we gather here.

I am going to now turn to Collin, if I could. Collin, welcome. We are delighted that you have joined us. Please proceed.

STATEMENT OF COLLIN O'MARA, PRESIDENT AND CEO, NATIONAL WILDLIFE  
FEDERATION

Mr. O'Mara. Senator Carper, Ranking Member Capito, members of the committee, on behalf of the National Wildlife Federation, our 52 State and territorial affiliates and our nearly seven million members, thank you for the honor of testifying before you today.

First, let me congratulate the committee on the remarkable bipartisan infrastructure package and just thank each of you for the historic investments in clean water, habitat restoration, resilience, connectivity, environmental justice, clean energy. Senator Carper, thank you for making sure that investments in endangered species are part of the Build Back Better Act.

Today, we have the opportunity to build upon this committee's incredible bipartisan legacy by passing the most significant wildlife legislation in half a century, the bipartisan Recovering America's Wildlife Act.

America's wildlife are in crisis. More than one-third of all wildlife, fish, and plant species face heightened risk of extinction due to immense and interwoven threats: increasingly fragmented and degraded habitat, invasive species, wildlife disease, landscapes ravaged by climate-fueled extreme weather, wildfires, droughts, flooding and hurricanes.

The bipartisan Recovering America's Wildlife Act is a

solution that matches the magnitude of the wildlife crisis. Simply put, the Recovering America's Wildlife Act will help recover the full diversity of wildlife by saving species before they decline to the point where they need emergency room measures, and, by accelerating the recovery of species already endangered. This will prevent extinctions.

It empowers States, territories, and tribes to recover the more than 12,000 species of greatest conservation need and to partner with the Fish and Wildlife Service to recover the 1,600 species already listed as threatened and endangered. They will accomplish this by implementing the proactive and Congressionally mandated strategies and the Congressionally mandated wildlife action plans. This will transform the way we recover species by shifting a model that today is largely constrained to regulation and litigation to one that unleashes unprecedented collaboration and innovation.

The Recovering America's Wildlife Act does all of this without raising taxes or imposing new regulations. It leverages existing, undesignated environmental and natural resource fines and penalties and matches them with contributions from States, conservation partners, and other stakeholders. It supports well-paying local jobs in the outdoor economy while reducing regulatory uncertainty for businesses and reducing costs for taxpayers.

The legislation builds upon robust existing accountability safeguards to ensure these funds are well-spent. This bill also provides a historic and, frankly, long overdue investment in the essential conservation work led by tribal nations. As Elveda Martinez, the President of the Native American Fish and Wildlife Society, said, "For tribes, the Recovering America's Wildlife Act is not just about an increase for fish and wildlife funding. It is base funding. It will be a game changer in the way tribes operate, manage, participate, and assert self-governance in fish and wildlife stewardship."

This legislation has broad support across the full spectrum of conservation community, fish and wildlife agencies, industry associations, tribal nations. Nearly 2,000 organizations and entities have joined forces to support this critical legislation. Why? Because we all understand what happens if we don't act. Iconic and unsung species alike will continue to vanish from the landscape and costs to business and taxpayers will continue to escalate.

Let me be clear: we are in the midst of a sixth mass extinction that is affecting all sizes and types of species. The growing number of scientific reports and field observations are a clarion call for action. Fortunately, history shows us that by investing in collaboration and science-based restoration efforts, we can reverse this. We have accomplished amazing



things for game species like deer and waterfowl and sportfish, and we have recovered through Pittman-Robertson and Dingell-Johnson. We have also recovered iconic endangered species like the bald eagle and the American alligator through the Endangered Species Act.

Our Nation does a remarkable job saving species when we put our mind to it and when we invest. I see it in my home State of Delaware, where we worked with Senator Carper to recover DelMarVa fox squirrels, red knots, and piping plovers. But the reality is that we have failed to invest at scale in the vast majority of species.

Senator Heinrich's and Senator Blunt's bill is the game changer that we need to ensure the full diversity of wildlife survives and thrives. The Recovering America's Wildlife Act is bold and bipartisan; it is collaborative and proactive. It will have an immediate impact from hundreds of backyards all across America.

Let me just close with this: inaction is the ally of extinction. Twenty years ago this very committee came so close to dedicating resources to proactive, collaborative, and voluntary efforts to recover wildlife as part of the Conservation and Reinvestment Act, CARA. Twenty years later, 406 additional species have been listed under the Endangered Species Act; 430 more are either proposed for listing,

candidates for listing, petitioned for listing, and thousands more have become species of greatest conservation need. The crisis is accelerating.

The good news is that it is not too late to save America's wildlife, but there is no time to waste. By passing the Recovering America's Wildlife Act and investing in this ounce of prevention, we can ensure that our children and grandchildren enjoy the full diversity of wildlife because the simple truth is that when we save wildlife, we save ourselves.

Please support this legislation. Thank you.

[The prepared statement of Mr. O'Mara follows:]

Senator Carper. Collin, thanks so much, and thank you for your service in Delaware as our Secretary of the Department of Natural Resources and for your great leadership today and for your testimony today. We are proud of you in the First State.

Sara Parker Pauley, please proceed. Welcome.

STATEMENT OF SARA PARKER PAULEY, PRESIDENT, ASSOCIATION OF FISH  
AND WILDLIFE AGENCIES

Ms. Pauley. Chairman Carper, Ranking Member Capito, and members of the committee, thank you so much for the opportunity to address you in support of Senate Bill 2372, the Recovering America's Wildlife Act. For the record, my name is Sara Parker Pauley, Director of the Missouri Department of Conservation and past President of the Association of Fish and Wildlife Agencies.

I first want to thank my Senator, Roy Blunt, for cosponsoring this legislation with Senator Martin Heinrich. Their dedication to this Country's fish and wildlife is inspirational and sincerely appreciated.

Mr. Chair, I sit before you today as an advocate for what we in Missouri hold dear. In fact, Missourians are so dedicated to conservation that in 1976, they were willing to tax themselves to guarantee they had healthy and abundant fish and wildlife and wild places to hike and fish and hunt and cherish. This dedicated funding has been a key to our conservation success in Missouri as it has allowed for long-term conservation planning and implementation.

Take, for example, our prairie restoration work in northwest Missouri. Over 99 percent of the original tallgrass prairie is gone in our State, and many of the species that depend on diverse native grasslands are also imperiled.

However, the Missouri Department of Conservation, landowners, and partners like Iowa DNR are voluntarily and collaboratively working to restore remnant prairies and reconstruct prairies, an ecosystem that is critical to a plethora of species, including pollinators, which in turn, are so critical to sustaining agriculture in the region.

However, these projects do not happen in one or two years. To restore a prairie ecosystem takes decades of active habitat management and the staff and financial resources to make it happen. Simply put, conservation success does not happen overnight. It requires long-term planning and dedicated funding which this act will provide to State agencies, agencies with a proven track record of restoring species, like wild turkey, deer, elk, and waterfowl.

Though other States and tribes may not have the funding model of Missouri, they each have their own success stories to tell, like West Virginia and their work on the cerulean warbler, a small and beautiful neo-tropical migrant songbird that attracts birdwatchers from across the Country. By working to implement appropriate timber harvest strategies, they are creating and restoring habitat for this iconic bird species and providing economic benefits associated with the State's timber industry.

But in Missouri, West Virginia, and elsewhere, the overall

to-do list of restoring our wildlife far exceeds the available funding. Through the development of State fish and wildlife action plans, we know that there are over 12,000 species of greatest conservation need, which means they are species with low, declining, or rare populations, or they are facing threats and in need of conservation attention. These State plans serve as a blueprint for conserving our Nation's fish and wildlife and preventing endangered species from being listed.

Unfortunately, current funding levels only support an estimated 5 percent of the actions outlined in the plans, and the challenges are greater today than ever before. That means 95 percent of the work is simply not getting done because the funding does not exist. The Recovering America's Wildlife Act is the 21st century funding model we need now that will direct critical funding to State fish and wildlife agencies to proactively implement their science-driven wildlife action plans.

It is important to note these State plans must be approved by the Fish and Wildlife Service as a condition of receiving funding through the State and Tribal Wildlife Grants Program, and this act would use the same accountability standards currently used for that program, which is arguably the most accountable federal conservation grant program in existence, with five levels of accountability. This act actually adds a

sixth level of accountability, requiring each State agency to provide a work plan and budget for implementing its wildlife action plan to the Service, to this committee, and the House Committee on Natural Resources every three years.

In 1937, President Franklin Roosevelt signed into law the Pittman-Robertson Act, which has been the monumental funding model for restoration and management of fish and wildlife spending the last eight decades. Prior to the creation of the Pittman-Robertson Act, many game species were near the point of extinction, but because of State-led efforts and dedicated funding through the Pittman-Robertson Act, State fish and wildlife agencies were able to restore many of those game species.

Henry David Thoreau noted that the meeting of two eternities, the past and the future, is precisely the present moment. I wonder, in the future, will our grandchildren be heralding our vision and leadership in this present moment, like we talk about those who championed the cause in 1937? I certainly hope and believe that will be the case with the passage of Recovering America's Wildlife Act.

Thank you for your time today.

[The prepared statement of Ms. Pauley follows:]

Senator Carper. Thank you for your time today, and thank you for that testimony. That was great.

Batting cleanup, last but not least, Jonathan Wood, you are recognized.



STATEMENT OF JONATHAN WOOD, VICE PRESIDENT OF LAW AND POLICY,  
PROPERTY AND ENVIRONMENT RESEARCH CENTER

Mr. Wood. Thank you, Chairman Carper, Ranking Member Capito, for inviting me to join the committee this morning as you consider the Recovering America's Wildlife Act.

As just introduced, my name is Jonathan Wood. I am the Vice President of Law and Policy for the Property and Environment Research Center, a conservation research institute based in Bozeman, Montana. For four decades, PERC's research has demonstrated the importance of property rights, incentives, and federalism to recovering wildlife. These values are critical to understanding RAWA and its context in broader conservation policy.

As the Biden Administration's America the Beautiful Report recently observed, effective conservation depends on respecting private property rights and rewarding landowners for their voluntary conservation efforts. Frankly, private lands play an outsized role in the conservation of wildlife, including endangered and threatened species. Therefore, the key to recovering species is often to make them an asset for private landowners, rather than a liability.

Unfortunately, as Ranking Member Capito observed, we frequently get these incentives wrong. The Endangered Species Act can penalize landowners who accommodate listed species or

conserve their habitats. These policies create perverse incentives that can undermine the goals of the statute and have resulted in only 3 percent of listed species recovering over the last half century.

Partnering with landowners to solve real-world challenges holds much greater promise. This year, PERC and the Greater Yellowstone Coalition partnered with rangers outside of Yellowstone National Park on Montana's first elk occupancy agreement. Under this agreement, PERC and GYC paid for a fence to separate elk and cattle, thereby reducing disease risk and competition for forage. In exchange, the ranchers will manage nearly 500 acres as winter elk habitat. Such win-win arrangements are how we will achieve our conservation goals for the long-term.

Pursuing conservation through State programs, rather than a top-down federal approach, can also increase innovation and accountability while reducing conflict. Given the varying needs of wildlife, landowners, and communities, federalism's emphasis on local knowledge and flexibility is particularly valuable here. Moreover, State agencies often enjoy better reputations and more trust among landowners than does the Fish and Wildlife Service.

Unfortunately, although landowners highly value conservation, the intense regulatory conflicts that my friend

Collin O'Mara mentioned that have arisen between the Service and landowners under the ESA make the agency a less desirable conservation partner for many. This highlights the need to align ESA policies to support the goals of State conservation initiatives and to encourage voluntary conservation.

PERC's 2018 report, the Road to Recovery, explains that one of the ESA's primary intended incentives for voluntary conservation and for State leadership was a distinction between how endangered species and threatened species are supposed to be regulated. Under the statute, federal regulation should relax as species recover and tighten as species decline, which aligns the incentives of landowners with the interests of listed species. Likewise, States are encouraged to develop conservation programs in exchange for the power to effectively veto federal regulations governing the take of threatened species.

Unfortunately, these incentives have been thwarted for most of the ESA's history due to a Fish and Wildlife Service regulation known as the Blanket 4(d) rule. This regulation eliminates this distinction between endangered and threatened species regulation, and it also increases conflict over the delisting process. Under this statute, management responsibility should shift to States in stages as species move from endangered to threatened to delisted.

However, under the blanket rule, the stakes for delisting are much higher. You go from full federal control to full State control overnight, and this can encourage a sort of endless litigation like that we have seen for the recovered Greater Yellowstone Ecosystem grizzly.

In 2019, the agency repealed this Blanket 4(d) rule, explaining that following the statute's approach could better incentivize recovery efforts, but it has recently indicated its intent to reverse that decision.

If Congress were to invest significant funds in State leadership on conservation initiatives, it should consider how to align ESA policies to ensure the success of those initiatives. For instance, it should consider whether RAWA's wildlife conservation strategies entitle States to cooperative agreements under the Endangered Species Act. It should also consider the role of federal regulations for threatened species, encouraging conservation, rewarding State efforts, and providing a road to recovery and delisting.

Finally, thinking creatively about how to fund conservation to reflect the full range of interests that value wildlife can make programs more sustainable. Too often, conservation is dependent on a single source, such as sportsmen. But hunters and anglers are not the only people who value wildlife or who impact wildlife. A 2019 PERC report, *How We Pay to Play*, shows

that recreation-based fee programs can increase funding while promoting accountability.

RAWA identifies several funding sources States can use for the matching requirements. A nudge to consider other creative ways to broaden the funding base may also be helpful.

Thanks again for the opportunity to testify, and I look forward to your questions.

[The prepared statement of Mr. Wood follows:]

Senator Carper. Thank you for your testimony. Again, to each of you who have spoken, you have given us a lot to ponder, Mr. Ashe, a lot to ponder.

Senator Merkley has another pressing engagement, and he is not going to be able to stay with us for long, but I am happy to yield my time to him at this point. Senator Merkley?

Senator Merkley. Thank you, Mr. Chairman. I appreciate that greatly. I wanted to turn to you, Mr. Ashe. You pointed out that a lot of the challenges we have with endangered species across State lines, and for that matter, across national lines, and the amount of money, I believe, that we send to Fish and Wildlife for species protection is about \$120 million a year. Obviously, this would create a lot more funding.

But this says, and I have been listening to the testimony of everyone talking about kind of the 12,000 endangered species, the huge number of threatened species that haven't been listed as endangered because we don't have the money to cover them.

Why does this bill have only \$1 out of every \$7 dedicated to endangered species or threatened species, when everyone is talking about this is the big challenge, the biodiversity, the enormous number of affected species? Why are we dedicating only \$1 out of every \$7 in this bill, and should we dedicate more?

Mr. Ashe. Thank you, Senator Merkley.

Obviously, based on my testimony, I think the answer to

that is yes. I think that we have heard a lot of reference to kind of reduce reliance on regulation. Well, the most direct path to reducing regulation of endangered species is to get them recovered and get them off of the endangered species list.

When I was director, we recovered and delisted more species than all previous administrations combined. That was four decades of work. What we did was we targeted our recovery money, our available recovery money, and said, okay, we have species that we can get them that last mile. We can get them off the endangered species list. I think the record is clear. If we invest in recovery, we will get species off of the endangered species list.

I do think this bill requires a better balance between those responsibilities. That is in all of our interests, including wildlife.

Senator Merkley. Mr. O'Mara, in your written testimony, you go through a number of States and say, hey, a lot of States take their federal grants and do a significant share above \$1 out of \$7, above 15 percent, to threatened species, and that you anticipate that that will be the case here.

Again, I am going to ask a question. If we are really aimed at biodiversity, if we are really aimed at threatened species, there are really two additional things we could do. I just want your response. One is spend more than \$1 out of every

\$7, on what is the mission of this bill according to everyone's testimony.

The second is to recognize, as Mr. Ashe has pointed out, that so many of these issues transcend the States, and we give so little funding, \$120 million a year, to Fish and Wildlife to take on threatened issues, endangered species.

Why don't we simultaneously say we are going to step up support for the federal efforts when we are doing this bill? Those two thoughts.

Mr. O'Mara. Every single dollar in this bill goes toward the 12,000 species of greatest conservation need, so that is the universe you have to plan, not other species that are common, so you have to be in there. The 15 percent is for the 1,600 species that are already listed, so about 13 percent of the total number.

Actually, I anticipate it is going to be a lot higher. I mean, the 15 percent, I think, is a floor, not a ceiling. There is also another 10 percent of the money for innovation grants that is really intended to be focused on interstate collaboration.

So, for example, your Saline Lakes Great Basin Bill, or the monarch work you have been doing that transcends boundaries. That money is intended for that collaboration, and I think a lot of that is going to be spent on either candidate species that



are close to being listed, or species that are already listed that folks want to recover. We would be in favor of additional funding for recovery.

I am also worried that 20 years ago, this same point was one of the things that toppled the CARA efforts. So, if there is a political will to add money to the bill to do more on the federal side, we would be absolutely supportive. I mean, there is no one that fights harder for funding and appropriations for the Fish and Wildlife Service than the National Wildlife Federation. It has just been a sticking point for political reasons. I want to make sure we don't lose the ability to save the 12,000 species because we are fighting over one point in the bigger context.

Senator Merkley. So, the way the bill is constructed, you are comfortable, like, in my home State, every time I go to the coast, I see a herd of 70 elk hanging out. Our elk are very much recovered. Every time I go to rural Oregon, I see large flocks of turkeys where I used to see, if I saw one or two on a remote road, I was astounded. Twenty years later, it is like, oh, there is a field with 70, 80 turkeys in it.

You are confident that this will not be a case that some States will say, hey, we can finally stock more lakes with more rainbow trout, and we can double our already large elk herds?

Mr. O'Mara. I am, because the species of greatest

conservation need are really species that either are rare, declining, or have habitat threats. At this point, the turkeys and elk in Oregon are doing fine. They wouldn't qualify.

The Fish and Wildlife Service actually gets to review the plans and raise concerns. There has been this concern that the States will just spend it on game species. The States are hungry to be able to work on the full diversity of wildlife, but the funding tools have been so focused on hunting and fishing species that we have been unable to do that.

So I have confidence in the States to manage the money well. I also have confidence in the Fish and Wildlife Service to oversee that the dollars are spent well.

Senator Merkley. Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Merkley.

Senator Capito. Let me just mention, after Senator Capito, Senator Boozman, we will turn to you, and Senator Cardin, Senator Ernst was here, she has left, and then Senator Whitehouse. Please go ahead.

Senator Capito. Thank you, Mr. Chairman.

Ms. Pauley, let me ask a question. This is a very general question. In your opinion, what is the underlying problems that Recovering America's Wildlife Act is intending to fix, besides more money?

Ms. Pauley. Well, I think it has already been beautifully

stated by both of the sponsors, and certainly by some of our other witnesses here today. We have, I think, pretty clearly identified the problem. We have 12,000 species of greatest conservation need that States have identified through their State Wildlife Action Plans that was mandated by Congress.

So for 20 years, as you have heard, we have had this mandate to inventory and develop these plans of these species that we know are in trouble or on their way. The whole focus of the Recovering America's Wildlife Act, the whole intention was to keep them out of the emergency room, to keep them off of the list. That has been the focus; that has been the intention.

The States have done their part, really, without the funding. We have, over the last 20 years, revised these plans where they are very science-driven, very specific plans with clear objectives on how to keep these species of greatest conservation need off the endangered species list.

But the issue is funding. The issue is funding. We have been given this mandate; we have done our part to develop these plans. The funding hasn't come with it.

And we have other great examples. Let us talk about waterfowl in this Country. Since 1970, we have seen an increase in waterfowl populations by 56 percent because they had the authority, we have had the funding through NACA, through the federal duck stamp, through farm bill programs, et cetera. So

the authority was there, the funding was there, the partnership is there, and we have seen the success. At the same time, grassland species, bird species, declining by 53 percent because the funding wasn't there.

So I would say we are looking at this window in time. I am all for pondering, but I think we have pondered this issue, personally, long enough. We have the plans. The States are ready to go, and with every day, we have seen what has happened over 20 years; 406 species now added to that list.

Senator Capito. Well, thank you. Obviously, resource constraints are difficult around the horn, and Fish and Wildlife has constraints, too, as well.

I think I know the answer to this question, but there has been an effort to make changes to this bill that would redirect a portion of the funding to the Fish and Wildlife Service. What kind of impacts do you think that would have on what you have just explained is the main objective of the bill?

Ms. Pauley. The calculations of that \$1.3 billion, \$1.4 billion with the tribal monies is really based upon what will it take for States to implement their State Wildlife Action Plans. That is where the \$1.3 billion was devised, is what will it take for States to implement their plans.

I have great respect for the Fish and Wildlife Service. I have great respect for the role that the Endangered Species Act

plays. But the purpose of this legislation has always been to find the funding for States to implement their State Wildlife Action Plans.

Senator Capito. All right, and as I said in my opening statement, I support that goal absolutely.

Mr. Wood, you talked about the Blanket 4(d) rule and what kind of impacts that would have. Can you elaborate on how rescinding that rule and returning to a more tailored approach, how can that benefit our private landowners in that quest of keeping species off of the list?

Mr. Wood. Thank you for the question.

At least in two ways. The first is that it provides a direct incentive to landowners to care about whether species are recovering or declining. Under the blanket rule, from the perspective of landowners, the exact burdens fall on you, regardless of whether a species is barely threatened or on the verge of extinction. The way the statute is intended to work is regulations are reduced as species recover and tightened should species decline. That aligns the incentives better.

The other, as I mentioned in my testimony, is that it empowers States to take a greater lead on threatened species to deal with the situation that some of the other panelists mentioned, where recovering species might take a long time. The risk is that if a species gets listed while a State is working

on it, what does that do to upend a State strategy that otherwise could have worked.

Senator Capito. Mr. O'Mara, if you were to diagnose where this legislation falls short, you already identified one of the issues, which would be redirecting money more to Fish and Wildlife, could cause political problems with this concept. Do you have any other comments on that, on where you think this legislation could run into political wins?

Mr. O'Mara. Obviously, there is concern about the fiscal impacts of anything right now. I think we don't do a good job scoring the costs of inaction. Every time we list a species, it is about \$20 million to the government, every single time, and then it is about \$80 million to \$100 million of private sector impacts. None of that scores under CBL. Yet, that is a cost that is real. It doesn't build into the baseline; it doesn't work over time.

So I think, I just worry about having kind of the space to kind of make the argument that saying this ounce of prevention is worth that pound of cure, because the alternative, imagine if the monarch butterfly ends up listed. The impact on farms all across the Country is massive. Whereas if we had more collaborative tools, and Dan was doing a lot of this leadership work when he was director, but it has always been under-resourced.

I am convinced we can save most species through proactive, collaborative work and save hundreds of billions of dollars of private sector costs.

Senator Capito. Thank you. Thank you, Mr. Chairman.

Senator Carper. You are welcome.

Next is Senator Boozman. It is your turn. He is able to be recognized immediately after you.

Senator Boozman. I don't want to do anything to cross Senator Cardin.

[Laughter.]

Senator Carper. None of us do.

Senator Boozman. Well, first of all, I want to thank Senators Blunt and Heinrich for working so, so very hard on this bill to try and solve a difficult problem that has plagued us for years and for all of you all being here.

Ms. Pauley, in my home State of Arkansas, I found that farmers and ranchers are some of the best stewards of our land. That is why partnerships between the Federal Government and the agricultural community are imperative to address species management and recovery.

Personally, I believe the Federal Government should be incentivizing private landowners and making voluntary conservation efforts to those who are working in that regard. It appears that under the current structure of ESA, private

landowners are not getting due credit for the time, the money, and labor they spend on voluntary conservation efforts.

One of the reasons that I am really pleased to be a cosponsor of the Recovering America's Wildlife Act is because it would provide on-the-ground actors such as conservation organizations, State authorities, and tribal governments with the resources they need to pursue collaborative conservation efforts in their regions.

Can you talk a little bit, share your opinion on how will these additional resources help ease the tension felt by landowners when dealing with the Endangered Species Act that we currently have?

Ms. Pauley. Senator, I so appreciate that question, because much like Arkansas, Missouri is a State of 93 percent private landownership. That private lands piece, we cannot accomplish conservation on the ground in Missouri without the help, the assistance, and support of our private landowners. Private land, really, capacity and assistance is so important to us that we created an entire branch in our agency to add more boots on the ground, additional cost-share, cooperative positions with other organizations to make sure that we have the ability to reach those landowners that either want to do proactively conservation or are in need, perhaps, of reasons of ESA.



We have an example in Missouri. We have this little aquatic species called the Niangua darter, and it needs really good water quality. So we came alongside of these landowners that farmed in these watersheds that had the Niangua darter and helped them through cost-share and technical assistance with string bank protection programs and other soil health programs to ensure that we were meeting shared goals together.

I think that is where RAWA is so critical, because States have those local, those relationships with the landowners. They are our neighbors, and those State-driven, local-driven relationships are absolutely critical. The collaborative nature of RAWA, the voluntary nature of RAWA, is so critical. Moving forward, conservation for the future has to be collaborative, and that is what we would do with these RAWA dollars.

Senator Boozman. Very good.

As a Nation, we have experienced the decline of six million hunting licenses purchasers in the last decade, Ms. Pauley. According to a recent study about the Association of Fish and Wildlife Agencies, an estimated 58.8 percent or \$3.3 billion of conservation funds to State wildlife agencies come from hunting and fishing-related activities, either directly through the sale of licenses, tags, and stamps, or indirectly, through the federal excise taxes on hunting, recreational shooting, and angling equipment. It is clear that hunters are a significant

force behind our Nation's conservation efforts.

In your opinion, what is driving the decline in license purchases, and what are the potential ramifications of the lost revenue to the wildlife conservation efforts?

Ms. Pauley. Senator, we could probably spend the rest of the time talking about potential reasons behind the decline in hunting. I am going to say it is everything from a society that has moved away more from rural areas and is more urbanized; they have more time commitments, so it is an issue of priority setting; just the loss of that passing down of one generation from another. Many of us grew up hunting because we had grandparents or parents who do the same. So much of that, I think, is just related to societal changes, et cetera.

But you bring up an important point. Much of the conservation efforts over the last eight decades are because of hunters and anglers. You mentioned the percentage, very high percentage, coming either from license fees or from the excise taxes. So, hunters and anglers have done their part. They have paved the way. It is because of them that we have the conservation success stories, but the formula going forward has to be different. It has to be something picked up by all of us.

Senator Boozman. Right, I agree, and that is the point. We are going to have to backfill that. Again, I think we have got a great opportunity to do that. That is what this bill is

all about, is providing an opportunity.

Thank you, Mr. Chair.

Senator Carper. Thank you. Senator Cardin?

Senator Cardin. Thank you, Mr. Chairman, and let me thank all of our witnesses for your commitment to our environment.

There was an article in this morning's paper about the manatee in Florida, 15 percent loss by starvation this year. That is a climate change issue. We recognized that with sea grasses and their diet. But it is a reality of a species that is certainly at risk. We could mention so many different areas where additional resources are needed.

So, I want to get this bill to the finish line. But let me ask you a couple questions on this. This is a significant increase in funds, and the capacity to use those funds appropriately is something that we all have to be concerned about. I appreciate the accountability issues that you have already mentioned that are spelled out in this legislation, and I know your intent. I trust what you are saying, that this bill could be very well-implemented in that way with the supervision of the Fish and Wildlife.

But I have also seen what has happened in the previous Administration, where we thought we gave pretty direct guidance through our legislation, only to see the way it was implemented on the environmental side, totally inconsistent with the

bipartisan efforts here in the United States Congress. That is not an attack on one party; it was on one Administration I am referring to at this point.

So, when I take a look at this bill, and I see a great deal of discretion here, I am a little bit concerned as to whether I need to be more direct in the legislation itself to make sure we don't run into an Administration that looks at this as a way of providing resources for reasons not related to the purpose of this bill. How do you alleviate that concern? Mr. Ashe, you have been involved in this.

Mr. Ashe. Thank you, Senator. Good morning. Barbara sends her best.

Senator Cardin. You are already warming up to me.

Mr. Ashe. She would kill me if I didn't say that.

Yes, accountability is an important issue. I would say again, for me, and realize my bias and perspective as a former federal agency career employee and political appointee, I think when you are talking about moving money off-budget, which this bill does, it severely restricts accountability. The annual appropriations process is the way that the U.S. Congress constrains and manages accountability in a very direct and real way.

I think here, the big decision for you is, when you move something off-budget, you are saying it is more important that

U.S. Fish and Wildlife Service funding; it is more important than National Park Service funding; it is more important than border control funding; it is more important than anything else that has to compete in the annual appropriations process and demonstrate effectiveness.

So, I think for you, as you think about accountability, that is really the threshold question that you have to reach. You are considering putting that much money off-budget.

Senator Cardin. I accept that. But what I am really asking, and maybe Mr. Wood, you can help me on this, is there more specifics that we should be directing in the legislation itself to protect against efforts made to politicize these funds not for its intended purpose?

Mr. Wood. I think there are efforts you could do. The Blue Ribbon Panel on which RAWA is based focuses on proactive, voluntary State programs designed to protect the 12,000 species that the other panelists have mentioned. I think that is clearly the idea behind the bill, but some cement language could be incorporated to make that even more clear.

Senator Cardin. I was going to say, this would be an ongoing process. If you have some specific suggestions, any one of the four of you, I would appreciate it.

I want to get one other point in during my five minutes, and that is, it is a significant increase, but it is also then

going to be a higher burden on the match on the non-Federal funds. Are we confident there is enough interest out there to meet the match at the higher levels?

Mr. O'Mara. Yes, and I will defer to Sara, but I ran the Delaware agency, so we talked to the Maryland agency. I mean, like, the match resources, we do not believe are going to be a problem. There was a survey that Sara can speak to, of all 50 State agencies.

Ms. Pauley. I would love to speak to that. The Association of Fish and Wildlife Agencies did do a survey of States. The States are very confident that they can meet these match requirements. We have a match report that we can provide to this committee that has a host of very innovative ideas. We are RAWA-ready, and I would hope that you would look through the six levels of accountability we are providing to these committee members, too.

Senator Cardin. Okay. Mr. Chairman, I just wanted to get that on the record, because once this bill is enacted, a year or two later, when we get a request from our States to reduce the match, let us be clear that there is at least a commitment here that they are able to make the match that is in the bill.

Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Cardin. Next, Senator Whitehouse will be recognized, followed by Senator Padilla.

Welcome. Good to see you.

Senator Whitehouse. Thank you, Chairman, and thank you to all the witnesses for being here.

I was an early cosponsor of this bill, and I am happy to support it. But I do want to take this opportunity in front of Senator Padilla, from a coastal State, myself from a coastal State, Senator Cardin from a coastal State, our Chairman from a coastal State, to point out what I see as a persistent bias in conservation and wildlife measures toward inland and upland projects versus coastal projects, towards freshwater projects versus saltwater projects.

Those of you who are involved in the conservation community know that the conservation community was busy calling me when we were trying to reauthorize Land and Water Conservation Fund, strengthen Land and Water Conservation Fund, make permanent Land and Water Conservation Fund. I always said, I am for this, but the money disproportionately goes to upland and inland uses. There is a huge discrepancy between what inland States get and what coastal States get if you adjust for population. Then when you go to the coastal States and you adjust for whether it is an inland and upland use as opposed to a coastal use, the bias gets even worse.

The conservation community always says to me, yes, but you will be with us on this one, and we will remember; we will stand

by you; we understand that oceans and coasts are being short-changed. We will be there for you.

Well, it is getting to be time for that day to come, because the dangers to our coasts are very, very real. The environmental upheaval that is happening along our coasts is very, very real. Ask a fisherman. We have refuges in Rhode Island, and they are all coastal, and they are all subject to sea level rise. Six to ten feet anticipated right now for Rhode Island, six to ten feet. Think about that.

And you put a storm behind that, and you have added that much sea level rise, and it is piling up on the shore. It is not just six to ten feet any longer; it is not just bathtub levels. Now it is blasting these refuges right off our coast.

I just want to send the alarm signal that this has to change. I don't know how I can make that any clearer, and as we work towards getting this bill done, which I support, I think it is going to be really important for those of us from coastal States to get reassurance that this isn't just going to go to more inland, upland, and freshwater resources. I am preparing a bill to change the name of the Land and Water Conservation Fund to the Upland and Freshwater Conservation Fund. Let us at least call it what it really is, and then we can address the problem of how we protect oceans and coasts in parallel.

I don't know if that is going to get very far. I doubt it



will, but it will for sure make the point that we have got to fix this. On behalf of coastal States everywhere, the days of the conservation community saying, don't worry, your day will come, someday, in the dim and distant future, someday, we will show up and help you.

This has to be that day. I have been here quite a while now, and I have been fobbed off and fobbed off and fobbed off over and over again, and I am sorry, Mr. Chairman, but enough. There is a point where even a patient man's patience is exhausted.

Mr. O'Mara. Senator?

Senator Whitehouse. Go ahead and feel free to respond, and also, you know, there has been a lot of talk about the Endangered Species Act. You might want to talk a little bit about how applying this effectively will actually head off species being listed and would actually be quite a good thing with respect to the Endangered Species Act.

Mr. O'Mara. On the point around funding, this bill actually, with your team's help, addresses two of the long-standing inequities with some of the other funding programs, in that it is land and water-based in terms of the landmass, but then also having the variability of listed species, which, obviously, are more coastal in their nature, right, it is places that have riparian corridors or issues. So like Rhode Island,

Rhode Island actually does better under this bill than Land and Water projects, LWCF, for example.

Senator Whitehouse. That is one of the reasons I am cosponsoring it.

Mr. O'Mara. I appreciate that. My commitment to you is like, I have taken a beating for supporting the RISE Act. That has to get done this Congress, because if we don't figure out the allocation issues for the revenues coming from the new, from offshore wind and everything else, we will never get ahead of it.

So I am shoulder-to-shoulder with you on that. I would like to see that get done very quickly.

On the last point, we know that if we can save species before it needs, it is just like emergency medicine, if we can do that preventative medicine before you are in the emergency room, it is cents on the dollars compared to trying to do it after you are already in triage mode. A lot of the best examples are actually stuff your group has done, folks over the years trying to save species before they are at that point, and I think that is the whole premise of this whole model, that an ounce of prevention is worth a pound of cure.

Senator Whitehouse. Well, thank you, Chairman. I hope I have made my point.

Senator Carper. You have. You haven't disappointed.

Thank you.

We have been joined by Senator Lummis, and Senator Lummis, after you, Senator Kelly. Senator Kelly has a special guest today. It is bring your brother to work day. I hope he will introduce his brother, who is almost as distinguished as you, Mark. Then we will turn to Senator Padilla.

Senator Lummis, you are recognized.

Senator Lummis. Thank you, Mr. Chairman. I am glad we are having this hearing on RAWA because it gives us an opportunity to discuss one of the most important pieces of legislation in our committee's jurisdiction, the Endangered Species Act. From grizzlies, wolves, sage grouse, and more, this act impacts virtually every person who lives, works, or recreates in Wyoming.

With only a 2 to 3 percent recovery rate for species listed under the act, the ESA's implementation is in need of a major overhaul. There are several pieces of legislation pending before our committee, including one I introduced this week that would bring much-needed transparency and accountability to the act. I hope it is something that we would consider going forward.

My first question is for Mr. Wood. In your testimony, you observed and did a great job of expressing it, the importance of the constitutional principle of federalism. It is something

that I talk about almost every single time we have a hearing in this committee, in some form or fashion.

Federalism is the unique separation between the Federal Government and the States with regard to powers and responsibilities. You have talked about it, I think, in very appropriate terms.

Mr. Wood, can you speak to how Congress intended the Endangered Species Act to reinforce federalism when it comes to wildlife management?

Mr. Wood. Absolutely. If you go back to the original debates, it is really quite clear. Many of the most controversial parts of the Endangered Species Act were really looked at as a last line of defense to prevent extinctions. They weren't supposed to apply to every single listed species, and it was precisely to create the right incentives for States and private landowners to take the leadership.

The things we have talked about doing under RAWA to conserve species before they are listed also work for species that are listed. If you get the incentives right, if landowners are encouraged to conserve and restore habitat and recover species, that is what you will get. The problem is, unfortunately, too often, under ESA regulations, we penalize those landowners. Their land is worth less because they accommodate a rare species or they conserve habitat.

Senator Lummis. Well, I am so proud of Wyoming's game and fish and its efforts in sage grouse. You all know, Dan Ashe, when you were Director of U.S. Fish and Wildlife Service, what a great job Wyoming did on sage grouse. So we have a longstanding commitment to recover species and, in fact, even have a wildlife trust fund that we use to leverage opportunities to conserve species.

Mr. Chairman, a few weeks ago, I and several Senate colleagues wrote a letter to you and subcommittee Chair Duckworth asking for a hearing on a bill that would delist the Yellowstone grizzly. Since writing that letter, the Interagency Grizzly Bear Study Team, made up of the U.S. Fish and Wildlife Service, the U.S. Geological Survey, and others have revised the population numbers from about 750 grizzly bears to 1,070. So this is more evidence that the Greater Yellowstone ecosystem grizzly has recovered and has been recovered for a long time.

Mr. Wood, and Ms. Parker, how important is prompt delisting under the ESA to maintain good relationships with States and landowners?

Mr. Wood. I will be quick to reserve some of the time.

It is absolutely critical. If you are a landowner, if you are a State, you have probably worked years or decades to get to that point. Delisting is the reward for you, and if we deny that to landowners, we discourage efforts to recover other

species down the road.

Ms. Pauley. Thank you, you said it beautifully, that that transparency and just the dependability of what the act is intended to do, so people can have that assurance going forward.

But Senator, you mentioned the example, and I just have to use this little bit of time to mention that, again, the value of the States and their boots-on-the-ground is oftentimes, when a species is potentially listed, States can go back in and do additional inventory and monitoring, and in Missouri and many other States, determine that there actually are healthier populations, more abundant populations than originally thought, and actually keep species off of the list.

So again, the value of those additional boots-on-the-ground and the great role that the States play.

Senator Lummis. I remember going out and helping inventory Wyoming toad at some of our high plains fishing areas. So you are right, boots-on-the-ground make a difference.

I want to thank you all for your testimony, and Mr. Chairman, I yield back.

Senator Carper. Thank you. Thanks for those questions, and thanks for joining us today.

I am not sure if I have the right Kelly over here, but sitting next to Senator Padilla is, I think it is Senator Mark Kelly, but I would be delighted if you would introduce your

special guest.

Senator Kelly. Mr. Chairman, you never know.

Senator Carper. We have all had experiences, I suspect, in school the years gone by where we were in a classroom in school and somebody had an identical twin.

Senator Kelly. We did that on a space flight once. I went into space instead of him. It all worked out fine.

[Laughter.]

Senator Kelly. Thank you, Mr. Chairman. I want to begin by discussing the potential benefits that the Recovering America's Wildlife Act provides the tribal communities.

Mr. O'Mara, good seeing you again, and this question is for you. I want to start by asking for unanimous consent on a couple of letters. Mr. Chairman, asking for unanimous consent to enter into the record a statement from Ms. Gloria Tom, she is the Director of the Navajo Nation's Department of Fish and Wildlife, highlighting the benefits that this bill would provide to the Navajo Nation.

Senator Carper. Without objection, so ordered.

[The referenced information follows:]

Senator Kelly. I would also like to ask for unanimous consent on another letter signed by more than 100 tribal nations urging Congress to support the passage of this bill.

Senator Carper. Without objection, so ordered.

[The referenced information follows:]



Senator Kelly. Thank you.

Mr. O'Mara, Arizona is home to 22 Tribes who all play a role in wildlife management on their tribal lands. Yet many of the federal programs, which fund wildlife conservation efforts, are only allocated to States, not to tribes, even when species needing conservation assistance are exclusively located on tribal land.

Mr. O'Mara, could you provide a brief overview of what current federal resources are available to tribes to help fund conservation efforts and, if enacted, how could RAWA help support tribal conservation efforts in ways that the existing federal programs cannot?

Mr. O'Mara. Right now, thank you, Senator Kelly, tribes are responsible for the management of almost 140 million acres across the Country, and many are lands that have faced disproportionate climate impacts: drought and extreme fire conditions. Yet the entire allocation through the appropriations process is about a \$6 million competitive grant program that they all have to compete for every single year.

So, there is no base funding. They have been systematically excluded from Pittman-Robertson and Dingell-Johnson and the other major wildlife funding for years. It is one of the great injustices, frankly. This bill would have \$97.5 million available every year through a non-competitive

grant program that the tribes want to work out directly with BIA, and it is a game-changer.

Frankly, the cultural knowledge, the knowledge that they will bring to conservation, what we can learn from that, I think, is going to be transformative. But I can't say it better than Gloria Tom's testimony or the testimony from the Native American Fish and Wildlife Society. so I would just encourage your colleagues to read the testimony from Gloria, because she is amazing.

Senator Kelly. Okay, I will take a look at that. I want to, kind of on a similar note here, talk a little bit about the metrics that are used in RAWA to determine how this funding is going to be allocated even outside of the Tribes.

Every State has different geography, different climate, different conservation needs. It is important that the federal formula that is used takes these differences into account.

In Arizona, we have the third-highest species diversity of any State in the Country. Yet because of the many different ecosystems within Arizona, and because we have a large share of federal, State, and tribal land, it is often difficult for our State to benefit from federal wildlife conservation programs, which focus on specific types of ecosystems, species, and land management practices.

Mr. O'Mara, how does RAWA try to address the geographic

diversity within and among States when providing funding for conservation assistance, and what factors does the bill use to determine the share of wildlife funding that each State and tribe will receive?

Mr. O'Mara. The traditional formula has been kind of population and land, which is just insufficient. It doesn't get at need. So negotiations in the House actually had this idea of having an additional variable of the number of listed species that are either threatened, endangered, or a candidate species as a proxy for States that have particularly distressed ecosystems that need help.

Under that formula, Arizona does better, because it has more species that are in trouble than other States than before. I think this is where the iterative process in the House has been constructive because it is the first time a need variable, as opposed to just a size or people variable, which isn't necessarily the greatest proxy, has been used.

I do think it is going to make a big difference, to make sure that money winds up in the right places. When you add that to the accountability and some of the other innovation grants from multi-State collaboration, all of a sudden, a State like Arizona that has been disproportionately unsuccessful in some of those funding allocations all of a sudden would do well.

Senator Kelly. Then, does that or a similar formula apply

to the non-competitive grant money that Tribes can receive as well?

Mr. O'Mara. Yes. So, the Tribes have requested that they be able to have those consultations with BIA and to figure out that system, but yes, need with be a portion of that conversation.

Senator Kelly. Well, thank you, and thank you, everybody, for testifying today.

Senator Carper. I just note, Senator Kelly, that your brother is sitting back over my right shoulder, and his lips were moving when you were speaking, and I don't -- you guys have perfected this to quite an extent.

[Laughter.]

Senator Carper. We welcome the both of you today to the hearing. Thanks for those questions. Senator Padilla, Senator Padilla is next. Senator Padilla, I am going to ask you to hold the gavel. I am going to send it right over to you. I am going to step out for a minute. I will be right back, okay? So, you can just, anything you want to pass, get done, unanimous consent, be careful.

Senator Padilla. [Presiding.] Shifting resources to California this morning, thank you very much.

Thank you, Mr. Chairman. I am glad to be here today. Before I jump into my questions, just a quick commentary about

how thrilled I am we are talking about wildlife conservation. The biodiversity crisis, not just in California, but across the Country and around the world, is absolutely here. Wildlife managers and their partners are faced with the intertwined emergency of the climate crisis. I am grateful we are able to have this conversation about how we can best conserve wildlife.

Let me start with a California success story. California has demonstrated how we can conserve species, with one example being the southern sea otter recovery work, which is led in part by the Monterey Bay Aquarium, a world-renowned institution.

But perhaps the proudest example is the California condor, which, as many of you know, was once at significant, significant risk. A whole bunch of groups working together, starting with the U.S. Fish and Wildlife Service, a number of State agencies, the San Diego Zoo Wildlife Alliance, the Peregrine Fund, Oregon Zoo, Los Angeles Zoo, a ton of wildlife societies and several other prominent, non-profit partners provided critical genetic management, breeding, rearing, and releases into the wild to aid the recovery of this iconic California condor.

I lay all that out just to show how simple it is not, right? It is a process. It is complex. There is many elements to it, and a role for so many to play. But from a population low of 22 birds, a handful of years ago, the species is now being down-listed with a population of more than 500 California

condors, more than 300 of which are living in the wild. The assistance provided by our federal agencies helped make this recovery success story possible.

I am supporting this bill today because I believe we need to increase funding for wildlife conservation, and because I understand that there is a shared responsibility among the many partners.

Question. Mr. Ashe, how are AZA-accredited aquariums and zoos situated to help advance species recovery programs in collaboration with State, federal, and tribal agencies, as well as other partners?

Mr. Ashe. Thank you, Senator, and the California condor is kind of a perfect example. In my oral testimony, I spoke about a partnership that we have started with Florida Fish and Wildlife Conservation Commission to help save Florida's reef track from an emerging disease. In Sara's home State of Missouri, the Saint Louis Zoo is working with the Missouri Department of Conservation on hellbender and American burying beetle and other species.

Unfortunately, I think the extinction crisis means that our members are going to be called on more often to jump in. I know in California, I have recently had conversations with Chuck Bonham and with Paul Souza, the Regional Director for the Fish and Wildlife Service, about how we can bring our members

together to have specific conversations about how we can prepare for these, what are almost certain to be emergency situations where species have to be taken into human care.

So, our members are ready. Certainly, the funding provided through this bill will help, because space and infrastructure and human capacity are what is going to be important to duplicate the successes we have seen like the California condor.

Senator Padilla. Thank you. Just to follow up on that, what are some of the ways in which federal partners, the Federal Government, a number of departments and agencies, can support the work of aquariums and zoos? Certainly, there is always a desire for additional resources and funding, but other strategies that you would like for this committee to consider, in both the measure before us, but also just broadly and ongoing relationship and partnership.

Mr. Ashe. Of course, my main point today is a better balance and a better reflection of the kind of interdependence in conservation, and that the federal role is absolutely essential. The condor success wouldn't have happened if the Fish and Wildlife Service didn't have the funding to support organizations like the Los Angeles Zoo and the Peregrine Fund. So that federal funding is absolutely essential.

Looking forward, I think there needs to be some specific recognition and infrastructure support for our members, like the

Monterey Bay Aquarium. They are kind of holding southern sea otters. I also quite honestly think there needs to be some kind of relaxation of certain regulation, like the southern sea otter. Monterey Bay Aquarium is put in the position of having to euthanize young sea otters, because they don't have the space for them. So they are rescued, but they don't have the ability to care for them, because they don't have the space. They can't be exported because of restrictions in the Marine Mammal Protection Act.

But we have participating zoos in Europe and Australia and other places that could, that would be anxious to hold those animals if we could export them. So I think to some extent, looking at existing regulations and how we might be able to change them, I think, is important.

Senator Padilla. I look forward to following up with you on that.

Mr. Chairman, I know my time is about up, but I do want to ask just one question that our colleague Senator Kelly brought up, unique dynamics and concerns as it pertains to tribal governments. A big part of mine is more than 100 federally recognized tribes in California alone, and I want to make sure that the Federal Government upholds its trust responsibility and respects tribal sovereignty and governance.

In many contexts, it means ensuring that tribal governments



don't have to go to the States to compete for funding, as Senator Kelly laid out, but instead are able to receive or access funds directly from the Federal Government. We know that in California, a number of examples, tribal nations carry out important conservation work, leveraging their historical and cultural knowledge.

I commend the authors of the bill that is before us today for understanding that unique and important role that tribes play in natural resource preservation and providing dedicated funding for tribal wildlife conservation.

I did, for the record, want to ask Mr. O'Mara, your written testimony includes a quote calling the bill a game-changer for tribes. Can you spend a minute just talking about the importance of this bill for tribal sovereignty and respect?

Mr. O'Mara. Thank you, Senator Padilla, and thank you for your leadership on this and being one of the earliest cosponsors.

Tribes, as you said perfectly, their historical knowledge, cultural knowledge, the scientific knowledge, is incredible, and the fact that that has not been resourced other than a small \$6 million competitive grant program is one of the greatest failings of wildlife recovery in this Country. I think the \$97 million annually is a great start to begin to address the historical inequities.

But when you look at the landscapes and you look at, also, where most of the tribal nation lands are, they are lands that are facing disproportionate impacts from drought and fire and other concerns. So the species, many of which are uniquely on tribal lands, to have the ability to actually have resources for the first time, for them to engage in conservation on their own lands, but also in partnership is transformative. So I appreciate your compliment that respecting the sovereignty is so important.

I will say that one of the reasons I think that it makes sense, and one of the reasons you had a letter from 100 different tribes is that the tribes actually wrote a big part of that section. It wasn't folks assuming, but again, having those authentic consultations. I cannot say enough about the Native American Fish and Wildlife Society. Their leadership, and having conversations across all different jurisdictions, with all different sovereign nations, has been spectacular, so their leadership is just amazing.

Senator Padilla. Wonderful. Definitely a solid foundation to build on. I look forward to supporting this measure. Thank you, Mr. Chairman.

Senator Carper. [Presiding.] Thanks so much for joining us. Thanks for those questions, and thank you for taking the gavel for a few minutes and giving me a break. Thanks.

I have about three or four more questions I want to ask. I am going to finish up around 1:00 o'clock, and no, it won't take quite that long.

I want to start off with Dan Ashe and talk a little bit about the importance of the Federal Recovery Plan. Considering the collaboration that is necessary across not just State or local levels, but across all levels of government, would you elaborate on the on-the-ground implications of providing sufficient resources only to States and Tribes, and not to federal agencies? Particularly, let me just say, in particular, how might lack of funding for recovery planning impact State's efforts to recover threatened and endangered wildlife under the Recovering America's Wildlife Act?

Mr. Ashe. Sure. I think reference was made earlier several times to waterfowl conservation, and I think that is a prime example of where we have achieved tremendous success in conservation of waterfowl. It has been led by the U.S. Fish and Wildlife Service, and it has been driven by the Migratory Bird Treaty Act. So I think that is the type of example.

When we are talking about monarch butterfly conservation, you can't conserve monarch butterflies from Iowa or North Dakota or Minnesota; it requires cooperation with Canada and Mexico, in particular. Because if we don't protect the wintering grounds and reserves in Mexico, all of the conservation effort in the

United States is meaningless.

So, it is absolutely essential to have a strong, effective capacity within the U.S. Fish and Wildlife Service. Senator Whitehouse mentioned the coasts and NOAA fisheries, if we are going to drive ocean and coastal conservation. So that leadership is essential. I would say we are talking a lot about proactive, voluntary, incentive-based conservation.

Senator Cardin opened up talking about manatee. The issues around conservation of manatee are full of conflict because it is going to involve issues of runoff, and what is driving the loss of seagrass beds in Florida. So the States have their own politics.

The presence of federal agencies often, in my experience, is a benefit to our State agencies, because the Fish and Wildlife Service becomes the heat shield on some of these really significant political issues that are difficult for them to deal with in wildlife conservation. So that role is absolutely essential. Thank you.

Senator Carper. Thanks very much for that response.

I am told that the Senate is going to be, if they are not already voting they are going to start voting pretty soon, so I thank you for that response. I am going to ask our witnesses not to linger too long in your responses but cut right to the chase. Thank you.

All right, Collin, please. With your exception, Collin.

Mr. O'Mara. I always talk quick, so I will try to be brief.

Senator Carper. He is the fastest talker, ladies and gentlemen, I have ever met. When he first came to Delaware to become our Secretary of the Department of Natural Resources and Environmental Control, I think he might have been 30 years old, and he was a fast talker then. He has slowed down a little bit since.

Let me ask a question. Maybe you are reading my mind, who knows. Consultation is a process that federal agencies undertake in order to ensure that federal actions like infrastructure development, for example, will not harm threatened and endangered species. We actually have some great provisions in the infrastructure bill, as you know, to protect and their habitat.

If federal actions may harm an imperiled species, agencies use, as you know, the consultation process to minimize and try to mitigate that harm.

The question would be, do you believe that the U.S. Fish and Wildlife Service currently receives sufficient funding to undertake these consultative activities, which are critical to the survival of imperiled wildlife? And would you elaborate on the important of ensuring that the Fish and Wildlife Service

receive sufficient resources for these activities, please?

Mr. O'Mara. In Delaware, when we were dealing with the Recovery Act money, or the Sandy Supplemental Resource that you provided, the partnership with Wendi Weber and the Fish and Wildlife Service was essential. To get those projects done, the restoration in Mispillion Harbor, the improvements in so many places. So no, there are vastly insufficient resources for consultation. I was disappointed.

I was excited, both in your work and the House's work in trying to have more resources in the Build Back Better Act. I am grateful for the resources you were able to put in the bipartisan infrastructure package. But it does concern me that we are not going to have sufficient resources, and that could be an impediment to the infrastructure work we want to do.

I think when it relates to recovery that having resources, as long as it doesn't upend the balance of the bill, I also worry that the delay is deadly, and so trying to figure out a way to do that in a bipartisan way is going to be important. But from my experience as Secretary, the benefits of having that partnership were incredibly important.

Senator Carper. Okay, thank you for that. Thank you for that response.

Dan, I am going to come back to you for another question, and that is, Partners for Fish and Wildlife. The Partners for

Fish and Wildlife Program, which this committee successfully reauthorized, I think, about two years ago in 2019, is one of the most popular federal programs for working with landowners to conserve wildlife.

Over the last five years in our State, in Delaware, this program has delivered something like 26, 27 habitat restoration projects over 600 acres. In some States, that might not sound like a lot of land, but in Delaware, that is a lot of land.

For every dollar the Fish and Wildlife Service invests, non-federal partners contribute approximately \$7.50, an impressive ratio. These projects have supported species like the American eel, the woodland box turtle, wood frog, and many migratory songbirds. Despite the success of this program and its ability to leverage non-federal funding, there is substantial unmet financial need for it.

Having worked to administer this program as the Director of Fish and Wildlife Service, would you elaborate based on your experience on the importance of this program and others like it to work with private landowners to conserve wildlife?

Mr. Ashe. Thank you, Senator. A lot has been said here today about incentive-based conservation and cooperative conservation. I would say the Partners for Fish and Wildlife Program in the Fish and Wildlife Service is a model for that. I certainly applaud State colleagues for the work that they do,

but it is not just a province of State and tribal agencies.

The Fish and Wildlife Service was a pioneer with their Partners for Fish and Wildlife Program in working with private landowners on incentive and voluntary-based conservation and working with and through the Natural Resource Conservation Service on the Working Lands for Wildlife Program.

Our Partners for Fish and Wildlife Program has been a principal agent there in building a relationship with NRCS that then builds a relationship with private landowners.

So that is not a province of State or federal or tribal or local government. It is a bedrock principle in conservation. I think the Partners for Fish and Wildlife Program in the Fish and Wildlife Service embodies that and deserves equal access to funding to support it.

Senator Carper. Thank you.

I don't mean to pick on Collin O'Mara, but I am going to ask you maybe one more, Collin. As you may recall, when I was privileged to serve as governor for our State, we had eight balanced budgets in a row. The governors before me had significant success in terms of fiscal management. The ones that succeeded me, as well. That is something that we take great pride in.

Recovering America's Wildlife Act identifies unobligated environmental penalties as its funding source. This appears to



include some Superfund cleanup recovery dollars and criminal fees. Because these dollars currently go to the Treasury, a funding source may not effectively pay for this legislation. At least, that is a concern that we have heard.

Your testimony also states that this funding source will not draw from funding committed to other important funding programs. However, this funding source does seem to allocate penalties derived from Superfund disasters for wildlife protection. That is a concern, especially because those Superfund fees reimburse the government for cleanups that may have already occurred where a third party was found liable. In addition, there are sufficient unmet funding needs related to Superfund cleanups.

Question. Have proponents of the Recovering America's Wildlife Act thought about any funding source that would fully pay for the legislation and that might address this policy concern that I just touched upon? Would you commit to working with us on this aspect?

Mr. O'Mara. Thank you for the question. The intent is not to touch any funds that are directed for any current purpose, so if there are improvements to the language, we would like to work with you on that. I have been searching, and actually, we have been searching for an elusive kind stable pay-for that both sides of the dais can agree on for four years. It has been

incredibly difficult. If there is an idea that you and your team have, I think this is an idea that Senator Blunt, with his leadership, saw as something that had a nexus, had a point.

If you look over the historical amount going into the Treasury over the last 10 years, if you kind of define it broadly, it well more than covers the 10 year score. But it is uneven year to year, and it is unpredictable in some ways. But the 10-year average is good.

What I want to make sure is that this doesn't become the reason that the bill doesn't pass, because as I said in my testimony, I just think the inaction is the greatest ally of extinction right now. So if there is a better mousetrap, we would love to discuss it.

Senator Carper. Thank you.

Dan, would you just follow up to the question that I just asked Secretary O'Mara, do you have any concerns about the funding source that is identified in RAWA? Do you have any concerns?

Mr. Ashe. My concern is a little bit, I think I have the same concern that you do. As I looked at it, I immediately thought about the Deepwater Horizon settlement, and \$5.5 billion in Clean Water Act penalties went to restoration.

They are not directed to go there by law. They are normally deposited into the Treasury, and they were directed

through the settlement agreement to go to restoration.

So when I read this, my immediate concern was, is that going to short-circuit that process and require these funds to be deposited to support this bill? My recommendation would be, talk to somebody at the Department of Justice, maybe somebody like John Cruden, the former Associate Attorney General for Environment and Natural Resources, who worked on that settlement, and get some advice from those people.

Senator Carper. All right, thank you.

I don't have a specific question for either Ms. Pauley or Mr. Wood, but each of you take maybe a minute apiece, with just a quick closing thought that you would like to share with us before I go vote. Ms. Pauley, one minute.

Ms. Pauley. Thank you so much, Senator. I think I want to hit just some of the points in the questions that have come up more recently. It seems a little bit that we are pitting the States against the Fish and Wildlife Service, and I hope that that isn't the case. We do so much amazing work with our federal partners.

In the Midwest, we have such a healthy relationship where we work very collaboratively with the Fish and Wildlife Service on shared conservation priorities. So I want to make sure that the members of this committee understand just how important that relationship is with the Fish and Wildlife Service.

Again, I will hit the point that, from the Blue-Ribbon Panel and their focus, to the development of this legislation, the intent of this legislation has been to, at long last, provide critically important funding to State fish and wildlife agencies to actually, at long last, implement those State wildlife action plans. That, to date, has been the focus of this legislation, so I just want to make sure that we are all clear that conservation takes all of us. Those federal partners are critically important.

The last point I would make is just, as a director of a fish and wildlife agency, such a key piece of this legislation is the long-term dedicated funding nature of this so that we can actually make decisions of a long-term nature. We talked about in the beginning, conservation doesn't happen overnight. There are no easy decisions. By the time they get to me, just like you, there are no easy decisions. It takes the long view and that dedicated, sustainable funding source is so critical to make these key management decisions to be able to provide additional staffing capacity.

So I would call upon the committee to keep that under consideration. Thank you so much for your time.

Senator Carper. Thank you for yours, and for your leadership over the years.

Mr. Wood, try to hold it to about a minute, if you could.

Mr. Wood. Absolutely. I want to echo my thanks for inviting me and pick up on that similar point. I think there are really important reasons to focus conservation work through States, rather than the Federal Government. Because States have that flexibility, they have buy-in.

But one point we haven't emphasized so much that I go into in my written testimony is landowners are more comfortable working with States, because most of their interactions with the Fish and Wildlife Service begin with regulation or a listing before you get to the how can we collaborate. That can alienate landowners.

So you are more likely to get buy-in from landowners and actual, on-the-ground conservation if it starts in that dialogue with the States, of how can we solve problems, rather than how can we impose regulations to try to control that you might do.

Senator Carper. Thank you very, very much for taking this time, for preparing and for joining us and responding to our questions.

I would just mention something that had been shared with us. We are folks from all over the Country, folks with different kinds of opinions on these issues and all. But someone has raised the issue, and I will just share what they have brought to us. They said while some States have had to dramatically tighten their belts and cut spending to address

this pandemic, we have also found that overall, the impacts of COVID-19 on State budgets were not as severe as we had feared earlier in the crisis.

They went on to say, in fact, according to the National Association of State Budget Officers' fiscal survey of States published in spring of this year, State total balance levels, in other words, that is your State rainy day funds, add that to their general funds year-ending balances, reached \$126 billion in Fiscal Year 2021, the year that, I think, for most States, ended on June 30th. This is up from about \$122 billion before the pandemic. They are actually in better shape fiscally after than they were going into the pandemic, which was a surprise to me.

By contrast, federal deficits have increased, as you know, as the Federal Government has jumped in and injected badly needed COVID-relief and stimulus funds into the economy.

In fact, in 2019, the total Federal deficit for that year was \$992 billion, \$992 billion, in 2019. In Fiscal Year 2021, the federal deficit, its immediate past year ended on September 30th, the Federal Government ran a deficit of \$2.77 trillion, due in large part to try to address the pandemic and really to help State and local governments to meet their responsibilities. The person who is raising these concerns said that the States, in terms of their fiscal positions, are not that bad right now.

The Federal Government is running a deficit in the current year of almost \$3 trillion, which is just, maybe except for wartime, unheard of. And the question is, this is shared responsibility. This is team sport. We need States, we need the Federal Government, we need other shareholders, stakeholders.

I just would have us and whatever person shared these comments with me, just that we need to keep that in mind. The Federal Government has the ability not to print money, but to really spend until the cows come home. That is what we are doing to try to get COVID behind us in the rearview mirror.

But someday, there is going to be a time when we are going to have to be fiscally responsible, and look at the federalism, the sharing of responsibilities with the States and make sure that our contributions are appropriate, both at the federal level, State, and local level, and with respect to other sources, too.

I am just going to close with that. It has been a great hearing. It has been a great hearing, and I applaud the leadership provided for us by Senators Heinrich and Blunt and those who joined them this cause.

Just a quick closing statement. I said earlier that the committee has a great track record of enacting bipartisan conservation legislation. You all have been a part of that. At

a time when the future of any species in our planet is uncertain, we need to act. We know that.

Right now, the Recovering America's Wildlife Act is, I think, a good piece of legislation. Obviously, you do too, and I think we can make it great. I look forward to working with members of this committee, with our other colleagues, certainly with the sponsors of the legislation and with our conservation partners to do that, and make it great.

Before we adjourn, a little bit of housekeeping. I would like to ask unanimous consent -- I love to ask unanimous consent when I am the only one here. It is one of my favorite things. I want to ask unanimous consent to submit for the record a variety of materials that include letters from stakeholders and other materials that relate to today's hearing.

[The referenced information follows:]



Senator Carper. Senators will be allowed to submit questions for the record through the close of business on Wednesday, December 22nd. We will compile those questions, send them to our witnesses, ask for our witnesses to reply by Christmas Day. Not really. We are going to ask you to respond by Wednesday, January the 5th.

With that, we wish you all, you and your families, happy holidays, and thank you for all that you are doing to protect God's creations on this planet.

With that, our hearing is adjourned. Thank you.

[Whereupon, at 11:59 a.m., the hearing was adjourned.]