

Testimony by Daniel M. Ashe
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Good morning Mr. Chairman and Committee Members. It's good to be here again, and let me start by just saying thank you for everything you do to help conserve wildlife and wild places.

I'm speaking today on behalf of the Association of Zoos and Aquariums, our accredited members and the nearly 200 million people who visit them every year, and trust them with the care of animals, in aquariums and zoos, and in nature. I'm also speaking on behalf of Defenders of Wildlife, its more than 2.2 million members and supporters, and the National Wildlife Refuge Association as the principal advocate for America's National Wildlife Refuge System, the world's largest system of lands and waters dedicated to wildlife conservation.

So, I'll begin by saying, we come in peace.

We are not here to argue against funding for State and Tribal fish and wildlife agencies. We're not here to argue about who has primacy, or who is more important. Those are the words of conflict.

Our message is simple. Conservation of wildlife is a shared responsibility. Our great successes are not individual; nor are they local, state, tribal or federal. They are the product of decades of shared effort and commitment. And my plea to you, today, as members of an institution revered as the world's greatest deliberative body, is to take some precious time and contemplate how this bill can better reflect the tradition of partnership and shared commitment that will be the keys to success. It is both possible and necessary to do this, by including funding for mandated, collaborative, and proven-successful federal agency efforts, and it will make this bill better and the results of your investment more enduring and impactful.

Let's begin by contemplating where we find ourselves today. We are living amidst our planet's sixth mass extinction event. The last was caused when a meteor struck the earth. The dinosaurs perished. Mammals evolved to fill the void. And now, one species of mammal – *Homo sapiens* – is driving this newest and escalating extinction event. It respects no political boundaries. It can't be stopped by efforts in Dorchester County, Maryland, or the State of Wyoming, or the Navajo Nation, or in national parks, forests, or wildlife refuges. It requires shared, collective and sustained commitment – and funding – at all those levels.

Knowing that I would be here, today, alongside my friend, Collin O'Mara, I studied the National Wildlife Federation website on the Recovering America's Wildlife Act. It's quite good. In fact, it makes both of our points convincingly.

It begins by highlighting the [summary conclusion](#) of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services or IPBES that worldwide, one million species are at risk of

extinction. The NWF site also notes that one-third of U.S. species are at risk of extinction. Exactly. We are battling an unprecedented human-caused extinction crisis. To recover America's wildlife, we need to fund and deploy our very best tools to slow and stop extinction.

And of course, NWF's site hits the proverbial nail squarely on the head, noting that "The Endangered Species Act is our nation's best tool to prevent species from sliding into extinction, but it has long been underfunded." [emphasis added] Exactly. Our best tool is underfunded. In fact, every study examining the funding necessary to implement congressionally mandated ESA recovery plans has determined that those plans are seriously and chronically underfunded. Those estimates put the costs for recovery implementation somewhere between \$1.6-2.3 billion annually, and the U.S. Fish and Wildlife Service 2021 annual appropriation for recovery was only \$105 million. And again, these are congressionally-mandated recovery plans, and the ESA compels federal agencies to conserve listed species and support their recovery.

NWF's website also highlights "12 Wildlife Success Stories". These stories are classic examples of how wildlife conservation is a shared responsibility across all levels of government, and how well-funded ESA recovery programs work, by bringing together partners, including landowners, local governments, states, tribes, and federal agencies. And with the exception of trumpeter swan, these are all ESA recovery success stories: bald eagle; California condor; swift fox; Foscett speckled dace; Karner blue butterfly; Kirtland's warbler; Licking River mussels; Louisiana black bear; monito gecko; New England cottontail; Delmarva fox squirrel; and trumpeter swan. I could add brown pelican, peregrine falcon, American alligator, humpback whales, Oregon chub, and dozens more to this list.

Let's look at a couple of these in a little more depth.

Bald Eagle: Recovery of the Bald Eagle is a national success story. Many people have played important roles, including states. In cooperation with the USFWS, the New York State Department of Environmental Conservation initiated the first Bald Eagle reintroduction project in the country, using birds from Alaska and "hacking" techniques adopted from falconry. In 1982, I had the privilege to participate in a joint reintroduction effort between the USFWS and Massachusetts Division of Fisheries and Wildlife at the Quabbin Reservoir. The birds came from Michigan, Manitoba and Nova Scotia. None of these projects would have happened without state-federal cooperation, and funding.

But let's also be honest and fair. Recovery of the Bald Eagle was made possible by one major and significant action – the banning of the use of the pesticide DDT. That action was taken by the U.S. Environmental Protection Agency, under the leadership of its first Administrator, William Ruckelshaus. Protection of eagles has been accomplished primarily through enforcement of federal laws, including the Bald and Golden Eagle Protection Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the Lacey Act.

California condor: Maybe no other species demonstrates how recovering America's wildlife is a shared responsibility. By the mid-1980s, due to historic persecution, and the pervasive toxic effects of DDT and lead ammunition, the USFWS made the bold decision to capture all remaining wild condors. In 1987, the last wild bird was captured; the entire world population, 27 birds, were in human care at the Los

Angeles Zoo and San Diego Zoo Safari Park. Essentially, the entire “genetic stock” of this population came from 13 founder animals.

Long story short, skillful husbandry and captive-breeding of California condors made this recovery possible. AZA-accredited zoos played a pivotal role, but also private conservation organizations, like the Peregrine Fund. Financial support came principally from zoo visitors, from private philanthropic donations, and from ESA recovery funds. Public lands have played a critical role as release, nesting and foraging habitat, including Hopper Mountain National Wildlife Refuge, Pinnacles National Monument, Los Padres and Kaibab National Forests, Grand Canyon National Park, and Mexico’s Sierra San Pedro de Martir National Park.

In 2013, California enacted Assembly Bill 711, requiring the use of non-lead ammunition, statewide, for the taking of all wildlife. This is a key step, because lead poisoning is responsible for 50 percent of condor deaths of known cause.

This spring, we will hopefully see another giant leap forward with the Northern California Condor Restoration Program. Condors bred at the Oregon Zoo and the Peregrine Fund’s World Center for Birds of Prey will be released in a cooperative effort between the USFWS, National Park Service and Redwood National and State Parks, and the Yurok Tribe.

Today, the population of California condors stands at over 500, including over 300 free-ranging birds.

Critics of the ESA often argue that species recovery is too rare. While we are not ESA critics, we agree. It is too rare. But it’s largely because we’ve starved recovery. It is grossly and chronically underfunded. It’s like a car without fuel. When we fuel it, it runs! And here, now, you have the golden opportunity to fill the tank, and to drive an entire new generation of success. Please do it!

And candidate conservation works. That’s what happened with New England cottontail and arctic grayling and what kept those species off the endangered species list. And it’s what is happening, today, with species like Monarch butterfly. Again, you have the opportunity to provide funding that will power more and more success and reward collaborative partnerships focused on species conservation.

And cooperative efforts, like safe harbor agreements, are what has driven success for species like red-cockaded woodpecker and gopher tortoise. And habitat conservation plans or HCPs have helped make places like Austin, Texas and West Riverside County, California the economically thriving communities that they are today, while conserving species and creating open space. Funding these programs, robustly, will prevent listings, recover species, and prevent downstream conflict and gridlock. That’s not speculation; it’s proven. You can build upon that proven success.

Consultation under Section 7 of the ESA supports federal agency action and is going to be a crucial ingredient in successful and timely implementation of the recently passed, bipartisan Infrastructure Investment and Jobs Act. Again, I’m not speculating here. The U.S. Fish and Wildlife Service and NOAA Fisheries already consult on over 10,000 projects annually. That’s mandatory consultation. These two agencies are about to be hit with a literal tsunami of federal agency actions in transportation, energy

and communications infrastructure. Investing in section 7 consultation capacity will support better project design, better species conservation, and prevent downstream delay and conflict.

And our nation's federal lands are often the cornerstones of species recovery and conservation. They certainly have been with waterfowl; Blackwater National Wildlife Refuge has been a center-pivot in the story of Delmarva fox squirrel recovery; Lost Padres and Kaibab National Forests and California condors; Everglades National Park, Big Cypress National Preserve, and Florida Panther National Wildlife Refuge, and Florida Panther; Yellowstone and Grand Teton National Parks, and Bridger-Teton National Forest, and Grizzly Bear. Buffalo Gap National Grassland and Badlands National Park and black-footed ferrets. And on and on. And these land managing agencies have mandatory duties to conserve species. Federal lands are cornerstones and efforts must be expanded to conserve wildlife across our public lands.

In summary, we are already struggling in the sixth mass extinction. It is the result of human existence, economy and ecology. Wildlife conservation is a shared responsibility, requiring combined effort and funding across levels of government. As the NWF has well-stated, the ESA is our "best tool", and funding its proven-successful, cooperative elements must be a part of any effort to recover America's wildlife. And by doing this, we'll be helping our economy, because we know that ignoring these congressionally mandated responsibilities, carries significant legal consequence. And wildlife everywhere ends up losing.

Enacting legislation that would automatically spend \$14 billion on wildlife over the next 10 years while ignoring the mandated, legally binding, and consequential responsibilities of federal agencies is, in my opinion, like watching a train wreck that you have the opportunity to avoid.

And that's my main point. Congress has mandated these responsibilities. They are historically, grossly and chronically underfunded. Failure to fund them now, when you are considering spending of this magnitude, seems to border on irresponsible.

And it's not just the amount of funding, it's the way funding is provided. RAWA proposes to provide state and tribes with automatic, permanent, and direct funding from federal taxpayers. It leaves federal agencies, which have mandated, legally enforceable duties, and strict, extensive accountability, to weather the vagaries of annual appropriations. That's a fundamental and important distinction and inequity that I would ask the Committee to ponder. To use a very technical term, it seems quite topsy-turvy, that those with the clearest mandate, the most significant legal liability, and the most stringent accountability, have the most constrained access to funding.

And you can do both and we believe you must. You can provide significant and needed support for state and tribal wildlife agencies, and you can support the federal agencies to which you have given mandatory and consequential responsibilities. You can amend this legislation to reflect the American model of shared authority and responsibility for wildlife conservation. And the record shows, clearly and convincingly, that is the pathway to success.

This is not hard. You have forged compromises on much more difficult issues. And even if you think it is hard, I'll leave you with the words of the great journalist Edward R. Murrow –

“Difficulty is the excuse that history never accepts.”

Thank you for the opportunity to present this testimony. We stand ready to help this Committee in any way possible.