

Committee on Resources

Witness Statement

**TESTIMONY OF JAMIE RAPPAPORT CLARK, DIRECTOR,
U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR,
BEFORE THE HOUSE COMMITTEE ON RESOURCES,
REGARDING THE ADMINISTRATION OF THE ENDANGERED SPECIES ACT BY THE
CARLSBAD FISH AND WILDLIFE OFFICE,
CARLSBAD, CALIFORNIA
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Introduction

Mr. Chairman and members of the Committee, I appreciate the opportunity to discuss the U.S. Fish and Wildlife Service's (Service) administration of the Endangered Species Act and the results of the Government Accounting Office (GAO) audit of the Carlsbad Fish and Wildlife Office. The Service welcomes any independent and external review of how we are administering the critically important Endangered Species Act. As you know, we have been working hard for a number of years to improve the way we administer the Act. We have developed a number of new programs to provide incentives to landowners to conserve endangered and threatened species on private lands. We have also focused attention on streamlining the section 7 consultation process and coordinating more effectively with Federal agencies to conserve listed species.

I am proud of the hard work that everyone in the Service does to administer the Endangered Species Act. We look upon the work conducted by the GAO as an opportunity to identify ways to further improve the administration of the Endangered Species Act at the Carlsbad Office, and apply those lessons throughout the country. We welcomed the GAO audit of the Carlsbad Office because of our confidence in our own efforts as well as an appreciation for recommendations on means to strengthen and streamline the operations of that office, and our belief that the California/Nevada Operations Office, Portland Regional Office, and Carlsbad Office would take the necessary steps to implement the recommendations of the GAO.

Administering the Act in the 21st Century

When Congress passed the Endangered Species Act in 1973 there were many environmental challenges facing our nation. The original purpose of the Act was to provide immediate protections to individual species on the brink of extinction. Species like the Florida manatee, the California condor, the black-footed ferret, the peregrine falcon, and the Hawaiian goose (nene) were all original members of the list. Last year, largely because cooperative recovery efforts, the peregrine falcon was removed from the list. Unfortunately, our successes are overshadowed by the ever increasing numbers of species on the list or waiting to be added. Today there are 1,233 domestic species on the List of Endangered and Threatened Species; this represents more than a 30 percent increase in the last 5 years. The list of candidate species that are awaiting Federal protection under the Act continues to grow.

Simultaneously, the challenges facing management and restoration of our nation's fish and wildlife have evolved. In the past 26 years, our understanding of natural systems has grown. We have learned that protecting larger pieces of habitat and considering the ecosystems upon which species depend is essential to their survival. We have also learned that for endangered species to survive in the future, fish and wildlife management must be practiced not only in America's wild places but also on its family farms, and in

industrial areas, community parks, and backyard garden plots. We cannot conserve species on National Wildlife Refuges and other Federal lands alone. The Service is challenged to recover endangered species and to do so while working with our partners in other Federal agencies, the States, tribes, local communities and the private sector.

These challenges are magnified by increasing pressures on our fish, wildlife, and plants. For instance, the human population of the planet has reached nearly six billion people. In the United States, the population is expected to increase by 125 million people in the next 50 years. This is 15 times the population of New York City. In addition to habitat loss, invasive species, persistent pollutants, international trade, and collection are growing threats to our nation's wildlife. It is difficult to imagine what our country will look like in 50 years, or to imagine the demands on our natural resources.

Challenges in California

No other area of the country better illustrates the challenges that the Service faces in administering the Endangered Species Act than California. This is in large part due to California's biological diversity, large numbers of unique species, and ever-increasing human population and development pressures on sensitive habitats. As science continues to show us, California is a "hotspot" for species and habitat diversity. From coastal wetlands through sage scrub communities, up to the mountains and across the desert valleys, California supports a rich diversity of fish, wildlife, and plant species. California is rich in ecosystem diversity and thus in species diversity; more than 1,000 fish and wildlife species and 6,300 plant species are native to California. The State of California is currently home to 275 federally listed, 7 proposed, and 12 candidate species (as of September 5, 2000), many of which are restricted to mere wisps of their former range. The State of California has its own strong environmental laws, including the California Endangered Species Act and the California Environmental Quality Act, that protect these natural resources. The passage of these laws indicates that Californians feel strongly about maintaining the integrity of their resource base. Nevertheless, the needs of the rapidly expanding human population in California magnified by California's booming economy and resulting development pressures have created competition over habitat. These conflicts are stark in southern California.

Southern California is one of the fastest growing regions in the United States with a projected population of 19 million people. Riverside County is one of California's fastest growing counties and its population of approximately 1.1 million in 1990 is projected to increase to 1.8 million by 2005. Orange County, although already very densely populated, will likely rise from its current level of 2.9 million to just over 3 million within the next four years. San Bernardino County's population is also on the upswing, with an anticipated increase from 1.4 million residents in 1990 to almost 2 million by 2005. Los Angeles County, already approaching the 10 million mark, is more populous than 42 of our nation's states. The Service's Carlsbad Office has one of the heaviest endangered species workloads in the nation with approximately 100 federally listed species within its jurisdiction.

The Carlsbad Office has been working to resolve conflicts between endangered species conservation and urban growth by improving coordination with the State of California, local jurisdictions, landowners, developers, the environmental community, and the public. With approximately 187 major cities within the six counties that are within the Carlsbad Office's area, coordination and the transfer of information continues to be a priority and a challenge. The Carlsbad Office holds monthly meetings with the Building Industry Association, environmental community, and California Department of Fish and Game and conducts a weekly conference call with Riverside County to track the development of the regional habitat conservation plan in western Riverside County. Since the 1999 House Resources Committee hearings, the Carlsbad Office has resolved several controversial section 7 consultations that have been of interest to members of Congress. These projects include the Corona Airport, Desert Adventures, Ritz-Carlton golf course, Mirada housing project, and Inland Feeder. The Carlsbad Office continues to focus on the development and implementation of the regional multiple-species habitat conservation plans in San Diego, Riverside, San

Bernardino, and Orange counties. These regional habitat conservation plans represent our most important efforts to provide for the long-term conservation of endangered and threatened species and to guide development to areas that are the most suitable for urban growth. However, the personalized customer service we are delivering in Carlsbad requires high staffing levels. Staffing at this level comes at the expense of other priority activities and the Carlsbad Office does not have the funding to increase its effort beyond current levels. The President's budget provides a balanced, yet prioritized, approach to address the challenges the Carlsbad Office must face in FY2001.

Results of GAO Audit

Although we understand that GAO has not completed its audit report, through our discussions with GAO and the exit interviews, we have been advised of some of its recommendations and conclusions. The Carlsbad Office has already begun to implement a variety of measures to address some of GAO's recommendations to improve its file management, record keeping, and project tracking systems to promote the timely completion of section 7 consultations and section 10 habitat conservation plans under the Endangered Species Act. We would like to focus on several specific actions initiated at the Carlsbad Office to improve its operations.

The Carlsbad Office has expanded its staffing to improve the delivery of priority work products to other Federal agencies, local jurisdictions, and other parties on the development and implementation of regional habitat conservation plans, completion of section 7 consultations, and review of environmental documents. To improve oversight and quality control of section 7 consultations and coordination with local jurisdictions on habitat conservation plans, we have added additional branch chiefs to the Carlsbad Office. We have also hired additional staff this fiscal year including 11 biologists, 2 supervisors, 3 clerical support, 1 public affairs officer, and 1 geographic information system specialist. However, our ability to retain experienced biologists is impaired by the heavy work loads, the high cost of living in southern California, and the stressful nature of their demanding jobs. Moreover, employees at the Carlsbad Office gain invaluable experiences, training, and skills that are actively sought by and recruited by other field offices. This fiscal year, seven biologists have left the Carlsbad Office for other career opportunities.

The Carlsbad Office continues to look for ways to improve the delivery of timely section 7 consultations. Carlsbad Office management has stressed to staff the expectation and need that section 7 deadlines be met. The office has been working with all levels of the U.S. Army Corps of Engineers to integrate the section 7 consultation process with the Corps' wetland regulatory program. The Carlsbad Office has hired additional biologists to meet the section 7 workload and is working to improve coordination with other Federal agencies to clarify priorities and needs.

We have improved the internal controls of the Carlsbad Office by increasing management oversight, and enhancing training for staff biologists. This fiscal year, our National Conservation Training Center has provided section 7, section 10, and listing training at the Carlsbad Office. The Portland Regional Office provided training for the Carlsbad Office biologists on section 404 of the Clean Water Act and the National Environmental Policy Act. We believe our significant investment in training at the Carlsbad Office this year will result in more effective administration of the Endangered Species Act in southern California.

The Carlsbad Office is developing a computerized, comprehensive project tracking database to improve project management, tracking, and record keeping. The database will reduce errors in data entry; increase consistency and accuracy throughout the office on data definitions; and improve documentation of project milestones, important meetings, and agency decision-making. The Carlsbad Office is also developing a centralized filing system that integrates its programmatic activities into consolidated project files. The combination of the new project tracking system and integrated filing system should improve the internal control of section 7 consultations, U.S. Army Corps of Engineers permit applications, section 10(a)(1)(B) permits, and other time-sensitive documents at the Carlsbad Office.

As the Carlsbad Office further refines its operations in line with the recommendations in the GAO audit, other biological priorities will be constrained because of limited funding. Carlsbad is not the only Ecological Services Office in the country facing high demands for services in the face of limited resources. Our other field offices face the same challenges to various degrees. Across the nation, many constituents are asking for increased technical assistance and faster responses for permit applications.

Funding Needed To Continue Progress

We appreciate the needs of our constituents and try our best, within our limited resources, to fulfill the escalating demand for technical assistance, permit approval and information. However, without increased funding, people will continue to be frustrated by our inability to respond quickly to their needs and our inability to protect and recover all of the species that need our assistance. Our testimony at previous hearings held a common theme; the need for the Service to be provided with the President's budget requests in order to provide better service. To continue making progress on implementation of the Endangered Species Act, including working to streamline and expedite the consultation and HCP processes, an increase in funding for our endangered species program is necessary. In parallel with the increase in listed species, the Section 7 consultations, Habitat Conservation Plans (HCPs) and recovery workloads have increased tremendously. More than 40,500 Federal projects will be reviewed by our biologists in fiscal year 2001. The Service's capability to meet this demand is critical to completing these reviews in a timely manner. Furthermore, the interest among private landowners in two new conservation tools, Safe Harbor Agreements and Candidate Conservation Agreements with Assurances, is already great and expected to grow. The demand for these new types of voluntary conservation agreements and the tremendous growth in the number of HCPs has combined to generate an additional significant increase in workload pressures. However, despite the need to respond to the increased workload, the Endangered Species Program's budget has only seen modest increases in fiscal years 1997 - 2000.

In addition, the Service's listing program recently has been the subject of extensive litigation. Much of this litigation is associated with past determinations not to designate critical habitat. This year, approximately 45 percent of the total listing budget was allocated for critical habitat actions resulting from litigation. Several of these controversial actions were completed by the Carlsbad Office, thus adding to the pressure and high expectations under which their biologists and management must perform. The Carlsbad Office alone will be completing about one fourth of all the court-ordered critical habitat rule-makings scheduled for the next six months. The Administration has consistently asked for additional funding to meet our listing and critical habitat workload, and while Congress has given us moderate increases, they have not granted our full requests.

The Administration recognizes that increased funding support is essential to continue our successful record of reform. The President's fiscal year 2001 budget request for endangered species is essential to allow the Service to provide greater technical assistance to private landowners, to expedite consultation and permitting actions throughout the nation, and recover species. As the Congress works to complete action on the Interior appropriations bill, we urge members of the Committee to consider the original funding requests for the Endangered Species program in the President's FY2001 budget. We will continue to devise better ways to provide efficient and effective services to the public with available funding.

Leaving a Legacy for Our Children

The challenges facing Carlsbad and California are issues that are escalating across the country.

We are living in an age where we are witnessing the highest rate of species extinction in the history of the world, and if we continue to destroy natural habitats, it will only get worse. The Endangered Species Act, regarded as one of the world's most important wildlife conservation laws, calls for conserving threatened and endangered plants and animals and the ecosystems (or habitats) on which they depend. This significant legislation reflects the deep respect and appreciation that Americans have for our natural resources, as well

as an understanding that all of life is aligned to a healthy environment.

The conservation of our natural resources is widely cited as a critical legacy to give to our children. However, conservation is not merely saving a few charismatic species, it is preserving ecosystems. We cannot just look at a single animal, species, or piece of land in isolation from all that is around it. All of these are interconnected. If we disturb or manage one, all of the others will be affected.

It is the Service's challenge to use the resources we have, and encourage the participation of others, to implement the Act. And we are doing that by providing landowner incentive programs, regional habitat conservation plans, and other tools to conserve endangered and threatened species. In places like southern California, our challenges are great. But, we believe that we are making progress in species protection and considering the needs of private landowners. And, this is not about Federal control, but about our responsibility to the future. Do we want to be remembered for the extinction of the unique wildlife resources that our country has been blessed with? The Endangered Species Act gives us the tools to ensure a lasting biological legacy which will guarantee that we will be remembered for helping to stem species decline and leaving our children the diversity our parents left us. That's something we can all be proud of.

Conclusion

In closing, I would like to assure the Committee and the GAO that the results of the audit have been acknowledged by the Service and that we are taking positive, concrete steps to improve the administration of the Endangered Species Act at the Carlsbad Office. The staff at the Carlsbad Office are committed to using the best available science in making biologically sound decisions and to fairly and efficiently implement the Endangered Species Act. We continue to look for ways to improve the operations of our Ecological Services offices and to efficiently and consistently apply the Endangered Species Act throughout the nation.

Thank you for the opportunity to provide testimony to the Committee.

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