

TESTIMONY OF BROCK EVANS
PRESIDENT, ENDANGEREDSPECIES COALITION
WASHINGTON, D.C.

Before the House Committee on Natural Resources

RE: “ESA Decisions by Closed-Door Settlement: Short-Changing Science, Transparency, Private Property, and State & Local Economies”

December 12, 2013

Mr. Chairman and Ranking Member DeFazio, thank you for the invitation to appear here before you today. I am Brock Evans, President of the Endangered Species Coalition. While we have some members who are individuals, most of our membership consists of more than 300 groups around the country large and small, including scientific societies, sportsmen’s organizations and religious groups as well as environmental organizations. Founded in 1982, just nine years after passage of the Endangered Species Act, our mission ever since has been to watch over the implementation of this landmark law. It is considered by many as one of the finest and most effective wildlife and habitat-protection laws anywhere in the world.

We at the Endangered Species Coalition are very proud of the Endangered Species Act and the way it has operated in all branches of our political system, to carry out its specific legal mandate, passed into law by the Congress 40 years ago, and signed by President Richard M. Nixon exactly 40 years ago this month -- December 28, 1973.

Perhaps this 40th year Anniversary of the Endangered Species Act is just the right place for us all to recall the exact words of President Nixon, who was clearly expressing the near-unanimous will of the whole American people, in his official remarks while signing the law:

“I have today signed S. 1983, the Endangered Species Act of 1973. At a time when Americans are more concerned than ever with conserving our natural resources, this legislation provides the federal government with needed authority to protect and irreplaceable part of our natural heritage – threatened wildlife.

This important measure grants the government both the authority to make early identification of endangered species and the means to act quickly and thoroughly to save them from extinction.....

Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed. It is a many faceted treasure, of value to scholars, scientists, and nature lovers alike, and it forms a vital part of the heritage of all Americans. I congratulate the 93rd Congress for taking this important step toward protecting a heritage, which we hold in trust to countless future generations of our fellow

citizens. Their lives will be richer, and America will be more beautiful in the years ahead, thanks to the measure that I have the pleasure of signing into law today.”

President Nixon was speaking, not just about a strong and remarkable law, but also about the enormous majorities by which it was passed: 92-0 by the Senate, and 355-4 in the House.... Quite a remarkable expression of bipartisan unanimity for any democratically elective body, anywhere in the world... this was one of those most clear expressions of our will to be found in nearly any statute.

Its passage back then 40 years ago was also an expression of the hopes, of a whole people and their elected representatives – that these other most interesting, beautiful and useful native plants and animals, who share our nation with us, will survive, despite the desperate condition of many of them at that time...and likely, off into the foreseeable future. Something had to be done and quickly, reasoned the Congress – or not at all, and we would lose all this.

This grand hope has proved itself and its value many times over in the four decades since in spite of many ups and downs. Remember a species has to be truly in emergency room status before it can even get ON the endangered species list, and only then recovered when populations reach a sustainable level. Yet the successes are a great tribute. We brought the American peregrine falcon back from just 324 individuals in 1975 to approximately 3,500 nesting pairs today. The American alligator had been hunted and traded to near-extinction. Today they number around 5 million from North Carolina through Texas. Even species that are not yet ready to come off of the endangered species list are seeing great comebacks, such as the Southern sea otter. Sea otters were down to about 50, yet have rebounded to approximately 2,800 individuals in recent years.

But there is something else, Mr. Chair, which we also want to share with the Committee. It is the recognition, the understanding, that the Endangered Species Act is a law uniquely expressive of American values, and American culture... in short, it is an American law.... Thus a most powerful statement of our love, as a people, for our land and our wildlife.

Let us remember, reflect back on those events of 1973 once again when the legislators of a great nation got together, and they said... from now on and henceforth, we the American people shall not permit any living native plant or wild creature which shares the national territory with us, to become extinct.

And as we have seen, that legislation which passed by the overwhelming numbers I mentioned already and was signed by a Republican President with the enthusiastic support of his advisors. This is about as bipartisan and unified as our feisty people can get.

Why is this? I have pondered this great achievement many times, since I became the Executive Director of the Coalition in 1997, and the President in 2006: And I think I have, at last, understood: it is because the Endangered Species Act is not just another

wildlife protection statute. It is more, so much more, than just that: it is a moral, profoundly moral law. And thus the political expression of the love of a whole people.

But there is something else, Mr. Chairman, and then I will close: The Endangered Species Act was not then, in 1973, and is not now, 40 years later, some kind of weird anomaly in our political history. I have come to realize that too. Most Americans really do love their land, and this is a tradition of our national life that goes way, way back... before anyone even thought of the words ‘endangered species’...to William Bartram 1778, James Femimore Cooper, the Hudson River School, all the way to the establishment of Yellowstone National Park a century later, 1872.

The establishment of Yellowstone, followed by a whole National Park System, was so significant and so influential that in 1912, the British Ambassador commented: “National Parks are the best idea America ever had”.

But that wasn’t the end of it, this narrative about the innate love and concern for wild places and the wildlife they sheltered, by our people either. In 1964 along came another very strong and very protective law: the Wilderness Act- an even stronger law, again passed by huge majorities, and requiring protection of the best of our Nation's remaining wild places, *and* the wild creatures which inhabited them.

Because of this long and consistent past political history protecting natural places and their native wildlife, we suggest it is no accident that the Endangered Species Act was passed just nine short years later.

Think of it again: the profound morality of all these statutes, together one dramatic and powerful set of expressions: of Americans’ desire to protect as much as possible of the beauty and wildlife we live among.

Simply put, in my direct experience, the American people of every and any party, race, culture...religion, all love their parks and wildlife and will fight to protect them... that fact explains better than anything else why the Endangered Species Act has not only survived, but also flourished despite all the efforts to weaken it over the years.

And that brings me again to the subject of this hearing: legal settlements negotiated under the Endangered Species Act.

The question is whether it is lawsuits that are hampering species recovery or whether it is actually the chronic underfunding of the Fish and Wildlife Service and their efforts to recover species. With adequate funding, the agency would be able to not only review listing petitions in a timely fashion, but they would also have the resources to recover species—not just prevent their extinction.

This is what we believe, and what we have witnessed Mr. Chairman, and we appreciate the opportunity to share these thoughts with the Committee today. We are all Americans here, and the Endangered Species Act and the way it works to fulfill its guarantees – to the whole American people as well as to our native plant and animal life – offers much to be proud of ... just as do the National Parks and Wilderness Acts.

I close with the remarks of a retired Marine Corps general Mike Lehnert, who also happens to be a very active member of our Endangered Species Coalition Board of Directors:

“When service members deploy to other lands, they see the devastation wrought by governments who do not hold their land in stewardship for future generations. It gives those of us in uniform a unique perspective of the incredible beauty of our own land, and we know that, were it not for the protection of the Endangered Species Act, we would be no different from those countries that have failed to respect their environment. For us, a country worth defending is a country worth preserving.”

Thank you, Mr. Chairman and Ranking Member DeFazio for the opportunity to share our views with the Committee today.