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Opening Statement Rep. Jackie Speier, Subcommittee Ranking Member

Subcommittee on Energy Policy, Health Care and Entitlements Hearing on "Examining the Endangered Species Act"

February 27, 2014

Mr. Chairman, thank you for holding this important hearing.

Forty years ago, the Endangered Species Act was passed with overwhelming, bipartisan support from Congress. As President Nixon signed it into law, he said "Nothing is more priceless and more worthy of preservation than the rich array of animal life with which our country has been blessed."

The Endangered Species Act, or E-S-A, has preserved our country's rich natural heritage, preventing the extinction of 99 percent of the plants and animals it protects. Without this landmark legislation, scientists estimate that as many as 227 US species would have disappeared. My own state of California would be much poorer without our brown pelicans, sea otters, and bighorn sheep, all of which were saved by the ESA.

Too often in Congress, the ESA is invoked as some kind of legislative bogeyman. My colleagues on the other side of the aisle have on occasion been known to imply we would all be better off if we didn't have to protect this insignificant bird or that ugly flower. During the debate over the recovery package in 2009, the salt marsh harvest mouse, an endangered species found around San Francisco Bay, was blamed for an entirely fictitious spending boondoggle.

Now, I do not want to find a salt marsh harvest mouse inhabiting my kitchen, but when they're living where they belong, these lesser-known species act as sentinels for the health of our ecosystems. When these species decline, they act as an early-warning system for problems that will harm us as well. Species like the salt marsh harvest mouse, or the endangered San Francisco garter snake that also lives in my district, simply need healthy wetlands. That is a win-win, since the people of the Bay Area also need healthy wetlands to filter out pollution, buffer homes and businesses from storm surge and floods, and support thousands of fishing, tourism, and recreation jobs around the Bay. This holds for other threatened ecosystems too, from the heights of the Sierra Nevada to the Great Plain's shortgrass prairie.

The ESA is also protecting future technological and biomedical advances. Bacteria found in a hot spring in Yellowstone National Park led to the discovery of an enzyme that underpins all basic genetic research and forensic techniques. Protein from a jellyfish supports advances in almost every aspect of biomedical science. To be clear, the bacteria and jellyfish that I mentioned are not listed under the ESA, but we do not know where the next discovery might come from – an endangered species could lead to the next medical breakthrough. By preventing extinction, the ESA preserves a natural medicine chest for the coming generations.

Frequently, the ESA is blamed for tying up the courts in wasteful litigation. My colleagues on the other side of the aisle claim that the Department of Justice litigates an average of at least three cases a week dealing just with citizen suits under the ESA. However, Department of Justice data shows that civil litigation filed by industry and non-profit organizations is far less than that rate. 119 lawsuits were filed in 2009, 111 in 2010, 57 in 2012, and only 23 through April 2012. Let's stick to the facts.

The implementation of the ESA has not been perfect. ESA programs have been chronically underfunded - the FY2013 appropriation approved by Congress for endangered species work at the Fish and Wildlife Service was \$45.7 million less than the Administration's FY 2013 request. This has led to a substantial backlog of candidate species, which continue to decline, making recovery more difficult and expensive. Species also can't recover if there is no place for them to live. Since the passage of the ESA in 1973, 25 million acres of land have been converted from undeveloped to developed, and 22 million acres have been converted from forested to non-forested - areas roughly the size of Virginia and South Carolina, respectively.

But the answer to limited resources is cooperation and coordination, not rolling back protections for vulnerable species. When I was on the Board of Supervisors in San Mateo County in the 1980s, I helped to develop the first Habitat Conservation Plan in the country to protect three endangered butterflies – the Mission blue, San Bruno elfin, and Callippe silverspot. We worked with developers to achieve both housing and habitat conservation. These are the kind of win-win situations that the ESA can help facilitate, when we commit to protecting species instead of arguing about whether species should be protected.

Thank you, Mr. Chairman.

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