

Committee on Resources

Witness Statement

Mr. Chairman and Members of the Committee:

We are pleased to be here today to discuss our ongoing work on the implementation of the Endangered Species Act by the U.S. Fish and Wildlife Service's field office in Carlsbad, California. Specifically, our review has focused on the Carlsbad office's implementation of the act's provisions on consultation and habitat conservation planning. Please note Mr. Chairman that our work is ongoing and therefore subject to minor revision.

In 1973, the Congress enacted the act to protect plant and animal species whose survival is at risk. The Secretary of the Interior, through the Fish and Wildlife Service (Service), generally is responsible for implementing the act for freshwater and land species. Section 9 of the act, its primary species protection provision, and the act's implementing regulations generally prohibit the taking--killing, harming, or harassing--of threatened or endangered fish and wildlife species (listed species). In conjunction with this provision, the act also established two important processes that provide for the protection of listed species--the consultation process and the habitat conservation planning process.

Taken together, these two processes require landowners to take various actions to ensure that their planned or ongoing activities will not result in the taking of a listed species. Specifically, section 7 of the act requires federal agencies to consult with the Service to determine whether a proposed federal action that is federally authorized, carried out, or funded is likely to jeopardize the continued existence of a species or adversely modify or destroy critical habitat. To determine this, the Service conducts informal and formal consultations. Informal consultations precede formal consultations and may include discussions of whether a listed species inhabits the proposed action area and what affect the action may have on the species. Formal consultation is conducted when a federal agency determines its actions may affect a listed species or its critical habitat and submits a written request to initiate formal consultation. These consultations result in a written biological opinion by the Service of whether the proposed action is likely to jeopardize the continued existence of a listed species or adversely affect its critical habitat. Likewise, section 10 of the act requires that landowners engaged in activities likely to result in the incidental take of listed species, but not requiring federal authorization or funding, to develop a habitat conservation plan (HCP) to obtain a permit that will allow for the take. An HCP specifies, among other things, what measures will be taken to minimize or mitigate the adverse effects on listed species.

Mr. Chairman, as you know, over the last several years there have been complaints about how the Carlsbad office has implemented the consultation and HCP provisions of the act. Many of the complaints focused on the Carlsbad office's not documenting and changing its position on mitigation actions it has suggested which has caused delays in concluding a consultation or obtaining a permit that allows "incidental take." Another concern is that the office has had difficulties retaining staff, which may be attributable to the heavy workload caused by the rapidly increasing land development and large numbers of endangered species in southern California. Because of these concerns, you have asked us to determine (1) how the Carlsbad office tracks its workload of consultations and HCPs, (2) to what extent the office is complying with Service guidelines for completing formal consultations and HCP processing, and (3) the causes for delay when time

frames are exceeded. In addition, we obtained information on three projects to document the concerns of the individuals who have either sought consultations or applied for permits from the Carlsbad office and to gain the office's perspective on these concerns. We plan to issue a report to this Committee in December 2000 that will address these issues in more detail.

Mr. Chairman, in summary, the preliminary results of our work show the following:

- The Carlsbad office does not have effective systems for tracking its workload of consultations and HCPs. To track consultations, we found that the office uses a manual system. We estimate that this tracking system was either incomplete or inaccurate for 769, or 75 percent, of 1,026 informal and formal consultations that occurred from fiscal year 1992, the year the Carlsbad office began operations, through fiscal year 1999. For HCPs, the Carlsbad office has no tracking system of its own but relies on the Service's nationwide HCP database for tracking such plans. However, we found that the HCP tracking system was also incomplete and inaccurate. For example, the database did not identify the date the applicant initially contacted the Carlsbad office for 16 of the 51 HCPs submitted by the office. While the office was able to provide us with source documents that showed this date for 31 of the remaining 35 HCPs, the date in the database differed from the actual records by a variance ranging from over 2 years prior to the recorded date to almost 5 years after the recorded date. In addition, we determined that the Carlsbad office did not always maintain its files in accordance with Federal internal control standards and the Service's guidelines. For example, many of the transactions associated with the informal and formal consultations and HCPs had not been promptly or accurately recorded.
- To meet the Service guidelines, formal consultations must be completed within 135 days of being initiated unless extensions are requested and agreed to by affected parties. We found that about 129, or 36 percent, of 351 formal consultations exceeded 135 days. This includes consultations with extensions. We also found that there are no statutory, regulatory, or Service guidelines requiring completion of informal consultations in a specified time frame. The Service has, however, established guidelines for the completion of regional office review and approval of HCPs. Of 51 HCPs associated with the Carlsbad office, 15 were still ongoing or had been withdrawn. Furthermore, the Carlsbad office could not provide complete data to determine whether target timeframes were met for six plans. For the remaining 30 plans, we found that the Portland, Oregon, regional office, which reviews HCPs submitted by the Carlsbad office, had not processed 13, or 43 percent, in accordance with internal processing guidelines.
- To gain an understanding of why consultations and HCPs exceeded Service guidelines, we analyzed 13 projects that were among those that took the longest time to complete. Because of insufficient documentation, we could not determine why consultations or HCP processing exceeded Service guidelines. However, we found evidence to suggest that the operations of the Carlsbad office could have affected the timeliness of consultations. Specifically, through discussions with Carlsbad staff biologists, we identified several factors that may contribute to delays. These factors included (1) time associated with consultation and HCP negotiations between the applicant and the federal agencies involved about the actions needed to avoid, minimize, or offset a proposed activity's impact on listed species, (2) failure of the applicants to submit complete information to the Carlsbad office, (3) lost time associated with staff turnover and reassignment, and (4) in some cases, the action agency requests time extensions to get additional information from an individual.
- We obtained information on three projects to document the concerns of individuals who have either sought consultations or applied for permits from the Carlsbad office. We spoke with Carlsbad officials who had responsibility for the three cases and they provided explanations or scientific justification for their

actions. Because many of concerns raised are complicated, scientific, and subject to legal interpretation we did not make judgements on the legitimacy of the concerns raised or the responses provided by the Carlsbad office.

Background

Section 7 of the act requires federal agencies to consult with the Fish and Wildlife Service to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or adversely modify or destroy "critical habitat." ⁽¹⁾ Consultations often begin informally to determine whether a proposed federal agency's action may affect listed species or critical habitat. If federal agencies determine that there is no adverse effect and the Service concurs, the consultation process is concluded. If the Service does identify potential effects but actions are incorporated into the project design that will avoid them, the consultation is concluded.

Otherwise, a formal consultation is required. Formal consultations are subject to statutory and regulatory time frames and procedures and result in a written biological opinion of whether the proposed action is likely to result in jeopardy to a listed species or adversely modify or destroy critical habitat. If this is likely to occur, the biological opinion will propose reasonable and prudent alternatives to the proposed action, if they are available. If the federal agency or landowner agree to a suggested alternative, the consultation is concluded and the proposed action may proceed. If jeopardy is unlikely but an incidental take could still occur, the biological opinion will provide reasonable and prudent measures to minimize the take.

The HCP process under section 10 of the act provides a mechanism to address situations in which nonfederal applicants with projects or activities that may result in the taking of a listed species can obtain a permit that allows incidental taking of a listed species. To obtain an incidental take permit, the landowner must develop a formal plan, the HCP, that specifies the effects that the landowner's activities are likely to have on listed species, the actions that will be taken to minimize and mitigate these effects, the alternatives that the applicant considered and the reasons why such alternatives were not implemented, and any other measures the Service may require. Once a field office like Carlsbad accepts a proposed plan as complete, it is submitted to a regional office, in this case Portland, for its review and approval. The regional office cannot approve a plan and issue an incidental take permit if, among other things, doing so would appreciably reduce the species' chances of survival and recovery.

Systems for Determining Carlsbad's Workload

Of Consultations and HCPs Are Ineffective

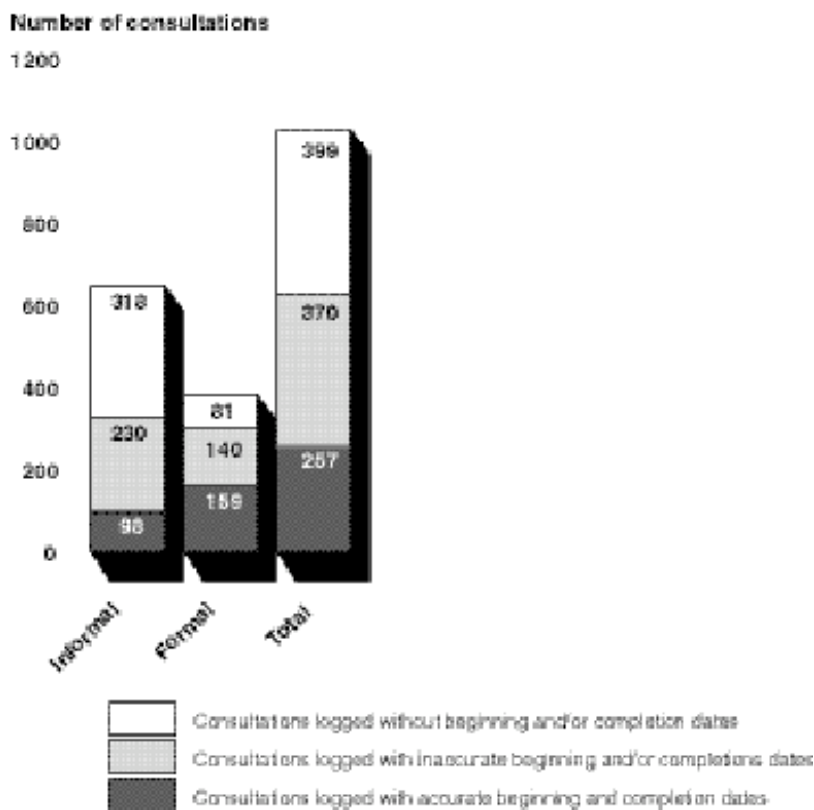
We found that the Carlsbad office does not have effective systems for tracking its consultation or HCP workload. Currently, Carlsbad uses manually kept logs for tracking consultations. These logs are incomplete and contain inaccurate data. Similar problems

exist in an automated electronic database maintained for tracking HCPs. Furthermore, the Carlsbad office has not instituted proper internal controls to ensure that all actions and events associated with the consultation and HCP process have been promptly and accurately recorded and documented and that records are readily available for examination. As a result, the Carlsbad office cannot determine with any certainty how many consultations or HCPs it has under way, whether actions are completed on time or how long applicants have been involved in these processes.

Consultation Tracking System Contains Errors

The Fish and Wildlife Service has no requirement for tracking field office workloads. The Carlsbad office, however, has developed a manual tracking system for formal and informal consultations to assist it in managing its workload and to provide headquarters with data used to justify staffing and funding needs. We reviewed the manual consultation logs for fiscal years 1992 through 1999 to determine their completeness and accuracy. According to the logs, during this period, the Carlsbad office entered into 646 informal and 380 formal consultations.⁽²⁾ We estimate that the logs were either incomplete or inaccurate for 769, or 75 percent, of 1,026 informal and formal consultations that occurred.⁽³⁾ However, these logs do not capture the entire workload of the office because, not all informal consultations are recorded. According to Carlsbad officials, this occurs because the staff is too busy and forgets to do so or do not consider the consultation significant enough to warrant a log entry. On the basis of the entries that were made, we determined that the logs were incomplete and inaccurate with respect to identifying the dates the consultations began or were completed. Figure 1 illustrates the extent to which formal and informal consultation logs were incomplete and inaccurate.

Figure 1: Completeness and Accuracy of Consultation Logs, Fiscal Years 1992 through 1999.



We selected 30 of the 299 formal consultations and 30 of the 328 informal consultations that had been logged with both beginning and completion dates to determine whether the dates recorded on the logs were supported by source documents and were accurate. Based on the results of our sampling analysis, we project that the beginning or completion dates on the logs were unsupported for 47 percent of the formal consultations and for 70 percent of the informal consultations.

We also selected 30 of the 318 informal consultations that did not have either the beginning or the

completion dates recorded on the logs to determine whether the corresponding files also had incomplete documentation. We found that documentation of the dates missing from the logs was in the files for 26 (87 percent) of the 30 sampled consultations.

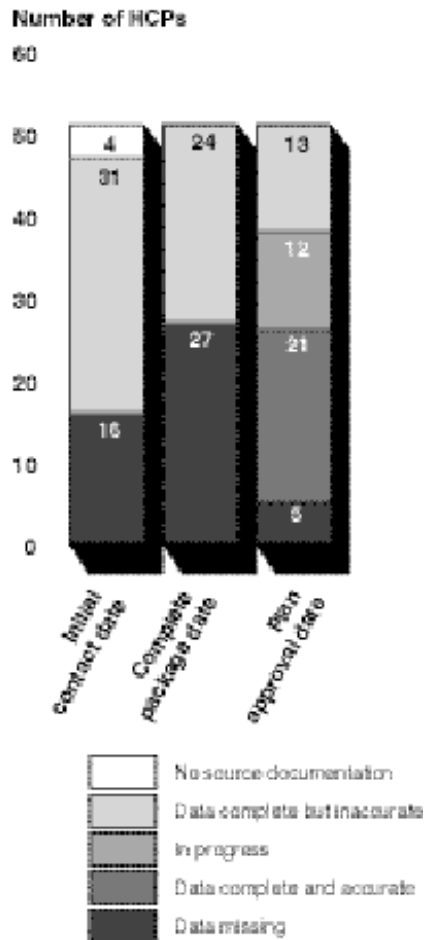
Carlsbad officials informed us that they hired a computer specialist in May 1999. The specialist told us that from May 1999 through March 2000 he had been working on general information technology issues at the Carlsbad office. The specialist told us that since March 2000 he had been focusing his efforts on developing the automated database, which is in the very early stages of development. Among the key information that the database includes is a history of the consultation, the dates when the project started and ended, and the outcome of the consultation, such as a biological opinion. The database will be an essential tool for determining whether the office is complying with the time frames associated with the consultation. Carlsbad officials told us they expect the database to be operational by October 1, 2000.

HCP Tracking System Contains Errors

The Fish and Wildlife Service's field offices rely on a nationwide database administered by headquarters staff to track the status of HCPs. Service officials told us that they maintain this database to justify budget requests and track the status of the program. The database captures key information about the HCP program. This includes the date the applicant initiated the request for an incidental take permit, the date a complete application package--including the HCP--was received by the regional office, and the date that the HCP was completed and the incidental take permit was issued by the regional office.

The Service's national database identified 51 HCPs associated with the Carlsbad office that were under way or completed. We reviewed the database for the 51 plans to ascertain whether it contained the key information on the development and processing of the HCPs. We found that the Service's database was incomplete and contained errors. These problems were so significant that the database cannot be relied on as a management tool for determining the progress being made with completing and obtaining approval of the plans. Figure 2 illustrates the extent to which the HCP database was incomplete or inaccurate in terms of initial contact dates, the dates that the regional office received a complete application, and the date that a plan was approved and the incidental take permit issued by the Portland regional office.

Figure 2: Completeness and Accuracy of 51 HCPs



The HCP database did not identify the dates that the applicants initially contacted the Carlsbad office for 16 of the 51 HCPs. The Carlsbad office provided us with source documentation for 31 of the 35 remaining plans showing when the applicants initially contacted the office. However, in all instances, the dates recorded in the database differed from the dates on the source documents, varying from over 2 years prior to the recorded date to almost 5 years after the recorded date. The office could not locate source documents for the other four plans. Furthermore, although the office provided source documentation for 24 plans with completed package dates in the database, in all instances the dates on the source documents were different from the dates recorded in the database; varying from 54 days prior to a recorded date to 427 days after. Finally, for 34 plans with issuance dates in the database, 21 had dates that agreed with the source documentation provided by the Carlsbad office and 13 did not, varying from 1,764 days prior to a recorded date to 111 days after. As of August 2000, 12 plans were still in progress, and consequently, issuance dates do not appear in the database for them. Three plans were recorded as having been approved although they were still under development.

Carlsbad officials informed us that Portland regional office staff entered the data into this database based on information they receive when the Carlsbad office submits the plan and other documentation for the regional office's review and approval. They also said that the HCP database has only been operational for about a year and that regional staff did not verify the data entries with the Carlsbad office. As a result, we found that the regional staff recorded the same month and day for when the applicant initially contacted the Carlsbad office about the preparation of a plan for 22 of the 51 HCPs. According to Service officials, for the system to become operational, regional staff had to enter an initial contact date. However, the region did not have the actual date and did not attempt to verify or correct the data entered.

Internal Control Standards and Service

Documentation Guidelines Are Not Followed

Federal internal control standards and the Fish and Wildlife Service guidelines specify the actions that agencies should follow to help ensure that major performance and management challenges and the areas at greatest risk of fraud, waste, abuse, and mismanagement are being addressed.⁽⁴⁾ Specifically, the standards state that transactions should be promptly recorded to maintain their relevance to management in controlling operations and making decisions and to help ensure that all transactions are completely and accurately recorded. Furthermore, the standards stipulate that internal controls and all transactions and other significant events need to be clearly documented, that the documentation should be readily available for examination, and that all documentation and records should be properly managed and maintained.

In addition, the Service's operating guideline states, "Documentation of the steps in the informal consultation process is essential to its continued utility and success. The administrative file should contain records of phone contacts, including names of the caller, the purpose of the call as it relates to the proposed action or action area, and any advice or recommendations provided by the Service's biologist. A meeting can be easily documented by a letter to appropriate parties that summarizes the meeting results, particularly any Service's concerns and recommendations."

Our ongoing review to date found little evidence that transactions associated with informal and formal consultations and HCPs had been promptly or accurately recorded. Furthermore, the selected project files we reviewed were incomplete. To illustrate, for nine formal consultation project files we examined; the only document in each file was the Carlsbad office's biological opinion. The files did not contain evidence of phone records or other documents that could be used to verify when a project began or the advice or recommended actions that the Carlsbad officials provided the applicants.

Some Formal Consultations and HCPs

Exceed Processing Time Frames

We found that some formal consultations and HCPs were not processed within the Fish and Wildlife Service time frames. Specifically, 36 percent of the formal consultations completed by the Carlsbad office exceeded the 135 day time frame, and 43 percent of the HCPs submitted by the Carlsbad office to the Portland regional office for processing exceeded the time frames set by Service guidelines.

Some Formal Consultations Exceed Time Frames

Once formal consultations begin, the Fish and Wildlife Service has 135 days in which to render a biological opinion that specifies whether the project is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat. The Carlsbad office's logs showed that 380 formal consultations had been entered into and completed from fiscal years 1992 through 1999.⁽⁵⁾ Of these, 299 had the dates recorded for when the consultation began and was completed and 81 did not. As mentioned earlier, we found the dates on these logs to be incomplete and inaccurate. However, when we compared the average completion times from the log data to the average completion times we developed from our sample, we concluded that the differences were not statistically significant and we could use the logs to calculate how many consultations exceeded timeframes. In addition, we provided Carlsbad officials

with a list of the 81 formal consultations that had been logged with incomplete data. Carlsbad officials provided dates for 52 of these 81 projects, giving us a universe of 361 to calculate how long they took to [\(6\)](#). Our calculations determined that 129 (36 percent) of the formal consultations exceeded the time frame of 135 days.

Some HCPs Exceed Processing Times

There is no overall time frame for the HCP process. Most of the time in this process is spent by the applicant in developing and revising the plan in response to the Fish and Wildlife Service field office's review and comments and in obtaining additional information required before a field office can accept the application. However, once a field office has accepted an application package as complete and forwarded it to the appropriate regional office for its review and approval, the Service has established maximum target time frames for the regional office's processing of the application. These time frames depend on the size, complexity, and impacts of the HCP involved. For example, a high-impact plan is typically one that is accompanied by an environmental impact statement (EIS), whereas a medium-impact plan is accompanied by an environmental assessment (EA) as part of the requirements of the National Environmental Policy Act. A low-impact plan is generally categorically excluded from needing either an EIS or an EA. The time frame for processing small, less complex, and

low-effect plans is less than 3 months; plans of medium size, complexity, and impact is 3 to 5 months; and large, very complex, and high-impact plans is less than 10 months. These time frames pertain to the public review and comment period for the HCP and any environmental impact analysis, the regional office's review and approval, and the issuance of the incidental take permit. The Service expects the regional offices to process the HCPs in less time than the targets provide. However, issues such as project controversy, staff or workload problems, or other legitimate reasons may make delays unavoidable and the target time frames can be exceeded.

Since the HCP database contained errors, it was not useful in determining how many plans exceeded the targeted time frames. Therefore, we attempted to obtain from Carlsbad officials supporting information on when the office submitted their 51 HCPs to the Portland regional office, the HCPs' level of impact, and when the plans were approved. We found that 15 of the 51 plans in the database were still in process or had been withdrawn. Furthermore, the Carlsbad office could not provide complete data to determine whether target timeframes were met for six plans. Using the data we obtained for the remaining 30 plans, we determined that the Portland regional office met the established processing target time frames for 17 plans, but not for the remaining 13 plans. The amount of time by which the time frames were missed for the 13 plans ranged from about 20 days to about 880 days. The time frames were missed by less than 2 months for six plans, between 5 and 10 months for four plans, and by more than 19 months for three plans.

Carlsbad Office Operations May Contribute to Delays

We selected 13 projects for review--10 consultations and 3 HCPs--to determine why delays in the processing of formal consultations and HCPs occurred. From our review of these projects' files, we could not determine why consultations or HCP processing exceeded established guidelines. However, we did find evidence to suggest that staff turnover at the Carlsbad office could have affected the timeliness of completing consultations and HCPs.

The uncertainty about the causes of delays exists for several reasons. First, the Carlsbad office does not have a centralized document filing system. Some documents were placed into files with no organization or were

missing, making it difficult to determine when, why, and how often events, such as suggested avoidance or mitigation actions, occurred. Second, key events, such as meetings between Carlsbad officials and an applicant, were not always documented, and when documentation did exist, it was not always complete enough to clearly explain the actions taken by the Carlsbad office.

We did find evidence to suggest that staff turnover at the Carlsbad office could have affected how long it took to complete consultations. For 7 of the 13 projects we reviewed, nine biologists that had been involved with the project had either resigned or transferred to another office. The Carlsbad office has also had problems filling its staffing needs. For example, the office has had an average authorized staffing level of 85 positions from October 1996 through October 1999. However, it has only been able to fill an average of 64 positions, or 75 percent of its needs. Carlsbad officials said that several factors contribute to staff turnover and the inability to fill positions. Most staff cannot afford to live in the Carlsbad area, they said, and as a result have long commutes to and from work. They also said that because of staff shortages, existing staff have a very heavy workload, which eventually causes them to seek other employment opportunities.

Primarily through discussions with staff biologists, we identified other factors that may have contributed to the length of time taken to complete consultations. These factors include (1) the failure of the applicants to submit complete information to the Carlsbad office for processing an application, (2) the time associated with negotiations between the applicant and the involved federal agencies over what measures are needed to avoid, minimize, and mitigate actions affecting listed species, (3) the Carlsbad office's initiating formal consultation before the applicant had provided all of the information the Office needed to determine the impact on the species and/or critical habitat and (4) in some cases, the action agency requests time extensions to get additional information from an individual. It should be noted that the act allows for the time frames to be extended if the parties affected agree to it and the agency specifies the length of time and the reasons for the extension. For example, if the Carlsbad office needs more time to analyze the data submitted by the applicant or to prepare the biological opinion and all parties agree a formal consultation could exceed 135 days. Therefore, some of the reasons given for exceeding the 135-day time frame may be due to these factors.

Information on Three Projects

We spoke with several individuals who had consultations or requested incidental take permits from the Carlsbad office and who expressed concerns about the operations of the Carlsbad field office. We asked many of these individuals to discuss their concerns with us, provide us with supporting documentation, and let us obtain the perspective of Carlsbad officials on these issues. However, only three individuals provided supporting documentation and consented to this discussion. In each of these three cases, the Carlsbad officials responsible for these projects provided us with explanations, documentation, or scientific justification for their actions.

In the first case, an individual wanted to build a golf course outside of Palm Springs, California. His primary concerns were that the endangered species in question (Peninsular bighorn sheep) do not use the property associated with the project, and therefore, he did not understand why he had to redesign his project several times to obtain the Carlsbad office approval of the project. The individual maintained that the sheep did not reside on the property. However, Carlsbad officials have biological evidence supporting the fact that the sheep use the property. They said that the property contains water and forage within the home range of the sheep and is important for maintaining movement between two habitat areas. Carlsbad officials said that they had suggested only one redesign of the project. The other redesigns were done at the request of state

and city agencies.

In another case, involving a housing development project in Riverside County, California, an individual said that Carlsbad officials imposed several mitigation actions for his project. Specifically, he was asked to (1) allow for a connecting corridor between properties adjoining his property for species that were not listed, (2) address impacts to six pair of threatened coastal California gnatcatchers, rather than the five pair the biologists retained by the applicant found during their latest survey of the project site (biological survey), and (3) retain more habitat on his property for the gnatcatchers than he had originally planned. He said that these actions would require redesign of the project, which would reduce the number of houses built and cause significant revenue losses. Carlsbad officials explained that the corridor was needed because of the applicant's desire to retain some of the gnatcatchers on the property rather than providing off-site property as a conservation measure for the taking of the species. Since the applicant wanted to retain some of the gnatcatchers on the site, Carlsbad officials believed the corridor was needed to allow predators on the property to control species that harm the gnatcatchers. Carlsbad officials provided scientific evidence to support their position. Carlsbad officials also told us that in order to maintain gnatcatchers onsite, the individual needed to provide viable habitat for the birds. Concerning the sixth pair of gnatcatchers, Carlsbad officials produced evidence of an actual sighting of a sixth pair in an area of the project site that had not been included in the latest biological survey. According to these officials, the territories for gnatcatchers generally do not overlap. Therefore, the new sighting was far enough away to distinguish the new pair of gnatcatchers from the five pair identified by the survey.

The third case involved the maintenance of electric utility poles in San Diego County, California. A company believed that the Carlsbad office could have acted more quickly in approving an amendment to an existing HCP. The company needed to have the HCP amended to include the Quino checkerspot butterfly that was listed as endangered after the original plan was developed because the butterfly was found on the property where the applicant performs maintenance of the utility poles. Company officials said that they originally had the butterfly listed in its HCP, but Carlsbad officials removed it. Also, company officials said that the Carlsbad office did not abide by its agreement to notify them in advance of listing the butterfly as endangered so that actions could have been taken sooner to gain approval of the amendment to the latest HCP. Carlsbad officials explained that they could not grant coverage of the butterfly in the HCP because, at the time, there was not sufficient scientific information to determine conservation levels and appropriate levels of incidental take of the butterfly. Also, before the butterfly was listed, there was an August 1994 *Federal Register* notice proposing to list the butterfly as endangered and seeking public comment. This notice was over a year before the permit was issued. Carlsbad officials believed this notice was sufficient for making the company aware of the butterfly's proposed listing and consistent with the agreement the Service had with the company.

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Mr. Chairman, this concludes my prepared statement. I would be happy to respond to any questions that you and Members of the Committee may have.

Contacts and Acknowledgments

For further information, please contact Derek Stewart at 202-512-3841. Individuals making key contributions to this testimony include Jim Yeager, Roy Judy, Gopaul Noojibail, Eric Johns, Garry Wiggins, Victoria Lin, Michelle Tong, Allan Rogers, Sara Ann Moessbauer, and Keshia Cheeks.

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Endnotes

1. [Return to 1.](#) Critical habitat is defined as habitat that the Service has determined is essential to a species' survival and that may require special management or protection.
 2. [Return to 2.](#) In agreement with the Committee, we did not include 52 formal consultations that occurred internally within the Fish and Wildlife Service, such as consultations with a Service wildlife refuge.
 3. [Return to 3.](#) All sampling errors for estimates are calculated at the 95-percent confidence level.
 4. [Return to 4.](#) *Standards for Internal Control in the Federal Government*, U.S. General Accounting Office, 1999; "Endangered Species Consultation Handbook," U.S. Fish and Wildlife Service and National Marine Fisheries Service, March 1998.
 5. [Return to 5.](#) The office's logs identified 391 formal consultations entered into from fiscal years 1992 through 1999, but 11 were still in progress.
 6. [Return to 6.](#) For this calculation, we included 10 of the 11 projects that were still in progress. We did not include the one project because it did not have a start date.
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Testimony in Adobe Acrobat [Portable Document Format](#) (PDF) - 19 pages.

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