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**TESTIMONY OF
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BEFORE THE HOUSE RESOURCES COMMITTEE
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH
ON
NATIONAL FOREST MANAGEMENT AND THE
ENDANGERED SPECIES ACT

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Thatcher, Arizona

Mr. Chairman, and Members of the Subcommittee, thank you for the opportunity to testify on behalf of the Department of the Interior (Department) regarding the Endangered Species Act (ESA) and forest management. I am Dale Hall, Regional Director for the Southwest Region of the U.S. Fish and Wildlife Service (Service), headquartered in Albuquerque, New Mexico.

The Service is the principal federal agency responsible for conserving, protecting, and enhancing fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The Southwest Region of the Service includes the states of Arizona, New Mexico, Texas, and Oklahoma. Within the state of Arizona, the Service manages 9 National Wildlife Refuges, encompassing over 1.7 million acres, 3 National Fish Hatcheries, 3 Fishery Resources Offices, a fish health center, and 3 Ecological Services Field offices.

One of the Service's responsibilities is the implementation of the Endangered Species Act, which, in Arizona, is done primarily by the Phoenix Ecological Services Field Office and sub-offices in Flagstaff and Tucson. Currently, Arizona supports approximately 59 species listed as threatened and endangered under the ESA. While conserving America's wildlife for the public is an important Service responsibility, we are keenly aware of the need to assure balance between wildlife conservation, fire management, and healthy forests. Most importantly, we place public safety above all else.

It is because of our recognition of this need for balance that we have successfully forged cooperative relationships with many other federal agencies, state and local governments, tribes, and private landowners for the sake of contributing to effective forest management and species conservation. We have implemented streamlined processes so that balance can be achieved without unnecessary delay.

Our efforts to reach out to concerned partners in the Southwest have been met with professionalism and a commitment to success. For example, Harv Forsgren, Regional Forester for the Southwestern Region, and I have committed to work together, and our relationship has been invaluable in forging agreements so that our staffs may work as one to serve the public. In addition, private efforts like those of the Malpai Borderlands Group and the Altar Valley Conservation Alliance in Southern Arizona demonstrate what private landowners can do when they are given a chance and are respected as the land stewards they truly are. Forest grazing permittees have worked openly and honestly with the Forest Service and us to achieve the landscape outcome we believe is important for healthy ecosystems. As such, our biological opinions have changed from directing how grazing will occur to what the landscape should look like after annual grazing is complete. The grazing community has responded positively to this change. We have come to recognize that we cannot do the job alone and that the future depends on effective partnerships.

The ESA is flexible when there are issues of human health and safety, including catastrophic wildfires. The

role of the Service is to offer recommendations to minimize the effects of the emergency response action on listed species or their critical habitats, not to stand in the way of the response efforts. This flexibility ensures that protecting life and property always comes first. Through these actions, short-term negative impacts to listed species are minimized, and the long-term benefits of reducing the risk of catastrophic wildfire are ensured. I cannot overemphasize the importance of using prescribed fire and forest thinning as the main security measures to prevent catastrophic wildfires. Listed species and their habitats suffer significant adverse impacts when catastrophic crown fires occur. Simply stated, there is no benefit to listed species from unhealthy forests.

A major component of successful forest management has been the implementation of the National Fire Plan. Since its approval in 2000, the Service has worked within the framework of the plan and its implementation to reduce the risks of catastrophic wildland fires and to restore fire-adapted ecosystems. The ESA has not inhibited forest managers from completing work necessary to implement the plan. Rather, the Service coordinates closely with local, state, and federal agencies in fire risk reduction efforts, such as thinning projects, non-native plant removal, and prescribed fire. This proactive coordination reduces the time required to carry out Fire Plan initiatives.

Multiple Departmental policies have been implemented in order to assure the protection of human health and property and effective management of our national forests. These include a 2001 Secretarial memorandum on endangered species and fire, which states that no emergency response is to be delayed or obstructed because of ESA considerations. Rather, incident commanders assign resource advisors or technical experts (such as employees of land management agencies or Service biologists) to a fire. The resource advisors do not have the authority to prohibit any fire operations, but the Service works closely with the resource advisors and provides recommendations to minimize effects to sensitive resources, including listed and proposed species, and their habitat. After the risk to human life or property has subsided and suppression is accomplished, we complete emergency consultation on fire suppression activities under the emergency consultation provisions of the ESA. These provisions allow fire managers to proceed with fire suppression and conduct Service consultations after the emergency response is completed.

More recently, as part of the Healthy Forest Initiative, the Service, in cooperation with NOAA-Fisheries, the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, and the National Park Service, issued the Joint Counterpart Endangered Species Section 7 Consultation Regulations to streamline consultation on proposed projects that support the National Fire Plan. These regulations provide an alternative process for completing Section 7 consultation for agency projects that authorize, fund, or carry out actions that support the National Fire Plan. This alternative consultation process eliminates the need to obtain written concurrence from the Service for those National Fire Plan projects that the action agency determines are "not likely to adversely affect" any listed species or designated critical habitat.

Our Arizona Ecological Services Field Office has worked diligently on numerous projects requiring interagency consultation. Since 2001, it has consulted on nearly 125 projects involving wildfires or fire projects in Arizona. Fifty wildfires were covered by emergency consultation procedures, allowing fire managers to proceed with fire suppression and concluding the consultations afterwards. The remaining consultations were undertaken to address prescribed fires, forest thinning, and fire planning actions.

As Members may be aware, the Nuttall Complex Fire, on Mt. Graham, consumed over 29,000 acres and threatened the endangered Mt. Graham red squirrel, the threatened Mexican spotted owl, the International Observatory, private summer homes, and forest administrative sites. Prior to the fire, the Service worked through a Section 7 consultation to assist the Forest Service in implementing numerous fuel reduction projects. We strongly recommended immediate fuel removal and provided additional conservation recommendations to the Forest Service with the understanding that human safety takes priority. During the fire, the Service maintained regular contact with the Coronado National Forest regarding fire suppression effects to threatened and endangered wildlife during the firefighting operation and post-fire work. In short, under most circumstances, the conservation needs of listed species are consistent with management practices that are designed to sustain healthy forests.

The Service strives to facilitate and expedite consultations on thinning treatments and other fire-related projects. In 2001, we completed a batched consultation with the Forest Service on projects that would reduce fuel loads adjacent to wildland-urban interface areas in order to protect life, property, and natural resources, including rare species' habitats. This consultation included 283 Wildland/Urban Interface projects on 1.9 million acres in Arizona and New Mexico and has resulted in streamlined reviews of the projects as site-specific plans are completed.

Another example of coordination is the recent designation of critical habitat for the Mexican spotted owl. On August 30, we published the final rule to designate critical habitat for the Mexican spotted owl. In the final rule, we excluded 157 Wildland Urban Interface (WUI) project areas, encompassing 134,397 acres on Forest Service lands in Arizona and New Mexico (under Section 4(b)(2) of the ESA) because of human health and safety concerns related to possible delays of fuels reduction treatments. Our economic analysis concluded that some projects proposed within the WUI may be delayed because of the Recovery Plan recommendation that fuel treatments occur during the non-breeding season; therefore, we excluded these areas from the final designation. In light of the expansive nature of the owl's historical habitat, it was determined that these WUI acres did not provide significant benefits to the recovery of the species.

Effective and successful forest management also requires interagency cooperation on grazing issues. A grazing team has been assembled with biologists from the Service and the Forest Service at both the regional and field office levels. The Grazing Team meets regularly to consult on permit issuance for grazing allotments on National Forests in Arizona and New Mexico and has used the grazing guidance criteria developed jointly between the 2 agencies with input from grazing permittees to make effects determinations. The criteria allow the Forest Service to perform an endangered species triage of grazing allotments scheduled for analysis, thereby streamlining ESA compliance.

Successful implementation of the ESA goes beyond our interagency work and requires the involvement of private landowners, states, tribes, and other stakeholders. Within Arizona, the Service actively works with partners through voluntary Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements, the Partners for Fish and Wildlife Program, and the Landowner Incentive program. For example, I am very pleased to note that last week Department of the Interior Secretary Gale Norton announced the signing of a memorandum of agreement for the Lower Colorado River Multi-Species Habitat Conservation Plan. This unprecedented cooperative effort among the states of Arizona, California, Nevada, area tribal governments, and the Department of the Interior agencies will provide long-term incidental take coverage for Federal and non-Federal existing and future water and power projects on the Lower Colorado River. These projects provide water to 20 million people in the three states, support important agricultural areas, and produce a significant amount of hydropower. By working together, the partners have fostered trust and understanding among disparate groups and enabled a comprehensive evaluation of the effects of water and power projects on native species. Once completed in January 2005, this Habitat Conservation Plan and Section 7 consultation will enable the future use of these resources for the benefit of people for a 50-year period, while providing significant conservation for 27 native aquatic, riparian, and terrestrial plants and animals, well beyond that which could have been developed under separate plans.

In conclusion, the Service shares the goal of effective forest management. We will continue to work cooperatively with all involved entities to ensure the continued survival of our nation's wildlife, the protection of human life and property, and the continued existence of healthy forests. Mr. Chairman, this concludes my statement, and I would be happy to answer any questions that you or Members of the Committee might have