

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service and National Marine Fisheries Service

50 CFR Parts 402

FWS-HQ-ES-2020-0102-0001

Comments Submitted by the National Association of Forest Service Retirees (NAFSR) and the Public Lands Foundation (PLF) on the proposed regulation entitled “Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation”.

The National Association of Forest Service Retirees (NAFSR) is a national nonprofit membership organization that represents thousands of US Department of Agriculture (USDA) Forest Service retirees who are dedicated to: sustaining the heritage of caring for the National Forests and Grasslands, partnering with the Forest Service (FS), and helping understand and adapt to today’s and tomorrow’s challenges.

The Public Lands Foundation (PLF) is a national nonprofit membership organization that advocates and works for the retention of America’s Public Lands in public hands, professionally and sustainably managed for responsible use and enjoyment by American citizens. The PLF endorses and embraces the multiple use mission of the US Department of the Interior (DOI) Bureau of Land Management (BLM). Members are predominately retired BLM employees from across the United States.

Thank you for the opportunity to comment on the proposal to amend the Services’ consultation regulations under the Endangered Species Act of 1973, as amended, pertaining to the U.S. Forest Service and Bureau of Land Management. The proposed revisions would clarify that reinitiation of consultation would not be required for these agencies’ previously approved land management plans when new information reveals that effects of a plan may affect listed species or critical habitat in a manner or to an extent not previously considered, provided that any authorized actions for which the new information is relevant will be addressed through a separate action-specific consultation. The proposed revisions would also replace the existing regulation’s temporary instructions concerning National Forest System lands with permanent instructions. We support the proposed amendment.

There is probably no other public land issue that rises to the level of importance as wildfire and the associated and compelling need for a change in our current public land management. The accelerating effects of climate change have added to an already confounding and highly connecting set of ecosystem stressors. The impacts of these large, catastrophic wildfires are horrifying and will only become worse without changes in land management.

There is increasing recognition from the public and Congress that additional focus and funding need to be directed toward bringing about these needed changes. However, these changes will not happen without a corresponding reduction in the number of costly barriers to the

collaborative projects that must take place to restore ecosystem diversity and resilience. We believe the Services understand this predicament, and the proposed amendment helps to create efficiencies and remove barriers to meet these challenges.

We agree that reinitiation of consultation at the land management plan level would be burdensome, inefficient and unnecessary. Specific, on-the-ground actions taken in conformance with approved land management plans are subject to their own action-specific section 7 consultations if those actions may affect listed species or critical habitat. Specific information regarding the location, timing and intensity of an action is only available at the project level. This project-level information, combined with relevant new information, provides for interagency cooperation that is far more meaningful and efficient.

Furthermore, section 7 consultation at the project level always considers the nature of the action within a broader context. As the Services correctly point out, “Each consultation builds on past consultations no matter whether the action being consulted on relates to a plan or to a specific action.” The Services further clarify that, “. . . as part of the environmental baseline, the consulting agency knows how other Federal, State, and private actions have affected the species and its critical habitat and analyzes those impacts during the project consultations.”

We agree that focusing on these action-specific consultations would allow the affected agencies to direct their limited resources to those actions that cause on-the-ground effects to listed species or designated critical habitats. Budget and labor efficiencies resulting from this regulation would also help the U.S. Forest Service and BLM to invest additional resources toward planning and implementing restoration projects that improve ecosystem diversity and resilience, while also ensuring they fulfill their obligations under section 7.

Creating and maintaining resilient landscapes is our best hope of protecting forests and other ecosystems from the ravages of wildfire, insect and disease infestations, and invasive species. All wildlife, including those listed as threatened and endangered, benefit from restoration projects designed to bring about this broad ecosystem diversity and resilience. Furthermore, we believe that the proposed regulatory change will help reduce litigation that seeks to block the very projects that are designed to bring about these needed changes.

We view the proposed new rule as essential if significant progress is to be made on one of the greatest natural resource challenges of our time – the wildfire crisis now destroying our western forests and rangelands (and associated wildlife habitat), communities, and people’s lives.

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