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FWS Must Restore 'Lost Credibility,' New Director Says

- LAURA PETERSEN

The Fish and Wildlife Service must work to restore its credibility with the public and establish a framework to ensure that science, not politics, drives endangered species listings, according to the agency's new director.

Dan Ashe, a 16-year agency veteran who took the helm at the end of June, said his primary goal as director is to create an environment within FWS built around a commitment to science and excellence in public service.

"At our core, we continue to recognize that we are a scientific organization, and that we are committed to the fundamental practice of science as a bedrock in the organization," Ashe said in a sit-down interview this week with Land Letter.

Regaining public confidence in the agency's commitment to science will take time, but Ashe said big changes have already occurred under the Obama administration.

"At no time have we had more freedom to make biologically based decisions under the Endangered Species Act, and that includes [during] the Clinton administration," said Ashe, who has worked for the agency since 1995 in various management capacities, including director of external affairs, director of the National Wildlife Refuge System, science adviser and deputy director.

Under the George W. Bush administration, proposals to list plants and animals under ESA had to be reviewed by the assistant secretary of wildlife in the Interior Department, a process that drew harsh criticism from environmentalists and was later found by the Interior inspector general to have led to the tampering of scientific information and skirted ethics laws.

"I think what we have to recover is the credibility that was lost as a result of that level of political review," Ashe said.

Now, Ashe said, he keeps Interior Secretary Ken Salazar informed of his actions so there are no surprises. But final decisions on species listings fall squarely to the

FWS director and are not subject to approval by the secretary's office.

"All the decisionmaking on endangered species listings, it occurs here in the Fish and Wildlife Service," Ashe said. "And that is, in my experience, unprecedented."

Jamie Rappaport Clark, who directed the service from 1997 to 2001 under President Clinton, said that during her tenure she would have open discussions with then-Interior Secretary Bruce Babbitt about species listings, but none of her decisions were ever challenged by political appointees.

Clark, who is now executive vice president of the nonprofit group Defenders of Wildlife, said she would be surprised if the Interior secretary had no involvement with listing decisions, because many are controversial (Land Letter, Jan. 27). "It's hard for me to imagine, but if so, that's pretty amazing," Clark said.

Ashe said the agency needs to make sure that an autonomous, science-driven decisionmaking process endures no matter who is president or secretary, and he hopes to implement such a framework during his time in office.

FWS is also exploring administrative and legislative changes to improve the Endangered Species Act, which President Obama identified as a regulatory agenda goal, Ashe said. However, any major proposals will not likely be presented to Congress unless Obama is elected to a second term.

"Ultimately, there could be legislative changes to the law," Ashe said, but he added, "We're not really prepared to talk about that at this point."

Litigation battles

While defending the right of advocacy groups to file lawsuits over ESA decisions, Ashe said litigation has become a "business model" for some groups and is threatening to undermine FWS's ability to do what's best for imperiled species.

"In the area of listings, litigation has produced an environment where we are unable to set biologically based priorities," Ashe said.

Last month, FWS announced a settlement agreement with two of its most frequent litigants: the Center for Biological Diversity and WildEarth Guardians. The agreement calls for the agency to make listing decisions on 261 species that have been in administrative limbo, in some cases for decades, over the next six years (Land Letter, July 14). Ashe said he hopes U.S. District Judge Emmet Sullivan approves the agreement soon so the listing program can get back on track.

Noah Greenwald, endangered species program director for Center for Biological Diversity, agreed that the settlement is a positive step, and he expects it will reduce the need for lawsuits over missed deadlines. However, he was skeptical that political influence over listing decisions has diminished and said the nonprofit would continue to challenge decisions that do not follow the best available science.

“There’s been some changes at Fish and Wildlife Service under Obama, but political intrusion continues to be a problem,” Greenwald said.

He pointed to a pending agreement between the FWS and Wyoming Gov. Matt Mead (R) to remove gray wolves from federal protection as one that lacks scientific grounding (Land Letter, Aug. 4). Several environmental groups have challenged the plan, which allows for unregulated hunting except around Yellowstone National Park, where hunters must receive a license.

Ashe said Northern Rockies gray wolves have far surpassed recovery goals, and he hopes Wyoming’s wolves can be delisted soon, just like their counterparts in neighboring Montana and Idaho, which were removed from the endangered species list by Congress in May.

The agency will monitor the species and work with states if hunting becomes unsustainable, but Ashe said he does not anticipate any problems.

“The record has shown that states are very qualified for managing a game species in particular,” Ashe said. “Where wolves are being managed as a trophy game species, I think the states will do an exceptional job.”

In addition to environmentalists, Ashe said, FWS must work harder to gain the trust of individuals and groups wary of environmental regulation. Many ranchers and farmers, as well as the energy and mining industries and private property rights groups, have long complained that endangered species management impedes their ability to use or develop land.

Ashe said he hopes to demonstrate that the agency’s decisions are objective and scientifically based and can be made without compromising economic priorities. A prime opportunity to prove FWS’s willingness to work with ESA critics comes next month, when Ashe travels to Oklahoma to attend listening sessions about the potential listing of the lesser prairie chicken as an endangered species.

Ashe had promised Sen. James Inhofe (R-Okla.), the ranking member of the Senate Environment and Public Works Committee, that he would visit the state and listen to stakeholders’ concerns about how a prairie chicken listing would affect the state’s economy.

He said the threats to the bird are well understood, and that measures can be taken to conserve the species. But the agency is increasingly trying to find ways to achieve conservation goals through partnerships rather than regulation.

“There are flexibilities within the Endangered Species Act that will allow us to work with private land owners and others so we’ll be able to do a good job conserving the species without unduly affecting ranchers and the working landscape,” Ashe said.

Tough political, fiscal climate

Trying to achieve conservation may seem daunting in the current political climate, where congressional Republicans remain committed to reining in the Obama administration’s regulatory authority, including its handling of fish and wildlife species.

But Ashe seems more concerned about the dire fiscal climate and having to cut “muscle and bone” from the agency’s budget than about facing critics on Capitol Hill.

“I’ve seen worse political climates,” Ashe said, who joined FWS in 1995 as Republicans won control of Congress and the House Natural Resources Committee was headed by ESA critics Reps. Don Young (R-Alaska) and Richard Pombo (R-Calif.). “We survived that era and maybe came out stronger,” said Ashe.

Ashe pointed to policy changes from that period, such as the implementation of so-called “safe harbor agreements,” that he said have made the Endangered Species Act a more effective conservation tool.

However, Ashe defended the agency against critics who would strip FWS of its regulatory authority over the nation’s plants and animals. “The Endangered Species

Act is not the problem,” he said. “The fact that we are having to use the Endangered Species Act is symptomatic of a larger problem, which is that fish and wildlife populations continue to decline.

“If we see illness or some kind of epidemic, we don’t get mad at the hospitals and doctors that are treating the problem,” he continued. “We identify the problem and we deal with the problem.”

Climate challenge

One of the agency’s most pressing challenges -- both now and into the 21st century -- is how to protect species against stresses associated with climate change.

During his confirmation hearings, Republicans grilled Ashe about a FWS climate change strategic plan that he helped create and that stated everything the agency does must be considered through “the lens of climate change.”

Ashe said Inhofe had been concerned that the agency was somehow changing its mission to deal with the underlying causes of climate change or regulate greenhouse gas emissions, which Ashe assured him is not FWS’s charge (Greenwire, May 18).

“But we need to understand climate change if we are going to accomplish our mission to conserve fish, wildlife, plants and their habitat,” Ashe said.

Once that distinction was made clear, Ashe said, Inhofe’s concerns were sufficiently allayed. Ashe said he looks forward to having more of those types of exchanges with stakeholders and critics in the future, and that doing so will help build an environment of respect and trust around FWS.

“A partner may disagree with us in the end, but they trust that we have made the best decision that we can make given the resources and information available to us and they trust that we listened to their view,” Ashe said. “If I can help create that kind of environment, then I will have done a good job.”