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September 13, 2005

Honorable John McCain  
241 Russell Senate Office Bldg.  
Honorable Jon Kyl  
730 Hart Senate Bldg.  
Washington, D.C. 20510

RE: Information for Upcoming Confirmation Hearing on Dale Hall as Director of the U.S. Fish and Wildlife Service

Dear Senators McCain and Kyl:

As a resident of Arizona, I am seeking your assistance in providing to the Senate Environment and Public Works Committee information pertinent to the confirmation hearing on the administration's nomination of Dale Hall as Director of the U.S. Fish and Wildlife Service. Although I know that neither of you are on that Committee, I hope you will share this information with your colleagues who are. Mr. Hall, who is currently Regional Director in the Service's Southwestern Region, has throughout his tenure in that position given preference to political considerations at the expense of good science. His mismanagement of the Southwestern Regional operations has left that Region in disarray.

I worked as a scientist for over 20 years for the Fish and Wildlife Service, retiring in January 2002. For 7 years I working in the Southwestern Regional Office, followed by 14 years at the Arizona Ecological Services Office in Phoenix. Mr. Hall became Interim Regional Director in Albuquerque a month before my retirement. I am now engaged in independent research and contract studies and am active in conservation of southwestern desert fishes. It is my experience, both as a former Service employee and as an independent scientist, that Mr. Hall does not act in the best interests of natural resource conservation and is unsuitable for Directorship of the Fish and Wildlife Service.

**As Southwestern Regional Director, Mr. Hall frequently makes resource decisions based on political concerns rather than scientific analyses, in direct contradiction to the Endangered Species Act (ESA) requirement to use the best science available.** A striking example of this is the verbal directive Mr. Hall issued, immediately following his mid-December 2001 arrival in the Southwestern Region, that jeopardy biological opinions under section 7 of ESA would no longer be allowed. Section 7 consultation is one of the primary ESA mechanisms protecting species from destruction by Federal activities; however, that protection is meager unless the finding in the culminating biological opinion is jeopardy. Mr. Hall's no-more-jeopardy directive was never put in writing, a not uncommon agency procedure. He later publicly denied issuing such an

order, but the record of his tenure as Southwestern Regional Director demonstrates that he continued to put the order into practice.

According to data on Service websites and obtained from Regional staff, in his three years and nine months as Southwestern Regional Director, Mr. Hall has approved only one jeopardy biological opinion, out of several hundred opinions issued. His one jeopardy was a court-ordered reinitiation of an earlier jeopardy biological opinion signed by previous Regional Director Nancy Kaufman, concerning water management in the Rio Grande and its effects to Rio Grande silvery minnow and southwestern willow flycatcher. During a period of similar length, Regional Director Kaufman signed at least six final and two draft jeopardy biological opinions. Application of Mr. Hall's no-more-jeopardy order is also reflected in the results of the 2005 survey of Service Ecological Services scientists by Public Employees for Environmental Responsibility (PEER). Two-thirds of the respondents working on section 7 consultation in the Southwestern Region indicated they had been directed, for non-scientific reasons, to refrain from making jeopardy or other findings protective of species.

It isn't as if the species addressed in biological opinions during Mr. Hall's tenure were only mildly imperiled or that proposed actions being consulted on had only minor effects. Of the 82 species addressed in those biological opinions, 46% were endangered, and around 60-70% of the biological opinions determined there would be "take" of the species, ranging from a few individuals to many. In addition, of the 82 species, only four improved in status between 2000 and 2002, while 10 declined in status, according to Service recovery reports to Congress. Perhaps species declines may have been lessened if Mr. Hall had not pre-determined, as a matter of policy, that no Federal actions could jeopardize listed species, thus forgoing opportunities for avoiding or mitigating species losses.

At the time Mr. Hall became Regional Director I was a Fish and Wildlife Service staff scientist working on finalization of a biological opinion issued as a draft by previous Regional Director Nancy Kaufman, with a finding of jeopardy. Ms Kaufman too tended to defer to political pressure to avoid jeopardy, but generally upheld staff jeopardy recommendations when negotiation failed to convince the Federal action agency to alter the proposed action sufficiently to mitigate adverse impacts. In this case the action agency said it would not voluntarily make the changes needed to avoid jeopardy, but had no objection to the Service using a jeopardy opinion to require those changes. Despite the Federal action agency's lack of objection to a jeopardy opinion, Mr. Hall's "no more jeopardy opinions" directive applied, and I was told by Arizona Ecological Services Field Supervisor Dave Harlow to conform to that directive. Although Mr. Harlow did not agree with Mr. Hall's views on jeopardy, he directed me to rewrite the final opinion to find no jeopardy and to prepare a justification for that change. I did not do so, and on December 21, 2001 I delivered to Mr. Harlow a draft of the final biological opinion with a finding of jeopardy. That biological opinion has never been signed and remains "under review" today, even while the action agency proceeds with project implementation.

Blatant substitution of political goals for good science is also obvious in Mr. Hall's 2005 Regional policy on use of genetics information in endangered and threatened species management and recovery. This policy, which is based on a twisted interpretation of a court decision on another issue, simply eliminates use of a substantial body of scientific information through fiat. The policy would withdraw protection from substantial parts of Federally listed species, and will likely allow irretrievable loss of genetic variability and adaptive capability that would enable long-term survival. The policy provoked letters of strong objection and calls for rescinding from another Service Regional Director and from over 160 scientists. Despite this, Service staff says they have been led to expect that Mr. Hall will, upon becoming Director, invoke this policy on a national level. In an indication of his complete disregard for scientific input, Mr. Hall has not responded to letters or phone calls from scientists regarding this policy.

According to press reports, their inquiries to the Service on the genetics policy drew two responses. First that the 160+ academic and management scientists "misunderstand" the written policy, and second that the policy will not affect species protection because genetic diversity can be protected by relisting the species as sets of distinct population segments. It is not clear if Mr. Hall understands that such a mass relisting would be in direct contradiction to Congressional guidance that provides for listing of distinct population segments be used "sparingly." It is also not clear if he understands the enormous cost in time and funds entailed in such an effort. Using a very conservative estimate of \$30,000 per average species listing (excluding critical habitat designation) obtained from the Service, and assuming that of the 1,034 domestic species listed, two-thirds will have an average of four genetic lineages each that need to be conserved; the suggested relistings would cost a total of \$831 million, or 48 years worth of the Service's listing budget. If Mr. Hall truly believes this is a logical approach, his grasp of his agency and its budget and operations is tenuous.

**Mr. Hall's disregard of science extends to the scientists themselves. As Regional Director he has severed communication with much of the scientific community.** The failure to respond to letters regarding the genetics policy is, in my experience, typical of Mr. Hall's Regional administration. I have experienced Mr. Hall's refusal to communicate on several native fish issues and have talked with other scientists and conservation advocates who expressed frustration with Mr. Hall for the same reason. Mr. Hall's disregard is not restricted to ignoring letters, phone calls, and emails. He also actively destroys communication avenues of demonstrated effectiveness. In 2002, at the urging of the Arizona Game and Fish Department, Mr. Hall disbanded his own agency's Desert Fishes Recovery Team. For 18 years, this Service-appointed group of scientists had provided information and advice to the Service on conservation of many Federally listed and candidate native fishes and served as a popular biological forum for discussion of native fish conservation. Mr. Hall's letter terminating the Team concluded that "the work of the Team is complete." It was sent without the courtesy of a warning phone call or other personal contact, and had no preceding communication indicating dissatisfaction with the Team. The Team responded to Mr. Hall with a letter providing information on ongoing activities and suggesting that continuation of the Team would be valuable to the Service as well as other agencies and organizations. This letter received no response.

To replace the valuable forum provided by the Desert Fishes Recovery Team, involved scientists formed an independent group called the Desert Fishes Team. At their first meeting, this new group was informed by Arizona Game and Fish Department representatives that neither the Department nor the Service would participate. Three group members, including myself, wrote Mr. Hall in September 2003 inquiring about this and urging him to allow his scientists to participate. Mr. Hall did not respond, nor did he respond to copies sent to him of reports produced by the Desert Fishes Team, nor to additional letters. Phone calls to various members of his staff also went unanswered and unreturned. It was only after obtaining the assistance of your office, Senator McCain, that we finally received a response from Mr. Hall in September 2004.

**The disarray in the Service's Southwestern Regional Office seems to indicate that Mr. Hall's abilities as an administrator are seriously deficient.** In addition to communications failures, other Service processes show growing administrative problems. Another example from my experience is extensive delay and difficulties in the Endangered Species scientific collecting permit system. In January 2002 I applied for such a permit. In June I received email notification that the permit would be issued by the end of the week. It did not arrive and my call to the Regional permit coordinator elicited the response that she was no longer allowed to speak to me. During the next two months I made over a dozen telephone calls and emails to various staff at four different management levels, including Mr. Hall himself. None of those were answered or returned. Only with the assistance of my attorney was the permit issued on September 25, 2002. My attorney was told the delay was simply due to heavy workload.

Although my permitting experience appears to have been unusually flawed, I have heard complaints from a number of other scientists indicating the permit system is working slowly and poorly. Mr. Hall's inability to ensure effective administration of Regional programs bodes poorly for the Service if he is made Director.

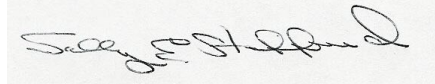
**Southwestern Regional staff are unhappy with Mr. Hall's administration of the Region.** Mr. Hall's incompetence in management skills and his willingness to substitute politics for science are both reflected in the results of the 2005 PEER survey. Responses from the Southwestern Region indicate that staff have little confidence in Mr. Hall's administration. Over half of the Southwestern Region respondents said that morale was poor to extremely poor and only 10% said it was good or excellent. Other survey results displayed reasons for that poor morale. Sixty-one percent of the survey respondents in Mr. Hall's Region said they didn't think that the resources available were being used efficiently. Only 19.5% said they respected the integrity and professionalism of the agency's decision makers and even fewer (9.8%) trusted the agency's decision makers to protect species and habitats or to stand up for scientific staff who take controversial stands – the Southwestern Region rated poorest of all Regions. Only one out of twenty Southwestern Regional respondents felt that the Service was effectively accomplishing efforts toward recovery of ESA listed species, six times less than in other Regions. Essay comments from Southwestern Region respondents said that Dale Hall “is more attuned with the Cattle Growers Association than his own ES [Ecological Services] scientists”

and that “with few exceptions the entire echelon of FWS are not advocates for the fish and wildlife.”

As the Regional Director with the worst rating from his staff, it hardly makes sense to place Mr. Hall in control of the entire agency. The survey results indicate that selection of Mr. Hall as Director is likely to result in overall lowering of Service morale, as well as lowered integrity, professionalism, trust, and species protection. The only increase Mr. Hall would seem to offer as Director would be greater political interference in scientific decisions and increasing departures of good scientists from the agency.

I appreciate your assistance in providing the Committee with this information. If I can provide additional information or clarification, please contact me.

Sincerely,

A handwritten signature in black ink on a light-colored background, appearing to read "Sally E. Stefferud".

Sally E. Stefferud

cc: Congressman Ed Pastor  
Congressman Raul Grijalva