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Route To:

Subject: Endangered Species Act Consultation on Wildland Fire Use

To: Regional Foresters

It appears that there is confusion on some units regarding the use of Endangered Species Act (ESA) section 7(a)(2) consultation or emergency consultation for wildland fire use. Wildland fire use is one component of the available appropriate management responses to unplanned ignitions. As part of wildfire management decision-making, it constitutes an emergency action. It is to be guided by the same management policies as wildfire suppression. The *Wildland Fire Use Implementation Procedures Reference Guide*, released in 2005, provides standardized procedures, specifically associated with consideration and implementation of wildland fire use.

Wildfire incidents, including those determined to meet the criteria for wildland fire use, are considered emergency actions under the ESA (50 CFR 402.05; also see FSM 2671.45f), and emergency consultation is to be used when appropriate. Analysis is restricted to the **effects of management actions**, not of the fire itself, to threatened and endangered (T&E) and proposed species, and to designated and proposed critical habitat under emergency consultation, and is documented when the emergency is over. The effects of the management response are to be analyzed, and where adverse effect to T&E or proposed species or to designated or proposed critical habitat are identified, emergency consultation is to be done with the U.S. Fish and Wildlife Service or NOAA Fisheries. Such analysis is important in determining any changes to the baseline or status of T&E species.

This does not mean, if time permits, that discussions with the FWS or NOAA Fisheries about potential effects of our potential management actions should not be done. This can be very useful ESA section 7(a)(1) collaboration.

For further information on emergency consultation requirements for fire incidents under the ESA, contact Marc Bosch, National Threatened, Endangered, Sensitive Species Program Leader, at mbosch@fs.fed.us, 202-205-1220, or Leslie Sekavec, Fire and Aviation Management, at lsekavec@fs.fed.us.

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