



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Oregon State Office

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In Reply Refer to:

6700 (OR-931) P

October 23, 2007

EMS TRANSMISSION 10/24/2007

Instruction Memorandum No. OR-2008-009

Expires: 9/30/2009

To: District Managers: Coos Bay, Eugene, Medford, Prineville, Roseburg, Salem, Spokane

From: State Director, Oregon/Washington

Subject: Consultation Requirements with the National Oceanic and Atmospheric Administration Fisheries on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act

Program Area: Fisheries

Purpose: The Washington Office (WO) Division of Fish, Wildlife, and Plant Conservation (WO-230) has issued Bureau of Land Management (BLM) Instruction Memorandum (IM) No. 2007-201 (<http://web.blm.gov/internal/wo-500/directives/dir-07/im2007-201.html>). The WO IM clarifies the BLM policy on the consultation requirements for federal actions that may adversely affect Essential Fish Habitat (EFH) as identified under the Magnuson-Stevens Act (MSA), as amended.

Policy/Action: Section 305(b)(2) of the MSA requires all Federal agencies to consult with the Secretary of Commerce on all actions or proposed actions authorized, funded, or undertaken by the agency that may adversely affect the EFH for commercial fish species covered under a Federal Fishery Management Plan. The fish species with EFH on BLM lands include Chinook salmon and Coho salmon. The WO IM provides information for field units to utilize when preparing EFH consultation documents. The WO IM focuses on the differences between the Endangered Species Act consultation and the EFH consultation.

Timeframe: Effective October 19, 2007.

Budget Impact: None

Background: Previous policy was issued by the WO in IM-2001-158. Regulations governing the consultation requirements for EFH under the MSA can be found at 50 CFR 600.905.

Manual/Handbook Sections Affected: BLM Manual 6700 will be updated to reflect current policy.

Coordination: The WO IM was coordinated with the BLM State Office and Forest Service Regional policy staff from the affected states/regions.

Contact: Joe Moreau, Lead Fish Biologist, OR/WA State Office, at 503-808-6418.

Districts with Unions are reminded to notify their unions of this Instruction Memorandum and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
Michael S. Mottice
Acting, Associate State Director

Authenticated by
Paj Shua Cha
Records Section