In Reply Refer to:
6840 (OR-931) P

September 2, 2003

EMS TRANSMISSION 09/03/2003
Instruction Memorandum No. OR-2003-107
Expires: 9/30/2004

To: All District Managers

From: State Director

Subject: Interagency Memo on Implementing Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (excluding CA) (ICS Manual #2) - May 27, 2003

Program Area: Endangered Species Act Consultation

Purpose: Attached is an interagency memo signed by the executives in the Northwest States and Regions of the Bureau of Land Management (BLM), Forest Service (FS), Fish and Wildlife Service (FWS), and National Oceanic and Atmospheric Administration Fisheries (NOAA) that reaffirms our commitment to the Streamlined Consultation process as the collaborative approach to meeting our Endangered Species Act (ESA) obligations. Interagency teams of Interagency Coordinators (the Interagency Coordinator Subgroup (ICS)) and Regional Tech Team (RTT) worked under executive direction to evaluate, critique, and develop recommendations to enhance the Streamlined Consultation process. Much of their effort was based on input and efforts from the field units that have been implementing the procedures since 1995. The 1999 Streamlined Consultation Procedures continue to provide the overall direction for our efforts.

I ask that all District Managers, Field Managers, and Level 1 and Level 2 team staff review and implement this memo in conjunction with their interagency counterparts. It contains specific expectations, directions, and recommendations from the executives concerning the consultation processes. The executives have agreed to meet three times annually to address consultation issues and developments.

Some highlights of the memo are:

- Website: The Northwest Interagency ESA website at www.or.blm.gov/esa has been established to access key ESA and Streamlined Consultation information.

- Team Processes: Utilization of team leads, good documentation and facilitation, management liaison, and elevation by Level 1 teams. The critical role of the Level 2 team in consultation success is emphasized.

- Preparing Status Reports and Assessments of Consultation Efforts: Completion of annual interagency
assessment of performance by Level 1 and 2 teams.

- Establishing Strong National Environmental Policy Act Foundation: Focus on close interagency coordination on description and analysis of projects, early involvement by FWS and NOAA, and caution redesigning projects outside the scope of original project proposal.

- Consensus-Based Consultation: Strong emphasis on selecting appropriate staff to be team members, reinforcing commitment by members to the collaborative process, and understanding the intent of consensus.

- Elevation Process: Importance of timely and expeditious application of the streamlined consultation elevation process as detailed in the 1999 procedures and the use of regional and state staff for informal guidance and technical assistance.

- Regional Level Action Item: The attachment to the memo outlines various actions the executives, ICS, and RTT are undertaking to facilitate cooperation and the success of ESA Consultation.

**Policy/Action:** Continued implementation and support for the interagency 1999 Streamlined Consultation procedures. Review and implement expectations and recommendations contained in the attached May 27, 2003, Interagency Memo.

**Timeframe:** Immediate

**Background:** See Background Section in May 27, 2003, memo

**Manual/Handbook Sections Affected:** BLM Manual 6840 Special Status Species; BLM OR/WA Policy 6840

**Coordination:** Interagency coordination among FS, FWS, NOAA, and BLM for ESA obligations

**Contact:** Barbara Hill at (503) 808-6052 or Neal Middlebrook at (541) 751-4268

I want to express my sincere commitment to the collaborative efforts of Streamlined Consultation and its goals of species conservation and implementation of well-designed projects in a timely manner. I greatly appreciate the continued efforts on the part of our managers and staff to further and implement the Streamlined Consultation process.

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**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
Elaine M. Brong

Authenticated by
Mary O'Leary
Management Assistant

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1 Attachment

1 - Implementing Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (excluding CA) – (ICS Memo #2) (14 pp)

Distribution
WO-230 (204LS)
OR-030 (Dorothy Mason)
OR-100 (Joe Lint)
OR-120 (Bill Hudson)
OR-931 (Joe Moreau, Joan Seevers, Al Doelker)
OR-935 (Neal Middlebrook)
ID-931 (Jon Foster, Tim Burton)
MT-923 (Gayle Sitter)
MT-920 (Howard Lemm)
Reply to: 2670(FS)/6840(BLM)  Date: May 27, 2003

FS/NOAA Fisheries/BLM/FWS-Memorandum

To:  Forest Service Supervisors (Regions 1, 4, 6), USDI Fish & Wildlife Service Field Supervisors (Region 1), USDI Bureau of Land Management District/Field Managers (OR/WA, ID, and MT), and USDC National Oceanic and Atmospheric Administration Fisheries Project Managers (Northwest)

Subject: Implementing Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (excluding California) – (ICS Memo #2)

As the Regional Executives representing the Forest Service (FS), the Bureau of Land Management (BLM), the Fish and Wildlife Service (FWS), and the National Oceanic and Atmospheric Administration (NOAA) Fisheries, we are reissuing the Streamlined Consultation Procedures for Section 7 of the Endangered Species Act - July 1999 (see the interagency ESA website listed below) for the geographic area encompassing the Northwest Forest Plan, PACFISH/INFISH (excluding California), and the range of the threatened bull trout, and related Biological Opinions. By doing so, we are reaffirming our commitment to these procedures as our basic approach to meeting our collective responsibilities under Section 7 of the Endangered Species Act (ESA). We continue to endorse the establishment of interagency Level 1 and Level 2 teams, a Regional Technical Team (RTT), Interagency Coordinators (IC’s), and an Interagency Coordination Subgroup (ICS) as the foundation for implementing these procedures here in the Pacific Northwest.

We are incorporating most of the documents referenced in this memorandum on the newly developed interagency ESA website: www.or.blm.gov/esa. These documents form the basis of our interagency efforts to effectively implement and improve the streamlined consultation process.

We believe the streamlined approach to consultation plays a significant role in achieving our shared mission to “...enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources managed by the signatory agencies” as described in our National Memorandum of Agreement Regarding Endangered Species Act Section 7 Programmatic Consultation and Coordination – August 30, 2000 (see the interagency ESA website listed above).

Pursuant to our January 24, 2003 memo (attached) entitled, Improving the Effectiveness of Endangered Species Act (ESA) Implementation (ICS Memo #1), an Interagency Coordination

Attachment 1-1

Implementing Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (ICS Memo #2) - May 27, 2003

Subgroup (ICS) was established to oversee further improvements to the streamlined consultation process. We have asked the ICS to be the focal point for oversight and timely resolution of streamlined consultation related issues with regard to implementing these important streamlined consultation procedures.
In addition to the ICS, the proactive support and personal involvement from BLM District and Field Managers, FS Forest Supervisors and District Rangers, FWS Project Leaders, and NOAA Fisheries Branch Chiefs is essential to successful implementation of these procedures. We direct you to take full advantage of streamlining opportunities to accomplish both our individual agency responsibilities and our shared mission as stated above.

BACKGROUND

In 1995, the Regional Executives agreed to adopt streamlined consultation procedures to implement Section 7 of the Endangered Species Act. Since then, these procedures have been used successfully for numerous programmatic and project-specific consultations. Based on our experiences in implementing these procedures, they were formally revised in 1997 and 1999 to further refine and clarify their application, and to improve their effectiveness. See the Streamlined Consultation Procedures for Section 7 of the Endangered Species Act – July 27, 1999 posted on the interagency ESA website.

While the streamlined consultation procedures have been successful, there are opportunities for improvement. Some field units, in conjunction with their Level 1 and Level 2 teams, have expedited the process very successfully and are to be commended. However, others are still having difficulties and complications with on-the-ground application of some of the procedures. Based upon our experiences to date, the key to success is the development of effective and efficient Level 1 and 2 teams that are able to deal with issues and opportunities presented to the teams. It is also imperative that these teams know how and when to elevate issues to the “next level” without undue loss of time and/or damage to team dynamics.

Since the streamlined consultation procedures were issued, we have asked interagency teams to review and critique various aspects of the process. In April 2000, we established an interagency team to address technical and policy issues identified by field staff and to review the FWS and NOAA Fisheries Matrices of Pathways and Indicators documents (posted on the NOAA website at www.nwr.noaa.gov/1habcon/habweb/habpub.htm). The resulting recommendations of this team were included in the development of this memorandum. In 2001, we assigned three additional tasks to the RTT in Oregon and Washington to: 1) identify what was and was not working in the streamlining process; 2) complete a workload/staffing analysis; and 3) review completed Biological Assessments. A summary of the findings for these tasks has been documented in the action items contained in Improving the Effectiveness of Endangered Species Act (ESA) Implementation (ICS Memo #1) – January 24, 2003 (attached) and in the List of Common Execution Problems – ESA Section 7 Consultation Streamlining Process – July 26, 2002 (attached). Please take the time to become familiar with these documents.

2

Implementing Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (ICS Memo #2) - May 27, 2003

REGIONAL EXECUTIVES’ COMMITMENTS AND EXPECTATIONS

To help ensure the success of the streamlined consultation process, we have committed to meet at least three times each year to address policy and operational issues. We will focus on providing policy leadership and promoting performance accountability. Our success will rely on managers, as well as the Level 1 and 2 teams, to provide us with timely feedback and insight that helps identify issues and concerns.

Streamlined consultation procedures will continue to evolve, as we gain additional experience and understanding of these procedures. We fully expect field managers and supervisors to work diligently to quickly resolve any issues or concerns affecting Level 1 and 2 teams. In some locations genuine support from management staff has resulted in significant Section 7 consultation process efficiencies. This management support has also fostered interagency rapport and created working environments that have contributed to achievement of our shared vision. Thus, we expect agency
managers to use their talents to ensure streamlining is successful in your geographic area. We need to build on our successes as well as consider other consultation innovations that help us further our shared mission.

Our expectations for field managers and supervisors, as well as ourselves, include:

**Strong and Continuing Management Commitment**

We all need to personally deliver a strong message of support for, commitment to, and confidence in the streamlined consultation process to Level 1 and Level 2 team members as well as other staff specialists.

**Team Processes**

We expect agency managers to monitor the function and progress of Level 1 and Level 2 teams, and to work closely with their interagency counterparts to address specific issues affecting the function and/or progress of these teams.

- Level 1 teams should assign a team lead in accordance with the streamlining consultation procedures (See Page II-B-1 Q&A #1: *July 27, 1999 Streamlined Consultation Procedures* …). Team leads (and team members) should have the following expertise: streamlining experience, good team building experience and skills, and good collaborative and facilitation skills. The team lead will be responsible for the development of Level 1 team meeting notes and for the distribution of those notes to other team members and the Level 2 team.

- Good documentation and facilitation of Level 1 team meetings has proven to result in efficiencies. Level 2 teams should ensure that appropriate administrative support (note taker and facilitator) is available to perform this function (See Page II-B-1 Q&A #1: *July 27, 1999 Streamlined Consultation Procedures* …). Level 1 and 2 teams are also encouraged to develop operating guidelines for their respective teams in order to foster ownership from each participating agency. These operating guidelines should be reviewed and updated when changes occur in team membership, and should be periodically reviewed and shared with agency decision-makers.

- Level 2 teams should consider assigning a management liaison position to each Level 1 team. This can be a Level 2 team member or a line officer or supervisor. The role of the management liaison will be to work in concert with the team lead and to help facilitate, understanding and communication between the Level 1 and Level 2 teams. The management liaison is an observer of team dynamics and performance and is a resource to the team lead to help resolve Level 1 team issues (See Page II-A-1 Q&A #2 and Page II-B-2 Q&A #3: *July 27, 1999 Streamlined Consultation Procedures* …).

- The Level 1 team lead and management liaison (where they exist) should alert the Level 2 team when prescribed timelines for development of Biological Assessments (BAs), Letters of Concurrence (LOC’s), and Biological Opinions (BO’s) are not being met for the following reasons: (1) consensus on effects or BA adequacy cannot be reached in a reasonable timeframe; (2) insufficient staffing or high turnover is delaying team progress and timelines; (3) teams are struggling with issues outside the scope of the proposed action or are redefining the proposed action analyzed in the National Environmental Policy Act (NEPA) document and described in the BA; (4) insufficient time has been allotted to produce a technically sound, legally defensible consultation document, within prescribed timelines; or (5) ineffective team dynamics and behaviors are resulting in unnecessary delays
Preparing Status Reports and Annual Assessments of Consultation Efforts

Assessing progress and sharing performance information is critical to maintaining and improving the streamlined consultation process.

- As noted above, the Level 1 team lead and the management liaison (where they exist) are expected to provide an update to the Level 2 team on the status of Level 1 team performance three times a year to coincide with the Regional Executive meetings.

- Level 1 and 2 teams are expected to jointly complete an annual interagency assessment of their performance with support from the RTT, ICS, and others. Utilize Attachment 3 of the *July 27, 1999 Streamlined Consultation Procedures* ... for annual reporting and evaluation, which will be submitted to Level 2 teams and the designated RTT contact by October 15th.

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[1] Due to staff limitations, the FWS in Montana is not able to implement the consultation direction outlined in the streamlining guidance. As a result, the Forests and BLM Districts in Montana will confer with the FWS in accordance with 50 CFR 402.10.

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Implementing Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (ICS Memo #2) - May 27, 2003

of each year. Level 2 teams will be responsible for completion of this evaluation (See Page II-B-2 Q&A #3: *July 27, 1999 Streamlined Consultation Procedures* ...).

Establishing a Strong NEPA Foundation

The FS and BLM should invite FWS and NOAA Fisheries biologists to participate in the early planning phases, especially for high priority projects, projects with short timelines, and those where controversy would be reasonably expected. Early and continued involvement by FWS and NOAA Fisheries personnel in the Planning (NEPA/Interdisciplinary Team) process will facilitate project development and understanding between ID teams, decision-makers, and the Level 1 teams (See Page I-2 and Page II-E-1 Q&A #1: *July 27, 1999 Streamlined Consultation Procedures* ...).

- Action agencies must ensure projects are fully described and their effects are identified and appropriately analyzed by Interdisciplinary Teams as part of the NEPA process. A standardized format should be considered where appropriate. It is essential that the project description and analysis of project effects be closely coordinated with FWS and NOAA Fisheries staff. The BA should be developed from the description of the proposed action and the effects analysis contained in the NEPA document where they have been closely coordinated with FWS and NOAA Fisheries Level 1 staff.

- The consulting agencies should be involved early in project planning to ensure that the NEPA analysis includes a
clear rationale for the effects determination and that the BA documentation is adequate. This involvement should be based on project complexity and scope, potential project effects on listed species and designated critical habitat, and the need for input into project design and identification of effects.

- Level 1 teams should not be redesigning projects outside the scope of the original project proposal. Early involvement (as outlined above), can go a long way to preclude this conflict. It should be noted that Level 1 teams do have a role as a “recommending body” to suggest modifications to a preferred alternative, if and when they see opportunities to minimize impacts to listed species and their habitat, while staying within the purpose and need, and scope of the original project. However, it should also be noted that any final decisions with respect to modification of the preferred alternative is the role of the Interdisciplinary Team, under the direction of the responsible deciding official.

In summary, the July 27, 1999 Streamlined Consultation Procedures … (Page II-E-1 Q&A #1, paragraph 4) indicate “…recommendations for modifications of the preferred alternative from the Level 1 team to the responsible official (such as the FS District Ranger or BLM Field Manager) should be limited to or restricted to correcting inconsistencies or identifying ways to minimize impacts to listed or proposed species and critical habitat considered in the consultation.”

Consensus-based Consultation

The streamlined consultation process is a consensus-based activity that results in legally sufficient consultations which are completed in an expedited timeframe (See Page II-A-1 Q&A #1: July 27, 1999 Streamlined Consultation Procedures …). However, consensus should not be allowed to become more important than the actual goal of a completed BA or consultation process. Successful implementation of streamlining depends on the interpersonal and professional skills of team members at all levels as well as a solid grounding in the streamlining procedures. We expect managers and supervisors to:

- Review existing team composition to ensure that team members demonstrate positive interpersonal skills and collaborative attitudes, to provide opportunities for these individuals to develop and refine these skills, and to rotate staff as necessary to bring fresh perspectives to teams;

- Reinforce the expectation for and commitment of each team member to a collaborative, balanced process that provides for both project review and implementation while meeting species and habitat conservation objectives;

- Communicate to Level 1 teams that consensus does not necessarily mean that each member will be completely satisfied with a document or determination, but it does mean that each team member can agree that the document or determination is sufficient to allow the consultation process to be completed (BA finalized and consultation document issued); and

- Support and participate in streamlining training sessions and workshops along with their team members.

The Elevation Process

The elevation process is another key component to the streamlined consultation procedures. Level 1 and 2 teams should not hesitate to utilize this process when issues cannot be resolved or answers to policy questions are unclear.

- Level 1 teams should immediately elevate consultation issues to their Level 2 teams for resolution when
consensus cannot be reached within identified timelines. Level 2 teams should expeditiously address elevated issues (within two weeks, II-G-2), including technical as well as personnel and other team performance concerns (See Page I-3, Page II-A-1 Q&A #2, Page II-B-2 Q&A #3, and Page II-G-1 Q&A #1: July 27, 1999 Streamlined Consultation Procedures ...).

- We do not view elevations as a failure, but as an important signal that the streamlining process is working to resolve difficult issues (same citation as the bullet above).

**Informal Process** (See Page II-A-2 Q&A #4, and Page II-G-2 Q&A #2: July 27, 1999 Streamlined Consultation Procedures ...):

It is important to make use of the informal process to the extent practical before formally elevating issues. These resources have been under-utilized in the past. The streamlining process relies on Level 1 teams to informally interact and have dialogue with Level 2 teams, the RTT, IC’s, and the ICS and to rely on these various entities for expertise, guidance, and advice.

- Level 1 and 2 teams should utilize the RTT, IC’s, the ICS, Interagency Implementation Team (IIT), National Riparian Service Team, and other outside groups and experts to help resolve field implementation issues, technical questions, process problems, and policy issues or interpretation of existing streamlining guidance in a timely manner.

**Formal Elevation** (See Page II-A-2 Q&A #4 and Page II-G-2 Q&A #2: July 27, 1999 Streamlined Consultation Procedures ...):

Level 2 Teams should strive to reach resolution of elevated issues. If resolution cannot be reached use the following process:

- The Level 2 team or member should elevate the issue through a letter to the Regional Executives with a “cc” to the ICS chair describing the consultation issues to be resolved.

- The Regional Executives will assign responsibility to the ICS to work with the Level 2 Team, RTT, and others to address the elevated consultation issues. Issues elevated to the ICS should be in a form that accurately captures the issue(s), and actions taken by Level 2 to resolve the issue(s).

- The ICS will make recommendations for resolution of issues or further elevation to the Regional Executives. The Regional Executives will make an interagency decision. The ICS will communicate decisions and instructions to the involved Level 1 and 2 teams on how to proceed. The outcome of elevated issues will be documented and distributed to appropriate BLM, FS, FWS and NOAA Fisheries staff (See Page II-G-2 of the Streamlined Consultation Procedures).

- If a consultation issue cannot be resolved at the Regional Executive level, it will be elevated to the National Dispute Resolution Panel.

In closing, both individually and collectively, we sincerely believe that the streamlined consultation procedures have greatly contributed to our ability to effectively carry out our agency responsibilities and our shared mission. We will continue to support you and your efforts to effectively implement and improve these procedures.
Implementing Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (ICS Memo #2) - May 27, 2003

/s/ Jack G. Troyer  
JACK G. TROYER  
Regional Forester, Region 4  
USDA Forest Service

/s/ Linda D. Goodman  
LINDA D. GOODMAN  
Regional Forester, Region 6  
USDA Forest Service

/s/ Bradley E. Powell  
BRADLEY E. POWELL  
Regional Forester, Region 1  
USDA Forest Service

/s/ D. Robert Lohn  
D. ROBERT LOHN  
Regional Administrator, Northwest  
USDC National Oceanic and  
Atmospheric Administration Fisheries

/s/ Elaine M. Brong  
ELAINE M. BRONG  
State Director, OR/WA  
USDI Bureau of Land Management

/s/ K. Lynn Bennett  
K LYNN BENNETT  
State Director, ID  
USDI Bureau of Land Management

/s/ David J. Wesley  
DAVID B. ALLEN  
Regional Director, Region 1  
USDI Fish and Wildlife Service

Attachments:

Improving the Effectiveness of Endangered Species Act (ESA) Implementation (ICS Memo #1) – dated January 24, 2003 (w/o attachment).


cc:  
Interagency Coordination Subgroup  
Regional Technical Team  
Interagency Implementation Team  
National Riparian Service Team  
Judy Nelson, BLM, OR/WA  
Mike Crouse, NOAA Fisheries – Portland  
Rowan Gould, FWS, Region 1  
Susan Giannettino, BLM, ID  
Kathy McAllister, FS, Region 1
Reply to: 2670(FS)/6840(BLM-OR931)  Date: January 24, 2003

FS/NMFS/BLM/FWS-Memorandum

To:       Bill LeVere, Forest Service (FS), Region 4
          Russ Strach, National Marine Fisheries Service (NMFS) – Portland
          Neal Middlebrook, Bureau of Land Management (BLM), OR/WA
          Cal Joyner, Forest Service (FS), Region 6
          Jon Foster, Bureau of Land Management (BLM), ID
          Kemper McMaster, Fish & Wildlife Service (FWS) – Oregon

Subject: Improving the Effectiveness of Endangered Species Act (ESA) Implementation (ICS Memo #1)

At our August 20 meeting we agreed to several action items to improve the effectiveness of ESA implementation. These action items fall under four main areas: improving consultation efficiency and effectiveness; organizing for success; providing policy leadership; and promoting performance accountability.

The intent of this letter is to transmit the various action items, communicate our expectations, and to follow-up on the first task that we assigned to ourselves – establishment of an Interagency Coordinators Subgroup (ICS). The role of this committee (made up of a sub-group of the Interagency Coordinators – outlined in the July 27, 1999 Streamlined Consultation Procedures) is to work with the various Section 7 consultation teams and Regional Executives as outlined in the attachment (below).

Background

Section 7(a)2 of the ESA requires that federal agencies shall insure that any actions they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. The Federal Agencies in the Northwest (that area covered by the Northwest Forest Plan, PACFISH/INFISH, [excluding California], Bulltrout, and related Biological Opinions) have a common vision of this responsibility and how the processes can be integrated to more effectively accomplish this work. Significant progress in efficiency has been realized through interagency streamlining processes but the collective vision of the Federal Agencies is that significant improvements in timeliness and quality can be achieved through the implementation of the following action items (identified below).

Interagency Coordinators Subgroup

The primary purpose of the Interagency Coordinators Subgroup (ICS) is to be a focal point for oversight and timely resolution of issues with regard to implementation of streamlined consultation procedures. The role of the ICS is to function as key policy advisors on the consultation procedures to the Regional Executives and Level 2 Teams. The ICS will be composed of the following individuals:

im-or-2003-107-Attachment 1-9

Improving the Effectiveness of Endangered Species Act (ESA) Implementation (ICS Memo #1) January 24, 2003

Interagency Coordinators Subgroup

The primary purpose of the Interagency Coordinators Subgroup (ICS) is to be a focal point for oversight and timely resolution of issues with regard to implementation of streamlined consultation procedures. The role of the ICS is to function as key policy advisors on the consultation procedures to the Regional Executives and Level 2 Teams. The ICS will be composed of the following individuals:
As part of its first order of business, the ICS should determine the length of time each person will serve as chair and vice-chair and who rotates into each position over time. The ICS will be expected to report out to the Regional Executives at our next meeting.

The ICS should consider the various action items identified by the Regional Executives as their charter/program of work for the upcoming year. The following tables display the individual action items:

**Improving Consultation Efficiency and Effectiveness:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Lead</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reissue Streamlined Consultation Procedures – updated to include guidance on common execution problems. Regional executives will jointly transmit.</td>
<td>Interagency Coordinators Subgroup (ICS).</td>
<td>02/21/03</td>
</tr>
<tr>
<td>Provide interagency refresher training in application of streamlined consultation procedures.</td>
<td>Regional Technical Team (RTT), with oversight by the ICS.</td>
<td>To be determined by the ICS.</td>
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</table>

**Organizing for Success:**

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<tr>
<th>Action</th>
<th>Lead</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>NMFS to delegate signing authority for Letters of Concurrence to Level 2 representatives. NMFS will continue to pursue delegation of Biological Opinions commensurate with level of delegation by FWS.</td>
<td>NMFS to draft for signature by Bob Lohn, with oversight by the ICS.</td>
<td>To be determined by the ICS.</td>
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</tbody>
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**Improving the Effectiveness of Endangered Species Act (ESA) Implementation (ICS Memo #1) January 24, 2003**

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<tr>
<th>Action</th>
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<th>Timeframe</th>
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<tbody>
<tr>
<td>Prepare interagency policy direction encouraging utilization of action agency biologists to Draft Section 7 documents for review and signature of the responsible consulting agencies.</td>
<td>RTT to draft, with oversight by the ICS.</td>
<td>To be determined by the ICS.</td>
</tr>
<tr>
<td>Identify full suite of opportunities to assign one consulting agency lead responsibility for consultation in those geographic areas where there are both listed resident and anadromous fish (i.e., “one-stop consultation”).</td>
<td>NMFS and FWS, with oversight by the ICS.</td>
<td>To be determined by the ICS.</td>
</tr>
</tbody>
</table>
Establish interagency web site to share outstanding examples of consultation documents and other pertinent information.

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<th>Action</th>
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<tbody>
<tr>
<td>FS and BLM (with input from RTT), and oversight by the ICS.</td>
<td>To be determined by the ICS.</td>
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**Providing Policy Leadership:**

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<th>Action</th>
<th>Lead</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>Calendar three meetings per year for agency executives to address outstanding policy and operational issues.</td>
<td>Jack Troyer – working through his executive assistant to calendar a daylong meeting every four months.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Develop a comprehensive list of policy issues that includes those requiring regional or national resolution.</td>
<td>Interagency Coordinating Subgroup.</td>
<td>To be determined by the ICS.</td>
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</tbody>
</table>

**Promoting Performance Accountability:**

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<tr>
<th>Action</th>
<th>Lead</th>
<th>Timeframe</th>
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</thead>
<tbody>
<tr>
<td>Investigate the development of a framework for identifying and tracking the consultation workload.</td>
<td>RTT, with oversight by the ICS.</td>
<td>To be determined by the ICS.</td>
</tr>
<tr>
<td>Develop an agreement on how we are going to elevate and address performance accountability issues.</td>
<td>Regional Executives</td>
<td>Next scheduled executive meeting.</td>
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If the ICS members have any questions or comments regarding the above, please direct your concerns through ICS Chair, Bill LeVere at (801)-625-5669 or wlevere@fs.fed.us.

/s/ Jack G. Troyer       /s/ Linda D. Goodman

JACK G. TROYER                      LINDA D. GOODMAN
Regional Forester, Region 4       Regional Forester, Region 6
USDA Forest Service               USDA Forest Service
Improving the Effectiveness of Endangered Species Act (ESA) Implementation (ICS Memo #1) January 24, 2003

cc:
Regional Technical Team (RTT) Members
Judy Nelson, BLM, OR/WA
Mike Crouse, NMFS – Portland
Rowan Gould, FWS, Region 1
Susan Giannettino, BLM, ID
Kathy McAllister, FS, Region 1
USDA Forest Service Forest Supervisors (Regions 1, 4, & 6)
USDC National Marine Fisheries Service Project Managers (Northwest Region, Habitat ARA and Branch Chiefs)
USDI Bureau of Land Management District/Field Managers (OR/WA & ID)
USDI Fish and Wildlife Service Field Supervisors (Region 1)

List of Common Execution Problems
ESA Section 7 Consultation/Streamlining
(July 26, 2002)
The following is a list summarizing common execution problems that were identified during the interagency review of ESA Section 7 Consultation/Streamlining in 2001/2002.

1. Time frames specified in the July 1999 Streamlining Procedures and the April 7, 2000, Interagency Memorandum are not consistently being followed and met. These time frames were agreed upon by the Regional Executives through their signature on the transmittal memos and need to be emphasized with Level 1 and 2 staff. These time frames include:
   a. “Notice” (letter or e-mail) within 2 weeks from the Fish and Wildlife Service/National Marine Fisheries Service (FWS/NMFS) acknowledging receipt of the BA (4/7/200 Interagency Memo.)
   b. Request time extensions within 2 weeks if either Service needs more time to complete consultation (4/7/2000 Interagency Memo.)
   c. Request any additional information needed within 2 weeks of receiving the BA (however, such request should be minimal due to the Level 1 team review and sign-off) (4/7/2000 Interagency Memo.)
   d. Action agencies will contact FWS/NMFS regarding the disposition of the BA if notice is not received within 2 weeks (4/7/2000 Interagency Memo.)
   e. The clock relative to consultation streamlining deadlines begins to run as of the date of the BA, as approved by the Level 1 team, is formally received by FWS/NMFS (as described above.)
   f. For formal consultation, FWS/NMFS will send a concurrence letter within 30 days of receipt of a completed BA (page I-5, 7/99 Procedures.)
   g. The regulatory agency will prepare a BA/Conference Opinion within 60 days of receipt of a complete BA (pages II-C-1, 7/99 Procedures.)
   h. The 30- and 60-day time frames are considered to be deadlines, not guidance (page II-C-1, 7/99 Procedures.)
   i. In very limited and specific situations (for example, complex actions such as those involving mining or water diversions,) a 60-day turnaround for the BO may be exceeded. Prior to submitting the BA, the Level 1 and 2 teams must identify the need and concur on the extension of the BO response time frame (page II-C, 7/99 Procedures.)

2. Efficiency in the function of Level 1 teams has been compromised:
   a. High turnover in staffing, which undermines team ability to reach consensus on determinations and agreement on BA adequacy, which delays the process for providing the Letter of Concurrence (LOC) or BO.
   b. Inadequate FWS/NMFS staffing for timely review and processing of LOCs and BOs, and participation early in project design and development.

3. Level 2 teams are not providing oversight and guidance to Level 1 teams, as described in the streamlining procedures, or conducting annual assessments of workload and priorities.

4. Implementation of the issue elevation process is not understood by Level 1 and 2 teams or, if used, does not follow the process as described or envisioned in the streamlining guidance.

5. The Interagency Coordinators need to play a greater role in streamlining consultation coordination and leadership, and engaging the Agency Executives in ongoing issues.

Attachment 1-14