

NORTHWEST NATIONAL FIRE PLAN PROJECT DESIGN AND CONSULTATION PROCESS

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NORTHWEST NATIONAL FIRE PLAN PROJECT DESIGN AND CONSULTATION PROCESS

CHAPTER 2. INSTRUCTIONS

2.0 Intended Uses

2.01 Consultation

The Northwest National Fire Plan Project Design and Consultation Process (PDCP) was developed as a tool to assist with the section 7 consultation process for National Fire Plan projects and can be used as part of most consultation processes currently in use in the target area. They are designed to be used for documenting the consultation process by qualified biologists or botanists in the land management and consulting agencies. Evaluating effects of the activities on species requires some level of professional judgment, although they can be used by relatively inexperienced staff with adequate professional oversight. However, an understanding of a species and its habitat requirements at both the broad and local levels is required. After effects are determined, the results need to be validated by the Level 1 Streamlining Team or an equivalent interagency review team for the successful completion of this process. Validation consists of a review of the complete consultation package to ensure that the proposed actions, the criteria as applied, and determination of effects are consistent with the Activity Descriptions.

2.011 Conservation of Non-listed Species

Some species included in this package are not listed under the Endangered Species Act (ESA) (greater sage-grouse, slender moonwort [*Botrychium lineare*], slickspot peppergrass [*Pepidium papilliferum*], wonderland Alice-flower [*Alicelia caespitosa*], redband trout, and certain cutthroat trout subspecies). This process provides a framework by which individual land management agencies can achieve conservation objectives for these species while still meeting necessary legal and regulatory requirements. These objectives are met by using species criteria and supporting rationale.

This process does not include many sensitive species or species of concern. These species should be addressed using normal agency procedures.

There are numerous ongoing state conservation efforts for non-listed species (e.g. the Montana sage grouse conservation effort). This process is not intended to supercede collaborative efforts such as this. However, one of the goals of this process is to have current and future National Fire Plan activities improve the management of federal lands for the long-term conservation of non-listed species of concern. Also, it is the intent of federal agencies under the National Fire Plan to maintain a forum for peer review and revision of this process, and to offer it as a tool for future federal and non-federal conservation efforts encompassing a broad array of land ownerships.

This project-specific evaluation and criteria application will provide conservation benefits to these species and further the purpose and objectives for non-listed species as stated in BLM Manuals 6140.22, 6840, and Forest Service Manual 2670.

2.02 Early Project Planning

Although the PDCP was primarily meant to function as project effect screens, its use by biologists, botanists, ecologists, and other interdisciplinary team members (such as project fire/fuels planners), is strongly encouraged for designing alternatives for analysis in the National Environmental Policy Act (NEPA) process or to screen existing NEPA documents for consistency with current ESA criteria. Action agencies, in coordination with the consulting agencies, can use the PDCP early in project planning and design to minimize or avoid potential adverse impacts to one or more species.

If project scoping has not yet begun on a project, the PDCP can be used to help design alternatives; we encourage the involvement of a Level 1 Streamlining Team, as described in the interagency Streamlining Memorandum of Agreement (MOA) (1995), or other interagency collaborative process. Subsequent to the scoping phase, the PDCP can still be used to expedite the consultation process. Agencies are encouraged to explore opportunities to modify the design of existing projects to meet this process, without triggering a new NEPA analysis.

2.1 General Instructions for Use of the Project Design and Consultation Process

This process can be applied to projects or parts of projects that:

- I. Affect any species listed in Table 1, AND
- II. Match the descriptions in the Activity Descriptions section.

This process can be used during the planning stage of projects when trying to reduce effects to certain species. This process can be applied to already planned projects to look for ways to reduce effects to certain species. This process can also be applied to projects requiring Section 7 Consultation, and, if used according to these instructions (Section 2.21), will result in an expedited review of the Biological Assessment by NOAA Fisheries and Fish and Wildlife Service with a Letter of Concurrence (LOC) provided within 14 days.

There are several steps in using this process to determine effects of activities on species:

1. Determine the species potentially affected by the project;
2. Determine all the actions associated with the project;
3. Based on the species and project actions described in steps 1 and 2, determine the effects of the action on the species (Effects Determinations).

These three steps are described separately below. In addition, all documentation required from the action agency to receive the 14-day LOC is noted in the shaded “Documentation Requirements . . .” text boxes found at the end of each step. Though not required, we encourage

planners or others who are using this process in early project planning to use the attached worksheets to help create the necessary administrative record.

Step 1. Determine the species potentially affected by the project.

This process can currently be used on those species found in Table 1. Using the best available information, determine which of the species in Table 1, or their habitat (including critical habitat), may be affected by the proposed project. Remember that effects to the species and its habitat include both direct and indirect effects. In addition, while a project may not be within the range or habitat of a species, it may still affect that species or its habitat. For example, a project may be outside the area occupied by an anadromous fish, but if the project potentially increases silt delivery or water temperature in a stream where the species occurs downstream, the project may have an effect on the species. Bottom line, if the project is within the range or habitat of a species, or the project is outside the range or habitat but still has the potential to affect the species or its habitat, then the effects of the project on that species need to be evaluated.

Table 1. Common and scientific names of species associated with each of the species Effects Determinations criteria tables.

Species Effects Determination Criteria Table	Common Name	Scientific Name
Salmonids	Yellowstone cutthroat trout	<i>Oncorhynchus clarki bouvieri</i>
	coastal cutthroat trout	<i>Oncorhynchus clarki clarki</i>
	Lahontan cutthroat trout	<i>Oncorhynchus clarki henshawi</i>
	westslope cutthroat trout	<i>Oncorhynchus clarki lewisi</i>
	Colorado River cutthroat trout	<i>Oncorhynchus clarki pleuriticus</i>
	Paiute cutthroat trout	<i>Oncorhynchus clarki seleniris</i>
	Bonneville cutthroat trout	<i>Oncorhynchus clarki utah</i>
	coho salmon	<i>Oncorhynchus kisutch</i>
	steelhead	<i>Oncorhynchus mykiss</i>
	redband trout	<i>Oncorhynchus mykiss gairdneri</i>
	sockeye salmon	<i>Oncorhynchus nerka</i>
	chinook salmon	<i>Oncorhynchus tshawytscha</i>
bull trout	<i>Salvelinus confluentus</i>	
Plants	wonderland Alice-flower	<i>Alicellia caespitosa</i>
	slender moonwort	<i>Botrychium lineare</i>
	Maguire daisy	<i>Erigeron maguirei</i>
	water howellia	<i>Howellia aquatilis</i>
	slickspot peppergrass	<i>Lepidium papilliferum</i>
	MacFarlane's four o'clock	<i>Mirabilis macfarlanei</i>
	San Rafael cactus	<i>Pediocactus despainii</i>
	Winkler cactus	<i>Pediocactus winklerii</i>
	Wright fishhook cactus	<i>Sclerocactus wrightiae</i>
	Spalding's catchfly	<i>Silene spaldingii</i>
	Ute ladies'-tresses	<i>Spiranthes diluvialis</i>
	Last Chance townsendia	<i>Townsendia aprica</i>
Bald Eagle	bald eagle	<i>Haliaeetus leucocephalus</i>
Canada Lynx	Canada lynx	<i>Lynx canadensis</i>
Gray Wolf	gray wolf	<i>Canis lupus</i>
Greater Sage-grouse	greater sage-grouse	<i>Centrocercus urophasianus</i>
Grizzly Bear	grizzly bear	<i>Ursus arctos horribilis</i>

Documentation Requirements of the Action Agency in Step 1 to Receive a 14-Day Letter of Concurrence

If the proposed project is determined to not affect a species listed in Table 1, document the rationale for this determination through your agency's normal documentation process. All other documentation needs for species in Table 1 affected by the proposed project will occur in Steps 2 and 3.

Step 2. Determine all the actions associated with the project.

This section explains how the Activity Descriptions document is organized and how you can apply it to determine all the actions associated with your proposed project. At the end of this step, you should have a complete list of actions, or Work Elements that describe your proposed project.

The Activity Descriptions document lists 15 major Activity Types that are likely to be associated with National Fire Plan activities. Fourteen of these are outlined in the National Fire Plan (citation) and an additional type, Access and Equipment Maintenance, was added specifically for this process to cover activities common to many of the other Activity Types.

Each of the 15 Activity Types are divided into Activity Components, which are further divided into individual Work Elements. The Activity Descriptions Document is divided into two sections. The first section, titled "Activity Type Lists", is a list of all the Work Elements and Activity Components associated with each Activity Type. The second section, titled "Activity Descriptions", is the first section, but contains specific descriptions of the individual Work Elements, as well as general descriptions of the Activity Components and Activity Types. You can think of the Activity Type Lists section as a directory to help you locate the Work Element description in the Activity Type Descriptions section of the document. For example, if the proposed project is a trail construction project which involves simple construction of the tread with hand tools, you can begin by looking in the Activity Type Lists under the [Trails and Trail Maintenance Activity Type](#). In that Activity Type you will find an Activity Component titled **Construction/Reconstruction/Heavy Maintenance**, under which you will find the Work Element *Tread Construction*. You can then go to the Activity Type Descriptions section, [Trails and Trail Maintenance Activity Type, Construction/Reconstruction/Heavy Maintenance Activity Component, Tread Construction Work Element](#), to get a description of what trail tread construction entails specific to this process. In the Activity Type Lists, the categories are coded by font so that Activity Types are in blue font, Activity Components are in bold, and Work Elements are in italics. All Activity Types, Activity Components and Work Elements in the Activity Type List are linked to their appropriate descriptions in the Activity Type Descriptions; click on these items to take you to the appropriate description.

Some Activity Components or Work Elements were common to several Activity Types or Activity Components, respectively. To avoid unnecessary duplication, descriptions of these Activity Components or Work Elements are generally provided in a single Activity Type, and referenced in other associated Activity Types. As you browse through the Activity Type Lists, you will notice cross-references under some of the Work Elements and Activity Components. These cross-references are noted with a triangle, “▲”. There are several types of cross-references in the Activity Type List and they are explained in the text box, “Cross-references in the Activity Type List.” The same referencing scheme is found in the Activity Descriptions section as well. In applying the trail construction example above, if another aspect of this project included felling of hazard trees, note that you are referred to the [Mechanical Treatment Activity Type, Harvest Prescription/Implementation Activity Component, Dead Trees: Salvage, Hazard Tree Removal Work Element](#); thus, you will find the description of tree felling in the [Mechanical Treatments Activity Type](#) rather than the [Trails and Trail Maintenance Activity Type](#).

When constructing a list of activities for a project, it is best to start with the Activity Type that most closely resembles this project (e.g. the [Trails and Trail Maintenance Activity Type](#) for the trail project above) and follow the Activity Components and Work Elements that relate to your project (as well as any cross-references to other Activity Types). It is a good idea to look down the list of all Work Elements in this Activity Type for two reasons: 1) you may not find a relevant Work Element under an Activity Component that reflects your specific project; 2) you may come across a Work Element that is part of your project but you had not considered it.

Once you’ve obtained this initial list of Work Elements, consider any other actions in your project that may not be found under that Activity Type ([Trails and Trail Maintenance](#) in this example) and look for those actions in other Activity Types. Once you’ve done that, you will have a final list of Work Elements for this project.

Here’s an example of a reforestation project occurring in a remote area after a wildfire. Of course, reforestation is more than just planting trees. This project comprises the following different activities: 1) a crew of 10 will walk to the site; 2) all equipment and materials will be arrive at the site by helicopter; 3) the crew will camp five nights on-site; 4) planting will be done with hand tools; 5) crews will construct a small enclosure fence as part of a monitoring project; 6) crews may need to fell some hazard trees. The descriptions of these six activities will be found in the Activity Descriptions document. Activities will be described under individual Work Elements, which will be located under various Activity Components and Activity Types (Table 2).

Determinations under the *All except where otherwise noted Work Element*. To help simplify this concept, when All except where otherwise noted is used in the species tables, we have also noted in the table heading which Work Elements (and Activity Components if applicable) the Effects Determinations would or would not apply to (note that this was not done for the plant species table).

Sometimes you may find Effects Determinations for a Work Element *all except where otherwise noted*, and not find any other Work Elements listed within that same Activity Component. For example, this occurs in the greater sage-grouse species table, under the [Access and Equipment Maintenance Activity Type](#), **Fueling/Maintenance Activity Component**. Because there are no Effects Determinations for any other Work Elements listed in the **Fueling/Maintenance Activity Component**, the Effects Determinations under the *All except where otherwise noted Work Element* will apply to all other Work Elements within the **Fueling/Maintenance Activity Component**. Also note that in the species table heading it states that this applies to all Work Elements within this Activity Component.

There are also situations where all Work Elements within multiple Activity Components within an Activity Type have the same Effects Determination for a species. In this case, the phrase *All except where otherwise noted* will be found under both the Work Element and the Activity Component in the species table heading. For example, this occurs in the plant species table, under the species Last Chance Townsendia, in the [Forest Products Activity Type](#). Within this Activity Type, there are also separate Effects Determinations for the **Firewood Collection Activity Component**, *Collect firewood from already downed sources (e.g. hazard tree removal, road maintenance, etc.) Work Element*. In this case, if your project meets the description for the *Collect firewood from already downed sources (e.g. hazard tree removal, road maintenance, etc.) Work Element*, then apply the Effects Determinations under this Work Element. If your project meets the description for other Work Elements within the **Firewood Collection Activity Component**, or for any other Work Element within all other Activity Components in the [Reforestation Activity Type](#), then apply the Effects Determinations under **All except otherwise noted Activity Component**.

For most species, there are also Effects Determinations that are applicable to all Activity Types. As an example, the grizzly bear has Effects Determinations that apply to All Activity Types, All Activity Components, and All Work Elements. These Effects Determinations would be applied IN ADDITION to any other Effects Determinations noted for individual Work Elements. For example, if you wanted to know your project's effects on grizzly bear and it met the description found in the [Mechanical Treatments Activity Type](#), **Reducing Soil Compaction Activity Component**, *Subsoiling Work Element*, you would apply the Effects Determination Criteria for this Work Element in addition to any applicable Effects Determinations found under the All Activity Type.

Refer to Table 4 for an example of how to determine which Effects Determinations from the species tables apply to your project. This table represents the order in which to review the species table for obtaining Effects Determinations. In other words, first look within each species

table for headings where the Activity Type, Activity Component and Work Element each state “All” and apply these Effects Determinations. Next, look for Effects Determinations under the **Prescribed Fire Activity Type, Mop-Up Activity Component, Engine Work Element** and apply those Effects Determinations. If no Effects Determinations are found, then look for Effects Determinations under the **Prescribed Fire Activity Type, Mop-Up Activity Component, All except otherwise noted Work Element** and apply those Effects Determinations. If no Effects Determinations are found, then look for Effects Determinations under the **Prescribed Fire Activity Type, All except otherwise noted Activity Component, All except otherwise noted Work Element** and apply those Effects Determinations.

Table 4. How to read the species tables to determine which Effects Determinations apply to an example project that meets the description found under the **Prescribed Fire Activity Type, Mop-up Activity Component, Engine Work Element**.

Situation Number	If in the species table heading . . .			Then . . .
	the Activity Type is . . .	and the Activity Component is . . .	and the Work Element is . . .	
1	All	All	All	Apply these Effects Determinations, IN ADDITION to any other Effects Determinations found in Situation Numbers 2, 3, or 4.
2	Prescribed Fire	Mop-up	Engine	Apply the Effects Determinations for this Work Element.
3	Prescribed Fire	Mop-up	All except where otherwise noted	Apply the Effects Determinations for this Work Element UNLESS there is a separate Work Element for Engine (i.e. Situation Number 2), in which case apply the Effects Determinations specific to Situation Number 2.
4	Prescribed Fire	All except where otherwise noted	All except where otherwise noted	Apply the Effects Determinations for this Work Element UNLESS there are separate Activity Components or Work Elements for Mop-up or Engine, respectively (i.e. Situation Numbers 3 or 2, respectively), in which case apply the Effects Determinations specific to Situation Numbers 2 or 3.

Similar to the circumstances where “All except otherwise noted” would apply for a Work Element or Activity Component, there are some Work Elements for prescribed fire effects that cover multiple Work Elements. As an example, in the plants species table, for the species Ute Ladies’-Tresses, there are Effects Determinations for **Prescribed Fire Activity Type, Wyoming big sagebrush – Great Basin, Fire Regime IV Activity Component, Herbicide, Any Intensity Work Element**. In the Activity Description for this Activity Type and Activity Component, there are actually three Work Elements: *Herbicide, Low Intensity*; *Herbicide, Moderate Intensity*; and *Herbicide High Intensity*. In this case, Effects Determinations in the *Herbicide, Any Intensity Work Element* would apply to all three intensities.

Note that the plant species table is organized slightly differently such that there are Effects Determinations that: 1) are common to all plants for all Activity Types; 2) are common to all plants for specific Activity types, Activity Components and Work Elements; 3) apply to all Activity Types within an individual plant species; and 4) apply to individual Activity Types, Activity Components and Work Elements within an individual plant species. Read the instructions in the plant species table before obtaining criteria.

Obtaining Effects Determinations from the species tables First, read the general or background instructions at the beginning of the species table(s) applicable to your project. These may provide definitions or assumptions that are important in understanding and applying the Effects Determinations.

For each species you identified in Step 1, look in the species table to find the Work Elements determined from Step 2. In the species tables, the Work Elements will be found under the same Activity Components and Activity Types as in the Activity Descriptions document. For example, the *Camping Work Element*, while it may be associated with many different Activity Types and Activity Components, will always be found under the **Prescribed Fire Activity Type, Fire Support Activity Component** in the species tables. There is one exception to this rule and that is for some of the Work Elements in the salmonid species tables. These exceptions are noted in the cross-references in the Activity Type List and the Activity Type Descriptions (see text box, “Cross-References in the Activity Type List” for an explanation of how to find these exceptions).

Once you have found the appropriate Work Element, select the appropriate Effects Determination that fits your situation, based on the conditional statement. Realize there may be multiple Effects Determinations within a single Work Element that are applicable to your project, all of which need to be met if your project meets the condition statement. Then transfer the Effects Determination(s) to the respective Criteria Application Worksheet. Do this for each Work Element within each species.

In addition to Effects Determinations, there are also Conservation Recommendations found within the species tables. They do not occur for all species or all Work Elements. The Salmonid Species Table contains more instructions on the use of Conservation Recommendations for projects that affect salmonid species (see the Criteria and Rationale section). Where they are found, they are simply recommendations to reduce the impact of a project or to provide positive

benefits based on Effects Determinations already described in the species table. They do not change the Final Effect of any Effects Determinations, and must be consistent with any Effects Determinations that are No Effect or Not Likely to Adversely Affect in order to receive a 14-day Letter of Concurrence.

Some Conservation Recommendations are designed to reduce the effects of a proposed activity, though they don't necessarily change the final Effects Determination for that activity. For example, there is a Conservation Recommendation in the Salmonid species table for the [Roads and Road Maintenance Activity Type](#), **Road Maintenance Activity Component**, *Culvert maintenance Work Element*. Note that when culvert maintenance occurs within RHCAs in watersheds with at-risk species, the Effects Determination for this activity results in a potentially adverse effect. While applying the Conservation Recommendations may reduce the effects of culvert maintenance, there is no determination made about the final effect of the activity and it would still need to meet any Effects Determinations for this Work Element to receive a 14-day Letter of Concurrence. Applying the Effects Determination to the Conservation Recommendation would still result in a Final Effect of Likely to Adversely Affect. It is possible that more site-specific information could lead the local Level I team (or equivalent interagency team) to a different effects conclusion, which would then be subject to the conventional consultation process in place for their area.

Other Conservation Recommendations are designed to be additional measures that would benefit the species or mitigate activity effects, but are not requirements to obtain an Effects Determination of Not Likely to Adversely Affect. For example, there are Conservation Recommendations for several plant species that suggest providing structures to benefit pollinators of that species. The Level I team would then review the Activity Descriptions to determine which Work Element would best describe the placement of pollinator boxes and apply the respective Effects Determination for that Work Element to this activity

Documentation Requirements of the Action Agency in Step 3 to Receive a 14-day Letter of Concurrence

1. Transfer the Effects Determinations to the Criteria Application Worksheet. Remember that you must have a separate Criteria Application Worksheet for each combination of species and Work Elements. Complete the rest of the worksheet.
2. If the activity is not likely to adversely affect a listed or proposed species or critical habitat, complete a Consultation Summary Worksheet.

2.2 Directions for applying this process to projects needing Section 7 Consultation

The Executives of the four agencies participating in the Northwest National Fire Plan Project Design and Consultation Process agreed that use of this process is the logical next step in the implementation of the Streamlining MOA. There are three primary means by which this process can be used during Section 7 consultation on National Fire Plan activities:

1. By completely following this process and meeting the requirements in section 2.21, consultation on projects that are not likely to adversely affect a species can be expedited and a Letter of Concurrence will be provided to the action agency within 14 days. Completed worksheets (i.e. Criteria Application Worksheet and Consultation Summary Worksheet) with necessary supporting documentation as described in section 2.21 can be submitted as a biological analysis package and will suffice as a Biological Assessment.
2. Local, interagency Level 1 teams may modify Effects Determinations found in this process, based on local knowledge or site-specific information. Completed worksheets (i.e. Criteria Application Worksheet and Consultation Summary Worksheet) with necessary supporting documentation as described in section 2.21, as well as necessary supporting analysis and rationale for the Effects Determinations that were locally modified, can be submitted as a biological analysis package and will suffice as a Biological Assessment. The 14-day expedited Letter of Concurrence does not apply when the PDCP is used in this manner.
3. There may be situations where the PDCP only applies to a portion of an action agency's project (e.g. the project affects species that are not addressed by this process, or the project is Likely to Adversely Affect a species that is covered by this process). Level 1 teams may want to apply some of the relevant Effects Determinations from this process to the proposed project. Documentation needed for the Biological Assessment will be determined by the local, interagency Level 1 team. When the PDCP is used in this matter, the 14-day expedited Letter of Concurrence would not be available for projects that are determined to Not Likely Adversely Affect a species.

2.21 Instructions for Applying the Project Design and Consultation Process to receive a 14-Day Letter of Concurrence.

The Executives of the four agencies participating in the Northwest National Fire Plan Project Design and Consultation Process agreed that use of this process is the logical next step in the implementation of the Streamlining MOA. The executives also agreed to an expedited consultation procedure whereby a 14-day Letter of Concurrence may be issued for projects that meet the following:

1. All species potentially affected by the proposed project that require consultation are found in Table 1.
2. All portions of the proposed project are consistent with the descriptions found in the Activity Descriptions document; AND
3. Necessary documentation, as described below in this section, is completed by the Action Agency.

In addition, a field unit must have a Level 1 Streamlining Team or equivalent collaborative interagency review group in place to obtain the expedited consultation timeframe.

Complete and adequate documentation is crucial to a consistent and expeditious consultation. The materials developed in this process (i.e. Criteria Application Worksheets, Consultation Summary Worksheets) and their required supporting documents provide the information required for consultation on projects that meet all applicable Effects Determinations and are not likely to adversely affect any listed species or critical habitat.

Consultation Summary Worksheet. The Consultation Summary Worksheet provides the necessary information needed for an effects analysis. A complete and detailed project description, with map, is essential to the consultation process. This can either be recorded on the Consultation Summary Worksheet or included as an attachment to the worksheet from the NEPA documentation. The description must include all aspects of the project that may affect listed species, with enough detail to show that the project standards meet the Effects Determination. In addition, the Consultation Summary Worksheet will document, for each species, the Cumulative Effects (ESA definition, not NEPA), Environmental Baseline and Effects, Overall Determination of Effects for the entire project, and the Rationale for that determination. The final effects determination for the project is an accumulation of the individual effects of each Activity Component or Work Element of the project. However, in aggregating the effects, the biologist must consider whether the accumulation of many insignificant or discountable effects (i.e. Not Likely to Adversely Affect) reaches the level of potential adverse effect for the project as a whole. The rationale for the overall determination should contain a discussion of the aggregated effects of the project and the basis for the conclusion on the effects of the entire project, especially for complex, many faceted or large scale projects. (See instructions with the Consultation Summary Worksheet for more details).

Criteria Application Worksheets. The Criteria Application Worksheets summarize the Effects Determinations for each species and each Work Element covered by the PDCP. These determinations are used to make the final effects determination shown on the Consultation Summary Worksheet (See instructions with the Criteria Application Worksheet for more details).

Compiling the Biological Analysis Package. Completed worksheets (i.e. Criteria Application Worksheet and Consultation Summary Worksheet) with necessary supporting documentation as described above in this section can be submitted as part of the biological analysis package and will suffice as a Biological Assessment. A Level 1 Streamlining Team or an equivalent interagency team is required to validate the results of the analysis prior to submission of the consultation package to the consulting agency. Teams must agree with the individual conclusions, final effects determinations of Not Likely to Adversely Affect any listed species, and adequacy of the information. If the following six conditions are met, this complete biological analysis package can be submitted to the appropriate consulting agency with a request for a letter of concurrence and the consulting agency would issue an expedited letter of concurrence within 14 days of receiving the official request for concurrence. The six conditions are:

1. The project meets all applicable criteria as written (no local changes have been made to the criteria, even if agreed to by all agencies).
2. All species possibly affected by the project have are listed in Table 1.

3. All aspects or elements of the project are consistent with the Activity Descriptions. There are no elements of the project that are not contained in the Activity Descriptions.
4. Criteria exist for all activities in the project having potential adverse effects. The project and supporting documentation have been discussed with the consulting agencies and they have agreed to the effects determination conclusions and the level of documentation. In some cases, species teams were unable to develop criteria for some activities; if there are activities in your project for which criteria have not been established in the PDCP, then you cannot seek a 14-day letter of concurrence.
5. The request for concurrence includes adequate documentation using the best available information.

The package must also include a letter requesting concurrence, identifying that the project is funded under the National Fire Plan and that it meets all applicable criteria to receive the 14-day Letter of Concurrence. Team discussions and agreements should be documented, and provide supporting information on the applicable criteria and rationale for the conclusions.

2.22 Instructions for Applying the Project Design and Consultation Process to other NLAA Projects

If the conditions described in Section 2.21 cannot be met, materials and documentation developed during this process will still be valuable and should help expedite the consultation process. There may be situations where a Level 1 or equivalent local interagency team determines that an activity is not likely to adversely affect a species, even though the Effects Determination from the PDCP may result in a Final Effect of potentially adverse for the activity. The Level 1 team may also determine that an activity is not likely to adversely affect a species, even though it does not fully meet the criteria noted in the Effects Determinations. Level 1 teams may modify Effects Determinations found in this process, based on local knowledge or site specific information.

Completed worksheets (i.e. Criteria Application Worksheet and Consultation Summary Worksheet) with necessary supporting documentation as described in section 2.21, as well as necessary supporting analysis and rationale for the Effects determinations that were locally modified, can be submitted as a biological analysis package and will suffice as a Biological Assessment. The 14-day expedited Letter of Concurrence does not apply when the Project Design and Consultation Process is used in this manner.

2.23 Instructions for Applying the Project Design and Consultation Process to LAA Projects or Projects Not Fully Described by This Process

There may be situations where the PDCP only applies to a portion of an action agency's project (e.g. not all of the species affected by the project are addressed by this process, or the project is Likely to Adversely Affect a species that is covered by this process). Again, materials and documentation developed during this process may still be valuable and help expedite the consultation process. Level 1 or equivalent interagency teams may want to apply some of the

Effects Determinations from this process to the proposed project. Documentation needed for the Biological Assessment will be determined by the local Level 1 or interagency team. For projects or portions of projects that are determined to Not Likely Adversely Affect a species, the 14-day expedited Letter of Concurrence would not apply.

2.24 Relationship of the Project Design and Consultation Process to Existing Consultation Processes and Agreements

The Streamlining Memorandum of Agreement (MOA) was developed to facilitate early communication between land management and consulting agencies and streamline the consultation process. The Executives of the four agencies participating in the Northwest National Fire Plan Project Design and Consultation Process agreed that the use of this process is the logical next step in the implementation of the Streamlining MOA. The PDCP does not replace or modify the MOA, but rather should be thought of as a tool to help implement the MOA where applicable and where it can further the objectives of the MOA.

There are situations where local, interagency teams have developed their own expedited process unrelated to this Process. The PDCP does not modify or change the operation of these ongoing or existing processes. However, the effects analyses that went into the PDCP may be useful within these existing processes, and we encourage these teams to review the PDCP for information and analyses that may aid or complement their process.

2.3 Use of the Project Design and Consultation Process During Project Planning

The PDCP can be used during project planning in two ways: 1) for initial project design by developing NEPA alternatives using the PDCP; or 2) to screen existing NEPA documents for compatibility with the PDCP. It is important to always refer to the 40 CFR 1500-1508 (CEQ's NEPA Implementing Regulations), and FS and/or BLM supplemental regulations (i.e. NFMA) to assure consistency with the procedures. Review the following web address for the required agency information: For the FS site go to, http://fsweb.wo.fs.fed.us/em/nepa_group/nepa_coordination_training/00index.html; For the BLM, <http://www.blm.gov/nhp/what/index.htm#planning>.

2.31 New Project design

The most efficient use of the PDCP would be to incorporate the information into the early NEPA planning process. Apply applicable agency regulations, manual and handbook guidance developed to implement CEQ's NEPA Implementing Regulations (i.e. Forest Service Handbook 1909.15 Environmental Policy and Procedures Handbook) or (BLM Manual 1790 and NEPA Handbook H-1790-1) when initiating a new project.

In the NEPA process the environmental assessment (EA) is used to analyze the nature and importance of a proposed action and discloses reasonable alternatives for implementing the action. Agencies conduct these analyses to determine the significance of the effects of a proposed action and its alternatives on the environment. There are key steps in NEPA where the

PDCP can be incorporated to facilitate a NLAA determination. These steps include the initial project design phase, the scoping phase, the alternative development process and throughout the Level I Streamlining Consultation process.

During the initial design phase, a proposed action is described in enough detail to determine and disclose the nature and complexity of the action, including the characteristics, scope of the action, purpose and need, and the decision to be made. Early disclosure of proposed actions serves to inform the public of FS and/or BLM activities, and to solicit their interest and concerns. During the design phase specialist(s) can crosswalk the PDCP Activity Descriptions with the initial project description, highlighting any issues of concern that may need refining for the FWS/NOAA- Fisheries consultation effort.

Once the proposed action (project) is identified and disclosed the scoping phase begins. Scoping determines the lead and cooperating agencies, identifies preliminary issues, and interested and affected persons. The results of scoping are used to identify public involvement methods, refine issues, select an interdisciplinary team, establish analysis criteria, and explore possible alternatives and their probable environmental effects. During scoping the specialist(s), involving the ID team, should make further comparisons regarding the proposed action and the Activity Descriptions in the PDCP to highlight issues of potential concern. Incorporating the PDCP at this early stage will assist with disclosing the project's possible effects on the identified species and habitats. The proposed project description can be modified early on to maintain consistency with the PDCP and the associated Effects Determination, and to gain an expedited 14-day Letter of Concurrence from the consultation agencies.

Another early step in the NEPA process is determining cooperating agencies. The project proponent should identify and contact other Federal, State, or local agencies with an interest in the action early on in the process so that any other agency, which has jurisdiction is included and their input is incorporated where appropriate. Issues surrounding the National Fire Plan and any of the identified activities that warrant consideration from the PDCP could be introduced and developed in cooperation with member agencies of the PDCP Coordination Team including representatives from FWS, NOAA, FS and the BLM. Their cooperation and assistance in incorporating the PDCP into the early planning stages can save time and effort in assessing the effects of the project on the species and habitats assessed within the PDCP. The Level I Streamlining Consultation teams should also be involved early in the project design and scoping process to ensure their input and understanding of the project is developed and maintained. This step can eliminate any last minute unexpected mandatory terms and conditions from the consulting agencies.

The project proponent also determines if there are existing environmental documents or higher level plans such as Land and Resource Management Plans (FS), Resource Management Plans (BLM), other State and/or local land use plans or data sources that may prove useful in defining the proposed action, narrow the scope of analysis and required consultation, or estimate the potential environmental effects of the proposal. Where possible all or parts of these existing documents may be tiered to, adopted, or incorporated by reference in documenting the site-specific EA. The PDCP can be tiered to and incorporated into the early stages of the analysis to

eliminate backtracking later on in the process as related to species and or habitats assessed in this process.

The steps for designing a NEPA project and incorporating the PDCP include:

- 1) determine the species and habitats potentially affected by the proposed action;
- 2) determine the Activity Types, Activity Components and Work Elements associated with the project; and
- 3) incorporate the project Effects Determination as part of the project design and alternative development.

Ideally, all activities described under the initial NEPA project proposal would be found within the Activity Descriptions Document, and all species affected by the project are assessed within the PDCP, and as such become part of the NEPA project development, scoping and analysis phases. The ID team should strive to design projects to fit the Activity Descriptions, and ensure that project descriptions contain the detail needed to document the use of the appropriate Activity Descriptions. To effectively use the Effects Determination in consultation, the NEPA project description must closely match the Activity Descriptions. Activity Descriptions cannot be changed to fit a project; these are the descriptions on which the Effects Determination criteria were based. Professional judgment should be used to determine if the project description with mitigation measures is comparable to the Activity Descriptions.

The ID team can consist of whatever combination of agency staff and other federal government personnel are necessary to provide the required analytical skills, and concurrence of effects documentation for the project to proceed. It would benefit the action agency to utilize the expertise of the FWS, NOAA, FS, and/or BLM to assist with incorporating the PDCP in the scoping and alternative development process. Based on the results of scoping and the determination of issues to be analyzed in detail, the PDCP, including the Activity Types, Components, and Work Elements should be incorporated into the development of a full range of reasonable alternatives to the proposed action. These alternatives should be developed with the Effects Determinations and rationale included to help the projects meet a NLAA determination

Using the PDCP in early project planning can assist with reducing any consultation delays prior to the final NEPA decision. If there are portions of the final NEPA preferred alternative that does not meet PDCP Effects Determinations, there is still value in using the process for documenting the effects to the species and habitats from the anticipated management activities. The Project Tracking Worksheet can be used as a crosswalk document; it assists with ensuring compatibility with the NEPA document and the PDCP, and later on can be used in the consultation process to expedite potential delays. The PDCP and worksheets can and should be incorporated throughout NEPA, especially the information regarding the range-wide conservation measures that have been developed by species experts for the various activities and species.

Disclosing project design criteria and/or the issues not meeting the PDCP, can focus the efforts and resources of the Level I Streamlining Team on critical areas, thereby reducing or eliminating unnecessary discussions on those issues that do meet the process. Projects not meeting the requirements can and should still go forth with the Streamlining process if a LOC is anticipated under the 30-day timeline or through the formal consultation process if a BO is expected.

2.32. Existing projects

For comparing existing NEPA documented projects to the PDCP, the basic steps are essentially the same as the process described above: However, if the decision for the original NEPA analysis was made more than 5 years ago, begin the process over, otherwise, follow the steps below:

- 1) determine the species potentially affected;
- 2) determine the Activity Types, Activity Components, and Work Elements associated with the project;
- 3) compare the proposed action in the NEPA document to the process , identify any conflicts in the proposed action, and determine options for resolution;
- 4) document the process

Involve the Level 1 Streamlining Team and the ID Team throughout the entire NEPA process and use of the PDCP for the most effective use of the Effects Determination. Many existing projects may contain species or management actions not covered in the PDCP materials. While these projects will not receive the full benefit of the process, there is still value in using the process for documenting the effects to species from the management activities that are included.

When reviewing older NEPA documents {Categorical Exclusions (CE's), Environmental Analysis (EA's), or Environmental Impact Statements (EIS's)}, work with the NEPA planning staff to assess any changes made since the original Decision Notice (FS) or Decision Record (BLM) was signed that may warrant a new or amended decision. Determine if any new listings or critical habitat designations have occurred since the completion of the NEPA document that may be affected by the project. Review the species list from the regulatory agencies and the BA/BE that accompanies the NEPA document. If there are new species or newly designated critical habitat that may be affected by the project, the NEPA document will require an update before proceeding.

To begin, compare the project description in the NEPA document with the Activity Descriptions in the PDCP (Section 2.1). Document the site-specific conditions and locations for applying the criteria. Use maps, location information such as unit numbers, habitat descriptions, and other pertinent information to officially document the proposed project and its location.

The most successful use of the Effects Determination is realized when the project description closely matches the Activity Descriptions outlined in the PDCP. A proposed action may not include adequate information on the implementation process and mitigation measures to be applied. This can be addressed later by adding additional mitigation measures. However, any mitigation measures added to make the project comparable with the Activity Descriptions must be well documented and implemented appropriately. Again, Activity Descriptions cannot be changed to fit your project; these existing descriptions are what the Effects Determinations are based on. Use professional judgment to determine if the project description along with any

mitigation measures is comparable to the Activity Descriptions. Involve the entire ID Team and Level I Streamlining Team throughout this process to alleviate any unforeseen additional terms and conditions added later on in the consultation process.

The Project Tracking Worksheet is designed to be an ESA-NEPA crosswalk document. It is primarily used to ensure compatibility with the NEPA document, but may also be useful for completing consultation. This worksheet is designed to document your thought process and ensure that you have conducted a thorough review of the project for the NEPA records and PDCP. You may use this worksheet or develop an alternate tracking method that meets your needs.

The following options may be applied if teams are seeking to resolve any conflicts identified between the proposed project and the Effects Determination:

- Redesign or adjust the project to meet the Effects Determination. Depending on the degree of change, this may or may not trigger a new NEPA analysis.
- Add specific Effects Determination from the PDCP as mitigation measures.
- Drop parts of the project that are inconsistent with the Effects Determination.

A project may be redesigned or changed without triggering a new NEPA decision if the modified project description is within the range of the current alternatives (including the no-action alternative). Mitigation measures may be added if necessary. Acres to be treated or impacted may be reduced. However, if acres are added, a new NEPA decision will likely be required; adding acres would go beyond the range of alternatives previously analyzed in the effects analysis.

If a project cannot be redesigned to meet the Effects Determination, the conventional consultation process in place for addressing listed and non-listed species applies. In some cases, if a project does not meet all applicable Effects Determinations, the project should not necessarily be dropped or modified. Projects can still result in long-term benefits to environmental values related to forest health, species and habitats, while causing short-term adverse affects. If a project has activities identified that do not meet the Activity Descriptions but are still beneficial, the activities can and should still be incorporated into the analysis. Incorporate as many of the range-wide conservation measures that have been developed for the various activities and species that are possible. For non-listed species follow the established agency procedures

The PDCP was developed for low risk, low impact projects only, so they could quickly be “streamlined” through the consultation process. Other higher risk projects are encouraged to incorporate the Effects Determinations and conservation measures outlined in the process, where applicable, and proceed with the regular Level I streamlining process or formal consultation.

2.4 Other Information

Technical Support and Issue Resolution

Technical interagency team members will be available to assist the field and provide technical support. A web site with a bulletin board for commonly asked questions has also been established. That address is www.or.blm.gov/fcp.