United States Department of Agriculture Forest Service	United States Department of Interior Bureau of Land Management	United States Department of Interior Fish & Wildlife Service	United States Department of Commerce National Marine Fisheries Service

Date: January 10, 2005

TO: FS Forest Supervisors, District Rangers, BLM District and Field Offices Managers, USFWS Field Supervisors, NOAA Fisheries Branch Chiefs.

RE: National Fire Plan Project Design and Consultation Process

On November 20, 2001, executives from the Forest Service, BLM, USFWS, and NOAA Fisheries in Oregon, Washington, Idaho, Nevada, western Montana, Utah and western Wyoming issued an interagency memo that announced the development and support of a process to assist in analyzing effects of National Fire Plan activities on proposed, threatened and endangered species and other at-risk species (Attachment 1). This process, currently known as the National Fire Plan Project Design and Consultation Process (PDCP) is a suite of effects determination criteria located on the internet (www.or.blm.gov/fcp). Field staff have used this process to help design fire related projects that have minimal effects on listed or at-risk species. Level 1 Streamlining Consultation Teams and other interagency consultation teams have used this process to develop final effects determinations in accordance with Section 7 of the Endangered Species Act (ESA).

Field units and consultation teams have found this process helpful when designing and consulting on fire projects, however, we no longer can commit the resources necessary to maintain this process and keep the technical information up-to-date. However, the PDCP website will remain in place as a tool to aid in ESA Section 7 consultations, where appropriate. In addition, there are a number of other consultation processes in place that facilitate expedited consultation timeframes (e.g. programmatic consultations, interagency streamlined consultation procedures).

The ramifications of no longer maintaining this process are as follows:

- The agreement in the 2001 memo that provides for FWS and NOAA Fisheries to issue a letter of concurrence to the action agencies within 14 days of receipt of an interagency agreed-upon biological analysis consistent with the PDCP is no longer valid. Biological analyses that have already been submitted to FWS or NOAA Fisheries as of the date of this memo and are consistent with the PDCP process that provides for a 14-day letter of concurrence will still fall under the 2001 agreement. Biological analyses submitted after this date will be subject to the standard review timelines and procedures established by the agencies. It should also be noted that the commitment to a 14-day turnaround is no longer needed on NLAA determinations for National Fire Plan projects on those units

that are utilizing and implementing the Alternative Conservation Agreement(s) under the new Counterpart Regulations.

- Biannual and annual reviews designed to incorporate significant changes, as set forth in the 2001 memo, will no longer occur. Data currently on the website were last revised in April 2003. However, comments from the 2004 review are being incorporated into the salmonid species criteria and effects determinations. This revised version of the salmonid criteria will soon be available on the Northwest Interagency ESA website (www.or.blm.gov/esa.htm)

- Because there is still valuable information contained in the PDCP that may be helpful to field units and consultation teams, the website will remain in place. However, the home page will be redesigned to notify users of the new status of this process. In addition, because the site will no longer be updated and may no longer contain the best available scientific information, users are responsible for obtaining any additional or more recent information on which to base their analyses.

- The final revised website will also be available on a CD-ROM and distributed to agency regional and state offices for archival purposes.

Although the species and effects information will no longer be updated, we encourage planners, biologists, botanists and fire staff from all agencies to refer to this information and apply it when appropriate to their situation. Potential uses of information on the PDCP website include:

- Using the Activity Descriptions to assist in deconstructing or breaking down the action into all of the component parts, as described in the training for use of the Alternative Consultation Agreement under the Counterpart Regulations.

- Using reference material available in the process to help guide project design. Key reference pieces include attachments found in the salmonids effects determination criteria, and the prescribed fire vegetative effects found in the activity descriptions. Other reference material beyond the PDCP should be consulted to ensure the best available information regarding effects to species is being used.

- Continuing application of the criteria, rationale, and effects determinations by Level I Streamlining Teams (or other interagency consultation teams) where applicable. Teams which elect to continue using the materials found in the process should devise their own internal procedures for ensuring that the information is relevant to their area and reflects the best available scientific information concerning effects to species.

- Using the criteria, rationale, and effects determinations as a foundation from which to develop programmatic consultations.

- Facilitating project design or expediting the consultation process on non-fire projects. Most of the activity descriptions in the PDCP are not exclusive to fire related projects, thus criteria are applicable to other types of activities besides fire. We encourage teams to start with the existing criteria, rationale, and effects determinations currently available on the PDCP website, and make necessary modifications based on local or best available information.

The Regional Executives and their Management Team representatives would like to thank the species, activity, and technical experts that were involved in producing the material found in the PDCP. The cooperative interagency approach to developing and implementing the PDCP demonstrates the success that can be achieved when we all work together. We look forward to furthering this success as we collaborate on future initiatives.

/s/ *Kathleen A. McAllister*
KATHLEEN A. MCALLISTER
Deputy Regional Forester

Attachment

United States Department of Agriculture Forest Service	United States Department of Interior Bureau of Land Management	United States Department of Interior Fish & Wildlife Service	United States Department of Commerce National Marine Fisheries Service

Date: November 20, 2001

TO: FS Forest Supervisors, District Rangers, BLM District and Field Office Managers, USFWS Field Supervisors, NMFS Branch Office Managers

RE: National Fire Plan Endangered Species Act Consultation Process

The extensive wildland fires during the summer of 2000 raised public awareness regarding the impact of decades of fire suppression on the health and safety of the natural and human environment. Increased public attention led Congress to allocate $1.6 billion in 2001 for fire-related activities, including restoration of burned areas and activities to reduce hazards in unburned areas.

With this new focus, land management and consulting agencies in the Northwest recognized the need for closer interagency coordination of fire-related management activities relating to conservation of proposed, threatened, and endangered fish, wildlife, and plant species and other species at risk. This includes consulting on listed species, and providing consistent management of species at risk. This focus has provided agencies an opportunity to establish a consistent consultation approach across the ranges of species that has not been possible to date. A Management Team, lead by Deputy Regional Forester (Forest Service, Region 1) Kathy McAllister, was formed to oversee all activities related to this opportunity within the area that includes Oregon, Washington, Idaho, Nevada, Montana, western Wyoming, and Utah.

A Technical Team was chartered to develop a process for Endangered Species Act (ESA) compliance for National Fire Plan projects which promotes a consistent approach to conservation and recovery of those species which are either candidate, proposed, or listed under the ESA, as well as other at risk species, and provides efficiency in the consultation process. Species-based criteria for the determination of effects (effects determination criteria) were developed by a group of interagency species experts, working with Activity Coordinators representing the fifteen National Fire Plan activity types. These criteria are used to screen projects for potential effects to the selected species and for project design.

The application of the effects determination criteria for the consultation process will occur at the local field units or other approved level using the associated Level 1 Streamlining Teams or other existing consultation processes. Field unit staff will evaluate projects against these effects determination criteria, where available and applicable, and make a preliminary determination of effects for each project or batch of projects. A biological analysis with these effects determinations will then be presented to the Level 1 Team or other interagency group for review and agreement. If the projects are consistent with the activity type descriptions and incorporate

all affiliated effects determination criteria, as written, and the projects conclude with a Not Likely to Adversely Affect (NLAA) determination (informal consultation) for all species, ESA consultation will conclude with an expedited response from the appropriate consulting agencies. However, not all projects will fall within the realm of this expedited approach to consultation. Projects that do not meet the existing effects determination criteria for NLAA or that result in adverse affects to some listed species or designated critical habitats may still move forward through the existing consultation processes (including streamlined consultation where applicable).

The interagency executives met in May 2001, to discuss the use of effects determination criteria and to determine the best process for rollout to field units. The following decisions were made at this meeting:

- We strongly encourage the use of this process and criteria in Section 7 ESA consultation to provide consistency in managing for other species at risk across their ranges. It is important, where applicable, to use these criteria in project design. While it is recognized that units may be at a point in project planning and/or consultation where use of this process would be disruptive to the established process, we do encourage the use of these criteria or process, where they can be included. Where consistent with the projects purpose and need, it is our expectation that you will use these criteria to guide project planning on newly proposed projects, that have not yet undergone internal and external scooping.

- FWS and NMFS have agreed to provide the action agencies with a letter of concurrence within (meet or exceed) 14 days of receipt of an interagency agreed-upon biological analysis for those actions consistent with the conditions and effects determination criteria. We expect that field units will use this process in conjunction with their existing streamlining procedures. Collaboration and early involvement with the consultation agencies is essential. A consistent streamlining process is being applied across the footprint of this process which endorses early involvement of all agencies in project designing and reviewing, interagency agreement on the determination of effect, the adequacy of the biological analysis, and a timely letter of concurrence. We encourage to you continue to work in this manner.

- For other "species at risk", we strongly encourage the use of effects determination criteria in project development and evaluation. The intent of this process for those species <u>not listed under ESA</u> is to provide a framework for achieving individual land management agency conservation objectives while meeting their legal and regulatory requirements. The process used for "species at risk" is not meant to supersede existing processes developed by state or regional species working groups.

- We are endorsing the completion of additional criteria for other species and fire-related activities during the fall of 2001 and winter 2002.

- The entire National Fire Plan Consultation and Conservation Process can be accessed through the following web site <u>www.or.blm.gov/fcp</u>

- We have directed the Management Team to critique, review, and monitor this process at 6 and 12-month intervals to determine effectiveness and incorporate significant changes. We agree to review this process six months from the date of this letter, and subsequently regroup to discuss issues and changes that may be warranted.

Sincerely,

/s/ Kathy A. McAllister (for)
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Regional Forester, FS
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/s/ Harv Forsgren
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