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 www.or.blm.gov/fcp

- 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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