



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE**

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OCT -8 1996

F/NW

Mr. Jack Ward Thomas
Chief, USDA Forest Service
Washington Office
14th and Independence SW
Washington, D.C. 20090-6090

Mr. Michael P. Dombeck
Acting Director
Bureau of Land Management
Washington, D.C. 20240

Dear Messrs. Thomas and Dombeck:

This letter amends the January 23, 1995, biological opinion on the Implementation of Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California (PACFISH) under section 7(a)(2) of the Endangered Species Act (ESA) and its implementing regulations, 50 CFR Part 402. This amendment is in response to your August 29, 1996, letter addressed to Rolland A. Schmitt, National Marine Fisheries Service (NMFS), requesting reinitiation of consultation on PACFISH. You requested that the consultation evaluate your proposal to extend the application of PACFISH direction to "cover the period until the completion of the plan amendments proposed by the Interior Columbia River Basin Ecosystem Management Project", which you expect to occur by "summer of 1997." Events subsequent to your letter suggest that this may not occur until winter 1997-98.

I first want to commend the leadership of both the Forest Service and the Bureau of Land Management in your initiative through PACFISH and related activities to recognize and respond to the need to adjust the current direction on land management activities to address very important issues associated with the



protection and restoration of aquatic health for at-risk salmonids in the Pacific and inland northwest. This effort is vital to the restoration of salmon and steelhead in the region. I further want to commend you for the follow-up activity to monitor and assess the success of the implementation efforts for PACFISH. While there are clearly some deficiencies in implementation and documentation of PACFISH to date in certain areas, your monitoring of those efforts and clear direction to correct deficiencies will only strengthen the effort and its long term success. Change does not and cannot occur automatically across the entire landscape, but your continuing emphasis on compliance will prove of enormous importance to the effort overall.

Your letter included the following enclosures:

- 1) an August 27, 1996, supplement to the Biological Assessment (supplemental BA) for the February 28, 1994, Environmental Assessment for Interim Strategies for Managing Anadromous Fish-producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California (PACFISH).
- 2) a February 28, 1996 Revised Notice of Intent to Prepare Environmental Impact Statements (EISs) for the Interior Columbia Basin Ecosystem Management Project (draft Notice). These EISs will describe a proposal by the USFS and BLM to develop and adopt a coordinated ecosystem management strategy for national forests and public lands in eastern Oregon and Washington, Idaho, Western Montana, and small portions of Nevada, Wyoming and Utah. The Notice of Intent summarizes certain results of PACFISH to date and includes information about the effects of extending PACFISH until the EISs are completed.

In addition to the above documents, the NMFS reviewed the following during this consultation:

- 3) a January, 1996, document titled "Executive Summary, PACFISH Field Reviews, August - November 1995;
- 4) a July 30, 1996, letter from Jack Ward Thomas (U.S.

Forest Service) and Michael P. Dombek (Bureau of Land Management) to the Regional Foresters for Regions 1, 4, 5 and 6 and the Bureau of Land Management (BLM) State Directors for Oregon, Idaho and Washington and;

5) an August 21, 1996, fax from Gordon Haugen, U.S. Forest Service (USFS) to Elizabeth Gaar, NMFS.

The determination reached in the supplemental BA was the same as in the PACFISH BA, namely that the proposed extension of PACFISH "may affect" listed species and designated critical habitat. As in the PACFISH BA, the supplemental BA does not include a determination as to whether the proposed action is "likely to adversely affect" or "not likely to adversely affect" listed species and designated critical habitat.

The NMFS understands that the BLM is conducting additional analysis and public input regarding extension of PACFISH, but intends to follow PACFISH until it makes a final decision. Therefore, the NMFS may reconsider the conclusions in this amendment with respect to the BLM if new information surfaces or the proposed action is changed as a result of the additional analysis and public input.

Background

The NMFS completed an Endangered Species Act Section 7 Biological Opinion (Opinion) on PACFISH on January 23, 1995. In the PACFISH Opinion, the NMFS concluded that PACFISH would not jeopardize the continued existence of listed salmon or cause destruction or adverse modification of their designated critical habitat. The analysis and conclusion in the PACFISH biological opinion was based on a number of assumptions, including:

- 1) that there are potential effects to listed species and critical habitat that may only be addressed at broad scales (such as the scale of PACFISH) because they may not be adequately addressed in project-specific consultations;
- 2) that consultation on the LRMPs for the Sawtooth National

Recreation Area, and the Boise, Salmon, Payette, Challis, Nez Perce, Umatilla and Wallowa Whitman National Forests would be completed by March 1, 1995, and that deficiencies in PACFISH would be addressed during that consultation;

3) that consultation on the ICBEMP EISS (which will replace PACFISH) would be completed no later than 18 months from the date that PACFISH was implemented;

4) that consultations to avoid or minimize incidental take would continue to occur on proposed land management actions at the site, watershed or LRMP scales after PACFISH was implemented; and

5) that application of section 7(d) of the ESA to site-specific actions [through the consultation on the LRMPs] would reduce the potential for adverse effects to listed species and their designated critical habitat.

The PACFISH Opinion considered PACFISH only as an interim strategy. The Opinion recognized that PACFISH was not intended to be and did not constitute an adequate long-term strategy for the protection and restoration of anadromous fish habitat.

The NMFS intended the PACFISH Opinion to make watershed and site-scale consultations more efficient during the interim period. To this end, the PACFISH Opinion provided conservation recommendations to assist the USFS and BLM in minimizing their impacts to listed salmon and designated critical habitat at the earliest opportunity. These included: (1) recommended clarifications to PACFISH interim direction to provide further consistency and clearer protection for listed salmon; (2) recommended elements for monitoring the implementation and effectiveness of PACFISH; (3) expectations of data requirements the NMFS will need for section 7 consultations at the project or watershed level for actions conducted under PACFISH interim direction; and (4) recommended elements for the geographically-specific EISS.

The NMFS also completed an Opinion on the Land and Resource Management Plans (LRMP Opinion) for the Boise, Challis, Nez

Perce, Payette, Salmon, Sawtooth, Umatilla, and Wallowa-Whitman National Forests, as amended by PACFISH on March 1, 1995. In the LRMP Opinion, the NMFS identified a set of goals, objectives and guidelines that it will apply to watershed and site-specific consultations until the LRMPS are amended to provide, in combination with implementation of PACFISH, reasonable certainty that site-specific actions will not result in jeopardy to listed salmon or adverse modification of critical habitat. The guidelines in the LRMP Opinion included and expanded upon the conservation measures in the PACFISH Opinion. (See LRMP Opinion Table 10, or Appendix I in this letter.) Specific changes to riparian management objectives, riparian habitat conservation areas (RHCAAs), and riparian management objectives recommended by the NMFS in the LRMP Opinion for use with PACFISH are summarized in Appendix II of this letter.

The LRMP Opinion also included recommendations for addressing the long-term needs of Snake River salmon through the ICBEMP environmental impact statements (EISs) (section M in the LRMP Opinion, or Appendix III in this letter). These recommendations are also stated in the Proposed Recovery Plan for Snake River Salmon (March 1995).

The NMFS intended the PACFISH and LRMP consultations to provide substantial programmatic guidance that would create efficiencies in project-level consultations. The NMFS' overall goal was the same as the USFS and the BLM: to arrest the degradation and begin restoration of anadromous fish habitat. The NMFS intended PACFISH to "hold the line" until long-term approaches for ecosystem management and the landscape and watershed scales were developed in the ICBEMP EISs. Our review of this reinitiation request focused on the agencies' accomplishments toward that goal.

Effects of Extending PACFISH

The "Executive Summary, PACFISH Field Reviews, August - November 1995" (January, 1996) describes the findings of PACFISH monitoring during the specified time period. The document notes a "consistent pattern of poor documentation of PACFISH-related decisions, limited use of watershed analysis and little or no

evidence of monitoring for PACFISH implementation and effectiveness." Because of this lack of monitoring, there is little evidence as to whether PACFISH has accomplished its goal of arresting the degradation and beginning the restoration of anadromous fish habitat.

You took steps to improve PACFISH implementation by sending the July 30, 1996, letter to the responsible Regional Foresters and State Directors. The letter stated that the guidelines contained in the LRMP Opinion will be considered in the development of site-specific projects. The letter instructs field units that were reviewed in 1995 to submit reports as to how they will correct deficiencies in PACFISH implementation. The NMFS received copies of the reports on August 27, 1996, for the Clearwater, Salmon-Challis, and Nez Perce National Forests. The Umatilla National Forest did not submit its report due to fire emergencies. Summaries of the reports are attached to this letter as Appendix IV. The letter stresses the need for increased compliance and documentation by USFS field staff and increased documentation by BLM field staff. Also, the letter mentions planned field reviews by the PACFISH Field Review Team for fall 1996.

Additionally, the August 21, 1996, fax from Gordon Haugen (USFS) to Elizabeth Gaar (NMFS) responds to some of the concerns raised by the NMFS during the reinitiated consultation on PACFISH. Much of the discussion in this fax concerns requested analyses in the LRMP Opinion for 1000-acre and larger unroaded areas in the Snake River Basin (no. 1, a-d on p. 82 of the LRMP Opinion). The NMFS requested this information to provide a surrogate for identifying remaining areas of high quality habitat. The USFS has provided the NMFS maps of road densities from the ICBEMP Science Integration Team that the NMFS could overlay with its Priority Watershed maps to help identify remaining areas of high quality habitat for watershed and site-scale consultations. The USFS states that it is unable to provide names, locations, etc. of unroaded areas smaller than 5000 acres but has agreed to provide this list for the larger areas.

The NMFS has verbally requested an update on actions planned in unroaded areas (August 23, 1996, conference call between Ted

Meyers and Jeff Lockwood, NMFS, and Gordon Haugen, USFS). Some of this information was included in the watershed-scale BAs that have been provided to the NMFS beginning in 1992. However, many of the projections in these plans are now outdated. During the original consultation on PACFISH, the USFS claimed that the requirement to do watershed analysis before building roads across RHCAs would mean very little new road construction during the tenure of PACFISH. Available information indicates some USFS field units are not completing watershed analysis before building roads across RHCAs. The NMFS assumes that the July 30, 1996, letter will correct the problem of new road construction in RHCAs prior to watershed analysis by reinforcing the need to follow PACFISH interim direction, which prohibits such actions.

The larger scale issues such as the distribution of high-quality habitat across the subbasins inhabited by different subpopulations of salmon require information and analyses that extend beyond individual watersheds and projects. This information should be provided as part of the PACFISH extension. In particular, the USFS should provide the following information within 30 days of the extension of PACFISH:

- 1) a list of names and descriptions of general geomorphic characteristics of inventoried roadless areas, keyed to the map of road densities;
- 2) updates on actions planned in "section 7 watersheds" for Snake River salmon that involve road building or timber harvest, for each national forest and BLM District (see Appendix V of this letter for information needed in the updates); and
- 3) a report from the Umatilla National Forest on how they will correct PACFISH deficiencies.

Also, the NMFS understands that:

- 4) the USFS and BLM will promptly submit monitoring reports from the fall 1996 field reviews to the NMFS upon their completion;

- 5) interagency Level 1 Consultation Teams reviewing both USFS and BLM actions will consider, incorporate when possible, and document any departures from the Guidelines in the NMFS' LRMP Opinion when designing and implementing projects and monitoring;
- 6) compliance with PACFISH interim direction, and monitoring of PACFISH, will improve pursuant to the July 30, 1996, letter of direction; and
- 7) PACFISH will be followed until the LRMPs and BLM Land Use Plans are amended by the EIS RODs (presumably this would be sometime after issuance of the RODs).

Conclusion

The continuing issues with PACFISH pertain largely to inconsistent implementation of both PACFISH and the LRMP Opinion and underscore the need to make significant progress on these issues in the ICBEMP EISS. If conservatively and consistently implemented, PACFISH combined with the LRMP Opinion and the interagency streamlining consultation process should continue to represent an adequate short-term strategy for reducing damage to anadromous fish habitat from land management actions. Also, the NMFS will continue to review "may affect" land management decisions in watershed and site-scale consultations.

The NMFS has determined that, based on the available information, extension of the interim PACFISH guidance is not likely to jeopardize the continued existence of SR sockeye salmon, SR spring/summer chinook salmon, or SR fall chinook salmon, or result in the destruction or adverse modification of critical habitat. This conclusion is based in part on the assumptions described under "Effects of Extending PACFISH" above.

Reinitiation of Consultation

Under the requirements of 50 C.F.R. 402.16, consultation must be reinitiated if: (1) new information reveals that management

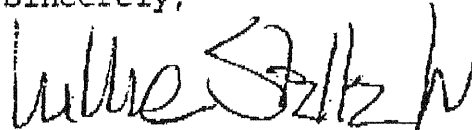
direction may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the direction is modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this Opinion; or (3) a new species is listed or critical habitat designated that may be affected by the management direction.

The NMFS would consider the following sufficient cause for reinitiation of consultation on the PACFISH extension:

- 1) if the USFS and BLM field unit responses to the PACFISH field reviews do not adequately correct implementation and documentation deficiencies;
- 2) if the 1996 PACFISH field reviews uncover implementation problems that are not addressed by the field unit reports;
- 3) if there is widespread or consistent failure of Level 1 Consultation Teams to consider, incorporate when possible, and document any departures from the Guidelines in the NMFS' LRMP Opinion when designing and implementing projects.
- 4) if the ICBEMP EISs are not issued and records of decision are not signed by winter 1997-98.

If you have any questions regarding this amendment, please contact Ted Meyers at (208) 334-9852.

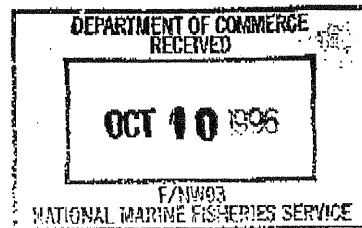
Sincerely,



William Stelle, Jr.
Regional Administrator

bc: F/NW03 - ~~John Wood~~ Ted Meyers,
Elizabeth Gaar, Randy Tweten, Russ Strach
F/PR - Joe Blum
GCNW - Mark Eames
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Appendix 1.

Excerpt from LRMP Opinion:

Table 10. Elements of a short term Aquatic Ecosystem Strategy and needs remaining after PACFISH to complete these elements.

| Elements of Comprehensive Short Term Strategy | Needs Remaining After PACFISH to Complete These Elements |
|---|---|
| 1) Ecological Goals and Objectives | Greater Specificity |
| 2) Riparian Management Objectives | Added Sediment RMOs and Other Modifications (See Table 11) |
| 3) Establish RHCAs | (complete) |
| 4) Anti-degradation of RHCAs | Greater Specificity |
| 5) System of Priority Watersheds | Identify Priority Watersheds |
| 6) Low Risk Management of Priority Watersheds | Stratify Management Requirements |
| 7) Prioritize Restoration in Priority Watersheds | Greater Specificity |
| 8) Analysis of Watershed Processes and Functions Prior to Planning Land Management Actions | Plan Beyond Pilot Projects |
| 9) Develop Baseline Information and Monitor Effects of Actions | Greater Specificity |
| 10) Gather Information for Long Term Ecosystem Strategy | Greater Specificity |

| Category | PRIORITY WATERSHEDS | FOREST-WIDE |
|----------------------------------|---|---|
| RMOs and RHCAs | 1) Additions/revisions to PACFISH RMOs: a) <20% surface fine sediment (spawning habitat) or <30% cobble embeddedness (rearing habitat) b) width/depth ratio stratified by channel type c) ≥90% streambank stability. 2) Watershed analysis prior to revising RMOs. 3) Watershed analysis prior to reducing RHCA widths. | (PACFISH standards apply) |
| Mining | 1) Within agency discretion, locate new mines outside RHCAs. (Exceptions: <i>de minimis</i> risk activities) 2) Watershed analysis prior to approving plans of operation for actions that may affect ecological function. (Exceptions: <i>de minimis</i> risk activities) | With EPA and States, ensure draft plans of operation for new mines are conditioned so mines will not adversely affect groundwater or surface water quality in a manner that retards RMO attainment or adversely affects salmon. |
| Timber | 1) Harvest, salvage, or thinning in RHCAs requires watershed analysis and demonstrating action needed to attain RMOs. (Exceptions: <i>de minimis</i> risk activities) 2) (new/proposed sales): If ECA >15%, watershed analysis prior to actions that would increase ECA. 3) (sold/awarded sales): Aggregated effects analysis of watershed timber activity showing action(s) do not retard RMO attainment/do not adversely affect salmon. | (PACFISH standards apply) |
| Roads | 1) (new/proposed roads): If road density > 2 miles/square mile, reduce road mileage and emphasize road closure, obliteration, and revegetation. 2) (ongoing actions): New roads offset with concomitant road restoration/reductions in mileage. 3) Complete and implement as soon as feasible Road and Transportation Plans required by PACFISH. | (PACFISH standards apply) |
| Access | (Forest-wide standards apply) | Eliminate or adequately restrict access (including livestock, off-road vehicles, anglers, etc.) to spawning salmon and redds during spawning and incubation periods. |
| Toxic Chemical Transport | (Forest-wide standards apply) | Minimize risk of toxic fuel spills during transport through RHCAs by using alternative routes and all other possible precautions. |
| Unroaded Areas | 1) Ensure actions have a <i>de minimis</i> risk of degrading the functions and values of these areas. 2) Provide the NMFS for 1000 acre and larger unroaded areas: a) maps; (b) pertinent description; c) any road construction plans; and (d) analysis of impacts of the proposed road system on designated critical habitat. | (PACFISH standards apply) |
| Fire Suppression/ Rehabilitation | (Forest-wide standards apply) | 1) Annual briefing for Fire Overhead Team on ESA requirements for habitat protection. 2) After a fire affecting RHCAs, evaluate implementation of measures in the Fire Situation Analyses, and evaluate effectiveness of rehabilitation efforts. Report to the NMFS 15 months after containment. |
| Restoration | Priority Watershed focus. Short term: 1) develop restoration plans in context of broader-scale plans; 2) implement multi-agency restoration plans; 3) conduct direct restoration of RHCAs/stream channels only if corresponding change made to management actions causing the degradation; and 4) priority to restoration of degraded stream reaches connected to reaches of high quality habitat. | (PACFISH standards apply) |
| Monitoring | (Forest-wide standards apply) | 1) With PACFISH monitoring committee conduct and report annually: a) implementation monitoring and reporting for all "may affect" actions; b) effectiveness monitoring and reporting annually for groups (by activity type, time, and subwatershed or watershed) of "may affect" actions (focus on Priority Watersheds); c) photo-monitoring; d) begin validation monitoring. 2) In coordination with the proposed Habitat Committee and identify and the Interior Columbia Basin EIS efforts, protect enough pristine or relatively pristine, well-studied watersheds as "reference areas" against which the effects of restoration and land management projects can be measured. |

Appendix III. Excerpt from LRMP Opinion:

M. Long-Term Approaches for Ecosystem Management at the Landscape and Watershed Scales (excerpt):

Baseline information on the physical, chemical and biological attributes of the forests and their watersheds has not been collected, synthesized and used in a cohesive and consistent manner. The NMFS expects this to occur during development of the two broad USFS EISs that will apply to these eight forests.

The LRMP EISs should evaluate one or more alternatives with a high probability of ensuring the survival and recovery of listed salmonid species. The EISs should evaluate alternative land allocations, allowable sale quantities, grazing intensities, management area prescriptions, desired future conditions, and other decisions that affect the intensity and timing of management actions on USFS lands, thereby affecting the ecological processes and functions that create and sustain salmon habitat.

The following additional information and analyses, which are landscape- and watershed-scale topics, should be addressed in the EISs. This information is necessary to comply with National Environmental Policy Act requirements (e.g. for describing the affected environment, evaluating alternatives, etc.):

1. Develop a strategy that establishes adequate high quality habitat at the basin-wide scale for healthy salmon subpopulations and metapopulations over the long term. This includes consideration of spatial and temporal variability in salmon habitat so that future gains in high quality habitat will counteract the losses caused by natural processes as well as anthropogenic activities. The strategy should include determination of levels of resource use which have a high probability of maintaining high quality habitat, restoring degraded habitat, and restoring connectivity (FEMAT 1993; Frissell et al. 1993) between high quality habitats. It should also consider and refine criteria for prioritizing restoration actions among watersheds. To accomplish this, the following steps may be necessary:
 - a. Describe historic aquatic habitat condition and flow regimes.
 - b. Describe natural disturbance regimes and frequencies.
 - c. Explain and model the relationship between natural and human-induced disturbance events.
2. Describe the range of historic conditions and disturbance regimes.
 - a. Describe desired future conditions.
 - b. Describe desired future conditions in terms of the range of natural variation rather than discrete values. Modify and develop existing values in response to this information.
 - c. Develop linkages or models to explain relationship between local habitat features and broader, landscape scale features.
3. Describe desired future conditions.
 - a. Describe desired future conditions in terms of the range of natural variation rather than discrete values. Modify and develop existing values in response to this information.
 - b. Develop linkages or models to explain relationship between local habitat features and broader, landscape scale features.
4. Refine the delineation of important areas of biological diversity within watersheds.

5. Adjust land allocations and outputs of goods and services to reflect the ecological requirements of listed salmon. This adjustment should include allocating habitats for salmon survival and recovery in accordance with the importance of those habitats and acceptable levels of risk outlined above. Identify and protect enough pristine or relatively pristine well-studied watersheds (section 7) to serve as "reference areas" or benchmarks against which long-term effects of restoration and land management projects can be measured.
7. Develop a monitoring program that will:
- a. document subbasin-scale trends in habitat quality and quantity, and (in cooperation with state agencies) fish populations; and
 - b. monitor and evaluate reference watersheds, and other watersheds where restoration and land management projects are more active than reference watersheds, to determine if watershed restoration and management programs are meeting the habitat maintenance and improvement objectives.
8. Coordinate with the fishery agencies, Tribes, BPA, EPA, BOR, BLM, NRCS, NPPC, local governments, and private landowners to develop long-term subbasin habitat management plans.
9. Establish as one of the purposes of the EISs that all LRMPs should promote the survival and recovery of listed salmon.
10. All water conveyances across national forest lands should be catalogued and the state-granted water rights associated with each identified. Efforts should be taken to resolve discrepancies and conflicts identified between water conveyances, state water rights, and the RMOs. Proposed conveyances affecting Priority Watersheds should be given a priority for this analysis.

Appendix IV. Summaries of USFS reports on correction of PACFISH deficiencies based on 1995 field reviews.

Salmon and Challis National Forests

The Salmon and Challis National Forests (SCNF) has addressed or is addressing deficiencies found in implementation of livestock grazing guidelines and monitoring of both upland and riparian areas in grazing allotments. Documentation of PACFISH related decisions has been improved in recently submitted Biological Assessments. There are four watershed assessments in progress on the SCNF, but none have been completed.

Nez Perce National Forest

The Nez Perce National Forest (NPNF) has modified all on-going projects to comply with PACFISH standards and is implementing PACFISH RHCAs on new projects. Two watershed analyses have been completed and two more are near completion. The NPNF has not initiated effectiveness monitoring and cites a 35% reduction in funding as the reason. There was no indication that the deficiencies regarding transportation planning and identification of key watersheds in the Clearwater Basin have been addressed.

Clearwater National Forest

The Clearwater National Forest (CNF) has provided additional direction to the Districts regarding documentation of changes to RMOs and RHCAs. The CNF has three watershed analyses scheduled for 1996, but their current status is unknown. The CNF has committed to increased monitoring of timber harvest, grazing, and mining projects, and submitted a list of projects to be monitored during 1996. The current status of this proposed monitoring effort is unknown.

Ochoco/Prineville

The Ochoco National Forest (ONF) has addressed the identified deficiency in documentation for changes in RMOs or RHCAs by developing a checklist which would refer to an analysis document if modifications were made. However, contents of the analysis document are not specified so it is not possible to determine whether documentation would really be improved. The ONF will conduct a workshop to address implementation monitoring in 1996; whether monitoring will actually increase is unknown.

Umatilla/Baker

The Umatilla National Forest (UNF) did not submit a response, because of "extreme fire problems".

Appendix V. Information needs for updates on planned actions.

The USFS and BLM should query administrative units containing "section 7 watersheds" for the following information on timber sales and road construction now in planning stages. Approximations are appropriate due to the likelihood of adjustments during the NEPA and ESA processes::

- 1) Names of section 7 watershed and subwatershed containing project, and allocation class.
- 2) Road density before and after project in watershed and subwatershed..
- 3) Miles of road construction, reconstruction, closure and obliteration.
- 4) Acreage of project.
- 5) Type of harvest and yarding.