

**PACFISH/INFISH FIELD REVIEW**  
**Challis, Idaho**

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**IIT Field Review Team members**

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**General Field Review Objectives**

1. Determine if the Biological Opinions have been implemented in accordance with the mechanisms, terms and conditions.
2. Determine if on-the-ground management decisions are consistent with the Biological Opinions, PACFISH and INFISH Goals and Objectives.
3. Determine if PACFISH and INFISH Standards and Guides have been correctly interpreted and implemented on the ground.
4. Determine if grazing implementation monitoring activities have been evaluated to eliminate duplication between the PACFISH/INFISH Grazing Implementation Monitoring Module and other grazing implementation monitoring activities.
5. Improve communication and coordination between agencies. Strengthen interagency commitment to watershed management under the management direction of PACFISH/INFISH.

**Specific Local Objectives**

To address ESA consultation and PACFISH/INFISH implementation issues related to management of the Morgan Creek Allotment.

## **FINDINGS**

### **Challis FO, BLM, Challis District, Salmon-Challis NF**

**Commendations:** Excellent participation by managers, Level 1 and 2 teams, and by permittees. There were 32 participants overall. Good background on the review issues. Responses to questionnaire were well done. Overall the review was well prepared and the discussions were well planned. Despite some difficulties in consultation, the Level 1 and 2 Teams are professional and constructive.

## **OBSERVATIONS AND PRELIMINARY RECOMMENDATIONS**

### **Challis FO, BLM, Challis District, Salmon-Challis NF**

**Observation:** The Section 7 watershed BA of 1999 was prepared for the Morgan Creek side of the Morgan Creek Allotment separate from a BA prepared for the Morgan Creek Allotment in Panther Creek. Concurrence on the 1999 BA set conditions for re-initiation, none of which were met in issuing the Biological Opinion of 2000. Furthermore, terms and conditions of the BO were not based upon any analysis of the Morgan Creek allotment on the Morgan Creek side, and therefore lacks a clear indication of any adverse affect on bull trout in that drainage. The clarification letter of May 7, 2001 acknowledged that the effects analysis was limited to the Panther Creek side, but it does not rescind the determination on the Morgan Creek side. Therefore the Incidental Take Statement on the Morgan Creek Allotment has no basis in the effects analysis, with respect to the Morgan Creek watershed. Complexities associated with the fact that the allotment encompasses three separate watersheds and two separate federal actions or grazing licenses, appears to have partially contributed to the confusion over consultation on these actions.

**Recommendations:** Regardless of how the consultation is carried out, the biological analysis of effects would differ between the Panther Creek and Morgan Creek populations. Therefore two separate determinations would be appropriate. It would also be appropriate to separate the determinations between the BLM and FS licenses. This could still be accomplished in a single consultation. The Level 2 Team should have a single meeting, in concert with the Interagency Coordination Team, to discuss and resolve how to organize this consultation. It should be remembered that consultations reported by Section 7 watershed, do not require analyses at that same scale. Such analyses should be based upon biologically based hydrologic units. The intent is not to re-initiate the analysis, but simply to organize the existing consultation and perhaps to clarify via interagency memoranda.

**Observation:** It is not apparent to the Review Team that the biologists have a firm knowledge of the distribution of bull trout spawning in Morgan Creek. Also, the potential for cattle to access fish-bearing streams, even though administratively restricted, appears to be a real possibility, where unforeseen circumstances cause them to move where they are not supposed to be. Given these conditions, there was some question about the potential presence of livestock during the spawning period with respect to bull trout spawning. The 1999 BA and

Morgan Creek Watershed Analysis do not adequately discuss the potential for take, and it was apparent that when these documents were prepared, the distribution of bull trout spawning was not known. In addition, the effects on listed fish, of grazing in some tributaries to Morgan Creek have not been established, and will not likely be determined without intense analyses. On the other hand, a reasonable certainty of take must be established before imposing terms and conditions of an incidental take statement.

**Recommendation:** There should be a more thorough assessment of the potential for cattle and spawning to occur together. If there is a reasonable potential for take, it would be advisable to seek an incidental take statement, via formal consultation, to cover take contingencies associated with the action(s). Take statements are desirable in complex consultations, to assure legal compliance when unanticipated take occurs. Terms and conditions in formal consultations need to focus on factors that minimize the potential for take without limiting management flexibility needed to administer the allotment.

**Observation:** It was apparent to the Team that a clearly definable trigger for re-initiation and take was lacking. Also the frequency of stubble height standard exceedance as a condition of re-initiation was not clearly articulated.

**Recommendation:** There needs to be a differentiation between triggers for livestock movement and triggers for re-initiation. Triggers for re-initiation should reflect the effects analysis, and be based upon long-term indicators of trend in habitat condition (i.e. woody regeneration, greenline status, etc.) and/or new information that modifies the effects analysis. The existing BA's could be amended to clarify the move triggers, grazing strategy, and end-of season indicators used to administratively manage the allotment, separate from the trend or informational indicators used to manage the consultation. This amendment could be facilitated by an exchange of letters to clarify these triggers (i.e. this could be accomplished without formal consultation).

**Observation:** Current management in the Blue Creek area is probably inconsistent with the goals and objectives of the aquatic strategies, PACFISH/INFISH. PACFISH/INFISH standards and guidelines for livestock grazing in RHCAs requires that grazing practices be modified if they prevent attainment of RMOs. RMO's are quantifiable variables describing good fish habitat, in this situation as they occur downstream in Morgan Creek. Several ways in which Blue Creek may affect the RMO's are as follows: 1). Excess delivery of fine sediment resulting in excess deposition in Morgan Creek substrates, 2). Excess delivery of nutrients increasing oxygen demand during the warm season in Morgan Creek, and 3). Channel entrenchment in Blue Creek associated with reduced ground water inflow to Morgan Creek lowering the positive thermal effect on Morgan Creek. Intense analyses would be required to assess these influences on the RMO's in Morgan Creek.

**Recommendation:** Rather than assess RMO impacts of the tributary on Morgan Creek, manage riparian conditions in Blue Creek to achieve functioning riparian vegetation and channel conditions. The existing consultation already requires this and does not need to be re-initiated for this purpose. Riparian goals can be achieved by reducing livestock use intensity in Blue Creek, potentially through improved/restored off-site water development, fencing, and/or

herding, and assuring that cattle do not drift back into the stream bottom after they are moved out. Focus management objectives in Blue Creek on easily measurable indicators (i.e. bank stability, woody regeneration, greenline status, PFC etc.) that reflect livestock grazing influences. If stream/riparian conditions in the tributary can be recovered, it is assumed that RMO's in Morgan Creek would be met.



**Figure 1. Blue Creek at Key Area.**

**Observation:** Blue Creek riparian vegetation condition is functioning at risk. The dominant herbaceous type is blue grass rather than carex and juncus, the desired species in this situation. Management that focuses on the needs of riparian plants would assure that residual stubble height standards for the desired species are met. Management of proper range conditions in Blue Creek would benefit all riparian-dependant species, not just fish.

**Recommendation:** Place stubble height standards on the desired palatable key species and do not include greenline undesirables (blue grasses, forbs, etc.). Continue to use bank alteration as a trigger for livestock movement.

**Observation:** In the West Fork of Morgan Creek, a Key Area was selected in a recently occupied beaver complex apparently not very representative of the stream reach overall. This problem came to light during the NRST review and was re-enforced by this review. In the West Fork there is an abundance of herbaceous vegetation along the greenline, yet other portions of the stream are dominated by woody vegetation. It was suggested by some on the review that a more representative reach would include a combination of herbaceous and woody types along the greenline and that monitoring would include both. It was also suggested that a “key area” should be reflective of livestock management effects to allow detection of change in response to management efforts. This location contains a heavy concentration of dispersed recreation use in the fall, which may confound influences on the greenline in this area. A letter was recently prepared by a team of Range Specialists that proposes criteria for selection of

“Key Sites” and now refers to them as “Designated Monitoring Areas” (DMAs). This is an issue much broader than just in the West Fork Morgan Creek. The question has been raised in many other situations as well, and there is a broader need to achieve a consistent and effective approach to monitoring site selection.

**Recommendation:** We recommend that the Monitoring Core Team coordinate development of the criteria for DMA’s with the Riparian Service Team and the Regional Range Specialists. These criteria would spell out the differences between Key Sites, Critical Areas, Representative Areas, and other types that have been used in the past.



**Figure 2. West Fork Morgan Creek.**

**Observation:** It appears that local units are overwhelmed by the amount of monitoring they need to do. In a very large, complex grazing allotment it is nearly impossible to monitor grazing effects in all situations. It appeared that the monitoring design was not strategic to addressing key questions associated with the allotment, road, and other key influences on the stream/riparian areas. For example, substrate and temperature monitoring appear to be concentrated upstream of the major road and tributary grazing impacts. Greenline monitoring seemed clustered in the center of the basin, on streams not as heavily affected by grazing as in the Blue Creek area.

**Recommendations:** Several of the key questions in the Watershed Analysis may represent a starting point for design of the monitoring strategy. The monitoring strategy should attempt to answer key management questions. In considering refinements to the monitoring strategy, we recommend the following: 1). List the key management questions for the allotment, 2). Prioritize the questions. 3). Locate monitoring stations and indicators to answer those priority questions within the financial capability of the local units, 4). Eliminate all other monitoring not applicable to the priority questions. Work with the Core Monitoring Team to investigate a more efficient monitoring approach. For example, determine if the EM monitoring effort might be able to replace some Morgan Creek Effectiveness monitoring.

**Observation:** The question was asked: if we have consulted programmatically on PACFISH/INFISH at the RMP/Forest Plan level, why do we need to consult on these strategies again at the local level?

**Recommendations:** The programmatic consultation does not address biological effects at the project or site-specific scale. The programmatic consultation requires that local consultations do exactly that (i.e. the BO requirement to use the matrix of pathways and indicators to assess effects and trends). The cover letter for the Bull Trout BO states: “because this opinion deals with implementation of an ecosystem approach at the Plan level, this consultation does not address the specific effects of individual ongoing or future actions, therefore no incidental take authorization has been provided through this opinion.” Local consultations can reference the broad consultations with respect to the applicability of PACFISH/INFISH strategies to management, however they need to focus on analysis of local effects.



**Figure 3. Thirty Two people participated in the Field Tour.**

**Observation:** It was suggested that a “no” answer in the implementation module automatically equates to non-compliance. This point has been brought up previously. There have been iterations of the monitoring module over time and in the current version, there has been a concerted effort to address these concerns. Still questions in several of the activity spreadsheet were recently developed and may need refinement.

**Recommendation:** We will recommend a refinement to the module that allows clarification of “no” answers without non-compliance implications. For example, questions applicable to the Non-Compliance section might be flagged, or explanatory comments may be added to allow clarification of “no” answers that don’t imply the need for management change.

**Observation:** Field specialists are being inundated by paperwork requirements that prevent them from spending more time on on-the-ground improvements. Analysis paralysis may be constraining recovery efforts in some situations. Some efforts have been made to help make analyses more efficient, i.e. the expedited consultation process, the electronic Implementation

Monitoring Module, and the NFP consultation criteria. Field specialists appear to have limited understanding of these tools and have not recognized how to use them to save time and effort. Field training efforts have not been very effective, perhaps because field specialists have not had the time to learn and incorporate the new tools into their work activity.

**Recommendation:** Work with Regional/State specialists to provide hands-on training and orientation and perhaps show how these tools work on real-life examples in the field. Field managers should participate in the training to assure that management questions are answered by these approaches. We acknowledge that Watershed Analysis done to answer key management questions, can be expensive and time consuming. We also recognize that Key management questions can be answered in other analyses – i.e. BA’s, EA’s, recovery plans, etc. Other offices in the Northwest have used these other documents to more efficiently analyze key questions without preparing multiple documents. Others have developed focused WA’s that limited the number of key questions and addressed only priorities for management so that the scale and scope was manageable within budget and manpower constraints. These innovative approaches to Watershed Analysis likely satisfy the BO requirements, i.e. “other jointly agreed upon procedures” provided for in the Steelhead BO.



**Figure 4. Morgan Creek below the mouth of Blue Creek.**

**Observation:** External interferences may have impaired trust between the agencies Level 1 and 2 Team members. For example, consultation agencies may question that the action agencies are hiding something when they are shown photos of apparent grazing degradation.

**Recommendation:** Level 1 and 2 members need to work as a Team and handle external interference jointly in a professional manner. The working atmosphere needs to engender free exchange of ideas and questions. If photos of degradation are obtained, discuss them in an open forum at Level 1. The Streamlining Teams need members who have some permanency so that trust can be developed and maintained. If turnover occurs, new people need to come to the table in an attitude of trust, and the existing members in an attitude of acceptance.

Members of the streamlining teams need to fully understand and function using the operating rules of the team.

## **FEEDBACK FROM THE UNITS TO THE REVIEW TEAM AND THE IIT**

### **Challis FO, BLM, Challis District, Salmon-Challis NF:**

**Collaboration:** Cooperation between action and consulting agencies has improved in recent years, however some challenges still exist. The consulting agencies commonly ask BLM and FS to reinitiate consultation when standards are exceeded. The BLM and FS have been reluctant to do this without sufficient data to support the need. In one re-initiation case, it took five months and numerous field tours to conclude consultation due to concerns over action agency proposals. The Level 1 Team has experienced frequent personnel changes, for example they have had 7 different representatives from NOAA-Fisheries since 1998. It takes about 1 year for biologists to become effective on Level 1 Teams. The Team will continue to have difficulties until membership reaches a reasonable level of tenure and stability, with enough experience together to achieve a high degree of understanding and trust.

**Batching/bundling BA's:** Mechanism 2c, in the Steelhead Biological Opinion requires BLM and FS to bundle projects by watershed at least every two years, to review them by January 15, and to update the environmental baseline information for the watershed. This has been a challenge for local action agencies who have inadequate information on projects 2 years in advance of their implementation. Perhaps a better approach, would be to update the environmental baseline once every 2 years, and use the latest update to apply to projects in conjunction with NEPA preparation as the proposals come on line. This would be consistent with the streamlining guidance which emphasizes early involvement, and would allow better coordination in BA preparation with the preferred alternative in NEPA, rather than attempt to second guess that alternative 2 years in advance.

**IIT Roads binder and Low Road Density analysis:** The agencies have not used the binder or the low road density analysis.

**Step-down products:** The FS and BLM locally are not using these products for one of their principle purposes – local refinement of RMOs and RHCAs in PACFISH/INFISH.

**IIT Monitoring:** The new Implementation Module appears easier to follow and implement. The agencies intend to use the monitoring results from the Morgan Creek Allotment in the IIT module. End of year reporting is expected to be accommodated by the module. Monitoring will be consistent with the IIT sample scheme and focus on local project priorities. Coordination with the Effectiveness Monitoring Team has taken place.