

Collaborative Forest Landscape Restoration Program

and ESA section 7 interagency
consultation for listed
salmonine fishes

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The collaborative process,
even when NMFS staff
participate, does not
constitute ESA section 7
consultation.

ESA section 7 consultation

- Section 7 consultation is an established, formalized, interagency process.
- Process elements have been hammered into their current forms by 20 years of litigation.
- The process is not public. NEPA handles public involvement.
- We know how to successfully complete consultation.

examples

- Wilkins Dry Forest Restoration, 2012, UNF, 6000 acres.
- Trail Veg Management Project, 2012, WWNF, 11,000 acres.
- Cove 2 WUI Project, 2011, WWNF, 20,000 acres.
- Mirage Veg Management Project, 2010, UNF, 8000 acres.
- Rooster Veg Management Project, 2010, WWNF, 8000 acres.

process steps, generalized

- NEPA's "preferred alternative" becomes section 7's "proposed action"
- The "action agency" (the National Forest) prepares a biological assessment (BA) that evaluates the potential effects of the proposed action on listed species.
- The "services" (FWS and NMFS) review the BA in draft to ensure complete information necessary for consultation.
- FS sends letter requesting consultation with final BA attached.
- NMFS replies with "biological opinion" (BO) or "letter of concurrence" (LOC).
- BO for actions that are "likely to adversely affect" (LAA) by injuring an individual or having a detectable effect on critical habitat.
- LOC for actions that are "not likely to adversely affect" (NLAA).
- BO may include minor modifications to the proposed action to reduce impacts.

aquatic conservation strategy (ACS)

- To conserve listed aquatic species at the landscape scale, FS and BLM implement an ACS.
- The ACS is consulted upon at the Forest Plan (LRMP) level.
- Subsequently proposed actions that are consistent with the ACS typically move through consultation expeditiously.

ACS components

- Riparian management areas (RMAs). 300' from edge of stream channel (fish-bearing streams). Activities within RMAs are for the purpose of conferring benefits to aquatic and riparian-dependent species. Standards and guidelines apply.
- Key watersheds. Serve as strongholds for ESA-listed fish.
- Watershed analysis. To determine existing ecological condition of watersheds and so provide context for management decisions.
- Restoration. To accelerate recovery of desired future conditions.
- Monitoring. To measure progress toward desired future conditions through time.

riparian functions

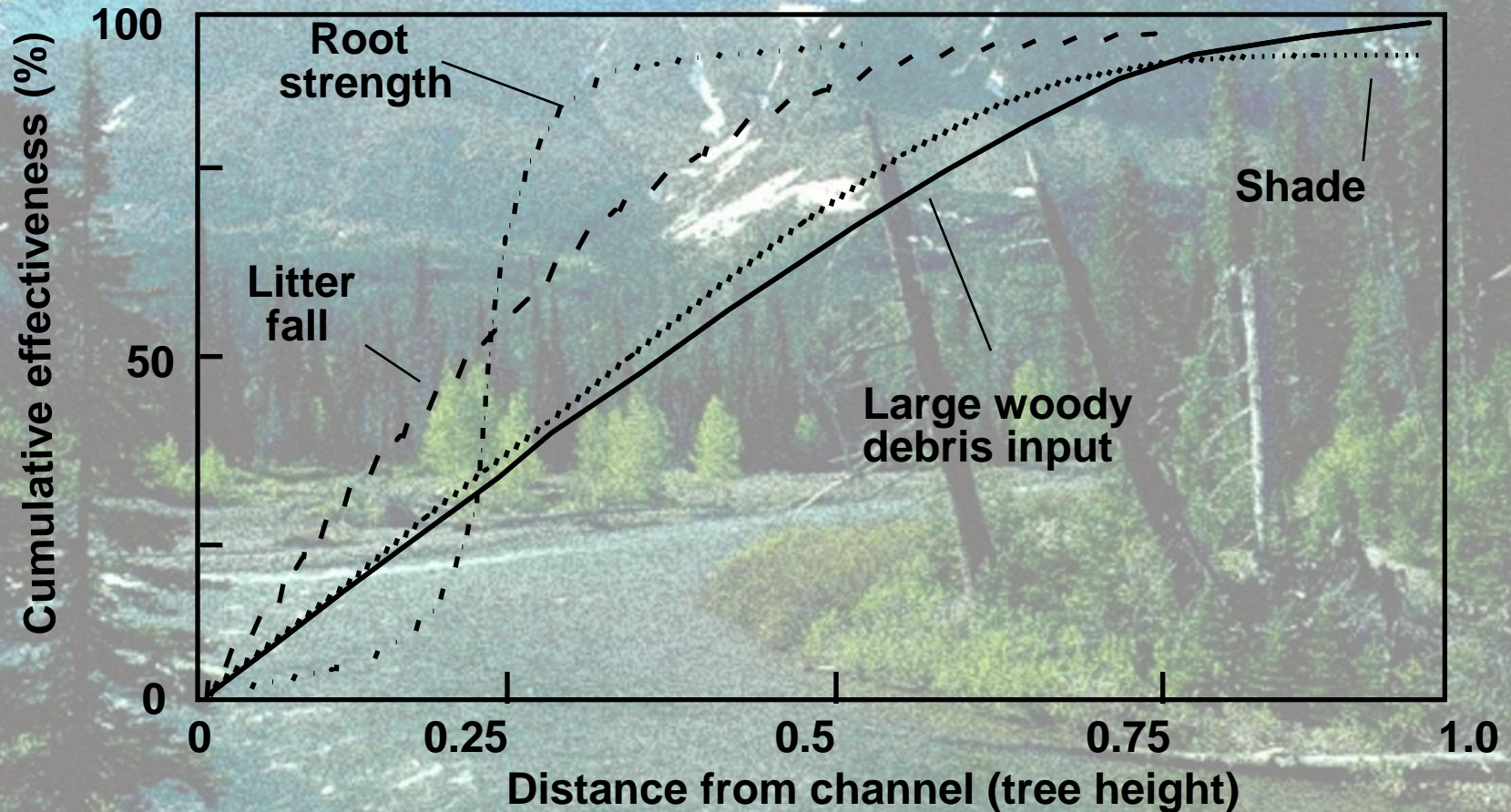


Figure 1. The cumulative effectiveness of various functions of riparian vegetation with increasing distance from the streambank. (After FEMAT 1993).

forest edge effects

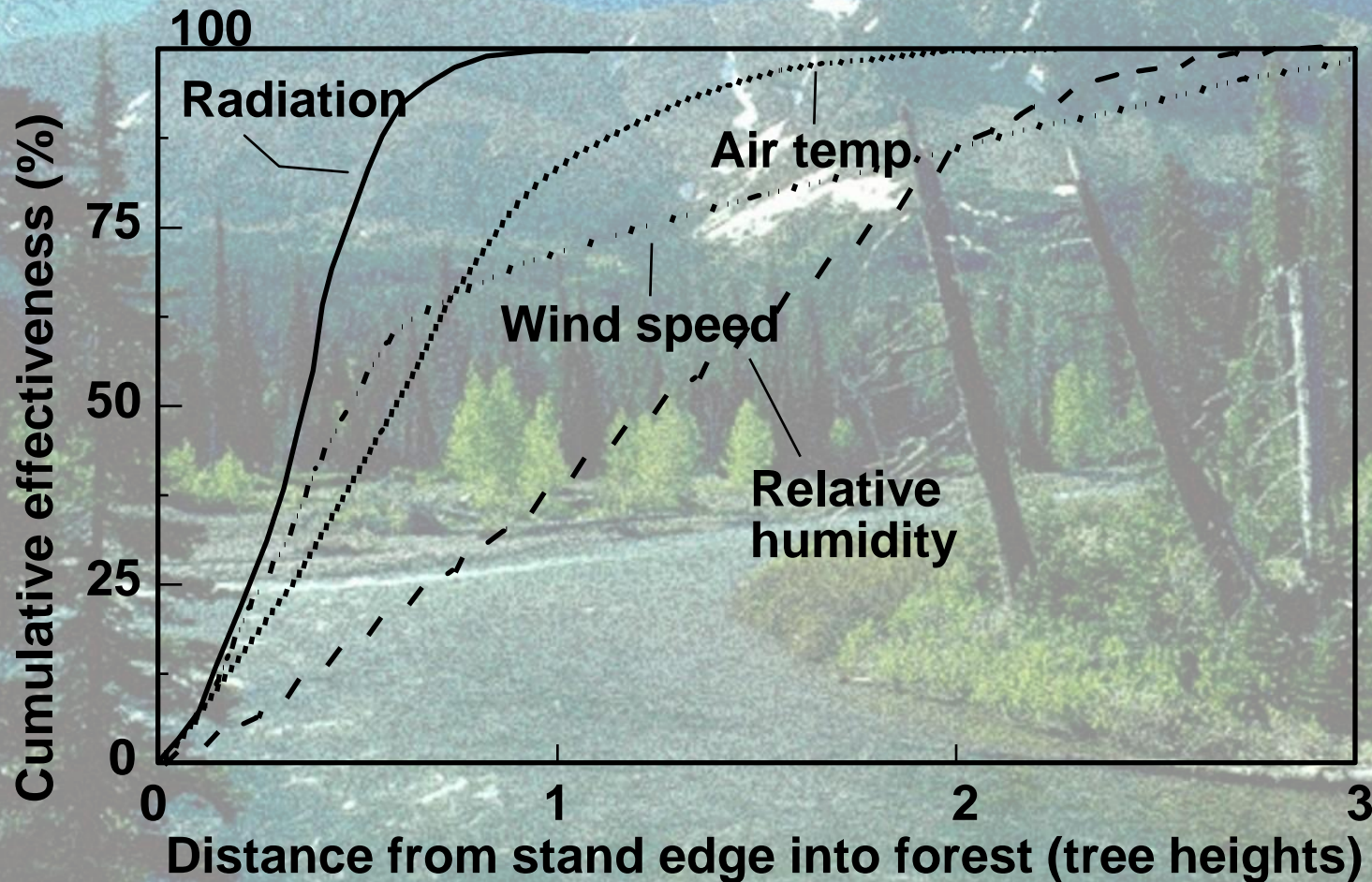


Figure 2. The cumulative effectiveness of various functions of forest vegetation with increasing distance from the forest edge. (After FEMAT 1993).

important stream habitat attributes

- Width/depth ratio. Lower is better.
- Pools. Number per stream miles and size, especially depth. More is better.
- Water temperature. Cooler is better.
- Hydrograph. Extremes of high flows and low flows reduce habitat quality.

Important influences on attributes

- W/D ratio: root strength to make banks resistant to erosion.
- Pools: LWD to create scour.
- Water temperature: shade.
- Hydrograph: drainage density increases with road density, accelerates runoff making high flows higher and low flows lower.

thinning within RMAs can contribute to recovery by:

- Overstory release, growing larger trees faster, which will provide shade, root strength, LWD, allochthonous forage (blown in bugs), microclimate.
- Resistance to stand replacing fire.

risks of riparian activities

- Expose soil to erosion, filling pools and interstitial gravel spaces.
- Compacting soil, accelerating runoff and reducing groundwater storage and transport.
- Contaminants from fuels and lubricants.
- Loss of shade, increasing water temps.
- Near-term reduction of woody debris input and allochthonous forage.
- Increase in near-surface wind speed and loss of humidity.

trade offs

- Increased biological risks requires more analytical effort in consultation.
- Riparian treatments can be restorative in overall effect, but they will require more consultation effort.

programmatic consultation

- Can appreciably reduce project consultation time by clearing an entire activity type in advance.
- Improves predictability in meeting ESA requirements. No surprises.
- Entails large up-front consultation effort.
- Still requires project-specific interagency coordination, though less than a consultation.
- Some loss of project design flexibility, because covered projects must incorporate the specific design criteria that were consulted upon.
- Puts many eggs in one basket, which may become a target for litigation.
- There is no free lunch. Section 7 standards of analytical rigor and substantive protection of listed species and their habitats cannot be bypassed.



thank you