

**Deputy Team PACFISH/INFISH FIELD REVIEW
John Day, Oregon**

September 17-20, 2007

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.

FINDINGS

Blue Mountain Ranger District - FS

Commendations: There was extensive effort taken to meet monitoring requirements at the allotment. In the pasture we visited, two Designated Monitoring Areas (DMA's) had been established and a full suite of parameters were monitored annually. This was a good site to generate discussion on issues related to monitoring grazing allotments. The field unit has incorporated additional new monitoring techniques and has made a good effort at collecting and using allotment monitoring data which is helpful to adaptive management and meeting legal requirements. The District has good interdisciplinary involvement in monitoring grazing allotments. We appreciated the involvement of the permittee. The diverse management activities affecting the DMA were presented by the District. The Forest has made a good effort at collecting and using allotment monitoring data helpful to adaptively manage grazing occurring in the Forest.

OBSERVATIONS AND PRELIMINARY RECOMMENDATIONS

Blue Mountain Ranger District – Murderers Creek Allotment

Observations: The District described the diverse management issues affecting the aquatic systems in this allotment including wildlife, wild horses, and recreation, and legacy effects from roads and harvest activities. During the previous Deputy Team Review (2004), we discussed the issues surrounding wild horse management and the cumulative impacts with livestock to riparian areas. Given this, the team was encouraged to see the completion of the Murderers Creek Wild Horse Management Plan and that it



addressed PACFISH and INFISH. The review team asked these questions: Was there consultation on the plan? Was it jointly developed with the BLM and ODFW? And how did this fit within a watershed analysis? The response provided after the review was: *“The plan was not consulted upon. I’m not really sure what the action would be that we would consult upon. To my knowledge, this would not be a “decision” document, so the need for consultation is a little unclear to me – maybe you could elaborate and help me out?”*

With regard to the joint development: Yes, the plan was developed jointly with BLM and ODFW and they are signatory on the cover page. The final iteration of the plan was just signed on 10/23/07. There is a Watershed Assessment that was completed in 1997 for the Murderers Creek Watershed. Unfortunately, there is no specific reference to wild horses in the document.”

The DMA location we visited is receiving bank trampling from wild horse use during the spring, resulting in existing resource damage prior to cattle moving onto the allotment. The result has been reduction in livestock use to insure that annual use indicators are met. The Malheur specialist provided some valuable insight regarding wild horse use on riparian areas: *“ Wild horse use on willows is not limited to spring. I’m sure we get some in the fall and more during the winter period – when forage is sparse. Due to fences, horses are not afforded much opportunity for elevational migration – so they are forced to make due with the vegetation that is available. While use of riparian vegetation – both herbaceous and woody – is certainly prevalent, I do not believe it is extremely significant. In general, wild horses do not linger in riparian areas. From a predator/prey perspective, riparian areas leave prey species in a highly vulnerable situation – so horses tend not to linger there. The principle problems we encounter from horses (in riparian areas) are essentially two fold: A) They are herding animals and tend to water in groups – so bank damage can be significant. Also, when they are watering, they can heavily impact vegetation - but they tend not to linger for extended periods in riparian areas. B) The area is significantly overstocked with wild horses and they are adversely affecting the upland forage availability. As a consequence, they are consuming much of the upland vegetation - forcing domestic livestock to concentrate more and more in riparian areas – which results in increased bank damage and heavy use of riparian vegetation.”*

In response to recent litigation, there has been an extensive amount of monitoring conducted in these allotments (DMA’s in all pastures and PFC throughout many areas).



The District discussed whether this was an appropriate site for a DMA given that it may not be representative of riparian areas in the pasture, adjacent to dispersed recreation area, and near the boundary fence and road. The District has chosen a second DMA upstream from this location and continues to monitor both to see if they give similar results.

PIBO EM provided a map which showed that in 2005 and 2006 the Malheur National Forest only conducted IM in approximately 25% of the EM locations where they were required to conduct IM monitoring. The field unit identified a number of reasons including 1) monitoring was conducted but not entered in the database, 2) pastures were not grazed that year due to rest rotation or temporarily not grazed due to resource condition issues (e.g. fire), 3) there did not seem to have an appropriate site in the pasture and 4) did not have the resources to sample given other, higher priorities. The Malheur offered this clarification, *“While all of these factors are true, to varying degrees, probably the principle reason that we have not consistently read the PIBO sites is litigation. As you are aware, we have pending litigation on the Forest and at least one significant NOI to sue. As a result, we have often established DMA sites – utilizing MIM protocol, as described in Cowley & Burton, which is much the same as the PIBO protocol. Really, in*

many cases we have been forced to focus our efforts in establishing and reading DMA sites in response to the threat of litigation, and as a consequence, the PIBO sites have sometimes fallen back down the list of priorities.” IM is not being completed at the EM locations is not an uncommon occurrence within the PACFISH area. However, the monitoring team has pointed out that we lose the ability to draw conclusions about the cause and effect of livestock grazing and the observed trend in riparian and aquatic conditions. The annual IM directive explains and emphasizes the importance of collection of IM data at the EM DMAs.

Similar discussions and observations occurred during the 2004 field review.

Recommendations:

The DMA should be re-located if it is not positioned where it can assess change due to management. Review the procedures identified in the directives letter sent out in June 2007 for identifying appropriate DMA sites. This site may not meet these criteria and should be dropped. Whenever a DMA is re-located, the first year’s assessment of the new DMA should be calibrated with the old DMA. Endpoint measurements at both the old and new DMAs should be made concurrently and compared to evaluate trend information. The Malheur NF response to this recommendation is: *“As previously stated, due to the selection protocol for the PIBO sites {randomized within specific HUCs} they often do not fall within our highest priority areas {either due to the resource sensitivity or in response to litigation} and therefore we are compelled to establish DMA sites in addition to the PIBO sites. These sites often become a higher priority for the Forest than the PIBO sites”.*

Need to improve field units understanding of the direction in the IM monitoring directives:

- Report IM information into the database. A Users Guide is being developed for the PACFISH INFISH Implementation Monitoring Module to provide a one-stop-shopping guide for inputting data into the database. The scheduled completion date is November 2007.
- Better coordination with the EM team when sites will not be sampled (throughout the summer season).
- Pastures that are in a rest period may only need validation that livestock use has not occurred. Stubble height, streambank alteration, and woody use monitoring at the DMA may not be done during that year if it is not answering a specific question. It may be done in the rest year to estimate wildlife use contributions. However the user is cautioned that wildlife may use an area differently when livestock are present. The best way to integrate wildlife use effects is to conduct implementation monitoring prior to livestock turn-on and then again after livestock leave the unit. The IM team will finalize this direction on what to do during non use this winter.

The review team recognizes that the MNF faces serious challenges from persistent and ongoing litigation that must be addressed by a monitoring program that clearly satisfies the recently completed 5-year ESA consultations and the requirements of PACFISH. The adequacy of MNF's monitoring on both of these points remains contentious in the litigation. The MNF should work with the EM team and the consulting services, to pursue all possible opportunities in designing efficient monitoring to meet both needs simultaneously.

We recommend that the procedures outlined in the document *Selecting the Designated Monitoring Area (DMA) and Monitoring Indicators to Assess Stream/Riparian Grazing*, be used to establish DMAs and select appropriate monitoring indicators. This document is attached to the implementation monitoring program annual directives found at http://www.fs.fed.us/rm/boise/research/techtrans/projects/pacfish_home.shtml. Further direction can be found in the FS/BLM memorandum *PACFISH/INFISH Biological Opinion - Clarification of Riparian Monitoring and Assessment Protocols and Implementation*.

Central Oregon Resource Area:

Commendations: Having the Area Manager and Assistant Area Manager on the review are indicative of management support and priority placed upon implementing PACFISH, INFISH and the Biological Opinions. The day was well organized to address specific questions, and the maps and handouts were helpful in understanding the issues being discussed. It was apparent that the managers have an understanding of the grazing monitoring issues and asked pertinent questions. There is also a positive relationship with the consulting agency.

General Observations:

While there were a number of good and important discussions, the discussion diverged from the review process since we did not visit specific projects and discuss whether PACFISH/INFISH and the Biological Opinions are understood and being followed. The reason for not visiting projects may be due to the DMA selection process and lack of BLM projects in the area.



The discussions included details and topics that led the team to infer that the field unit understands the issues, however, the Prineville's District's homework assignment was incomplete and left the impression that they do not understand PACFISH INFISH and the Biological Opinions or did not feel the assignment was important. In particular, we were troubled by the statement that they are not using IIT monitoring to make on the ground management decisions. After the review notes were sent to the Field Unit, the following response was provided:

"The question on the homework assignment asked "Are the IIT implementation monitoring module results being used to make management changes on-the-ground?"

Because most of the grazing strategies were reviewed and modified if necessary under the Salmon Summit initiative in the mid 1990's there has not been a need to make on the ground changes from data collected under the PACFISH BO."

Our recommendation is for the field unit to provide these details when completing the homework or during the review. This would clarify the review team's understanding of the situation.

Gilmore Creek and Rudio Creek DMAs General Observations: Due to poor road conditions we were unable to access the Rudio Creek site. The Gilmore Creek parcel was an example of a scattered tract where the BLM only manages a half mile of stream. Several questions were brought up by the field unit relating to IM:

1. Is it appropriate to establish and monitor DMAs in scattered tracts where the BLM only manages a small percentage of the overall stream mileage in the watershed?
2. If IM is conducted in scattered tract parcels would we be able to tie Federal management to attainment or non-attainment of RMOs?
3. Difficulties of administrative access to some pastures were discussed. The field unit is sometimes unable to conduct required monitoring if permission to cross private land cannot be obtained. Is IM required if legal access cannot be obtained?
4. Is IM necessary if the RHCA is not being grazed? The pasture we visited contains a few isolated tracts and is currently not being grazed although it could be if the permittee renews his lease.

For Gilmore Creek the following questions were raised:

- Given questions 1-4 above, is it appropriate to have a DMA in this location?
- Do IM and EM provide useful information at this scale?

The lack of a DMA site visit resulted in not being able to answer the homework #2 question related to the correct establishment of a DMA and associated monitoring.

PIBO EM provided a map which showed that in 2005 and 2006 the field units only conducted IM in approximately 25% of the EM locations. The field unit identified a number of reasons including 1) monitoring was conducted but not entered in the database, and 2) pastures were not grazed that year for a variety of reasons. This is not an uncommon occurrence within the PACFISH/INFISH area. However, the monitoring team has pointed out that we lose the ability to draw conclusions about the cause and effect of livestock grazing and the observed trend in riparian and aquatic conditions. The Deputies directive requires the collection of IM data at EM sites at the time the EM will be read.

More efficient and cost effective monitoring for the proposed new Aquatic Conservation Strategy(ACS), was discussed. These were the proposed new methods that will be used in the revised BLM Land Use Plan.

It was brought up that there appeared to be a double standard with monitoring requirements in grazing opinions from NMFS for the Malheur NF and Prineville BLM. The Malheur NF felt they were being held to a higher standard.

Recommendations:

The combination of incomplete homework and the lack of a project visit resulted in the team being unable to validate whether the field unit understands and is complying with PACFISH /INFISH and the Biological Opinions. However, we were impressed with the detail of the discussions and the relevance of the questions being asked. The Recommendation is for managers and staff to assure compliance with PACFISH /INFISH and the Biological Opinions until the Land Use Plan is revised and signed. This requires compliance with EM and IM monitoring as well.

Observation – The BLM asked, “Is it appropriate for the field units to establish and monitor DMAs that the PIBO EM team is monitoring if these DMAs occur in watersheds that have scattered tract ownership?”

Response: Establishing and monitoring DMAs in scattered tracts is required if the sub-watershed (6th field HUCs) has been selected by the PIBO EM program. The IIT addressed the issue of the relevancy of sampling on BLM scattered tract lands in 2001. It was determined that both IM and EM are appropriate on scattered tracts in all allotments where consultation is required. The team at this time also developed a set of criteria to identify which tracts would be included and which to exclude (Appendix 1). In sub-watersheds selected by PIBO EM, grazing DMA sites are required to be selected by the field units and must be sampled for both IM, (by the field unit) and EM by the (PIBO team). At the DMA sites PIBO EM focuses on indicators most sensitive to on-site impacts from grazing to reduce the impact of mixed ownership management. Scattered tract DMA trend evaluation (Effectiveness Monitoring) is important to insure the population sampled by PIBO EM is representative of the sample population represents and statistically valid sample of the grazed lands covered under the PACFISH/INFISH BO. Scattered tract exemptions (Appendix 1) and any exemptions contained in FS/BLM memorandum *PACFISH/INFISH Biological Opinion - Clarification of Riparian Monitoring and Assessment Protocols and Implementation* (BLM-Information Bulletin No. OR-2005-159) do not apply when a sub-watershed is selected by PIBO EM.

For Category 1 pastures in watersheds not sampled by the EM team you are required to apply the scattered tracts direction in Appendix 1. This Appendix provides a description of scattered tract groups based on similar characteristics and direction as to how each group will be treated under the PACFISH/INFISH Grazing Implementation Monitoring Module. Further direction on how to prioritize monitoring is found in the FS/BLM memorandum *PACFISH/INFISH Biological Opinion - Clarification of Riparian Monitoring and Assessment Protocols and Implementation* (BLM-Information Bulletin No. OR-2005-159).

Observation: The field unit sometimes does not have legal administrative access to allotments.

Recommendation: 43 C.F.R. 410.3-2 provides that BLM may specify in grazing permits or leases a term and condition requiring permittees to provide BLM reasonable access across private and leased lands for orderly management and protection of public lands. We recommend that administrative access be written into all grazing leases where grazing occurs or may occur in PACFISH/INFISH Category 1 pastures requiring IM.

Direction in Appendix 1 states that monitoring is not required when access is denied (*Group 4 - Small, isolated pasture/use areas that may affect aquatic resources addressed by PACFISH/INFISH but cannot be managed effectively due to access*)

Observation: This pasture is currently not being grazed but the permittee could activate the lease in the future. No decision has been issued by BLM that closes this area to grazing.

Recommendation: Pastures that are in a rest period may only need validation that livestock use has not occurred. Stubble height, streambank alteration, and woody use monitoring at the DMA may not be done during that year if it is not answering a specific question. For example, IM may be done in the rest year to estimate wildlife use contributions.

Observation: The Field unit did not participate in the 2007 annual spring EM meetings due to scheduling problems.

Recommendation:

Active participation in these meetings allows the EM team to gather pertinent location information on DMAs, which ultimately improves data quality and saves time during the field season. Spring meetings are also an opportunity for the field units to provide the EM team information that may result in dropping a DMA and selecting another that is more appropriate. All field units are strongly encouraged to come prepared to actively participate in these meetings. Field units personnel that are not able to attend these meetings can review PIBO EM data on site locations at ftp://fsweb.gsc.wo.fs.fed.us/pub/PIBO_New/ and provide necessary site verification information to the EM team electronically.

Observation: “Monitoring requirements in grazing opinions appear to be different for each agency. The Malheur NF felt there was a double standard for monitoring requirements in grazing opinions from NMFS.

Recommendation: There is a process already established to handle these kinds of issues (i.e. streamlining guidance). The Level 1 Team should develop an elevation document for the Level 2 Team to review. If the Level 2 Team cannot resolve the issue, the Regional Technical Team should be brought in to resolve the issue.

Recommendation to the Monitoring Core Team: The Monitoring Team needs to address several issues that were asked by the BLM and FS field units. They include:

- When is it appropriate to remove or move an existing DMA?
- Should a DMA be established when there is not a stream reach that meets the DMA selection criteria described in FS/BLM memorandum *PACFISH/INFISH Biological Opinion - Clarification of Riparian Monitoring and Assessment Protocols and Implementation* (BLM-Information Bulletin No. OR-2005-159). Determine when IM and EM sampling should be discontinued in situations when a permittee takes non-use, permit is revoked, following fire, etc.?
- What type of monitoring is required when a spring grazing strategy is used?
- When is it appropriate to just collect visual observations of annual use instead of actual measurements?

The results could be developed into a check list that will be incorporated into the EM spring meetings with the field units.

Northeast Oregon Assembled Land Exchange Site

Observations:

The BLM discussed their proposed new draft Aquatic Conservation Strategy (ACS) for the John Day Basin Land Use Plan. The BLM is trying to develop a more efficient and cost effective monitoring strategy in the ACS.



Recommendations:

Feedback on the draft Aquatic Conservation Strategy and the associated monitoring should follow the established process of working through the Level 1 and Level 2 teams. The current level of engagement with the Level 1 team is appropriate and recommended. We suggest that they produce a table that highlights the similarities and differences between PACFISH and INFISH and their proposed ACS. We recommend that the field units include the EM Team in the further refinement of the ACS and associated monitoring to provide technical comments, the use of existing PIBO data, and comment on how the EM data could be used to answer the proposed monitoring questions. New ACSs must provide an equal or better level of conservation for ESA listed fish as that provided in the PACFISH and INFISH strategies.

Canyon Creek WUI Fuel Reduction Project

Observations: This project is a significant collaborative project to reduce fire hazard in the wildland-urban interface. It focuses on a high risk landscape and considers the desires of the local community and the agency to treat fuels to alter fire behavior and increase defensibility.

This presentation was well organized, and the handouts were useful. The key staff, managers and project partners were present to add to discussion. The District is using Healthy Forest Restoration Act authorities and a collaborative process to get consensus and it appears to have worked well. Minor protests were readily resolved. Counterpart Regulations were used and the Level 1 team was involved in developing the project.

The Forest identified a need to address silvicultural and fuels reduction treatments within RHCAs. It was not clear to the unit how to alter Riparian Habitat Conservation Areas (RHCA) widths. There is reluctance by the District to alter RHCA widths so they continue to use default widths. It was also unclear to the District if commercial thinning in the RHCA complied with PACFISH/INFISH standards and guides.



Recommendations: Consider using a holistic watershed analysis in designing projects. Utilize the Sept 12, 1997 memo regarding RHCA modifications. It is attached to this document

We encourage the unit to evaluate inclusion of the RHCA in this and all fuels projects if appropriate for treatment and properly documented.

Ensure leaving woody debris to standards before considering commercial removal in the RHCA.

Future projects will be more complex and we encourage you to continue using, as appropriate, the counterpart regulations with Level 1 Team involvement and the collaborative process you described.

Involve livestock permittees in your collaborative process and look for opportunities to meet riparian objectives in RHCAs. For example, consider dropping trees in or near the stream channel to deter livestock grazing.

Recommendation Regarding Modifications of RHCA Boundaries and RMOs:



To modify the RHCA boundaries use the PACFISH direction: “The interim RHCA widths may be increased where necessary to achieve riparian management goals and objectives, or decreased where interim widths are not needed to attain RMOs.... RHCA’s may be modified in the absence of Watershed Analysis where stream reach or site-specific data support the change.”

Litigation has challenged past proposed commercial thinning projects in RHCAs as being inconsistent with PACFISH. PACFISH requires that such actions not retard attainment of RMOs; therefore some kind of analysis would be needed to assure compliance. It is important that activity modifications within RHCAs have interagency level one team ownership.

PACFISH/INFISH requires documenting rationale for the modifications, showing how the action is needed to manage the RHCA. The standards for documentation of proposed modifications to RHCAs and/or RMO's are contained in the Regional Foresters memorandum of September 12, 1997 (See Appendix 2). This guidance contains the criteria for making and approving the modifications. The intent of the guidance was to supplement the Standards and Guidelines in PACFISH and INFISH, allowing modifications to the extent of RHCAs, to the application of Standards and Guidelines within RHCAs, and to RMOs. Although somewhat out of date, the 1997 criteria are still applicable to the issue. We will recommend to the Deputies that it be revisited and new guidance developed. The effort should focus on how to incorporate new science and more active management into RHCA management, rather than how to justify reducing RHCA widths. One addition to the 1997 criteria would be to use monitoring to assess whether the modifications accomplish the desired goals. In general the criteria are:

- 1) Documentation needs to be trackable, scientifically credible, and repeatable.
- 2) Level 1 team and user groups are supportive, and there is early involvement of such groups.
- 3) Effects to listed fish species and critical habitat are neutral or beneficial (need short- versus long-term definition of effects).
- 4) Technical experts at BLM and FS have reviewed and provided comments.
- 5) The modification will promote restoration. The documentation should explain how the proposed modification is consistent with the eight Riparian Goals of PACFISH and INFISH.

To be successful, project proponents need to achieve consensus within the Level 1 team, and between the Level 1 team and the District. There is an opportunity in this area to use the Fuels Reduction Project to more efficiently develop modifications over a larger area, or over multiple proposed treatments according to the watershed priorities and background that have already been developed.



Lake Creek Organizational Camp

Observations: The projects the Field Review Team looked at were very appropriate. Good discussion of the issues and it was very helpful to have the key staff, district ranger and permittee present and involved in the discussion. New camp construction is complying with INFISH standards and guides. It was appropriate and appreciated that the unit shared the issue of removing the concrete foundations in the RHCA.

Recommendations:

The District needs to work within their organization, including fisheries and recreational staff, and with the permittee to determine what they really want to do in relationship to removal of the concrete foundations in the RHCA. We recommend that the District determine where they are at with attaining RMOs, clarify what they want to do with the site, complete an effects determination and determine whether the new proposed action is still consistent with INFISH. If so, the District should look at the current consultation and determine whether there are any new effects not already analyzed and re-initiate consultation if necessary.



Murray Campground

Observations: This campground was visited by the Field Review Team in 2004 and the District is to be commended for following through with the work they outlined in that review. Some of the previously disturbed areas adjacent to the stream were showing signs of recovery.

In the 2004 Field Review Report we noted the following:

“Units in this campground encroach upon bull trout habitats in Lake Creek. This attracts people into a bull trout spawning area creating the potential for harassment and direct take. Large fish spawning near concentrations of people creates a poaching risk and potential redd trampling. Educational information is being used in an attempt to mitigate the problem. There was obvious soil compaction and loss of riparian vegetation adjacent to the stream. The Forest has already placed boulders in the units to try to move use away from the stream, and has removed two leaky vault toilets.”



Additional improvements are planned to relocate units well away from the stream. A watershed analysis was completed in 2000, but it did not address potential recreational effects and compounding factors associated with this campground, and others in the watershed. This bull trout population is also adversely affected by stream diversions, culvert barriers, brook trout competition, and recent flash flooding following wildfires of 2002.”

Recommendations: Provide education to the public to minimize potential adverse effects to bull trout, particularly redd disturbance. This could be accomplished with signs closer to Lake Creek, emphasizing restoration and recovery. Also, campground host talks, brochures, etc. could be educational tools to use.

The requirement for using watershed analysis in standard and guide RM1 would be to place the project in context with all factors limiting production of the local bull trout population. Watershed analysis should not be viewed as a one-time product, but as an iterative process, updated as new information is received and activities are implemented. An analysis focused upon this one key issue, recreation, would constitute an update to the existing Watershed Analysis and fulfill the intent of RM1. This is consistent with deputy’s letter on the subject (Directive of July 29, 2004). The analysis could also be used to address priorities for funding with respect to flood damage repair, culvert replacements, recreational improvements, brook trout suppression treatments, etc.

Aspen Regeneration Site – Big Creek

Observations: Unit appears to be committed in their aspen regeneration efforts. The unit is encouraged to pursue a landscape approach both inside and out side the RHCA.

Recommendations:

Consider using prescribe fire to accelerate regeneration.

Recommendations to Deputy Team:

During future reviews, the review team should look at the recommendations from the previous visit to the field unit. From these recommendations we would develop questions to determine whether the recommendations were 1) useful to the field units, 2) followed, and/or 3) have led to a better understanding of PACFISH INFISH and the Biological Opinions. The field unit would prepare answers and be able to discuss the answers.

The Deputy Team review procedure homework questions will be reviewed and updated to reflect the current questions and focus from the Deputy Team. The units requested a checklist to clarify the selection of projects and DMA’s for the field reviews. This will be done as well.

The Deputy Team needs to discuss the future of EM monitoring as individual units revise their Land Use Plans.

Cal's comments regarding litigation monitoring vs PACFISH INFISH monitoring should be considered and needs further discussion.

To ensure adequacy and consistency of new Land Use Plan ACSs, we recommend the deputy team visit this topic at their next Deputy Team meeting.

We recommend that the Deputies provide guidance (policy?) on future EM and the relationship to new ACSs.

We recommend that the Deputies develop guidance on modifying RHCA boundaries and RMOs.

APPENDIX 1

Scattered Tracts:

This Appendix provides a description of scattered tract groups based on similar characteristics. It then provides direction as to how each group will be treated under the PACFISH/INFISH Grazing Implementation Monitoring Module

Group 1 - Small, isolated pasture/use area technically open to grazing, but with little or no use by livestock: The first group to be discussed are technically open to grazing but are in fact not used to any significant degree by livestock - if at all. This is due to how they are situated within the landscape or site-specific topographic characteristics, e.g., steep, rocky walled canyons, extreme rocky slopes, very dense timber, etc. As livestock do not use these riparian areas except to an incidental degree, they have no impact on riparian resources covered by PACFISH or INFISH which is under the control of the BLM or FS grazing management. These types of scattered tracts will be dropped from further consideration under the PACFISH/INFISH Grazing Implementation Module. However, some sort of monitoring activity may be required for other objectives but this monitoring will be at the discretion of the managing field unit and will not be required or reported through the process established by this module.

Group 2 - Small, isolated pasture/use area containing streams accessible to livestock with no direct connection to aquatic resources covered by PACFISH/INFISH: The second group may contain streams that are potentially accessible to livestock but the streams either have no direct connection to aquatic habitat pertaining to PACFISH/INFISH or are sufficiently removed from such habitat so that there is no potential for adverse impact to aquatic resources addressed by PACFISH/INFISH. In both cases implementation of the PACFISH/INFISH grazing module is non-productive in that either little or no grazing is occurring or there is no potential for impact to aquatic resources addressed by PACFISH/INFISH. Therefore, these will also be dropped from further consideration under the PACFISH/INFISH Grazing Module. Again, some sort of monitoring activity may be required but this monitoring will be at the discretion of the managing field unit and will not be required or reported through the process established by this module.

Group 3 - Small, isolated pasture/use area with the potential to affect aquatic resources covered by PACFISH/INFISH but which are managed so as to ensure avoidance of any negative impact to aquatic resources: The third group of scattered tracts may have the potential to affect aquatic resources covered by PACFISH/INFISH but are managed to eliminate the potential for effect to aquatic resources, e.g., exclosures, grazed when streams are at or above bank full and/or prior to the initiation of growth of key riparian species, etc. This pasture/use area will be dropped from further consideration under the PACFISH/INFISH Grazing Implementation Module. However, some level of monitoring activity will likely still be appropriate to ensure that management actions used to ensure avoidance of riparian vegetation use by livestock is successful, e.g., fences are effective, livestock are removed from the pasture/use area prior any use of current year growth of

herbaceous riparian vegetation, etc. For non-listed species, this monitoring will remain at the discretion of the managing field unit. In the case of listed species, monitoring developed by the Level I team will be followed. In either case this monitoring is beyond the scope of the module and will not be required or reported through the process established by this module.

Group 4 - Small, isolated pasture/use areas that may affect aquatic resources addressed by PACFISH/INFISH but cannot be managed effectively due to access: The fourth group of isolated tracts includes those pasture/use area that may in fact affect aquatic resources addressed by PACFISH/INFISH but generally lack administrative access. Due to the lack of administrative access the land management agency has little or no ability to affect management of the tract. These pasture/use areas, while having the potential to affect aquatic resources addressed by the PACFISH/INFISH strategies, are an insignificant percentage of the total acreage within the watershed. Additionally, no administrative access to these parcels exists. Without access, livestock use, whether authorized or unauthorized is impossible to control. Fencing of these parcels would also be ineffectual as without administrative access the fences could not be consistently maintained. Therefore, these pasture/use areas will be dropped from further consideration under the PACFISH/INFISH Grazing Implementation Module. However, some sort of monitoring activity may be required for other objectives. However, this monitoring will be at the discretion of the managing field unit. In the case of listed species, monitoring developed by the Level I team will be followed. In either case this monitoring is beyond the scope of the module and will not be required or reported through the process established by this module.

Group 5 - Small, isolated pasture/use area for which greater management opportunities exist or that have been determined to be such importance that attempts must be made to influence management of them regardless of cost: The fifth and final group of isolated tracts includes those for which greater management opportunities exist and that may affect aquatic resources addressed by PACFISH/INFISH. This group also includes those pasture/use area that have been determined to be such importance to aquatic resources addressed by PACFISH/INFISH that attempts must be made to influence management of them regardless of cost. **All provisions of the PACFISH/INFISH Grazing Implementation Monitoring Module apply to these pasture/use areas.**

APPENDIX 2

Documenting Modifications to RHCAs and RMOs

United States
Department of
Agriculture

Forest
Service

R-1/4/6

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Subject: Q & As for Documentation of Modifications to RHCAs

To: PACFISH/INFISH Forest Supervisors

The continual issue of "What constitutes adequate documentation to support modifications to Riparian Habitat Conservation Areas (RHCAs)" has been revisited during each of the PACFISH Field Reviews. The PACFISH Field Review Team, in an effort to clarify these concerns, has developed a Q & A to address the question of adequate documentation. This Q & A will be an amendment to the Streamlining Consultation Procedures Under Section 7 of the Endangered Species Act-February 1997 Procedure Guidance signed February 26 by the Regional Executives and sent to all of the agencies. The amendments to the February 26 guidance letter involve a number of additional topics and will not be out for several months. Therefore, we are forwarding the Q & A that has been reviewed and concurred on by the Interagency Policy Group for the guidance and use by Level 1 teams in preparing documentation when modifications are to be proposed for RHCAs.

If you have questions, please contact either Gordon Haugen (503-808-2929) or Rick Stowell (406-329-3287).

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Enclosure

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Preliminary Guidance

Enclosure

Q & A

September 10, 1997,

Q ## What constitutes adequate documentation to support modification of interim Riparian Habitat Conservation Areas, defined in PACFISH?

In 1995 and 1996 the PACFISH/INFISH Review Team (Team) found missing or inadequate documentation to support modifications to Riparian Habitat Conservation Areas. The Team reported U.S. Forest Service (USFS) and Bureau of Land Management (BLM) units either lacked documentation or the documentation contained inadequate rationale to support RHCA modifications. The PACFISH and INFISH strategies do not provide guidance on what constitutes adequate documentation nor do these strategies describe the level of information necessary to support site-specific RHCA modifications. Given this lack of direction, variation between units is not unexpected.

To improve documentation and rationale for RHCA modifications, the Team developed a draft template to be used by all units requesting site-specific RHCA modifications. The Team found, however, that a final template could not be identified that would apply to the broad PACFISH/INFISH geographic area and variable landscape. Moreover, in some watersheds the Team found that modifications to RHCA and Riparian Management Objectives (RMOs) are intertwined with other analysis requirements established in programmatic biological opinions. For example, watershed analysis, instead of site-specific analysis, is often required in Priority Watersheds to modify RHCA or RMOs.

Due to the aforementioned limitations of scale and geographic variation, the Team evaluated RHCA modification experiences to identify key steps that resulted in success. The Team found that because some past management in riparian areas for commodity production resulted in some damaged functions, future RHCA management often is a controversial subject. This finding, in some locations has led to mistrust regarding 1995 and 1996 RHCA/RMO modification proposals. Without the confidence of primary user groups (and MOA agencies), it has proven to be difficult to obtain microclimatic and macroclimatic information necessary to technically support controversial RHCA/RMOs modifications.

Some units apply the interim or default RHCAs and RMOs to the majority of their actions. On these units RHCA/RMO modifications only apply to unusual environmental circumstances, and are often an exception. This approach appears to be building trust where it previously was low; and it facilitates RHCA/RMO modification where resource conditions clearly warrant a change. In summary, modification to RHCAs/RMOs was successfully accomplished when:

1. documentation to support the change was trackable, scientifically credible, and repeatable;
2. primary user groups are supportive, level 1 teams are functioning well, and interagency involvement occurs early and often;

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Q & As Continued

3. effects to listed and proposed species and their critical habitat are either neutral or beneficial;
4. Intermountain Research Station and BLM technical experts review a proposed modification and provide comments; and
5. the intent is not driven by production of commodities rather the modification will promote restoration.

When considering whether site-specific modifications should be pursued the Team recommends each unit seek technical advice from the following sources:

1. Their Level 1 streamlining team;
2. Intermountain Research Station or BLM state office staff; and
3. Region, State Office, Forest, or District Technical Staff as appropriate.

Units should also fully consider:

1. existing peer reviewed scientific publications;
2. site-specific data collected and analyzed using peer reviewed, and technically sound methodology; and
3. professional judgement based on field observation or gray literature.

Through this process, units should be able to determine whether (a) a site specific modification is warranted; and (b) what kind and amount of data and analysis should be provided in the biological assessment to demonstrate the proposed modification will maintain or improve RMOs.