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| United States Department of Agriculture Forest Service | United States Department of Interior Bureau of Land Management | United States Department of Interior Fish & Wildlife Service | United States Department of Commerce National Marine Fisheries Service |
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File Code: 2670(FS)/6840(BLM) (OR-931)P

Date: February 5, 1999

Route To:

Subject: Interagency Implementation Team Evaluation of Accomplishment of Requirements in June 22, 1998, Biological Opinion on Continued Implementation of Land and Resource Management Plans in the Upper Columbia and Snake River Basins

To: USDA Forest Service, Forest Supervisors, Regions 1, 4, and 6; Klamath and Columbia River Basins

USDI Bureau of Land Management, District Managers, WA/OR, ID, and MT;
Klamath and Columbia River Basins

USDI Fish and Wildlife Service Project Leaders, WA, OR, ID, and MT;
Klamath and Columbia River Basins

USDOC National Marine Fisheries Service, Regional Administrator, Northwest
Region

This memorandum provides a status report from the Interagency Implementation Team (IIT) on the accomplishment of requirements in National Marine Fisheries Service's (NMFS) June 22, 1998, biological opinion (Opinion) on the subject actions. The Opinion was issued to complete Endangered Species Act (ESA) section 7 consultation in response to a September 16, 1997, biological assessment (BA) evaluating effects on listed salmon and steelhead of 18 U.S. Forest Service (USFS) and Bureau of Land Management (BLM) Land and Resource Management Plans (LRMP).

Through the Opinion, NMFS coordinated with USFS and BLM to develop five mechanisms that strengthen and focus species and habitat protection and restoration efforts during the extended application of interim strategies pending completion of the Interior Columbia Basin Ecosystem Management Project (ICBEMP). The five mechanisms are required terms and conditions of the consultation and must be completed within specific timeframes. The Opinion also requires that every six months NMFS evaluate the action agencies' accomplishment of the mechanisms to ensure consistency with the incidental take statement. The IIT is copying this letter and enclosures to NMFS to assist them in completing the semi-annual evaluation.

The IIT is an interagency group created shortly after issuance of the Opinion. The IIT is charged with directing and overseeing implementation of the various requirements in NMFS' Opinion and in U.S. Fish and Wildlife Service's (USFWS) August 14, 1998, Opinion on bull trout. This team has met regularly for seven months, and has held candid, productive discussions to

highlight and clarify the tasks in the Opinions and ensure they are implemented. The IIT has developed a strategy to implement the Opinions which includes: 1) creating four task teams to accomplish specific tasks; 2) directing and coordinating with management units to accomplish other tasks; and 3) tracking accomplishments with monthly meetings of the IIT and task team leaders. The details of this strategy are described in the IIT charter, which was approved December 11, 1998, by the regulatory and management agency executives.

The IIT used information primarily from its January 6, 1999, and January 29, 1999, meetings and documents transmitted from management units and task teams to the IIT to complete its evaluation of implementation of the Opinion. The IIT has been very pleased with the unprecedented level of participation from both regulatory and management agencies in the implementation of the Opinion. The task teams and management units have made a strong effort to meet the requirements of the Opinion, and where implementation has been difficult the team has worked together to refine tasks and timeframes and achieve practical solutions while meeting the legal requirements of the Opinion. The IIT is committed to implementing each of the Opinion's many elements, and thus has identified some specific areas where implementation needs to be strengthened. These specific needs are described under Summary of Significant Findings and Recommended Actions, below. Following that is a more complete description of mechanism implementation (refer to the Accomplishment of Five Mechanisms, and Accomplishment of BA Recommendations sections, below) which describes both achievements and issues needing attention.

Summary of Significant Findings and Recommended Actions Where Additional Work is Needed

The IIT found that most of the Opinion's mechanisms and subelements are underway and several have already been accomplished, though not always on schedule. The IIT is highlighting the findings listed here because these require specific attention to ensure implementation of all elements of the Opinion. The IIT plans to pursue the actions listed below in response to each of these findings.

1. *Missed timelines* - Interagency checkpoints and some regulatory timelines have not been met.

Action - The IIT recommends: (a) increasing IIT members' and task team leaders' responsibilities for ensuring tasks are accomplished on schedule; and (b) developing implementation reports such as this memorandum beginning approximately one month before the regulatory reporting dates.

2. *Insufficient intra-agency understanding of Opinion requirements and their implementation* - The IIT continues to hear that forest-level personnel and executives do not understand what is being accomplished under the BA and Opinion.

Action - The IIT recommends: (a) briefing the executives on the requirements of the Opinion and accomplishments to date; (b) increasing management units' understanding of the Opinion's requirements by conducting a one-day workshop to inform and gather

ideas from management units.; and (c) distributing IIT meeting notes to the management units.

3. *Lack of review of grazing allotments effects determinations* - The Monitoring Task Team's grazing implementation monitoring strategy will not be in place until March 1999; and the management agencies have not verified compliance with the Opinion by reviewing currently active grazing allotments and authorizing only those which are }not likely to adversely affect~ pending implementation of the monitoring strategy.

Action - The IIT recommends that the IIT contact the management units to verify their compliance with this requirement. (The IIT is in the process of drafting a letter to management units to this effect).

4. *Need for feedback on and improvement of management units' batching/bundling of projects* - Batching and bundling of projects achieved so far (per Opinion mechanism 2c) has shown a good effort by most management units; however, there is still substantial room for improvement to achieve the goal of ensuring compliance with ESA accurately and efficiently.

Action - The IIT recommends: (a) that each management unit (or collection of units) and its level 1 and 2 teams meet as a group to determine how well they accomplished the batching/bundling requirement in the Opinion, and to develop a list of recommendations that will guide the next batching/bundling exercise and will be submitted to the IIT; and (b) that the IIT summarize managements units' input and provide overall guidance to the units on effective procedures for batching/bundling.

5. *Lack of progress on the mechanism addressing unroaded areas* - The team tasked with accomplishing this has made little progress so far.

Action - The IIT recommends: (a) that the regional executives assist the IIT in making this a priority and procuring the time of agency scientists to be members of the unroaded areas task team; and (b) that this task team accelerate their efforts to accomplish the mechanism.

6. *Lack of recent review of how well management agencies are exercising existing authorities, particularly with respect to actions involving mining, ANILCA, and the Ditch Act* - The IIT has not yet developed a means for determining that this requirement is being met.

Action - The IIT recommends that it: (a) oversee the compilation of a list of these authorities; (b) provide direction to management units to clarify existing authorities; and (c) periodically evaluate if management units' use of their authorities meets the requirement in the Opinion. (The IIT has already tasked specific team members with overseeing development of the list in item a.)

7. *Lack of information on how well management units are implementing the special management considerations for projects in the South Fork Salmon, Middle Fork Salmon, and*

Selway River subbasins - The IIT has not yet developed a means for determining that this requirement is being met.

Action - The IIT recommends that the IIT obtain from each relevant management unit a summary of how these management considerations are incorporated in project design. (An IIT subgroup has already been assigned to oversee this task.)

8. *Need for clearer vision of the multi-year strategies to accelerate restoration, per Opinion mechanism 5b* - Discussions at the January 29, 1999, IIT meeting indicated the need for some description in addition to mechanism 5b in the Opinion to guide the formulation of multi-year restoration strategies.

Action - The IIT recommends that the IIT provide a description of what is envisioned, in addition to the specific wording in the Opinion, to guide primarily the restoration team, and also other teams whose products will be used in developing the restoration strategy.

9. *Lack of information on implementation of BA recommendations* - The IIT has not requested or received information from the management units evaluating implementation of the BA recommendations .

Action - The IIT recommends that it request this information from the management units and their level 1 teams.

Accomplishment of Five Mechanisms

Enclosure 1 provides a table summarizing the IIT's findings on the accomplishment of the five mechanisms and their subelements. This table includes a brief description of each mechanism and subelement, the regulatory reporting and interagency checkpoint dates, and a brief description of what has been accomplished. The text below provides additional description of the status of these mechanisms and subelements.

Mechanism 1 - The Opinion requires that the management agencies develop a mechanism for accountability and oversight that ensures PACFISH direction, direction in the LRMP Opinions, and BA recommendations are fully implemented through a mechanism other than level 1 teams. The Opinion also requires reporting accomplishment of this mechanism to NMFS by November 1998. This report was not submitted on schedule; however, IIT meeting notes up to November 1998 provide some of this information, and this letter and enclosures serve to complete the report.

The primary objective of mechanism 1 was accomplished: the IIT was formed to provide accountability and oversight at higher levels within the management agencies. As noted above, the IIT has met regularly, has defined its workings with a charter, and has embarked on an implementation strategy which includes task teams and coordination with management units. The IIT has been functioning well, with good representation from all agencies involved. The IIT felt it was important to have high level line officer involvement to broaden the agencies'

understanding of and support for implementation of the Opinions; however, it was not possible to obtain representation from a deputy Regional Forester.

Mechanism 1 also involves the priority watersheds/unroaded areas and monitoring task teams. The priority watershed/unroaded areas task team completed the delineation of priority watersheds for steelhead and submitted this to NMFS January 15, 1999. Personnel changes and data entry errors that were not discovered until late in the process slowed completion of this task. The monitoring task team convened on schedule, and has focused specifically on developing methods for improving the quality and consistency of monitoring and responding to grazing impacts on streams (refer to mechanism 2 below). As noted in enclosure 1, the monitoring task team has either completed or is in the process of completing each specific subelement it was assigned. This team has done an excellent job of making steady progress on a complex task and keeping the IIT well informed. The team has nearly completed the implementation monitoring component for grazing and will work on the effectiveness and validation components next. The task team will seek further guidance from the IIT regarding monitoring needs for other programs.

Mechanism 2 - The Opinion requires that the management agencies complete prior commitments in PACFISH, LRMPs, and previous Opinions. The primary commitments identified are implementation of PACFISH grazing standard GM-1 and range monitoring, road evaluation and planning requirements in line with PACFISH standards RF-2 and RF-3, and batching/bundling of projects by watersheds instead of submitting project by project consultations. The Opinion requires reporting accomplishment of this mechanism to NMFS by January 15, 1999. The IIT meeting notes and this letter provide the required report.

The monitoring task team is nearing completion of the implementation monitoring strategy for grazing. This strategy makes use of a scorecard designed to ensure monitoring is consistent and broadly applied, and designed to identify and correct grazing which adversely affects listed fish or their habitat. This monitoring strategy will be put into use in March 1999, and thus will cover the majority, but not all of grazing in 1999. Grazing occurring prior to March should have an approved alternative monitoring strategy or be limited to that which level 1 teams deem not likely to adversely affect. The IIT does not have information confirming that this requirement is being met.

The roads task team reviewed available information on roads and found that, due to the large volume of information and variety of electronic and paper formats, it was unable to provide a single useable compilation of this material for NMFS. The team therefore proposed, and the IIT agreed, that in the short term road inventories would be kept at the management unit offices and would be available to NMFS on request. The roads team is working on mid- and long-term strategies to meet this requirement. The team was able to provide a short-term tool for restoration planning by compiling a list of the ten highest priority road-related projects for restoring listed fish and their habitat. The lists for all units, except for Oregon and Washington BLM, were delivered to the IIT on January 15, 1999. Oregon and Washington BLM indicated the lists will be provided in February. These lists may be considered along with priority watershed information in the preparation of the multi-year restoration plans (mechanism 5), and will likely provide high priority restoration opportunities for 1999. The roads team also agreed

to provide the IIT, by May 1999, maps of roads based on available information, and stratification of road densities by watershed based on recent electronic mapping tools where data are available.

Individual management units are responsible for the final subelement of mechanism 2, project bundling and batching. Management units are making varying levels of progress on this subelement. Some units submitted progress reports on bundling/batching by the January 15, 1999, due date for this subelement. These units have bundled all ongoing and many proposed actions by watershed or program and have submitted or will soon submit these for consultation. Other units are taking similar approaches, but appear to be not as far along. All units are having difficulty with describing actions up to two years from now, because it is a common practice to develop actions (and fulfill NEPA requirements) less than a year prior to action implementation.

Mechanism 3 - The Opinion requires that the management agencies implement conservation actions based on mapping and analysis of unroaded areas and areas of species occurrence. The Opinion also requires submission of an implementation report for this mechanism to NMFS by September 1, 1999. While this deadline is not impending, the IIT is concerned that two interagency checkpoint dates have passed without substantial progress on those subelements (unroaded areas inventory and summary of existing direction: see enclosure 1, subelements 3a and 3b). The priority watersheds/unroaded areas task has been occupied with the priority watersheds task and has convened only briefly to discuss unroaded areas. The team also does not have the participation of key scientists who were initially identified for this task, and others have not been identified to provide that expertise. For those reasons, the team has made little progress on its tasks. The IIT will need to bolster membership/participation on this team and provide guidance to the team to ensure that this mechanism is completed by the regulatory reporting date.

Mechanism 4 - The Opinion requires that the management agencies exercise existing authorities on land management programs with a pattern of adverse effects (e.g., mining, water conveyances, and some non-Federal activities enabled by Federal road access permits) in accordance with ESA section 7(a)(1). This mechanism will be tracked at the project level and does not require plan-level reporting under the Opinion. If efforts are underway to address mechanism 4, these were likely generated by project-specific issues which were elevated to the upper levels of the consultation streamlining process. For instance, specific projects have generated recent discussions at the regional or national levels to clarify land management agency discretion related to water conveyances and road use permits. The IIT does not know the status of these discussions, and is not aware that the discussions have resulted or would result in additional direction to consultation streamlining teams and project planners.

Mechanism 5 - The Opinion requires that the management agencies implement long-term strategies to accomplish BA recommendations 4, 5, and 7. The Opinion also requires that if ICBEMP is not in place for the 2000 field season, the agencies must begin implementing key components of a long-term aquatic conservation strategy. Annual implementation reports are required for this mechanism beginning in May 1999. One mechanism 5 subelement, the schedule for completion of watershed analyses (enclosure 1, item 5c), has been completed. The

IIT has not requested or received information on how well the special management considerations for the Selway, South Fork Salmon, and Middle Fork Salmon Rivers (item 5a) are being implemented.

Development of multi-year restoration strategies by March 1, 1999 (item 5b), is a critical subelement of this mechanism. This subelement should incorporate products from the priority watersheds/unroaded and roads task teams. The restoration team proactively developed regional direction for FY99 restoration (November 1998, letter) positioning the management agencies to be more effective in funding restoration projects when the multi-year strategies are developed. The restoration team also met in January to begin formulating the restoration strategies. This team is coordinating with the other task teams whose products will be used to develop the restoration strategies. Discussions of this task in the January 29, 1999, IIT meeting indicated the need for further description, in addition to the wording in the Opinion, of how various sources of information (including task team products) should be used to create a broad scale component of the restoration strategies.

BA Recommendations

The nine recommendations in the BA have been effect since September 16, 1997, when the BA was issued. Some of the recommendations (recommendations 5 and 7) have been further developed and incorporated as one of the five mechanisms, the implementation of which was discussed above. The other recommendations involve elements of section 7 consultation, and are implemented primarily through the consultation streamlining process. As noted in enclosure 2, a survey of level 1 teams has not been done to determine if these recommendations are being implemented.

Summary

The IIT believes that it has developed a solid, productive interagency approach to implementing the Opinion. Elements of implementation have proved difficult; however, this team will continue to move forward with positive solutions to meet each requirement of the Opinion, and continue to build solid working relationships between the agencies which will be critical for both interim and long term approaches to recovery of listed species.

INTERAGENCY IMPLEMENTATION TEAM

Enclosures

Enclosure 11998 LRMP Opinion Mechanisms for Extended Implementation of PACFISH

| Regulatory Reporting Date | | | |
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| Mechanism (#s correspond to Opinion Appendix 2) | Inter-agency Check-point | Task Accomplished? | |
| November 1998 Deliverable Received: IIT meeting notes provided a partial description of accomplishments re: this mechanism. This memorandum completes the description. | | | |
| 1a. Develop mechanism for accountability and implementation of plan-level direction. | October 20, 1998 | Yes. IIT and task teams established (chartered December 11, 1998) | |
| 1b. Establish priority watersheds for steelhead. | August 21, 1998 | Yes. Priority watersheds submitted to NMFS January 15, 1999. | |
| 1c. Review fiscal year work program for attainment of fish conservation measures; identify shortfalls; given shortfalls, mutually develop strategy to implement aquatic conservation measures. | By March 1 each year | (element not due) | |
| 1d. Implement monitoring commensurate with on-the-ground activities and provide feedback to NMFS on the effects of the activities. | | In progress. Monitoring task team finishing grazing strategy, seeking IIT guidance re: other activities | |
| 1d.1. Review NMFS' 1995 LRMP Opinion expectations when updating the PACFISH monitoring strategy. | | Yes. Monitoring task team is referring to this in developing strategy | |
| 1d.2. Activate the PACFISH monitoring subgroup to develop monitoring strategy commensurate with activity, funding, and staffing levels. | October 20, 1998 | Yes. Monitoring task team established | |
| 1d.3. Improve implementation of PACFISH by, for example, expanding regional, state, line officer involvement in oversight and review. | | In progress. This is a goal of the IIT | |
| January 15, 1999 Deliverable Received: This document provides the report to NMFS on this mechanism | | | |

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| | 2a.1. Improve and monitor grazing strategies to meet PACFISH standard GM-1. An interagency group will develop stratified monitoring plans and link these to adaptive management of grazing to ensure compliance with PACFISH. | Prior to 1999 Grazing Season | In progress. Task team notes the implementation monitoring plan is nearly complete. Effectiveness and validation portions not yet done. |
| | 2a.2. Monitoring plans in 2a.1. will be fully implemented beginning in 1999. Alternative monitoring approach may be approved by the interagency team. Without approved monitoring, only grazing allowed is that which level 1 team deems "not likely to adversely affect." | 1999 Grazing Season | Yes, with a possible exception. Grazing prior to March 1999 lacks the new monitoring and has not been confirmed as NLAA |
| | 2b.1. Provide NMFS with road inventories on the management units using existing information and road definitions. Provide missing information within two years. | October 20, 1998/ June 22, 2000 | Partly. Data currently cannot be compiled in useable format for NMFS, but reside at the management units. IIT agreed this was satisfactory for short term. |
| | 2b.2. Collaborate with NMFS in developing multi-year road restoration strategies for priority watersheds | | In progress (see element 5b) |
| | 2b.3. Annually update road inventories | October 20 each year | (element not due) |
| | 2c. Conduct biannual programmatic reviews and/or project bundling by watershed or subbasin. Provide updated environmental baseline using best available information; group, analyze, and submit the ensuing two years' projects in these biannual reviews. | January 15, 1999 and each subsequent year | In progress. Some units provided this, others still compiling. Units are including many but not all 99/00 actions |
| September 1, 1999 Deliverable Received: | | | |
| | 3. Convene team of agencies technical experts and research scientists to guide an assessment of unroaded and low density roaded areas in relation to conservation of listed salmon and steelhead. Assessment will include items below. | | Little progress. Team has been identified; a subset of its members convened briefly to discuss this task |
| | 3a. Provide descriptions, locations, and maps of unroaded | October 1, | No. Brief |

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| | and low density roaded areas, and existing information on the relative habitat value of the areas for anadromous fish. | 1998 | discussion with some of the team re: data which could be used for this task |
| | 3b. Summarize existing management direction in these areas. | October 1, 1998 | No. Team will need management units to help with this |
| | 3c. Technical/research team reviews this information and makes recommendations to senior managers regarding at a minimum: need for additional habitat protection; risks to listed fish from developmental activities; priorities for subbasin assessments and watershed analyses; connectivity between areas; and restoration priorities. Proposed roading of these areas not submitted for consultation until this mechanism is completed. | March 1, 1999 | Unknown. (Re: deferment of roading these areas. Not known since areas not yet delineated) |
| | 3d. Provide a mutually agreed on strategy to accomplish any additional habitat protections recommended by the technical/research team. | September 1, 1999 | (element not due) |
| | 4. Exercise existing authorities per ESA section 7(a)(1) to protect critical habitat from activities associated with laws that may conflict w/ ESA (e.g. ANILCA, Ditch Act, mining laws, etc.) | Effective June 22, 1998 | Unknown. The IIT has not yet sought information to confirm that this is occurring |
| Annually, Beginning May 1999 Deliverable Received: | | | |
| | 5a. Adhere to special management considerations for South Fork Salmon, Middle Fork Salmon, and Selway River subbasins (refer to enclosure 2, action item 4) via consultation streamlining and accountability mechanism 1a., above. | Effective June 22, 1998 | Unknown. No information sought to confirm this is occurring |
| | 5b. Develop multi-year strategies to accelerate restoration of habitat for listed anadromous fish in the Snake and upper Columbia River basin priority watersheds. Include specific projects, incorporating restoration opportunities from mechanisms 2 and 3, above. Strategy provides basis for implementation of restoration in 1999 and subsequent years. | March 1, 1999 | In progress. Restoration team has begun developing strategy. For 1999, roads team provided list of top ten priorities |
| | 5c. Provide schedule for completion of at least one watershed analysis per management unit per year beginning in 1999. When available, subbasin assessments (mechanism 5d.3.) should be used to prioritize watersheds for analysis. | September 20, 1998 | No. However, this list will be sent to NMFS by February 15, 1999 |
| | 5d. In the event that ICBEMP may not be implemented by the 2000 field season, begin providing and implementing | | (element not due; however IIT plans |

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| | <p>components of a long term strategy listed below.</p> | | <p>to begin discussing strategies for this task at next IIT meeting)</p> |
| | <p>5d.1. Initiate basin reviews for the Snake and upper Columbia River basins. Review will include: delineation of migration corridors, metapopulations, and subpopulations of listed salmon and steelhead; subbasin priorities for further review based on value for, and level of risk to the listed fish; and determination if other subbasins warrant the special management considerations described in proposed action item 4 (refer to enclosure 2). Develop strategy to provide any protection deemed necessary for additional subbasins within 6 months following basin review.</p> | <p>December 15, 1999</p> | <p>(element not due; however IIT plans to begin discussing strategies for this task at next IIT meeting)</p> |
| | <p>5d.2. Complete one subbasin assessment per management unit per year. Priorities for assessment provided by basin review. Mutually agree on protocols and products for these assessments.</p> | <p>May 1, 2000, and each year thereafter</p> | <p>(element not due; however IIT plans to begin discussing strategies for this task at next IIT meeting)</p> |
| | <p>5d.3. Develop action plans at watershed scale based on goals and objectives identified in subbasin assessments. This should be coordinated with the restoration strategies in 5c., above.</p> | | <p>(element not due; however IIT plans to begin discussing strategies for this task at next IIT meeting)</p> |

Enclosure 2**Proposed Action Items (BA Recommendations adopted as part of the plan-level action)**

| Action Item (#s correspond to Opinion Appendix 1) | Timeframe | Implementation check |
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| 1. Continue applying NMFS 1995 BO and all subsequent related direction, and extend application to the Clearwater and upper Columbia River basins. | Effective starting September 1997 | Need level 1 teams' feedback on this |
| 2. Extend to steelhead the 17 project-specific Opinions already developed for salmon. | The agencies will use current direction (plan-level and consultation streamlining) to complete consultations on these projects | IIT not aware that this has been done; some of these projects have been completed and no longer require consultation. |
| 3. Consult on ongoing actions using consultation streamlining direction and NMFS' matrix. Prior to the consultations an interagency team will modify the matrix as needed for the Snake River and upper Columbia River basins. | Approximately August 21, 1998 | Partly completed. Many units accomplished this. A few dealt with ongoing and proposed actions together and will soon complete consultation. |
| 4. Apply special management considerations for management of the South Fork Salmon River, Middle Fork Salmon River, and the Selway River subbasins. These measures include restrictions on road building, timber harvest, grazing, and recreation activities. Specific fire management and riparian area management techniques are required. Emphasis is placed on road closures, obliterations, and repairs to reduce the effects of existing roads on the listed species (Opinion pp. 78-80). | Effective as of September 1997 | Need level 1 teams' feedback on this |
| 5. Accelerate restoration of steelhead habitat in the Snake River basin. Mutually develop and fund restoration. | Effective September 1997 | Restoration team working on this |
| 6. Review commercial and non-commercial recreational boating and floating for adverse effects on steelhead spawning; eliminate/minimize effects. Review recreational facilities as ongoing actions. | Effective September 1997 | Need level 1 teams' feedback on this |
| 7. Strengthen monitoring and commitment to insure PACFISH is properly implemented; includes increased emphasis and scheduling of watershed analysis | Effective September 1997 | Several IIT task team tasks involved. See enclosure 1, above. |
| 8. Treat watersheds within range of the two steelhead ESUs as key watersheds and designated | Effective September 1997 | Need level 1 teams' feedback on this |

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| critical habitat | | |
| 9. Adopt these items (1-8, above) for an indefinite period pending adoption of new, long-term programmatic direction | Effective September 1997. Duration of these items as part of the interim approach depends on when consultation on LRMPs must be reinitiated (refer to Opinion, p.59-60) | |