

The background features a soft-focus landscape with a mountain range in the distance and a willow tree branch with drooping catkins on the right side. The overall color palette is muted, consisting of various shades of beige, tan, and light brown.

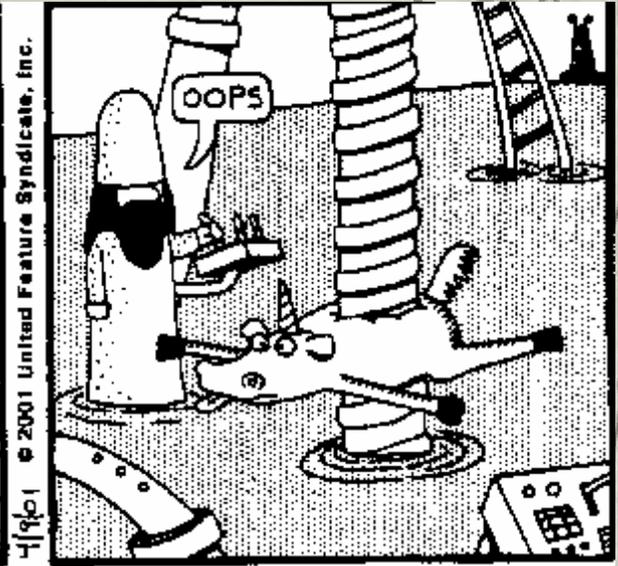
*National  
Fluid Minerals Conference  
June 2004*

Endangered Species Act  
& Sect. 7 Consultation

# *Sect. 7 Consultation Streamlining*

- Over the past 14 years the number of T&E species has **more than doubled** on BLM lands
  - from **152** in 1990 to **356** in 2004
- ***Goal*** – To speed-up the Sect. 7 Consultation Process on numerous activities, including **APDs**, etc.

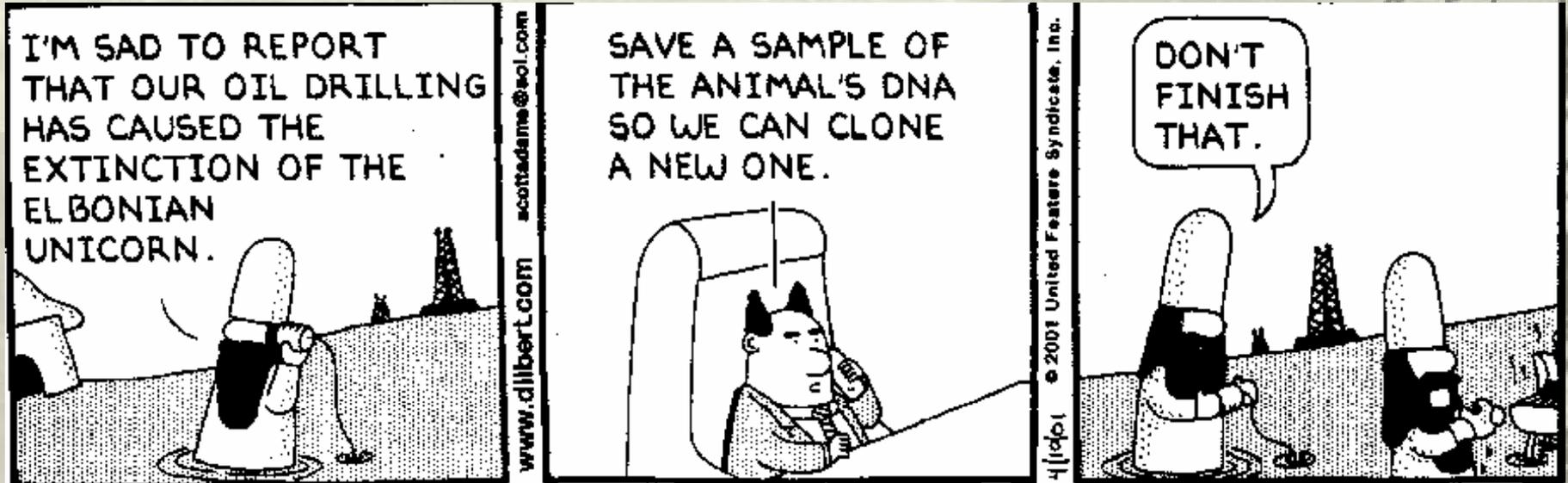
# Before Streamlining - Part 1



www.dilbert.com scottadams@aol.com

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# Before Streamlining - Part 2



# Objectives

- ❖ Fully implement the Interagency Programmatic Section 7 Consultation Memorandum of Agreement (Aug 2000) – between → FWS / BLM / FS / Nat Marine Fisheries Service
- ❖ Move focus from individual project-by-project consultation to a batched or programmatic approach
- ❖ Provide early coordination “to reduce the likelihood of conflicts between listed species or critical habitat and proposed actions” – BLM/FWS/Applicant
- ❖ The intent of streamlined consultation procedures is:
  - To further conservation of listed and proposed species
  - Efficiently conclude consultation on actions that comply with management plans and programmatic consultations
  - Use interagency teams to review the adequacy of Biological Assessments (BAs) and effects determinations and develop the framework for Biological Opinions (BOs)

# *Sect. 7 Consultation Streamlining*

## **- Wyoming/Colorado Methodology -**

### □ Level I & II Teams

- **Level I** = 3 teams of BLM, National Forest Service, National Park Service and U.S. Fish & Wildlife Service Wildlife Biologists.

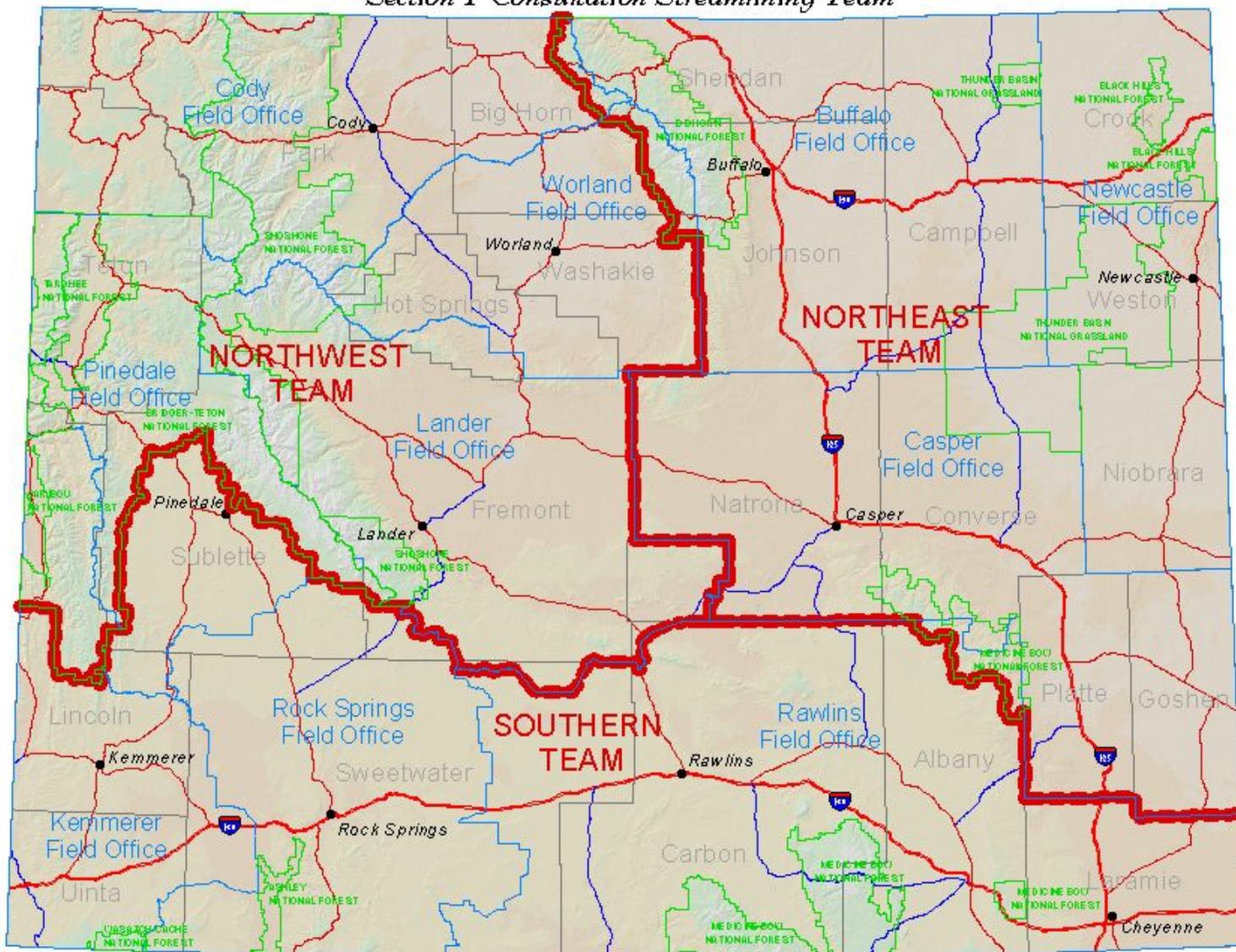
- The Level I teams have met bi-monthly since January 2002

- **Level II** = One team of Managers from the three agencies above.

- Meets bi-annually

# WYOMING

## Section 7 Consultation Streamlining Team



- |   |                                |   |                    |
|---|--------------------------------|---|--------------------|
|  | Consultation Streamlining Team |  | Federal Interstate |
|  | BLM Field Office               |  | Federal Highway    |
|  | Wyoming County                 |  | State Highway      |
|  | National Forest                |   |                    |



*No warranty is made for other usage purposes not intended for the Bureau of Land Management*

Projection Lambert  
Datum NAD 27  
Units Meters

*Map compiled by  
Bureau of Land Management  
Wyoming State Office  
GIS Mapping Science  
Editor R. Trevino-Mestonery  
November 1, 2001*

*Northwest*  
*(Greater Yellowstone)*  
*Level 1 Team*

- ❖ FS –Shoshone (R2) & Bridger-Teton (R4) National Forests
- ❖ FWS – Cody Field Office
- ❖ BLM – Cody, Lander, and Worland Field Offices & input from the Pinedale and Kemmerer Field Offices
- ❖ NPS - Yellowstone & Teton units

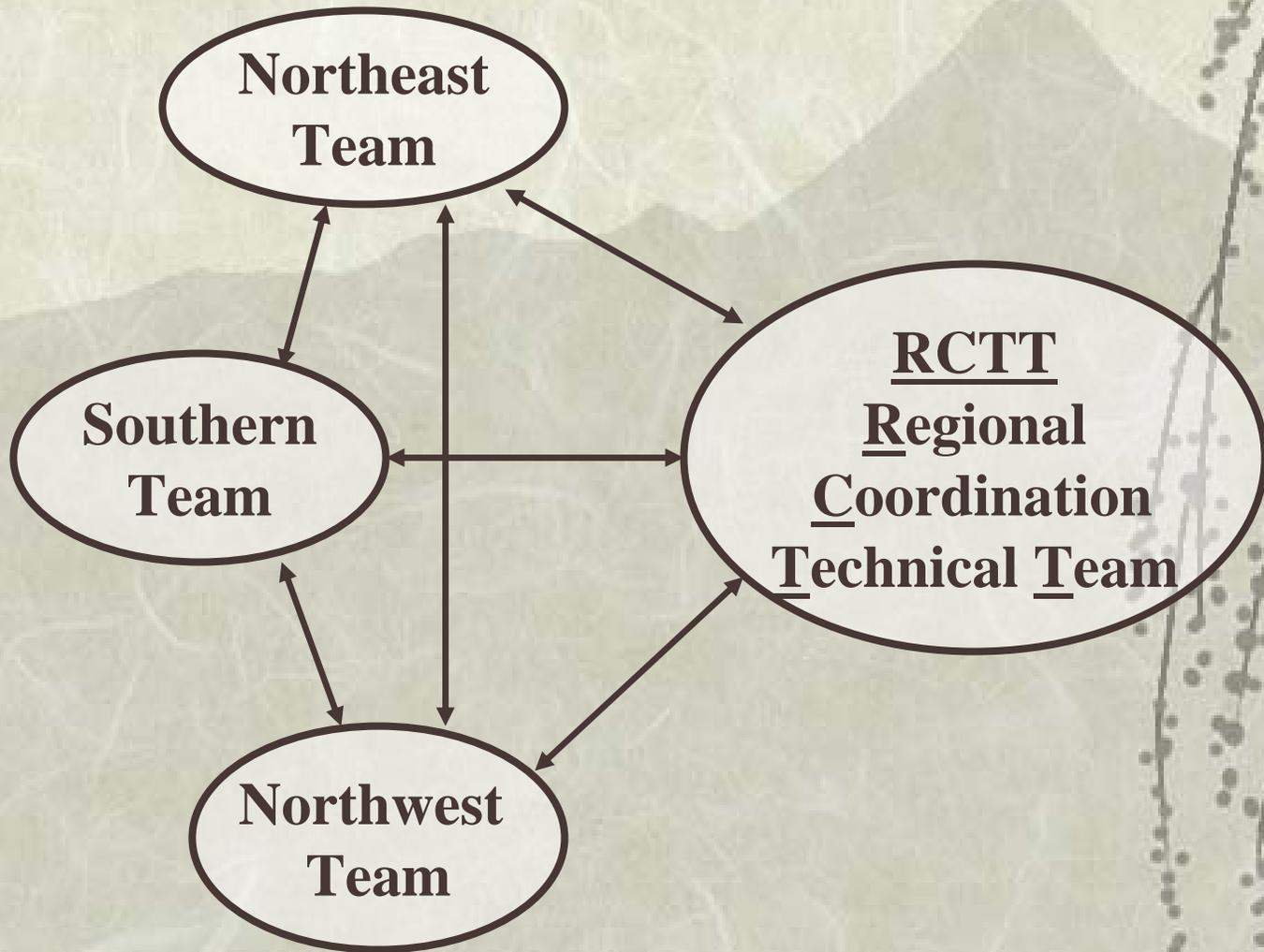
# *Northeast Level 1 Team*

- ❖ FS – Bighorn and Black Hills National Forests and Thunder Basin National Grassland
- ❖ FWS – Cheyenne Field Office
- ❖ BLM – Buffalo, Casper, and Newcastle Field Offices

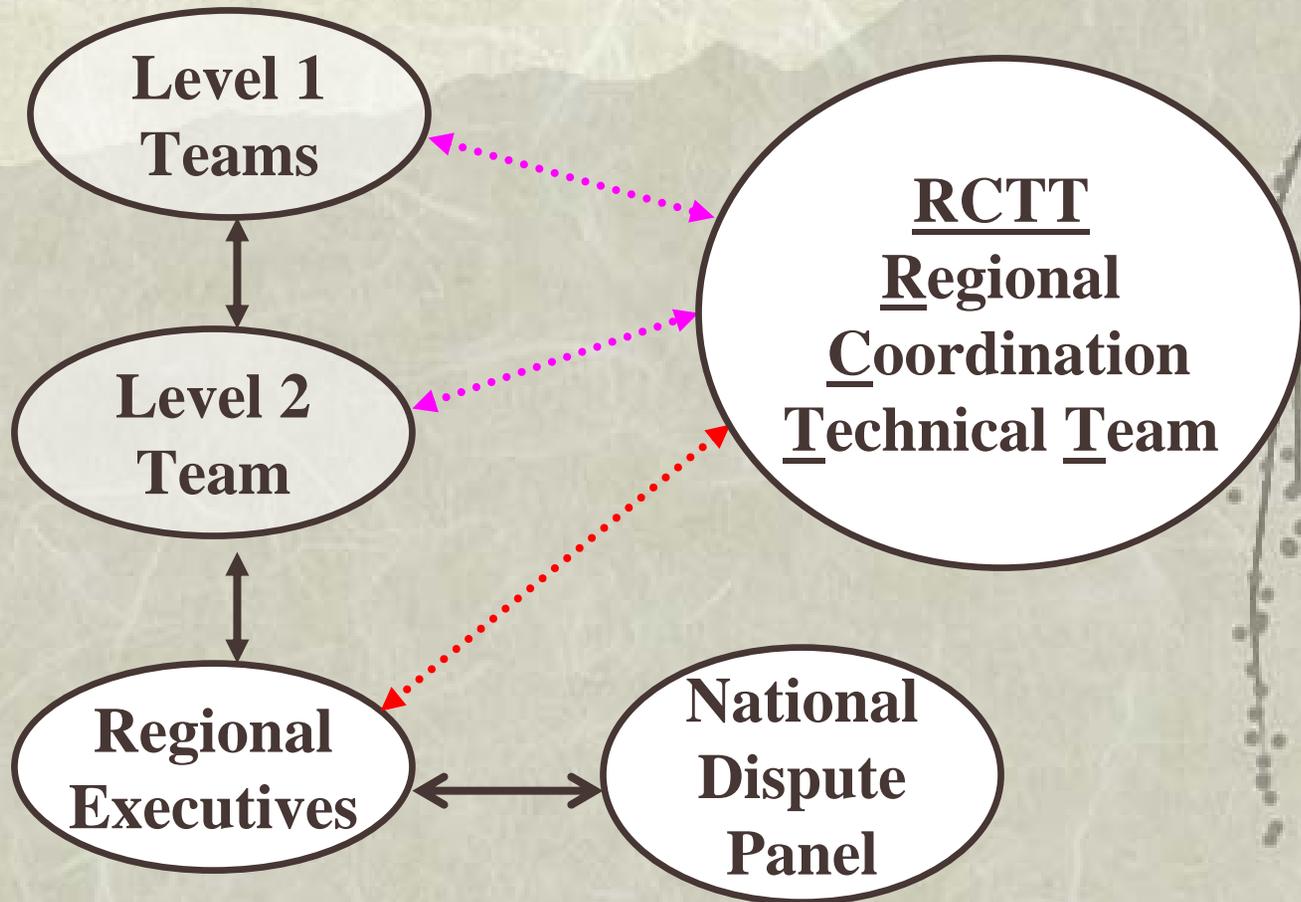
# *Southern Level 1 Team*

- ❖ FS – Medicine-Bow National Forest
- ❖ FWS – Cheyenne Field Office
- ❖ BLM – Kemmerer, Rock Springs, Pinedale and Rawlins Field Offices

# *Wyoming Level 1 Teams*



*Programmatic Consultation Process*  
*Wyoming BLM / Region 2 & 4 FS / Region 6 FWS*



# *Example of Streamlining*



- ❖ Need for a way to speed-up ESA Sect 7 Consultation on various actions
- ❖ Mountain Plover “Screen”
- ❖ Requested by NE Level I Team & Directed to do by the Level II Team
- ❖ Team of 9 species experts
- ❖ Team of 6 activity experts — including O&G
- ❖ “Rough” draft of screen completed w/in 35 days
- ❖ Turn-around for T&E work down to 2-3 weeks (14 day goal)

# *ESA Streamlining - Working Towards a Common Goal*



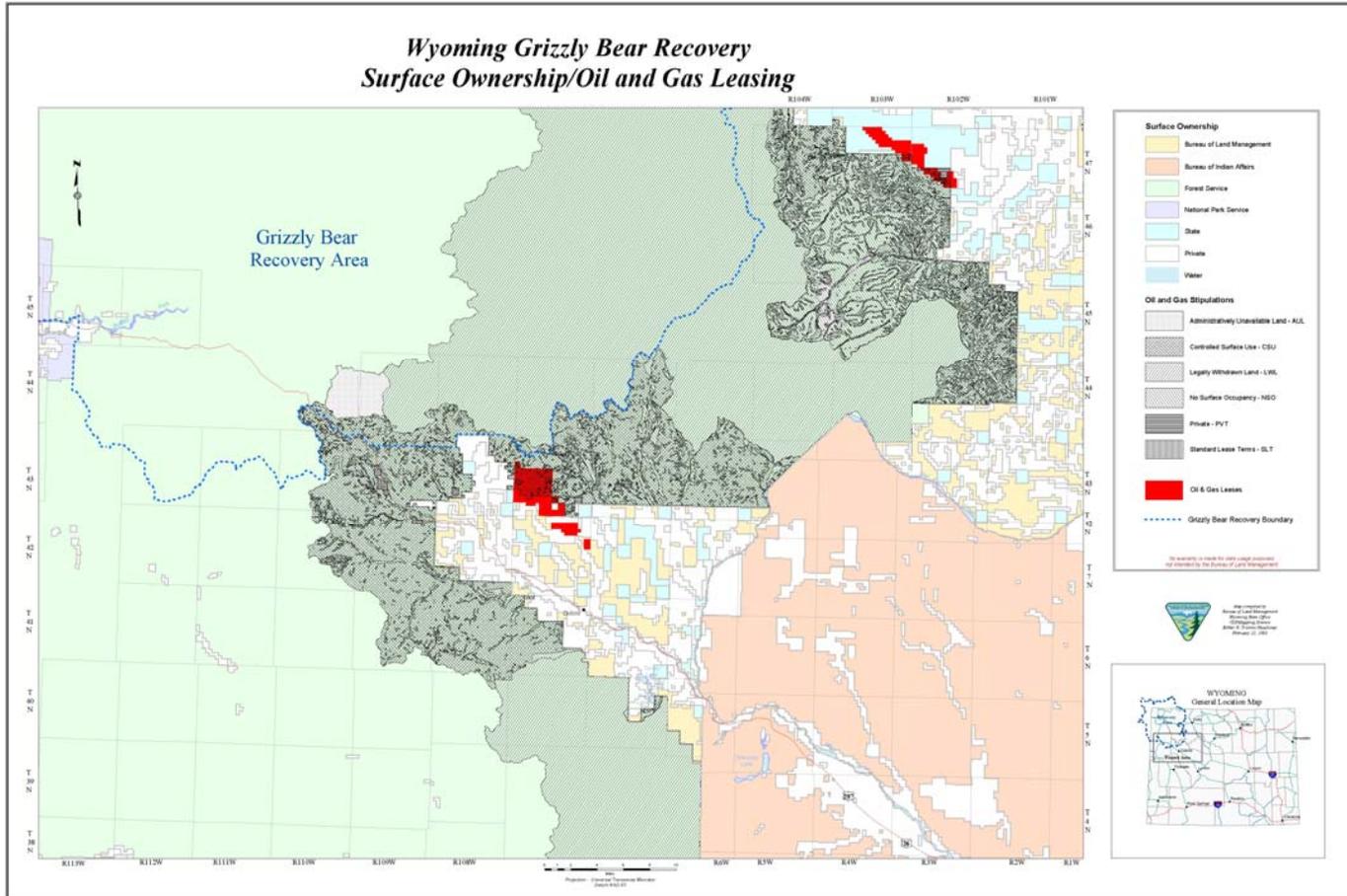
# *Land Use Plans / T&E Consultation Planning Support Project*

- ❖ All 12 of our Land Use Plans – RMPs need to have Consultation re-initiated
- ❖ Programmatic species approach – Statewide Biological Assessment for each T&E species
- ❖ 13 Contracts – Covering 19 species / 1<sup>st</sup> one completed in March 2002
- ❖ Hired a Biologist and placed in the FWS office
- ❖ Court Cases in the Pacific NW – Pacific Rivers Council
- ❖ California / New Mexico / Utah / Wyoming

# *Nebraska*

- ❖ In the process of working with the FWS in Nebraska to do the same programmatic consultation effort in Nebraska on our RMP
- ❖ Primarily have O&G, Grazing & Land Exchange/Sale issues
- ❖ On about ½ million acres of subsurface
- ❖ 6,600 acres of surface lands

# “Dubois” Court Case



# *Dubois Court Case (cont.)*

- ❖ Filed 1/28/02 by Earthjustice Legal Defense Fund in D.C. District Court.
- ❖ Challenges that the BLM/Forest Service issued O&G Leases in occupied Grizzly Bear habitat on the Shoshone NF without formal consultation.
- ❖ No re-initiation of consultation by FS based on new info on griz & no consultation by BLM on the RMP under which the lease was issued.
- ❖ Decision made by Judge Urbina, Sept 30, 2003 affirmed the FS's summary judgment motion, primarily due to the ripeness of the case.

# *Eight Steps to Drilling a Well on FS Lands*

1. FS Leasing Analysis (generally an EIS level NEPA document – stand alone or included in LUP)
2. FS Leasing Decision
3. FS Validation and Verification
4. BLM Assessment (the BLM determines if additional Stips are necessary)
5. Lease parcel(s) are sold by the BLM
6. BLM issuance of the lease(s)
7. Application for Permit to Drill (APD)
8. Plan to develop a field an EA or EIS is accomplished

# *Steps to Drilling a Well on BLM Lands*

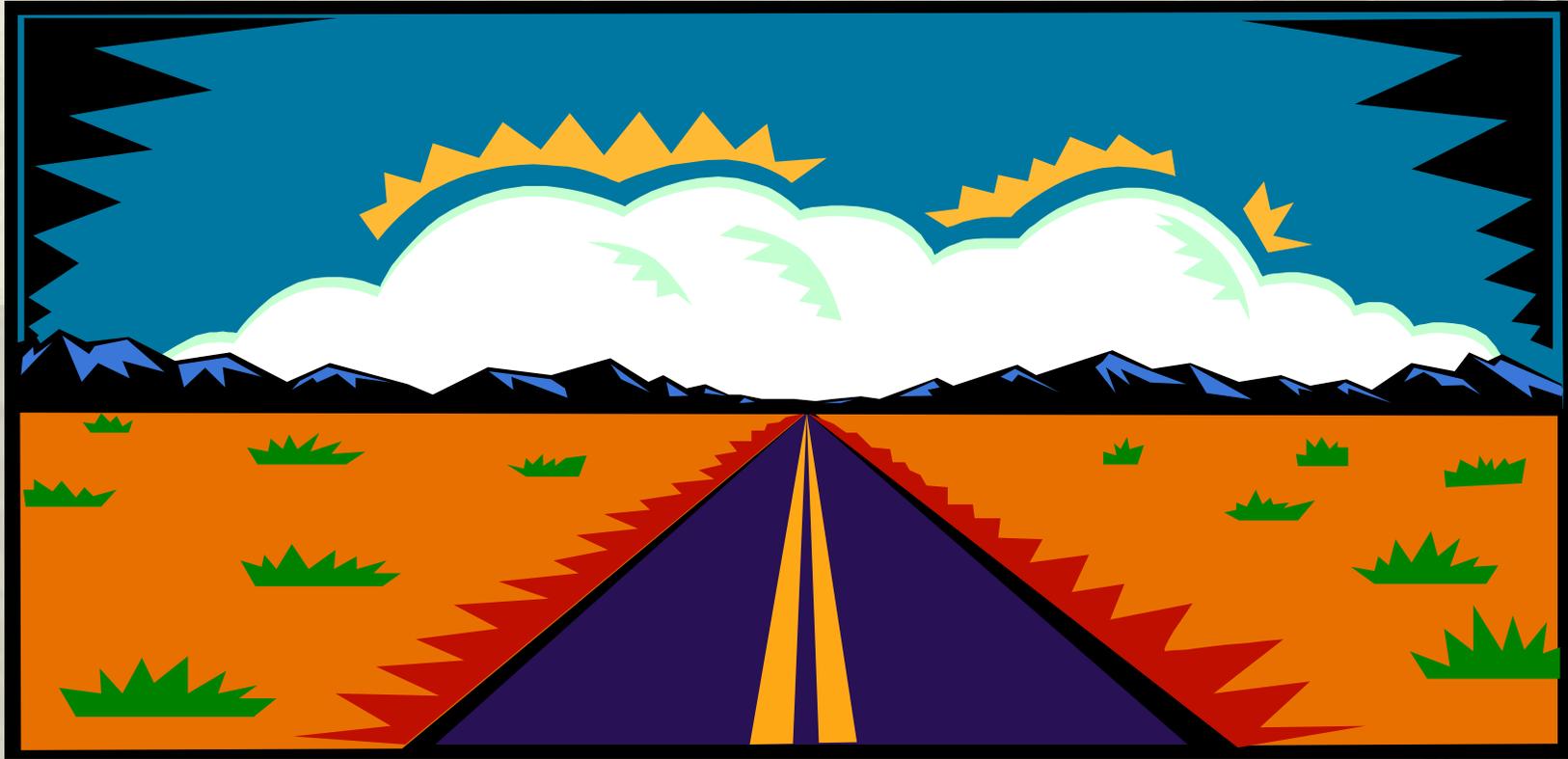
1. BLM Leasing Analysis (generally an EIS level NEPA document – included in LUP (Resource Mgt Plan))
2. BLM RMP Decision (includes leasing)
3. A Determination of NEPA Adequacy (DNA) is completed during the stipulation process
4. Lease parcel(s) are sold by the BLM (administrative action under the RMP) - Often leases are financial speculation
5. BLM issuance of the lease(s) (administrative action) - Not an irreversible/irretrievable commitment of resources
6. Application for Permit to Drill (APD)
7. Plan to develop a field (an EA or EIS is accomplished)

# *Steps to Drilling a Well on BLM Lands*





# Take Home Message



*Let's Work Together and not go  
down separate paths!!!*

***Mutatio est  
bonnum.***

***Tibi ire primus!***

Change is good.

*You go first!*

# *BLM – FWS Consultation Biologist in the BLM Buffalo Field Office*

- ❖ Position Closed  
June 17<sup>th</sup>
- ❖ Will be hired as  
soon as possible
- ❖ Paid for by BLM  
Works for FWS
- ❖ Will conduct  
consultation/  
monitoring on  
location



# *White-tailed Prairie Dog Surveys*



- ❖ CD/WamII P-Dog mapping and mapping accuracy analysis
- ❖ Conducted by the O&G Industry and BLM w/Sage Ecological Services

# *Mountain Plover Impact Analysis*



- ❖ PAW & BLM w/Hayden-Wing Assoc.
- ❖ 2002 – 2004 Baseline data gathering
- ❖ 2005 Development Analysis
- ❖ 2006 Operations Analysis

# *An Inexpensive Project to Enhance Burrowing Owl Habitat*



*An Inexpensive Project to  
Enhance Burrowing Owl Habitat*



# *BLM – National Training Center*

- ❖ [www.ntc.blm.gov](http://www.ntc.blm.gov)
- ❖ TRAIN
- ❖ Class Schedule & Registration
- ❖ T&E Species Mgt and Consultation 1730-30
  - \$250 Tuition for non-BLM folks
  - *Salt Lake City, UT (11/15-18/2004)*
  - *Eugene, OR (03/07-10/2005)*
- ❖ **CONTACT:** Mark Phillips (602)-906-5552

# *The End*



❖ QUESTIONS???