

Attachment 1: Interagency Teams

As identified in the July 1999 finalized, *Streamlined Consultation Procedures for Section 7 of the Endangered Species Act*, Level 1 teams are core components and are composed of biologists, botanists, and engineers designated by their agencies to do the following:

- (A) identify information needs of the biological assessment (BA);
- (B) recommend scale of the BA;
- (C) review adequacy of BAs and effects determinations and develop framework for consultation;
- (D) review action agency findings for consistency (relative to listed and proposed species, designated and proposed critical habitat) with existing management plans and guidance and/or programmatic consultations;
- (E) recommend process to sort, batch, and prioritize actions;
- (F) report progress in the consultation process, i.e., completion of BA, BO, etc.;
- (G) serve as advisors to Level 2 teams and other staff; and,
- (H) recommend elevation of issues as necessary.

Level 2 teams are composed of mid-level management and staff supervisors. Level 2 teams have the following functions:

- (1) ensure that Level 1 teams have adequate resources and time to complete their duties as described above;
- (2) identify time frames and priorities for consultation efforts;
- (3) monitor performance of Level 1 teams (*e.g.*, by attending meetings, reviewing reports, etc.);
- (4) resolve disputed issues involving effects determinations, information needs for biological assessments, and compliance with management plans and/or programmatic consultations;

(5) elevate unresolved issues to the Regional Executive level; and,

(6) coordinate with interagency organizations.

The following have proven successful in the operation of these teams:

- meet early in the planning process;
- communicate regularly and often – in person, via phone, email, fax, *etc.*;
- develop common goals;
- use an independent facilitator where available for larger meetings;
- provide team members with the rationale for effects determination in adequate detail;
- only present projects that have been sent out in advance for team review;
- limit discussions to points of clarification and focus on concurrence or conditional agreement;
- maintain clear, concise records of team meetings, consensus agreements, and decisions;
- identify agendas and meeting attendance that are focused and efficient.
- ensure all issues are identified and resolved before submission of a final biological assessment;
- postpone concurrence on projects not fully reviewed or lacking concurrence until the next meeting but have time frame where issues will be elevated if lacking concurrence;
- develop working groups as appropriate to address specific issues (*e.g.*, fish, plants, *etc.*);
- invite appropriate non-biologist or botanist staff, as needed, to provide additional background and data for project review; and,
- regularly apprise upper level management of team process and progress, and request guidance on workload, priorities and time frames, as necessary.

The following are relevant sections of the supplemental guidance for Level 1 and 2 teams provided in an April 7, 2000 memorandum updating the July 1999 guidance:

- (1) Level 1 and 2 Teams that are not fully functioning are to follow these steps –
 - (A) managers should ensure that interagency teams are in place;
 - (B) managers should encourage agency personnel to coordinate issues through the teams and use the streamlining process rather than circumventing it;
 - (C) workshops should be organized;
 - (D) Level 1 teams in adjacent geographical areas should be encouraged to meet jointly to compare notes regarding the consultation process in an effort to ensure consistency of approaches across teams. Managers should actively encourage team members to identify any problems in carrying out the streamlining program so that they can be identified and addressed as soon as possible.
- (2) Level 1 teams should review and sign off on the adequacy of final BAs before they are submitted to the regulatory agencies. When the action agency submits the BA, as finalized by the Level 1 team, the agency's cover letter requesting consultation should reference the Level 1 team review and conclusions. The clock relative to consultation streamlining deadlines begins to run as of the date of the BA, as approved by the Level 1 team, is formally received by the Service/NMFS. Subsequent modification to the proposed action by action agencies may require adjusting the deadline.

For actions that are not likely to adversely affect listed species or critical habitat, submitted via final BAs with Level 1 team sign-off, the Service and NMFS will provide a standard concurrence letter that incorporates by reference the Level 1-approved BA analysis.

For actions that are likely to adversely affect listed species, assuming Level 1 team sign-off on final BAs, the Service, NMFS, and other Agencies, as appropriate, will:

- (A) send the action agency "notice" (letter or email) acknowledging receipt of the BA within 2 weeks;
- (B) request time extensions if either Service needs more time to complete consultation within 2 weeks;

- (C) request any additional information needed within two weeks of receiving the BA; and,
 - (D) action agencies will contact regulatory agencies regarding the disposition of the BA if notice is not received within two weeks.
- (3) Administrative units should consider watershed analysis results and recommendations (where completed and appropriate), project support rationale, and anticipated interagency agreed-upon project design criteria that avoid and minimize take of listed species into NEPA documents prior to development of the BA. This should reduce the need for additional information requests or terms and conditions during the consultation process.

Subsequent to the July 1999 guidance, Level 3 teams and Level 4 coordinators have been formed and are referred to in the April 2000 document. In the April document:

Actions to be taken by the Level 4 coordinators –

- (1) develop an interagency training program to improve the agencies' collective knowledge of the streamlining process by field staff and managers in the Services and Agencies. Training would focus on: new managers and Level 1 and 2 team members, issues such as how to deal with new listed species (particularly wide-ranging species), and questions about interpretation and application of streamlining procedures. A proposal has been developed by the Level 3 team for organizing local training workshops. Additional staff work by the Level 3 team is needed to further develop the training program and curriculum, assemble an interagency training cadre, and implement the training program.
- (2) establish an interagency team to explore and recommend ways to expedite land management plans programmatic, and batched consultations.
- (3) request that Regional executives expedite resolution of outstanding issues such as water conveyance and road access issues that have been elevated to the national level.