UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
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EMS TRANSMISSION 05/17/2004
Instruction Memorandum No. 2004-178
Expires: 09/30/2005

To: All Field and Washington Office Officials

From: Assistant Director, Renewable Resources and Planning

Subject: Training for Implementing the Joint Counterpart Endangered Species Act Section 7 Consultation Regulations
DD: 06/30/2004

Program Areas: Fish, Wildlife, Botany, Threatened and Endangered Species, Forestry, Rangeland, and Fire Management.

Purpose: The purpose of this Instruction Memorandum (IM) is to provide information and guidance to Field personnel on the training course for the joint counterpart Endangered Species Act (ESA) Section 7 consultation regulations.

Policy/Action: The Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) (collectively referred to as the Services) in cooperation with the Bureau of Land Management (BLM) and the Forest Service (FS) (collectively referred to as action agencies) developed a web-based training course for employees who will be implementing the joint counterpart regulations for consultation under Section 7 of the ESA. All biologists, ecologists, and botanists who conduct Section 7 effects analyses for proposed actions that are Fire Plan Projects and make determinations of effect under the ESA, and line officers who have decision authority for such projects (see Alternative Consultation Agreement (ACA) under "Resources") are required to be certified as having successfully completed this mandatory training.

The training course is available to the end users through the following internet address at their computer work station:
http://www.ntc.blm.gov/blm_1386/html/gateway/ie/launcher.htm?C_ID=&Mode=.
The program must be launched through Internet Explorer as it will not function

properly on Netscape. It is expected that the current field office staff will take the training course and certification exam by June 30, 2004, and training for new staff will continue to be available on the internet on an ongoing basis. Only after successfully completing the training will staff be able to make Not Likely to Adversely Affect (NLAA) determinations under the counterpart regulations.

To Access the Training Course:

1. http://www.ntc.blm.gov/blm_1386/html/gateway/ie/launcher.htm?C_ID=&Mode=
2. If a second screen appears asking whether to close a window, enter yes.
3. If the display is too small, it can be enlarged by right clicking on an open area of the desktop screen. Click on "properties", settings, and change the "screen resolution" to 800 x 600 pixels (return to default settings after completing the course).
4. To navigate the course follow the arrows, or click on "Go to Course Map". Take advantage of the Glossary, Resources, and Help sections at the top of the screen. An audio feature is also available.

Examination:
After completing the training course, counterpart regulations users must then pass a certification exam. Click on "Certification Examination Link" on the last page of the course summary to access the exam. Fill in all required information fields to ensure the certification is properly registered with the agency.

Time Requirement:
The training course and exam should take about an hour if the user is already familiar with the counterpart regulations and the ACA. **The separate certification exam must be completed in a single session.**

Other Materials:
Please review the ACA to familiarize yourself with reporting requirements. Attached for your use is a table outlining the timeframes with important dates and materials that must be provided internally or to the Services so that action agency use of the counterpart regulations is consistent with the requirements identified in the counterpart regulations and in the ACA.

Time Frame: Current field office staff should be trained by June 30, 2004.

Budget Impact: Implementing this request has minimal budget implications. Implementation of the ACA is expected to increase consultation efficiency, enabling completion of additional priority tasks.

Background: The FWS and NMFS in cooperation with the BLM, FS, BIA, and NPS issued joint counterpart regulations for consultation under Section 7 of the ESA issued joint counterpart regulations for consultation under Section 7 of the ESA to issued joint

counterpart regulations for consultation under Section 7 of the ESA to streamline consultation on proposed projects that support the National Fire Plan (NFP). These counterpart regulations, authorized by 50 CFR 402.04, were published in the Federal Register on December 8, 2003, and complement the consultation process by providing an alternative process for completing Section 7 consultation for projects that authorize, fund or carry out actions that support the NFP. The counterpart regulations allow the BLM to make "not likely to adversely affect" (NLAA) determinations for listed species or designated critical habitat without consulting with or obtaining written concurrence from the Services for proposed actions that support the NFP.

The BLM signed an ACA with FWS and NMFS on March 3, 2004. The ACA requires "a program for developing and maintaining the skills necessary within the agency to make NLAA determinations, including a jointly-developed training program based on the needs of the action agencies." This training course satisfies that requirement of the ACA.

The ACA permits a BLM biologist, botanist or ecologist, who has completed the required training, to conduct Section 7 effects analyses and make determinations of effect for proposed actions that are NFP projects under the counterpart regulations. However, journey level biologists, botanists or ecologists are responsible for ensuring and documenting adequacy of the BE/BA with existing policy, and line officers are responsible for documenting compliance with the ESA and counterpart regulations.

Manual/Handbook Sections Affected: None.

Coordination: The training course was developed jointly with the FWS, NMFS, and FS.

Contacts: Peggy Olwell, Endangered Species Program Lead, (202) 452-7764, Karl Stein, Fisheries Biologist (530) 224-2156, and respective State Office contacts (see Attachment 2).

Signed by:
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Renewable Resources and Planning

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560

2 Attachments
1- Timeframe Information (1 p)
2- Frequently Asked Questions and Contacts (6 pp)