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Northwest
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Habitat
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Division

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Streamlining Restoration Project Consultation Using Programmatic Biological Opinions

NOAA Fisheries Northwest Region supports efforts to restore the ecological function of our region's habitat. Restoring habitat contributes to the recovery of species currently protected under the Endangered Species Act (ESA), ensures that critical habitat designated under the ESA will serve its intended conservation role, and advances the conservation and enhancement of essential fish habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Why is consultation required for habitat restoration actions?

In the long term, well-designed restoration actions will contribute to improving many of the factors limiting the recovery of aquatic species. These factors include such things as impaired fish passage, floodplain connectivity, reduced aquatic habitat complexity, and degraded riparian conditions. Well-designed restoration projects can improve the currently degraded environmental baseline, particularly at the site scale. However, even actions that ultimately will be beneficial may have short-term adverse effects. The actions likely to have the most significant short-term effects are those that will disturb the banks and channels of natural water bodies. Those actions include fish passage restoration, manual and mechanical plant control, juniper removal, livestock crossings, off-channel restoration, piling removal, bank set-backs, and removal of water control structures. These short-term effects, from actions that have a Federal nexus, are what trigger the requirement for consultation under the ESA.

What are the benefits of programmatic consultations for restoration actions?

NOAA Fisheries developed programmatic consultations to:

1. Promote more consistent use of conservation measures;
2. Address the effects of multiple activities at larger scales;
3. Manage workload more efficiently; and
4. Provide better customer service.

Programmatic consultations for restoration actions achieve these objectives in several ways. Federal and non-Federal partners planning restoration projects gain greater certainty of the expected conservation benefits of their actions, project costs, and timelines for approval by following project design criteria that are delineated in programmatic consultations. These design criteria have been developed by NOAA Fisheries biologists who have extensive experience working with restoration partners, NOAA Fisheries scientists, and engineers. The design criteria ensure the short-term adverse effects of project construction are limited and they provide long-term conservation benefits needed to recover listed species.

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Designing projects to fit under programmatic consultations can also reduce NOAA Fisheries internal regulatory requirements and timelines that may delay project approval. Programmatic consultations, and the categories of restoration projects they cover, have already been through NOAA Fisheries' internal technical, legal, and quality control reviews and approvals. Therefore, when a proposed restoration action falls within the limits of an existing programmatic consultation, the internal review and approval process is significantly streamlined. For example, a review of consultations for restoration actions completed in Oregon last year showed that the average time for restoration projects covered by a programmatic consultation was 6 days or less—in some cases a single day—as compared to 132 days or longer for restoration projects that required individual consultation.

What consultation tools are available to accelerate restoration projects?

NOAA Fisheries actively maintains a portfolio of over a dozen programmatic letters of concurrence and biological opinions to simplify and shorten the ESA and MSA regulatory process. We also use protective regulations issued under ESA section 4(d) rules to promote restoration actions and provide “take exemptions” to non-Federal partners. Under Section 4(d), the ESA prohibits the killing or injury of listed species (i.e., “take”) but NOAA Fisheries can provide exemptions under certain limits if it determines that a project is not likely to “take” a significant level of at-risk fish. NOAA Fisheries is committed to exploring and developing additional programmatic approaches when the need or opportunity is identified.

In addition to the programmatic consultations listed in the table below, 32 biological opinions were completed between 2004 and 2011 for actions that are not targeted toward restoration but have a significant restoration component, including actions that: accelerate tree growth, soften streambanks, remove floodplain fill, repair channels, treat stormwater, provide fish passage, or provide other habitat benefits.

How do I use programmatic consultations?

If a proposed project requires a Federal permit, funding, or action, and it may affect an ESA-listed species or its designated critical habitat, ESA consultation with NOAA Fisheries is required. To expedite the consultation process, project proponents should first review the proposed action with their Federal agency partner(s) to determine whether the action fits, or can be modified to fit, under a category of restoration actions covered in an existing programmatic consultation. Reviewing protective regulations issued under ESA section 4(d) rules may also prove valuable in preparing your project's design and placement for an expedited review process.

The Next Steps:

The table below summarizes our current portfolio of programmatic biological opinions for actions whose sole or primary purpose is restoration. Use the links to locate biological opinions to download.

OR

To manually search the **Public Consultation Tracking System** for a biological opinion go to:

https://pcts.nmfs.noaa.gov/pls/pcts-pub/biop_query?reg_inclause_in=%28%27NWR%27%29&s_region=

1. Check the box for “ESA & EFH (combined response)”
2. Enter part or all of the title of the biological opinion you wish to find and click “search”
3. Review or download copies of the documents available

For a PDF of this guidance document with embedded links to the biological opinions:

<http://www.nwr.noaa.gov/Publications/Reference-Documents/upload/Programmatic-Consultations.pdf>

NOAA Fisheries' Programmatic Letters of Concurrence and Biological Opinions for Actions Whose Sole Purpose is Restoration

Programmatic Name	Action Agency, Number of Actions Authorized (If reported)	Action Area	Restoration Category Types (subcategories)
<p>19 Aquatic Habitat Restoration Activities Programmatic, Bureau of Land Management, Oregon, Washington, Idaho, California</p> <p>2007-2012</p> <p>“ARBO”</p> <p>See link below</p>	<p>USFS, BLM, BIA</p> <p>Approximately 200 actions since 2007</p>	<p>Streams and riparian areas on USFS, BLM, Coquille lands or private lands adjacent to Federal lands where Wyden amendment projects may occur in the range of ESA-listed salmon or steelhead, designated critical habitat in Oregon, Washington, Idaho, and California</p>	<p>Large Wood, Boulder, and Gravel Placement; Reconnection of Existing Side Channels and Alcoves; Head-cut Stabilization and Associated Fish Passage; Bank Restoration Fish Passage Culvert and Bridge Projects; Irrigation Screen Installation and Replacement; In-channel Nutrient Enhancement; Floodplain Overburden Removal; Reduction of Recreation Impacts; Estuary Restoration; Riparian Vegetation Treatment (non-commercial, mechanical); Riparian and Upland Juniper Treatment (non-commercial); Riparian Vegetation Treatment (controlled burning); Riparian Area Invasive Plant Treatment; Riparian Exclusion Fencing (with water gaps and stream crossings); Riparian Vegetation Plantings; Road Treatments; Removal of Legacy Structures; Fisheries, Hydrology, Geomorphology Wildlife, Botany, and Cultural Surveys in Support of Aquatic Restoration.</p>
<p>US Forest Service - https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=35716</p> <p>US Bureau of Land Management - https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=35718</p> <p>Bureau of Indian Affairs - https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=37237</p>			

NOAA Fisheries' Programmatic Letters of Concurrence and Biological Opinions for Actions Whose Sole Purpose is Restoration

Programmatic Name	Action Agency, Number of Actions Authorized (If reported)	Action Area	Restoration Category Types (subcategories)
<p>Habitat Improvement Program in Oregon, Washington, and Idaho CY2007 - CY2012 “HIP II” See link below</p>	<p>BPA Approximately 252 actions since 2007</p>	<p>59 Subbasins in the Lower Columbia/Willamette and Interior Columbia Basin Recovery Domains</p>	<p>Surveying, Construction, Operation, and Maintenance Activities; Planning and Habitat Protection Actions (surveys, instream monitoring devices, acquisition, stream bank protection); Small-Scale Instream Habitat Actions (install natural habitat structural elements, improve secondary channel habitats, wetland restoration, fish passage, nutrient supplementation); Livestock Impact Reduction; Control of Soil Erosion from Upland Farming (buffers, cropping systems, erosion control practices, planting and seeding); Irrigation and Water Delivery/Management Actions; Native Plant Community Establishment and Protection; Road Actions; Special Actions (install/develop wildlife structures).</p>
<p>https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=40691</p>			
<p>NOAA Restoration Center Restoration Programmatic in the Pacific Northwest (LAA) CY2009 - CY2014 “NOAARC” See link below</p>	<p>NOAA Fisheries Restoration Center Estimated total number of actions per year: 63</p>	<p>Statewide in Oregon, Washington, and Idaho</p>	<p>Fish Passage Restoration; Invasive and Non-native Plant Control; Juniper Tree Removal; Livestock Stream Crossings and Off-Channel; Livestock Watering Facilities; Off- and Side-Channel Habitat Restoration; Piling Removal; Set-back or Removal of Existing Berms, Dikes, Levees; Shellfish Restoration; Streambank Restoration; Water Control Structure Removal; Wetland Restoration; Road and Trail Erosion Control.</p>
<p>https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=107963</p>			

NOAA Fisheries' Programmatic Letters of Concurrence and Biological Opinions for Actions Whose Sole Purpose is Restoration

Programmatic Name	Action Agency, Number of Actions Authorized (If reported)	Action Area	Restoration Category Types (subcategories)
<p>Stream Crossing Structure Replacement and Removal Activities CY 2006-CY 2011 “USFS, BLM culverts” See link below</p>	<p>USFS, BLM</p>	<p>Idaho, Snake, and Clearwater River Basins, HUCs 170601 & 170603</p>	<p>Culvert Removal and Associated Channel Rehabilitation; Culvert, Bridge or Ford Replacement with a Bridge; Culvert or Ford Replacement with a Culvert or Open-Bottomed Arch; Culvert Replacement with Low-Water Trail Ford; Programmatic Project Maintenance.</p>
<p>https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=32283</p>			
<p>Revised Standard Local Operating Procedures for Endangered Species to Administer Restoration Activities Carried Out by the Department of the Army in the State of Oregon and on the North Shore of the Columbia River CY2008 - CY2013 “SLOPES IV Restoration” See link below</p>	<p>USACE Approximately 286 actions since 2008</p>	<p>Oregon State, SW Washington along the Columbia River This includes all upland, riparian and aquatic areas affected by site preparation, construction, and site restoration design criteria at each action site.</p>	<p>Boulder Placement; Fish Passage Restoration; Spawning Gravel Restoration; Large Wood Restoration; Off- and Side-Channel Habitat Restoration; Piling Removal; Set-back Existing Berms, Dikes, and Levees; Streambank Restoration; Water Control Structure Removal.</p>
<p>https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=103803</p>			

NOAA Fisheries' Programmatic Letters of Concurrence and Biological Opinions for Actions Whose Sole Purpose is Restoration

Programmatic Name	Action Agency, Number of Actions Authorized (If reported)	Action Area	Restoration Category Types (subcategories)
<p>Partners for Fish and Wildlife Coastal and Recovery Programmatic (NLAA) CY2009-CY 2014 “USFWS Restoration Program”</p> <p>No link</p>	<p>USFWS</p>	<p>Oregon, excluding the Klamath River basin, and within Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, and Benton counties in southern Washington.</p>	<p>Riparian Habitat Restoration (installation of livestock fencing, wildlife habitat structures); Stormwater Management (wetland habitat restoration, installation of livestock fencing, wildlife habitat structures); Instream Habitat Restoration (installation of wood and boulder instream structures); Upland Habitat Restoration (installation of livestock fencing and watering facilities outside the riparian area, installation of bio-engineered stabilization, wildlife habitat structures, planting native upland plant, conversion of altered habitats to historic oak savannahs, short and tall grass prairies, or conifer/hardwood forests, silvicultural treatments, control and removal of invasive/non-native plants, all outside the riparian area, stormwater management); Coastal and Estuarine Habitat Restoration (installation of wood and boulder structures, re-establishment of natural coastal dune processes, installation of wildlife habitat structures); Road and Trail Improvements (improvement, abandonment, closure, decommissioning of roads and trails outside the riparian area, physical data collection).</p>
<p>Partners for Fish and Wildlife Coastal and Recovery Programmatic (LAA) CY2009 - CY2014 “USFWS Restoration Program”</p> <p>See link below</p>	<p>USFWS Estimated total number of actions per year: 105</p>	<p>Oregon, excluding the Klamath River basin, and within Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, and Benton counties in southern Washington.</p>	<p>Fish Passage Restoration; Invasive and Non-native Plant Control; Juniper Tree Removal; Livestock Stream Crossings and Off-Channel; Livestock Watering Facilities; Off- and Side-Channel Habitat Restoration; Piling Removal; Set-back or Removal of Existing Berms, Dikes, Levees; Streambank Restoration; Water Control Structure Removal; Wetland Restoration; Road and Trail Erosion Control.</p>
<p>https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=109001</p>			

NOAA Fisheries' Programmatic Letters of Concurrence and Biological Opinions for Actions Whose Sole Purpose is Restoration

Programmatic Name	Action Agency, Number of Actions Authorized (If reported)	Action Area	Restoration Category Types (subcategories)
<p>Washington State Fish Passage and Habitat Enhancement Restoration Programmatic Consultation (2008)</p> <p>See link below</p>	<p>USACE</p> <p>Approximately 120 actions since 2008</p>	<p>All lands in Washington State except USFS and BLM lands.</p>	<p>Fish Passage (culvert replacement and relocation, retrofitting culverts, culvert removal, tide gate removal, removal or modification of sediment bars or terraces that block or delay salmonid migrations, temporary placement of sandbags, hay bales, and ecology blocks to improve salmonid passage, construction of structures to provide passage over small dams); Installation of Instream Structures (placement of woody debris, placement of live stakes, placement of engineered log jams, grade control engineered log jams, trapping mobile wood, placement of boulders, boulder weirs and roughened channels, gravel placement associated with structure placement); Levee Removal and Modification; Side Channel/Off-Channel Habitat Restoration and Reconnection; Salmonid Spawning Gravel Restoration; Forage Fish Spawning Gravel Restoration; Hardened Fords and Fencing for Livestock Steam Crossings; Irrigation Screen Installation and Replacement; Debris and Structure Removal.</p>
<p>https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=108803</p>			
<p>Washington State Habitat Restoration Program (statewide) (2005)</p> <p>See link below</p>	<p>NOAA Fisheries, State of Washington</p> <p>Approximately 200 actions since 2005</p>	<p>Washington State</p>	<p>In-Stream Passage, In-Stream Diversion Screening, In-Stream Habitat (structural work below OHWM), Riparian Habitat Restoration, Upland Habitat Restoration or Protection, Estuarine and Marine Nearshore Habitat Restoration</p>
<p>https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=115070</p>			