Ecosystem Review at the Subbasin Scale
(Subbasin Review)
Appendices

August 1999 Draft
Version 1.0

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Appendix A

Using Key Broad-scale Findings in Mid-scale Issue Identification

Successful implementation of the Interior Columbia Basin Ecosystem Management Project (ICBEMP) hinges on agencies' abilities to solve basin-wide problems using site-specific decisions. Many current problems are a result of: (1) making site-specific decisions based only on locally identified issues, and (2) our inability to recognize and respond to cumulative effects of these individual decisions. A key step in addressing this problem is to include the appropriate broad-scale findings from the ICBEMP in defining issues for Ecosystem Review at the Subbasin Scale.

Following is a list of broad-scale conditions in the interior Columbia River Basin documented in the ICBEMP *Scientific Assessment* (Quigley and Arbelbide 1997) and EIS. The list should be used as a starting point for identifying issues at the subbasin scale. Not all the elements on the list are applicable to a specific subbasin, but the relevant broad-scale conditions should be addressed in Ecosystem Review at the Subbasin Scale (Subbasin Review). It is expected that review teams will identify subbasin-level issues that were not addressed in the ICBEMP. These mid-scale issues should also be included in the Subbasin Review.

Rangelands

- Noxious weeds are spreading rapidly, and in some cases exponentially, on rangelands in every range cluster.
- Woody species encroachment by and/or increasing density of woody species (sagebrush, juniper, ponderosa pine, lodgepole pine, and Douglas-fir), especially on dry grasslands and cool shrublands, has reduced herbaceous understory and biodiversity.
- Cheatgrass has taken over many dry shrublands, increasing soil erosion and fire frequency and reducing biodiversity and wildlife habitat. Cheatgrass and other exotic plant infestations have simplified species composition, reduced biodiversity, changed species interactions and forage availability, and reduced the systems' ability to buffer against changes.
- Expansion of agricultural and urban areas on non-federal lands has reduced the extent of some rangeland potential vegetation groups, most notably dry grasslands, dry shrublands, and riparian areas. Changes in some of the remaining habitat patches and loss of native species diversity have contributed to a number of wildlife species declines, some to the point of special concern (such as sage grouse, Columbian sharp-tailed grouse, California bighorn sheep, pygmy rabbit, kit fox, and Washington ground squirrel).
- Increased fragmentation and loss of connectivity within and between blocks of habitat, especially in shrub steppe and riparian areas, have isolated some habitats and populations and reduced the ability of populations to move across the landscape, resulting in long-term loss of genetic interchange.
- Slow-to-recover rangelands (in general, rangelands that receive less than 12 inches of precipitation per year) are not recovering naturally at a pace that is acceptable to the general public, and are either highly susceptible to degradation or already dominated by cheatgrass and noxious weeds.

- Fire frequency has decreased in many locations resulting in an increase in conifer encroachment; an increase in tree density in formerly savanna-like stands of juniper and ponderosa pine; and increased density and/or coverage of big sagebrush and other shrubs, with an accompanying loss of herbaceous vegetation.

- Fire frequency has increased in some areas, particularly in dryer locations where exotic annual grasses have become established. Increased fire frequency has caused a loss of shrub cover and reduction in bunchgrasses.

Forests

- Interior ponderosa pine has decreased across its range with a significant decrease in old single story structure. The primary transitions were to interior Douglas-fir and grand fir/white fir.

- There has been a loss of the large tree component (live and dead) within roaded and harvested areas. This decrease affects terrestrial wildlife species that are closely associated with these old forest structures.
- Western larch has decreased across its range. The primary transitions were to interior Douglas-fir, lodgepole pine, or grand fir/white fir.

- Western white pine has decreased by 95 percent across its range. The primary transitions were to grand fir/white fir, western larch, and shrub/herb/tree regeneration.

- The whitebark pine/alpine larch potential vegetation type has decreased by 95 percent across its range, primarily through a transition into the whitebark pine cover type. Overall, however, the whitebark pine cover stand has also decreased, with compensating increases in Engelmann spruce/subalpine fir.

- Generally, mid-seral forest structures have increased in dry and moist forest potential vegetation groups (PVG), with a loss of large, scattered, and residual shade-intolerant tree components, and an increase in the density of smaller shade-tolerant diameter trees.

- There has been an increase in fragmentation and a loss of connectivity within and between blocks of late-seral, old forests, especially in lower elevation forests and riparian areas. This has isolated some animal habitats and populations and reduced the ability of populations to move across the landscape, resulting in a long-term loss of genetic interchange.

- Habitat for several forest carnivores and omnivores is in decline.

- Insects and diseases always existed in forests, but the size and intensity of their attacks has increased in recent years due to increased stand density.

- Dry forests have had an increase in fuel loading, duff depth, stand density, and a fuel ladder that can carry fire from the surface into the tree crowns. As a result wildfire intensity has increased.

- Noxious weeds are spreading rapidly, and in some cases exponentially, in most dry forest types.

Hydrology and Watershed Processes

- Management activities throughout watersheds in the project area have affected the quantity and quality of water, processes of sedimentation and erosion, and the production and distribution of organic material, thus affecting hydrologic conditions.

Source Habitat

- Source habitats for the majority of species in the basin declined strongly (>20 percent decline) from historical to current.
- The strongest declines were for species dependent on low-elevation, old-forest habitats, species dependent on combinations of rangeland or early-seral forests with late-seral forests, and species dependent on native grassland and open canopy sagebrush habitats (Wisdom et al., in press).
- Primary causes of decline in old-forest habitats and early-seral habitats are intensive timber harvest and large-scale fire exclusion.
- Primary causes for decline in native herbland, woodland, grassland, and sagebrush habitats are excessive livestock grazing, invasion of exotic plants, and conversion of land to agriculture, residential, and urban development. Altered fire regimes have also contributed to a decline in grassland and shrubland habitats.
- A variety of road-associated factors negatively affect habitats or populations of many species.
- Human interactions with wide-ranging carnivores are generally negative and large areas of the basin may not be used by wide-ranging carnivores because of this habitats for many riparian dependent terrestrial species, especially shrubland habitats have declined.
- Snag and down wood habitats in managed forested and riparian areas have declined.

Streams, Rivers, and Lakes

- Banks and beds of streams, rivers, and lakes have been altered. In general, the changes have been greatest for the larger streams, rivers, and lakes.
- Water quantity and flow rates have been locally affected.
- Many Forest Service and BLM administered streams are "water quality limited" as defined by the Clean Water Act. On Forest Service-administered lands, the primary water quality problems are sedimentation, turbidity, flow alteration, and elevated temperatures. On BLM-administered lands, sedimentation, turbidity, and elevated temperatures are the primary reasons for listing as water quality limited.
- Streams and rivers are highly variable across the project area, reflecting diverse physical settings and disturbance histories. Nevertheless, important aspects of fish habitat, such as pool frequency and large woody debris abundance, have decreased throughout much of the project area.

Riparian Areas and Wetlands

- The overall extent and continuity of riparian areas and wetlands has decreased.
- Riparian ecosystem function, determined by the amount and type of vegetation cover, has decreased in most subbasins within the project area.
- A majority of riparian areas on Forest Service and BLM-administered lands are either "not meeting objectives," "non-functioning," or "functioning at risk." However, the rate has slowed and a few areas show increases in riparian cover and large trees.

- Within riparian woodlands, the abundance of mid-seral vegetation has increased, whereas the abundance of late and early seral structural stages has decreased.
- Within riparian shrublands, there has been extensive spread of western juniper and introduction of exotic grasses and forbs.
- The frequency and extent of seasonal floodplain and wetland inundation has been altered by changes in flow regime, and by changes in channel morphology.
- There is an overall decrease in large trees and late seral vegetation in riparian areas.
- Riparian areas are important for about three quarters of the terrestrial wildlife species. Wildlife numbers have declined in proportion to the decline in riparian habitat conditions.

Fish

- The composition, distribution, and status of fishes within the planning area are substantially different than they were historically. Some native fishes have been eliminated from large portions of their historical ranges.
- Many native nongame fish are vulnerable because of their restricted distribution or fragile or unique habitats.
- Although several of the key salmonids are still broadly distributed (notably the cutthroat trouts and redband trout), declines in abundance, loss of life history patterns, local extinctions, and fragmentation and isolation in smaller blocks of high quality habitat are apparent.
- Wild chinook salmon and steelhead are near extinction in a major part of their remaining distribution.
- Core areas for rebuilding and maintaining biological diversity associated with native fishes still exist within the basin.

Air Quality

- The current condition of air quality in the project area is considered good, relative to other areas of the country.
- Wildfires significantly affect the air resources. Current wildfires produce higher levels of smoke emissions than historically.Within the project area, the current trend in prescribed fire use is expected to result in an increase of smoke emissions.

Human Uses and Values

- The planning area is sparsely populated and rural, especially in areas with a large amount of agency lands. Some rural areas are experiencing rapid population growth, especially those areas offering high quality recreation and scenery.

- Development for a growing human population is encroaching on previously undeveloped areas adjacent to lands administered by the Forest Service and BLM. New development can put stress on the political and physical infrastructure of rural communities, diminish habitat for some wildlife, and increase agency costs to manage fire to protect people and structures.

- Recreation is an important use of agency lands in the planning area in terms of economic value and amount of use. Most recreation use is tied to roads and accessible water bodies, though primitive and semi-primitive recreation is also important and becoming scarce relative to growing demand.

- Industries customarily served by agency land uses, such as logging, wood products manufacturing and livestock grazing, no longer dictate the economic prosperity of the region, but remain economically and culturally important in rural areas. The economic dependence of communities on these industries is highest in areas that are geographically isolated and offer few alternative employment opportunities.

- The public has invested substantial land and capital to develop road systems on agency lands, primarily to serve commodity uses. On forest lands, commercial timber harvest has financed 90 percent of the construction cost and 70 percent of maintenance cost. Recreation now accounts for 60 percent of the use. Trends in timber harvesting and new road management objectives make the cost of managing these road systems an issue of concern.

- For those counties that have benefitted from Federal sharing of gross receipts from commodity sales on agency lands, changing levels commodity outputs can affect county budgets.

- Agency social and economic policy has emphasized the goal of supporting rural communities, specifically promoting stability in those communities deemed dependent on agency timber harvest and processing. Even-flow of timber sales, timber sale bidding methods, timber export restrictions, and small business set-asides of timber sales have been the major policy tools on Forest Service-administered commercial forestlands. Regulation of grazing practices has been important on BLM-administered rangelands.

- The factors that appear to help make communities resilient to economic and social change include population size and growth rate, economic diversity, social and cultural attributes, amenity setting, and quality of life. The ability of agencies to improve community resiliency depends on the effectiveness of agency land uses and management strategies to positively influence these factors.

- Predictability in timber sale volume from agency lands has been increasingly difficult to achieve. Advancing knowledge of ecosystem processes, changing societal goals, and changing forest conditions has undermined conventional assumptions underlying the quantity and regularity of timber supply from agency lands.

- Lands now administered by the Forest Service and BLM make up the traditional homelands of affected American Indian Tribes. Land management actions and decisions on these lands affect the rights and/or interests of these tribes and their members.

- American Indian tribes in the Basin depend on lands and resources administered by the BLM and Forest Service for a myriad of needs and uses ranging from subsistence uses and economic purposes to religious and cultural purposes.

- Agency social and economic policy has emphasized the goal of supporting rural communities, including tribal communities. The ability of agencies to assist tribal members and tribal communities depends on the effectiveness of agency land uses and management strategies to positively consider and influence these factors (tribal employment, subsistence, treaty/reserved rights, spiritual, cultural/social purposes).

American Indian Rights and Interests

- There is low confidence and trust that American Indian rights and interests are considered when decisions are proposed and made for actions to be taken on BLM-or Forest Service-administered lands.
- American Indian values on Federal lands may be affected by proposed actions on forestlands and rangelands because of changes in vegetation structure, composition, and density; existing roads; and watershed conditions.
- Indian tribes do not feel that they are involved in the decision-making process commensurate with their legal status. They do not feel that government-to-government consultation is taking place.
- Culturally significant species such as anadromous fish and the habitat necessary to support healthy, sustainable, and harvestable populations constitute a major, but not the only, concern. American Indian people have concern for all factors that keep the ecosystem healthy.

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Appendix B

Intergovernmental Collaboration

Background

The ICBEMP is built on the premise that decisions will be implemented using a collaborative intergovernmental approach. The approach identified in the *Subbasin Review Guide* emphasizes the need for intergovernmental collaboration: to create an avenue for resolving issues that, while of concern at the broad scale, are better resolved at the local level. References describing involvement of intergovernmental partners will: provide early opportunities for participation, help set reasonable deadlines, provide for greater assurance that decisions will withstand legal challenges, and gain more sustainable activity levels. Collaborators are other federal, state, and tribal governments and local organizations.

What Is Intergovernmental Collaboration?

Intergovernmental collaboration describes the relationship between the five ICBEMP agencies and other federal, state, tribal, and local government officials. Shared understanding and commitment to action are the goal, and mutual or consensus agreement is considered appropriate.

Intergovernmental collaboration enables partners to achieve shared management goals across diverse ownerships and jurisdictions. It is the involvement of federal, state, tribal, and local government officials as partners. It recognizes the influence each partner has over the successful management of each other's lands and interests. Examples of when such collaborative involvement may be appropriate include: (1) when decisions affect or involve other federal jurisdictions or authorities; (2) when decisions affect or involve state, tribal, or local government jurisdictions or authorities; (3) when the rights and/or interests of state, tribal and/or local governments are affected by pending decisions; and (4) when the desire to pool resources or work cooperatively is necessary or desired.

Because intergovernmental collaboration begins at the earliest stages of planning and all parties would have had opportunities for direct involvement in the decision-making process, any disagreements should be minimal at the time of the decision. However, when shared agreement is sought but not achievable, the federal land manager retains authority and responsibility for lands under their jurisdiction, as a matter of law. The federal decision maker must document how issues were addressed or mitigated or explain why mitigation is not possible. Where this type of collaborative involvement of governmental partners is demonstrated and documented, the outcome is more likely to be ownership of and support for the resultant decision by the involved participants.

To ensure that public issues and concerns are identified and brought into the collaborative process, where an intergovernmental collaborative process exists, a public involvement process may parallel it. For example, Resource Advisory Councils may identify an issue which could be addressed in the intergovernmental forum. This ensures that all governmental officials are aware of respective constituent concerns and that resultant decisions are reached with full consideration of these concerns.

The following laws and policies support intergovernmental collaboration as described above:

- An *exemption from the Federal Advisory Committee Act* allows actions in support of intergovernmental communications where meetings are exclusively between federal officials and official representatives of state, tribal and local governments and for the purpose of exchanging views, information, or advice relating to the management or implementation of federal programs that explicitly or inherently share intergovernmental responsibilities or administration.

- *Executive Order 13084, Consultation and Coordination with Tribal Governments*, provides for regular and meaningful consultation and collaboration with Indian tribal governments in the development of regulations; reduces the imposition of unfunded mandates upon tribes; and streamlines the application process and increases the availability of fee waivers to Indian tribal governments.

- *Secretarial Order 3206 - American Indian Tribal Rights, Federal Trust Responsibilities, and the Endangered Species Act*. The order stipulates "whenever agency actions planned under the Act (ESA) may impact tribal trust resources, the exercise of tribal rights, or Indian lands, they shall consult with, and seek the participation of, the affected Indian tribes to the maximum extent practicable... including opportunities to participate in data collection, consensus seeking, and associated processes. For purposes of this Secretarial order, tribal trust resources are defined as those natural resources, either on or off Indian lands, retained by or reserved by or for Indian tribes through treaties, statutes, judicial decisions, and executive orders, which are protected by a fiduciary obligation on the part of the United States."

Appendix C

Intergovernmental Collaboration Template (A six-step process tool for design of a collaboration strategy.)

While the objective of subbasin collaboration focuses on intergovernmental partners and Resource Advisory Councils and/or Provincial Advisory Councils, it does not prohibit the collaborative involvement of other key stakeholders. Depending on the objective(s) for collaboration, land management agency decision-makers may determine it appropriate to also collaborate with these other key stakeholders, such as watershed-based citizen groups, adjacent landowners, permittees, and others.

The collaborative template is a non-prescriptive approach for strategic design of collaborative processes at the local level. Emphasis is placed on collaborative involvement of intergovernmental and FACA-free partners; however, it can be used as an approach with any critical stakeholder. By design, the template is adaptable depending on the partners involved, the goals and objectives of collaboration, the stage of the planning or decision-making process, and the situation, opportunity, or decision on which we wish to collaborate.

The template focuses on several key areas that can help teams develop and maintain a collaborative effort. The needs for each of these areas are listed below and should be considered by teams as they move forward with their reviews.

The Template

Process

It is critical to the success of collaboration that the team develop a strategy for working with intergovernmental partners collaboratively. Strategy design is more constructively focused when there is a process to guide the design efforts. Furthermore, stakeholder involvement becomes critical to the success of Subbasin Review rather than a hurdle that must be cleared. The template process provides a focus for a number of key elements of collaboration, including: objective-driven involvement, identification of key stakeholders, an eye toward mutual benefit, shared expectations, and an emphasis on relationships over the long term. Problems likely to occur with teams in the area of collaboration more often than not will relate back to a lack of focus on one or more of these elements. Examples of such problems include: not involving all the key players, unclear expectations, lack of participation, conflict between members, intended products incomplete. Those teams who strategize involvement of their partners (using the template or other tool), design a framework (options for level of involvement, options for meeting schedule), and then involve partners in the design of the final collaborative strategy will be better off. Teams should first focus on internal design of a collaborative framework reflecting predictions of external needs, followed by external involvement to flesh out the framework together with their partners to better reflect mutual needs/benefits.

Public Involvement Plan Beneficial

In some cases a parallel public involvement process is needed to ensure that non-FACA-exempted stakeholders have an opportunity to share in and understand the results of Subbasin Review. The review guidelines don't require or encourage broad public involvement during the Subbasin Review, placing emphasis on getting substantive intergovernmental involvement. However, the collaborative template does provide an option to develop and implement a public involvement strategy for Subbasin Review which would parallel the intergovernmental collaboration process. Teams must carefully weigh the merits and pitfalls of public involvement, remembering that the review process might be confusing. People may not understand the intent of their involvement in this particular process and the differences between these reviews and decision documents that require public involvement. If public involvement is used, timely completion of the reviews must be factored in to the review process.

Line Officer Commitment Invaluable

It is essential that teams conducting Subbasin Review have up-front line officer commitment to the objectives for collaboration, such as information sharing, prioritization of EAWS, and pooling of resources. Expectations of stakeholders and team members center on the identified objectives for collaboration. Work products and stakeholder/ agency benefits are also based upon accomplishing objectives. The surest way to design collaboration for failure is to identify objectives which the agencies do not support or intend to honor. The result of this type of failure will hurt the agencies in their long-term relationships with stakeholders far beyond any particular Subbasin Review.

In the case of tribal relations and involvement with the review process, the agency line officer is the appropriate government-to-government contact with tribal officials.

Flexibility and Accommodation Are Key

Collaboration, by definition, means a greater voice for stakeholders in design and implementation of the collaborative process itself. While Subbasin Review is "time bounded" and is described as a brief six-to-eight week process, it is also described as a highly collaborative process involving intergovernmental stakeholders. Agency personnel must find creative ways to accommodate federal, state, tribal, and local entities so they can participate meaningfully. This may mean expanding the timeframe for accomplishing the review or finding other mechanisms of involvement for particular partners when there is less flexibility in the timeframe. Agency personnel must come to view intergovernmental collaboration as critical to accomplishment of the review.

Interest-based vs. Position-based Involvement

The template process forces an objective-driven collaborative strategy. This type of strategy focuses the involved parties on accomplishing objectives that each party agrees are mutually beneficial (identification of possible management actions, or the need to protect, restore or enhance resources) rather than fighting for their particular position. While stakeholders will still bring their individual issues to the table, they are examined in the context of how they contribute to the overall objectives of Subbasin Review rather than each individual objective in and of themselves.

Appendix D

Tribal Relations, Rights, and Interests

Background on Tribal Relations, Rights, and Interests

There are 22 federally recognized tribal governments potentially affected by the ICBEMP. Each of these tribes has interests in the lands and resources within the basin, and some have rights reserved through treaty or executive order which are integrally associated with BLM- and Forest Service-administered lands. The Forest Service and BLM, as agencies of the federal government, are required to manage the land under their stewardship with full consideration of the federal trust responsibility and these tribal rights and interests, particularly reserved rights where they exist.

The following is offered as an abbreviated overview to assist consultation efforts. As consultations occur with tribal governments, further information may be needed to fully clarify the relationship and needs for a specific subbasin review. Agency personnel should review the EIS for greater information on this subject. Further, it is expected that agency offices should already have established working relationships that can be used at the bridge for Subbasin Reviews.

- The federal trust responsibility applies to every federally recognized tribe regardless of whether it is a treaty tribe or whether reserved rights exist. While the federal trust responsibility has not been explicitly defined for agencies other than the Bureau of Indian Affairs, agencies are to place emphasis on government-to-government consultation with affected tribal governments, to ascertain the rights and/or interests of these tribes, and to consider and address these in analysis and decision making processes. This obviously includes the Subbasin Review process and objectives.

- Article VI of the U.S. Constitution states that the Constitution, federal laws, and treaties are the "Supreme Law of the Land." As such, where ratified treaties exist, they are of utmost importance in considering and responding to the rights and interests of respective tribes.

- Agency personnel should be aware of whether reserved rights exist, not so that they can try to interpret the rights or treaty itself, but so they can better understand what uses and resources are associated with these rights and thereby provide for their consideration and address them.

- Off-reservation rights of American Indian tribes are typically associated with "open and unclaimed lands" or "unoccupied lands." These areas often involve lands now administered by the BLM or Forest Service.

- If not mitigated through consultation with the affected tribe(s) prior to the exchange or disposal of BLM- or Forest Service-administered lands, treaty or reserved rights occurring on these federal lands would be extinguishable upon land disposal or other adjustment. Conversely, where resources associated with these reserved rights exist on lands coming into federal ownership, the reserved rights could then be

applicable to these incoming lands. "Usual and accustomed grounds and stations" refers specifically to the unique rights associated with fishing. Those tribes with off-reservation rights to take fish at usual and accustomed places have a right that persists on the land regardless of land ownership status. An understanding of these rights and the implications of land tenure adjustments emphasizes the critical need for early consultation with affected tribes.

- Reserved rights often reference the following types of uses: fishing, hunting, gathering, pasturing of horses and cattle, erecting structures for curing, and an implied reservation of water.

- Federally recognized Tribes are referred to as domestic dependent sovereign nations. They have distinct powers of government and governmental bodies. Elected tribal officials represent the tribe(s) and conduct the business of the tribe(s).

- As sovereign nations, with distinct rights, agency personnel should treat tribal officials with the respect and protocol afforded governmental officials.

- Consultation should be substantive and seek to understand and be responsive to tribal rights, interests and concerns.

Tribally Identified Basin-wide Issues

There are 22 federally recognized tribal governments potentially affected by the ICBEMP. Each of these tribes is a unique and sovereign entity. Individual tribes provided issues and concerns as it relates to their rights and/or interest. While many of these issues were specific and applicable only to an individual tribe, others were commonly held by the majority of involved tribes. These eight issues represent those commonly held tribal issues and concerns.

1. Harvestability - Tribes want to ensure that resources and species important to the rights and interests of tribes are available in sufficient quantities so that they can harvest them and meaningfully exercise their reserved rights, where these rights exist.

2. Develop a common understanding of the federal government's trust responsibility, including land management which protects resources reserved by treaties or executive orders.

3. Provide basin-wide habitat objectives and standards that will ensure protection and/or restoration of anadromous fish, freshwater fish, wildlife, and plant species.

4. Commit to monitoring and accountability protocols on which preventive and/or restorative actions can be initiated and/or adapted. Identify how tribes will know whether the federal government is keeping its commitments.

5. Consultation/Collaboration: Identify a streamlined, meaningful, and feasible consultation process that results in a resolution of the issues.

6. Implementation Funding: Identify how protection and restoration as defined in ICBEMP will be accomplished given less than full funding.

7. Provide for interagency and intergovernmental coordination and collaboration and ensure consistency with federal trust responsibilities and reserved rights as defined through treaty or executive order.

8. Tribal economics and unemployment: Tribes and tribal communities depend on Forest Service- and BLM-administered lands for economic as well as cultural, subsistence, religious, and treaty purposes. Tribes also depend on federal employment (firefighting, contracting, federal jobs) and want employment or contracting opportunities to be made available in which they can participate.

Subbasin Review Considerations

A number of examples are provided in Volume 2 of this guide. While none specifically deal with resources as they relate to the rights and interests of tribes, the examples could easily be adapted to include this sort of discussion and consideration. For example, where "uses" are included in matrices, treaty and subsistence uses could readily be added; where historical-to-current trends are reflected, their relationship to tribes could be added.

There are many areas for which characterization and prioritization could assist in addressing tribal rights and interests. The following are ideas on what some of them might be, recognizing this is not all inclusive and that depending on which tribe(s) are being consulted, there may be more or less emphasis placed on these items. It is hoped that tribal consultation will provide additions and/or emphasis to this list.

Treaty and subsistence uses and possible resources associated with those uses:

- Hunting
- Fishing
- Trapping
  -fur-bearing animals (beaver, otter, ermine/weasel, etc.)
- Grazing
- Gathering
  -medicinal plants
  -craft materials — plants for dyes and weaving, clay, flint, feathers, horns, etc.
  -food plants - camas or biscuitroot, Indian licorice, beargrass, mint, mushrooms, berries, etc.
  -building materials- tepee poles, dugout canoes, totems, sweat lodges, longhouse.
  -religious materials - sweetgrass, sage, eagle feathers and parts, etc.
  -firewood
- Erecting structures for curing
  -curing materials - willows, aspens, sagebrush, cedar, etc.

Traditional cultural properties - places specific and important to maintaining a tribe's cultural identity:

- Trails, vision quest sites, traditional camping or curing or flintknapping sites, gathering areas, fishing and hunting areas, etc.

Analysis Focus

Tribal interests, like all the other functional concerns evaluated in a Subbasin Review, need to focus on issues that are significant at the subbasin scale. It would be appropriate to characterize such issues as culturally important animal or plant species that have seriously depressed trends, or traditional uses that have been adversely affected or that conflict with on-going management activities (special use gathering, for example) or historical trails like the Nee-Mee-Poo Trail, while other site-specific tribal issues may not be appropriately dealt with at this scale.

Some of the concerns will be appropriate at multiple step-down analysis scales, while others are better managed at lower scales such as for EAWS or site-specific projects. It is important that agency leaders consult with tribal leaders to focus on issues appropriate to the subbasin scale and then have teams work with designated tribal representatives to characterize these issues and concerns for use in the subbasin recommendations process. Detailed information on vision quest sites or other small sites such a flintknapping or gathering areas may not be critical at this scale, but it is important that team members identify further step-down analysis needed and see that this important site information is highlighted when further analysis is done. Specific areas of analysis appropriate at the subbasin scale include but should not necessarily be limited to the following investigations:

- Trend (historical to current) of habitat for tribal species of interest.
- Identification of where species important to tribes are no longer present.
- Opportunities to re-establish these culturally significant species.
- Effects of loss of these species on tribal social and cultural values.
  (Example: " The Nez Perce Tribe has not been able to exercise their reserved right to fish, related to chinook salmon, since 19__ due to [describe what has affected the fishery/fish habitat and/or population]." Or "Remaining habitat for_____ is critical to maintaining species important to the Nez Perce and Shoshone-Bannock Tribes and it is recommended that...")

Appendix E

Federal Advisory Committee Act (FACA) Materials

FACA Considerations

Answering **Yes** to any or all of these questions indicates that the meeting is more likely to come under FACA; however, a yes answer alone does not necessarily equate to a violation of FACA. FACA considerations involve the totality of the circumstances.

1. Is it a group?
2. Did we, the agency, establish (select) the group?
3. Are we utilizing the group as a preferred source for advice or recommendations?
4. Are we, the agency, asking the group to provide consensus advice or recommendations?

FACA Exemptions

1. *Meetings with individuals:*
   Individuals, acting as individuals and not representatives of a larger group, are exempted from FACA.

2. *Meetings with pre-existing external groups:*
   FACA doesn't apply when a group makes an unsolicited request to provide their views to a federal agency; an agency may initiate the meeting when the government has not encouraged, promoted, funded, or otherwise controlled the creation and/or activities of the group being consulted.

3. *Meetings with a group of individuals:*
   FACA doesn't apply if the purpose is to obtain individual opinions rather than the advisory recommendation as a group; examples include focus groups, forums, or round tables to obtain the views of individual attendees. However, such a group may be covered by the Act if it is relied upon as a *de facto* advisory committee.

4. *Public meetings:*
   Public or town meetings which are open to all interested parties for the purpose of exchanging views and information are not subject to FACA.

5. *Meetings involving all full-time federal officers and employees:*
   FACA regulates the way federal officials obtain advice and recommendations from non-federal persons and is not applicable to meetings involving all federal personnel.

6. *State, local, and tribal government:*
   A. In general, each agency shall, to the extent permitted in law, develop an effective process to permit elected officers of state, local, and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals containing significant federal intergovernmental mandates.

   B. Meetings between state, local, tribal and federal officers - The Federal Advisory Committee Act (5 U.S.C. A.P.) does not apply to actions in support of intergovernmental communications where:

      1. Meetings are held exclusively between federal officials and elected officers of state, local, and tribal governments (or their designated employees with authority to act on their behalf), acting in their official capacities; and
      2. Such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

FACA and Interdisciplinary Team Selection

An interdisciplinary team consists of whatever combination of Forest Service staff and other federal government personnel are necessary to provide the necessary analytical skills. The team is limited to a manageable number of persons, although others may aid or support the interdisciplinary team as determined to be necessary by the responsible official. This participation must be consistent with the Federal Advisory Committee Act of 1972. Additionally, the National Environmental Policy Act (NEPA) defines interdisciplinary team membership in terms of federal employee membership.

Groups Subject to FACA

- Negotiated rulemaking committees
- Existing Advisory Committees
- Regional Interagency Executive Committee (RIEC)
- Provincial Interagency Executive Committees (PIEC)
- Adaptive Management Area Teams (AMAT)
- Watershed Analysis Groups/Late Successional Reserve Assessment Teams (like AMATs)
- Regional Community Economic Revitalization Team (R-CERT) - similar to RIEC
- State Community Economic Revitalization Team (State-CERT) - like AMATs

Intergovernmental Collaboration is a Parallel Process to Public Participation

Public participation can be viewed as a continuum. The greater the involvement, the less control retained by the agency, until at its greatest extent the agency delegates its decision-making authority. This is what FACA was created to prevent. So while collaboration means a more open decision-making process, agency officials must retain the ultimate decision.

Appendix F

Building and Nurturing the Subbasin Review Team

Team Makeup/Dynamics

- Ensure you have a good mix of skills on the core team. Considering the particular review area and the preliminary issues of which you are already aware, what expertise do you need on the team? Additionally, we suggest that you either identify someone on the team to function as a collaboration leader, or that you have a team expert (public affairs, tribal liaison, economist, or sociologist expertise) to focus these efforts and ensure all the necessary players are not only invited, but that their participation is actively sought. This person or this role would also be responsible for evaluating the six-step collaboration template.

- We recommend that the team identify and use a facilitator and a note taker. While team members can play a dual role, it is difficult to lead as well as facilitate and/or record a meeting.

- The team should take some time in their initial meeting to identify and agree on some ground rules. These rules would cover not only member roles and how members will treat one another, but also how information will be shared, how disagreements will be handled within the team, what the objectives and/or goals for Subbasin Review are, and other topics.

- The team should also set the context for their work together by coming to a common understanding of the review area. If issues are to be the driver, then the team should not only brainstorm issues but also validate them as a group. They should generally agree on the characterization of the subbasin, as well, before they embark upon other tasks such as prioritizing EAWS or suggesting possible types or suites of management actions where resources could be pooled.

- The core team should also ensure they have a shared vision of what the Subbasin Review process is and what they are hoping to accomplish (general idea of products, timeframes, prework, decision points and involvement at those points), and then they can expand that by working with those partners outside the core team to gain their shared understanding and commitment. While Subbasin Review is defined as a brief process, clearly it may take longer than four to eight weeks depending on the complexity of the resource issues. Furthermore, this time will not always run consecutively but may be several weeks of time committed over a six-month period.

- Acknowledge that some preconceptions and misunderstandings exist for everyone (between agencies, between federal, state, tribal, and local governments) from past interactions with one another. Get past it and decide, as a team, how the relationship should be. Define your concept of collaboration in the ground rules, and make a personal commitment not only to achieve the goals of the Subbasin Review, but also to enhance the intergovernmental relationships. Ultimately, the relationships will continue to bear fruit long after this prototype has ended.

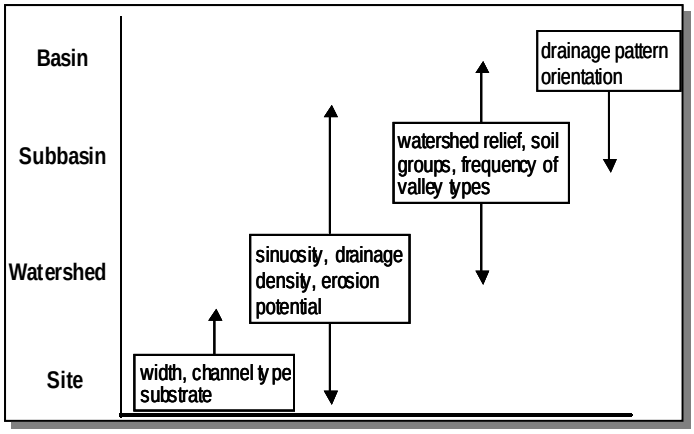
Appendix G

Scaled Relationships — Linking Information at Various Scales

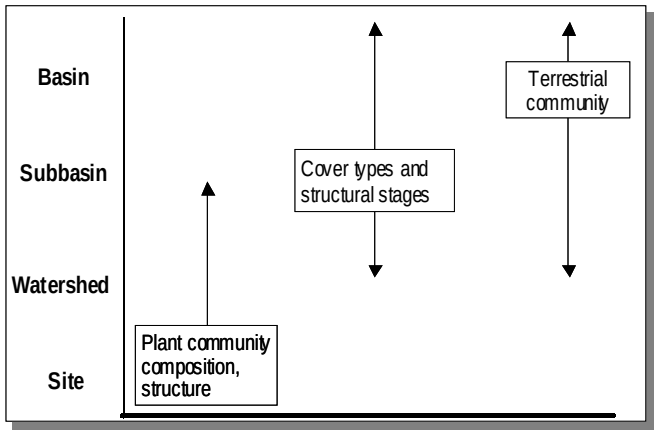
Introduction to Scales

How can we use broad-scale findings and management direction to address fine-scale questions? Why do we need information beyond project specifics? Context. The absence of context is like having a word with no sentence; there is nothing to help explain the meaning of the word or what message is being conveyed.

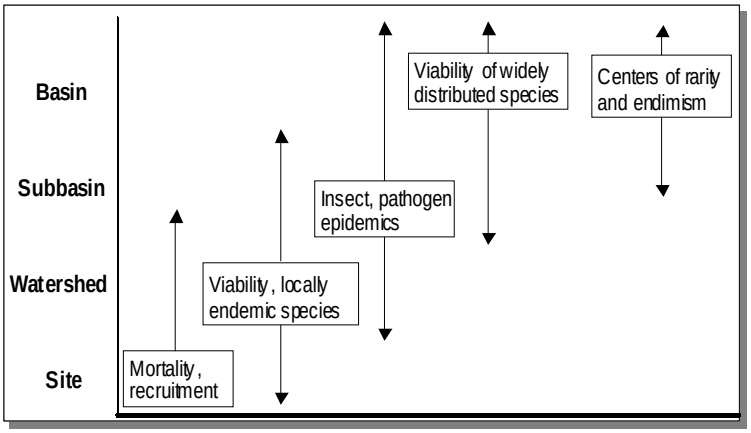
Information, or attributes, visible at one scale may disappear at another scale. Influences at broader scales generally operate over a longer timeframe than finer scales; setting limits on ecosystem machinery operating at finer scales. Fine-scale machinery is the gears, rods, and pistons, more or less invisible at broader scales, that makes the ecosystem tick. The machinery at one scale is the context or constraint at the next scale down.



Physical Attributes

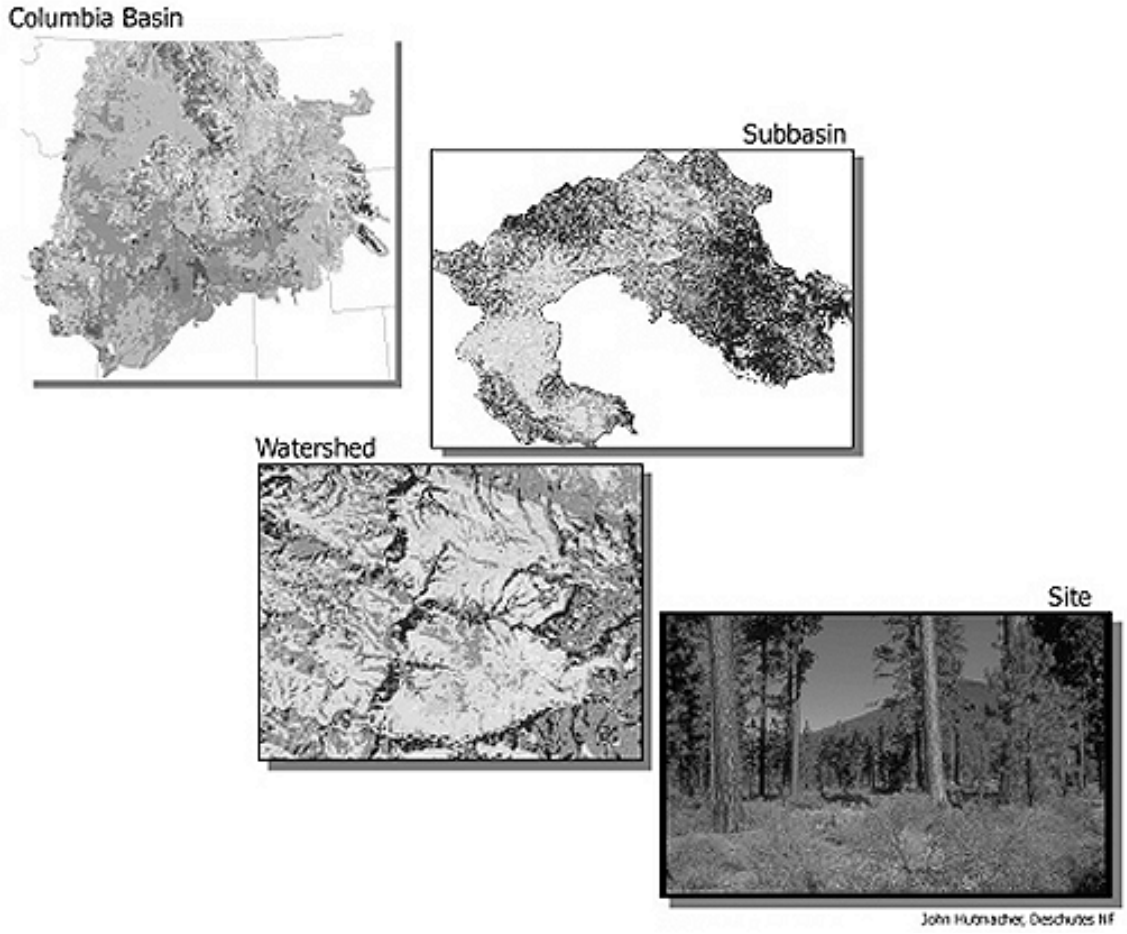


Existing Vegetation



Biological Attributes

Four Scales to Consider



Our example begins with the broad scale of the ICBEMP project area and steps down to the North Fork John Day subbasin, to a watershed within the subbasin, and to the site. Four scales will be addressed in a hierarchy from larger to smaller:

- Broad scale: ICBEMP area — 144 million acres, about the size of France
- Mid scale: NF John Day subbasin — about 1,171,000 acres
- Fine scale: watershed-level groupings within the NF John Day — 10,000 -100,000 acres
- Site scale: a few acres of riparian area, valley bottom and upslope dry forest

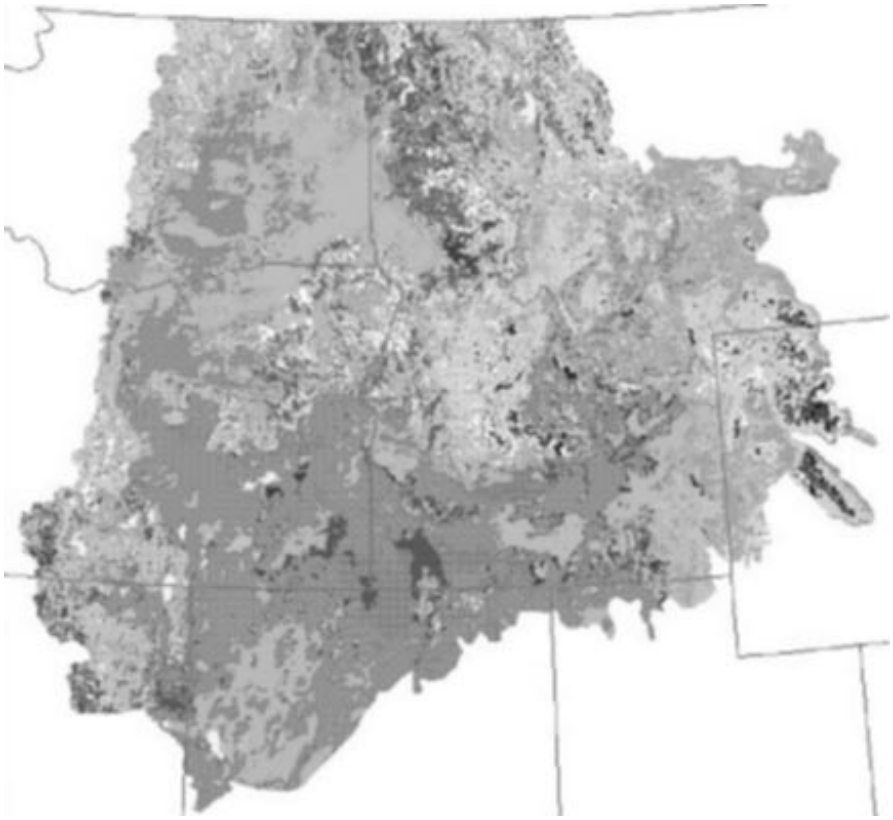
Although the example is based on a real place, it is only intended here as a conceptual example to stimulate thinking about scaled relationships and to show how using information from scaled relationships can lead to successful project activities.

This inquiry of patterns and interrelationships leads to :

- an understanding of relationships (hypotheses) at broader scales that can be tested an finer scales;
- tests of hypotheses from broader scales based on more highly resolved information at finer scales;
- the ability to trace the logic of management priorities; and ultimately,
- project design from findings at the broad scale, that is,

Why do you do what you do?
Why do you do what you do where and when you do it?

Broad Scale



What can be seen from the broad scale?

- Topographic patterns, orientation and patterns of major drainages and aquatic networks.
- Patterns of precipitation, temperature.
- Patterns of lithology.
- Broad patterns and extent of vegetation types, wildlife habitat, disturbance regimes and human use.
- Changes in these over time.

Why is this important?

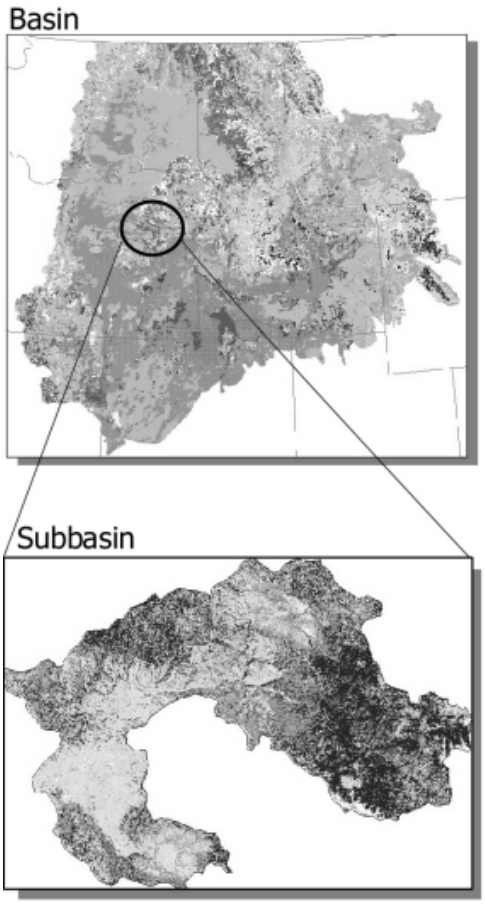
- Climate drives the development of vegetation types, hydrologic features, and disturbance regimes.
- Geological conditions provide the building blocks for terrain, topography, and soil.
- Extent and type of vegetation is a major factor in wildlife populations and viability.
- Climate, geology, and vegetation are primary factors controlling water yield and timing of runoff.
- Human uses have altered these patterns.

So what?

- Some terrestrial and aquatic species distributions and populations are in serious decline.
- Some forest types are much more susceptible to fire, insects, and disease than in the past.
- Water quality frequently does not meet standards and is affecting aquatic communities and human use.
- Uncharacteristically severe wildfire is much more likely in some areas than it was in the past.

Subbasin Scale

What can be seen from the subbasin scale?



- Higher elevation, cooler areas are likely cold water sources.
- Steep slopes in isolated areas.
- Sediment sources.
- Topographic shading.
- Geographic orientation of drainages.
- Some drainages are oriented to get maximum solar load.
- The fire frequency and severity have increased, especially in dry and moist forests.
- Insects and disease are increasing or at high levels in forests.
- Dry and moist forests have the highest departures from historical conditions in fire frequency and severity.
- Late and early seral stages of forests have declined and mid seral stages have increased.
- Rangeland vegetation is mostly altered from historical conditions, and noxious weed invasion is prominent.
- Soil degradation and sediment delivery to streams have increased.
- Water quality has changed. Water at the bottom of the basin is warmer and carries more sediment.
- Steelhead trout and bull trout populations have declined.

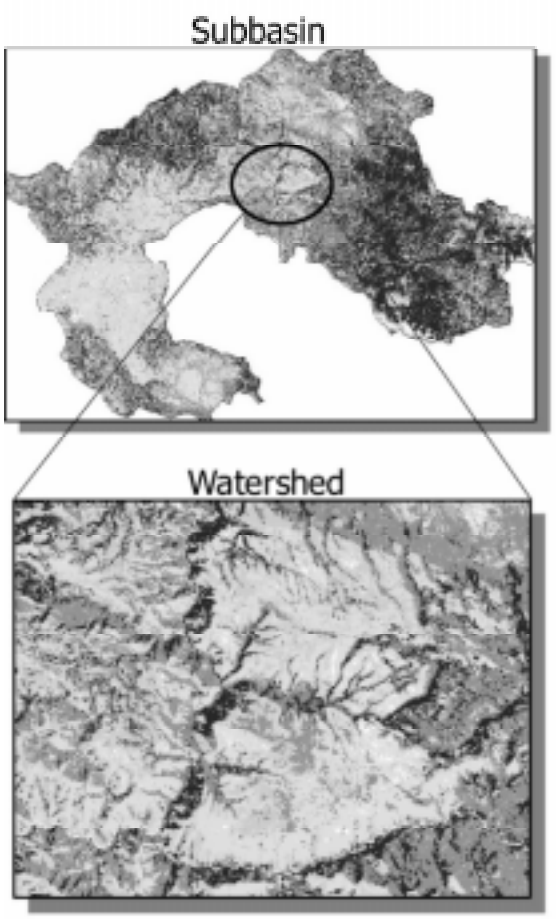
So what?

- Uncharacteristically intense fire threatens homes in rural areas, other uses of public lands, and low-resilient plant/animal species of concern.
- Waterbodies are listed under the Clean Water Act (CWA).
- Steelhead trout and bull trout are listed under the Endangered Species Act (ESA).
- Stronghold subwatersheds are indicated within the subbasin.
- Insects and disease will likely kill large numbers of trees in the coming decades.
- Terrestrial species dependent on late-successional forest, especially single-story forest, may become candidates for ESA listing.

Watershed Scale

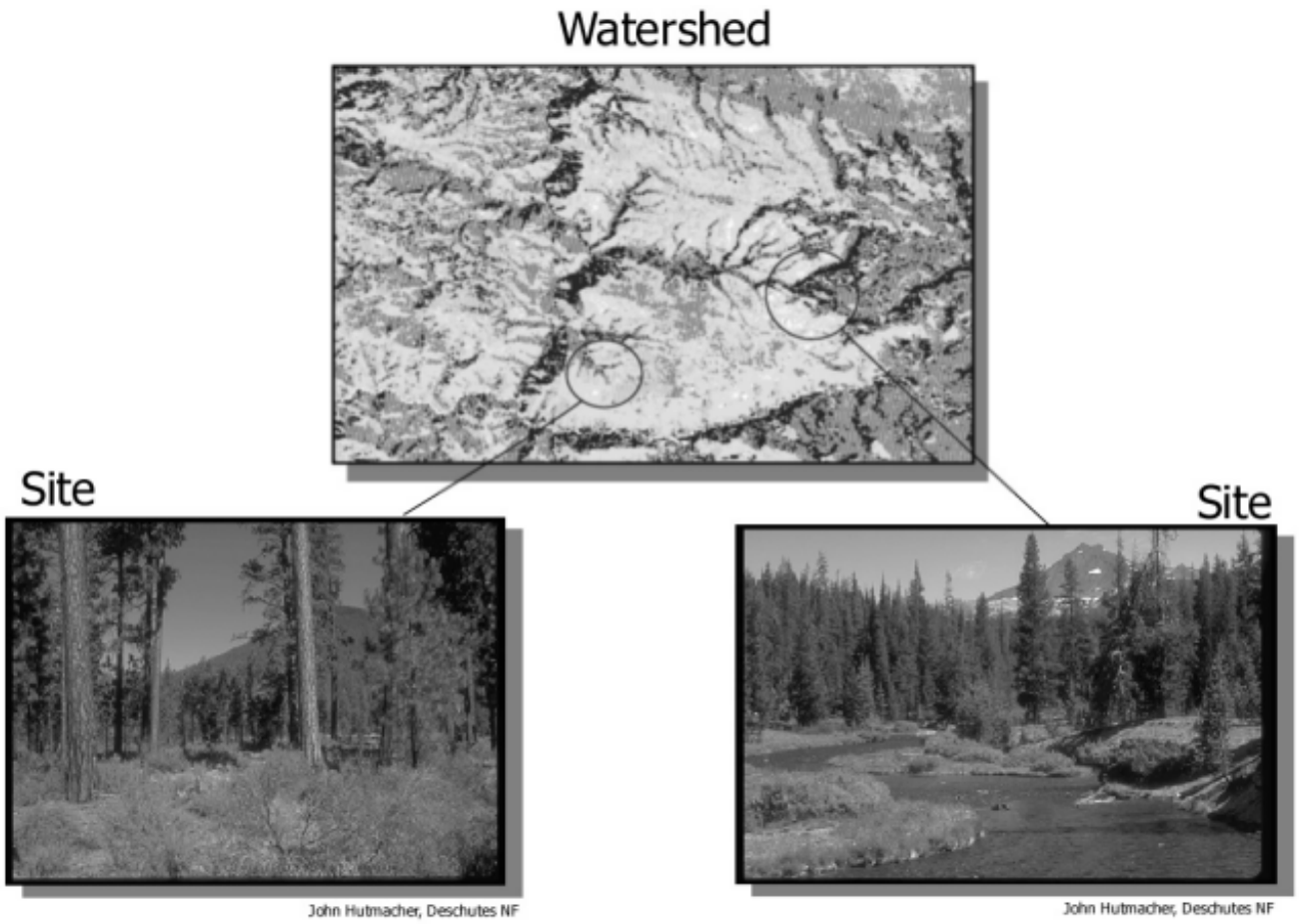
What can be seen from the watershed scale?

- Riparian vegetation types consist of grasslands in the lower portion and tree/shrub in the upper portion (aerial photo interpretation map).
- Significant areas of steep, open grassland occur, some adjacent to riparian area.
- Ponderosa pine-dominated stands occur on drier slopes. Dense regeneration of smaller trees is probably present. Some mortality is apparent in the larger pine.
- Ponderosa pine/Douglas-fir/grand fir stands exist on north-facing slopes. Large patches of dead trees occur. Quite a bit of down wood, snags, and fuel likely. Probably high quality cavity nester habitat.
- Valley types indicate potentially good habitat conditions in some areas. Some are likely to be in poor condition due to degraded riparian vegetation.
- Land types susceptible to erosion are associated with high elevation cold water sources.



So what?

- There is good cavity nester habitat for closed forest, LOS associated species in the mixed conifer stands. Not particularly abundant in the watershed.
- The riparian areas in the east-west trending areas might be degraded and could be contributing to elevated water temperatures. Might be good restoration candidates.
- The pine stands might experience increased stand-density-related mortality in the next decade. Fuel increases. Snag and down wood increases. Might be good candidates for a restoration thinning.
- Any restoration thinning in the moist and dry ponderosa pine forest will have to be carefully designed to prevent increased sediment loads that could threaten bull trout habitat. Short-term risk of some sediment versus long-term risk of fire and high levels of sediment and warm water.
- High elevation cold water sources with erosion susceptible soils will require protection from fire, if possible.



Site Scale

What can be seen from the site scale — dry ponderosa pine stand?

- This stand contains a substantial component of large, live ponderosa pine. It just barely qualifies as single story late-successional forest. Snags are not abundant, but are increasing with mortality. Many of the large ponderosa pine are subject to intense competition from smaller trees. Several have died recently, generating large snags.
- Pileated woodpeckers use the area where snags exist. Adjacent moist grand fir stands provide abundant habitat for them. White headed woodpeckers have been sighted, though the stand is marginal habitat for them at present.

So what?

- Large trees will continue to die as competition from the understory increases. Since the subbasin and watershed are below management goals for late-successional forest, additional large tree mortality that drops the stand below late-successional structure should be avoided if possible.
- White headed woodpecker habitat is in serious decline in the subbasin and watershed, while pileated woodpecker habitat is within acceptable bounds.
- Timber or prescribed fire activities should not increase sediment input to the adjacent stream, which is connecting habitat between bull trout populations.
- A prescribed fire and thinning-from-below management regime, taking care with timing and spatial location to avoid sediment to the stream, could move this stand to single story late-successional structure.

What can be seen from the site scale — riparian area?

- This riparian area is in good (properly functioning) condition.
- The availability of large wood for stream structure is not at desired levels.
- The stream is low in pool habitat and relatively structure-poor.
- Bull trout are present in good numbers.
- The surrounding lodgepole pine forest is mature and not currently experiencing insect attack.

So what?

- This aquatic stronghold should be protected. Erosion-sensitive upslope soils might produce unacceptable levels of sediment if fire or timber harvest occur.
- Riparian restoration could involve planting some conifers (Engelmann spruce or subalpine fir) to provide future large wood.
- Management other than fire protection is not needed now. Keep close watch on the lodgepole pine for unacceptable levels of insect activity and subsequent fuel build up.

What have we gained by considering the full multi-scale linking of context and information?

- We understand the relative importance and management priorities for the North Fork John Day River in the Basin and Blue Mountains. It is an important area for steelhead and bull trout habitat maintenance and restoration. Cold water sources do exist. Stronghold populations do exist. Fine-scale information has confirmed these hypotheses.
- There is a good opportunity to restore habitat for terrestrial species that depend on late-successional, single story dry forest. This subbasin has the potential, and in fact, the chosen watershed and stand currently harbor white headed woodpeckers.

The highest priorities in the watershed examined were to generate late-successional single story dry forest habitat — but not at the expense of sediment to the adjacent stream — and to protect a high-elevation cold water source area from near-term loss to fire or insects.

Appendix H

Links to ICBEMP ROD

[To be added to the final guide after the ROD has been issued.]