
Author: Donna Darm at -NMFS-NWR
Date: 8/17/98 11:17 pm
Priority: Normal
TO: Spencer Hovekamp at -NMFS-ETSD
Subject: Re[2]: Comments on Habitat Analysis Paper

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Oh brother. I don't know what went wrong. Let me try again.

Reply Separator

Subject: Re: Comments on Habitat Analysis Paper
Author: Spencer Hovekamp at -NMFS-ETSD
Date: 8/17/98 9:06 AM

Wow. Talk about a big buildup for a letdown. I assume your message was supposed to include an attachment? It didn't. I await your return with anticipation.

Reply Separator

Subject: Comments on Habitat Analysis Paper
Author: Donna Darm at -NMFS-NWR
Date: 8/16/98 10:57 pm

So I was on this REALLY long plane ride to Anchorage, and had all the time in the world to review the paper you handed out at the meeting last week. Actually, I was procrastinating writing the paper Will's been asking me for that describes our jeopardy standard so he can lay it on HQ in response to their redelegation exercise.

Anyhow, here are the comments. I am now safely arrived in Anchorage and out of pocket until next week. Talk with you then.

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Spencer, I don't think you asked for comments on your "Approach to Habitat Analyses" paper at this point, but I am having a chance to review it during a long flight, and this seemed like a good opportunity to organize my thoughts and give you some feedback. I hope it's helpful.

GENERAL COMMENTS

Style: some parts of this paper are clearly, simply and directly written, some are a bit thick. Changing passive voice to active voice would help considerably. I've pointed out a few places where it would be especially helpful. The paper also uses a lot of jargon and assumes the reader has more knowledge than perhaps the normal reader really would have. I've pointed out a few places where the jargon gets especially thick, but it might be helpful to have other eyes review it for jargon.

Purpose of the paper: This paper gives a good overview of many aspects of our approach to habitat. It appears to be based on the present document we attach to biological opinions. If its purpose is as an attachment to opinions, then there seems to be a lot of extra information, and a more concise document would probably better serve that purpose.

Adverse modification of critical habitat: The paper does not explain this section 7 test, what it means, how we use it, how critical habitat is determined. Mostly I think we treat this test and the jeopardy test as the same, but I understand the Boise office has issued opinions that deal with adverse modification then don't address the jeopardy issue. I think we should be explicit about how we are (or are not) using this test. Also, when we make critical habitat designations we just designate everything as critical, without an analysis of how much habitat an ESU needs, what areas might be key, etc. Mostly we don't do this because we lack information. What we really do is the same thing we do for section 7 consultations. We just say we need it all. It might be good to be explicit about this as well, since this designation is related to habitat analyses.

✓ Similarity of section 7 and section 10 tests: The paper says that since we must consult with ourselves under section 7 on the issuance of section 10 permits, section 10 permits have to meet the same jeopardy standard. A more organic reason is that the statutory test in section 10 is the same as the one we have adopted by regulation to define jeopardy: "not appreciably reduce the likelihood of survival and recovery."

Non-PFC=Jeopardy: This paper says what your overheads did not -- that if you aren't staying in PFC, or if you are getting further from PFC, or if you are impeding progress toward PFC, you are jeopardizing. Lines 243-46. This is a strong statement to make without any factual analysis, and is what was bothering FWS in our meeting at PDX last week. We would be on much more defensible ground if we could say in a given consultation: Habitat degradation is a major factor for decline of this ESU and this particular habitat in the action area needs to be in PFC over the long term to ensure the ESU's survival over the long term. A fairly general analysis might get you to the second step, such as: habitat on federal land will provide a crucial stronghold for the ESU and so all federal habitat's gotta have PFC; or, federal land in the range of this ESU is only 35% of the habitat so in addition to PFC on federal land, the ESU also needs PFC on a significant portion of non-federal land to provide for its long-term survival; or, (and maybe in

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conjunction with the last point) we anticipate that we will be able to influence a only a limited percentage of the habitat in this ESU through section 7, 9 and 10, so the ESU needs PFC on every piece of habitat where we get a chance to consult; or maybe even we need every bit of the remaining habitat to be in PFC because there's so little left (like for Snake River fall chinook). Alternatively, we could do what Ed says they've done in Boise and, for a given consultation, examine the importance of that specific habitat to the ESU and the negative impacts of the action on the ESU, not just on PFC.

Impact on biological requirements is a surrogate for impact on ESU: This issue raised here is akin to the issue discussed in the above comment "Non-PFC=Jeopardy." See Line 160. FWS would argue that at some point you have to make the analytical connection between the two, i.e., why does this biological requirement need to be met in this place for this ESU.

SPECIFIC COMMENTS

Line 18 - Is there a part of the paper that clearly talks about integration of this approach with non-habitat factors? It didn't jump out at me.

✓ Line 29 - delete comma

✓ Line 46 - delete this sentence as a statement of the obvious. If left, change "the prevention of" to "preventing"

✓ Line 56 - insert "species" after "threatened"

✓ Line 57 - delete this sentence as a statement of the obvious (another cornerstone)

✓ Line 60 - change "which" to "that"

✓ Line 74 - see general comment about sections 7 and 10 impose the same standard

✓ Line 75 - subject-verb agreement -- "effect . . . are"

✓ Line 83, delete "Accordingly,"

✓ Line 85 - an ESU is designed to conserve irreplaceable genetic resources? The DPS concept in the Act is designed to do this, and our ESU concept follows that scheme. If this concept is important to retain, maybe insert a sentence after the first sentence of this paragraph that says the DPS concept is included in the Act to conserve irreplaceable genetic resources, then delete the last sentence after "importance."

✓ Line 99 - change to active voice, which will have the added benefit of clarifying that this PFC approach is one NMFS uses (not necessarily FWS)

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Line 128 - subject-verb agreement -- "species face"

Line 132 - the comma goes inside the quotation marks

Line 139 - the jargon is a bit confusing -- "advected," "propogate," and especially "head cuts"

Line 158 - variability or viability?

Line 160 - active voice would clarify that this is a NMFS approach, not necessarily a FWS approach

Line 209 - change "which" to "that"

Line 222 - change "which" to "that"

Line 233 - change to active voice and clarify what "management prescriptions" means. Are these guidelines in the form of prescriptions?

Line 233 - delete "In order"

Line 235 - change to active voice

Line 243 - see general comment on non-PFC=Jeopardy

Line 248 - change to active voice

Line 264 - this whole paragraph is in passive voice and would benefit from at least some of it being changed to active voice

Line 268 - did you do a global search and replace on proper? Here it should be "proper" rather than "properly"

Line 270 - delete "considered to be"

Line 273 - hunh? The jargon here is confusing and the point is not obvious. I suggest throwing the first sentence somewhere into the paragraph above and delete the rest of the paragraph.

Line 278 - there is a very important concept in this sentence that is presented confusingly in part because of the use of passive voice. I suggest trying to re-write it in active voice, then see about working it in earlier where we explain how PFC everywhere all the time is our test because it's too hard to determine the impact of multiple incremental actions across such a broad geographic area and then translate that further to its impact on a species with such a complex life cycle.

Line 281 - the rest of the paragraph confused me. What other scales? Larger or smaller? What convenience? What's the point about processes operating independently between drainages?

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How do you get to an increased ability to protect habitat function in all planning scales?
Basically, I think I missed the whole point of this paragraph.

Line 289 - The paper mentions take in the Legal Mandates section and then again here, yet take is not analyzed anywhere in the paper. Is it worth it to make this point here? I know many people confuse the concepts, but raising the take subject so briefly might just prompt more questions. If this thought remains, it might be good to say something like, this paper does not attempt to analyze what type of habitat action might result in an action for illegal take. If this paragraph stays, delete ", in itself. "

Line 302 - delete "It should be noted that"

Line 306 - referring to "the" eighteen habitat indicators implies these are the 18. I am assuming these are the 18 we thought most logical, so suggest deleting "the." Also, numbers greater than nine are usually represented numerically, so "18 habitat condition indicators." On a more substantive note, this whole paragraph is confusing to the uninitiated (i.e., me) because of the jargon. For example, what are "default indicator criteria"?

Line 309 - subject-verb agreement: "effect . . . are"

Line 314 - will the average reader know what a "Level 1 Consultation Streamlining Team" is?

Line 332 - this paragraph and the next describe riparian reserve widths, but don't say what you can do in them. Are these "no touch" reserves? The following paragraph (beginning at line 349), talks about key watersheds but doesn't distinguish how what happens here is distinct from riparian reserves. Is it that you can't do anything anywhere in a key watershed, even if what you want to do is more than 300' from a stream? You might clarify that in the paragraph beginning at line 349.

Line 349 - this paragraph really emphasizes that refugia are a cornerstone of conservation, and crucial for restoring salmon, but never says why. More explanation would be good (or citations, which, come to think of it, there aren't any of -- are you planning to attach a list of references?).

Line 360 - on the subject of take, this again glosses over an important subject that may deserve more discussion (except we don't want to admit we're a paper tiger).

Line 369 - change "meet" to "make"

Line 423 - the paragraphs on state conservation plans risk becoming quickly outdated (e.g., the reference to the coho listing determination already is). The discussion of Oregon's FP rules could be very controversial at this point. Is there a compelling reason to include such a specific discussion? Maybe instead just include the general discussion that begins at line 431, changing "OFPs" to "State Fps."

Line 453 - these three paragraphs contain as good a discussion as I've seen on why we're easier

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on non-federal landowners. It may spark some controversy.

Line 507 - are the key watersheds established in the NFP enough, or do we need complementary key watersheds on non-federal land? If the latter, when we do HCPs do we make some attempt to determine whether they are in key watersheds. Can we, or should we, attempt to identify complementary key watershed on non-federal land for all listed ESUs? As part of a recovery plan? If we did i.d. key watershed on non-federal land, would it mean you couldn't do anything anywhere without a watershed analysis, no matter how far you were from the stream? Can you be more specific in the sentence beginning at line 514 about what such a strategy or plan would include? As it stands, this is a statement of the obvious and doesn't help describe what it is we're looking for.

Line 508 - change "which" to "that"

Line 531 - confusing jargon - what is a coarse filter and a fine filter? What are we filtering?

Line 531 - "course" should be "coarse"

Line 535 - subject-verb agreement: "data exists"

Line 538 - delete "a pluralistic" and insert "an"

Line 539 - "complimentary" should be "complementary"

Line 557 - how about "size" instead of "spatial extent"

Line 563 - this paragraph is kind of bureaucrat speak. What is "a degree of uncertainty in the absolute requirements of multiple land uses"? Does that mean we can't say for sure what each land use category needs to give for the whole thing to work as a package to recover fish? Is there a simpler way to say that? What the heck are "biotic resources"? We've been talking about salmon all along, can we just say salmon? or at least aquatic species?

Line 565 - change to active voice

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