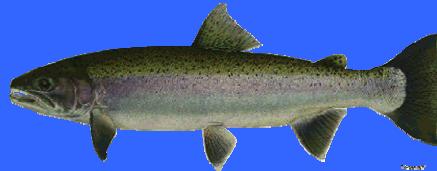


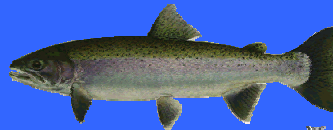
## **The Habitat Improvement Program (HIP) Biological Opinion –**

### **A Programmatic Approach to Streamlining ESA Consultation**



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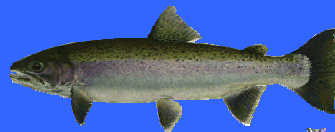
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#### **➤ ESA Section 7 consultation for BPA's Fish and Wildlife Program - Problem or Opportunity?**

- About 50 habitat improvement projects needing consultation per year
- 27 types of activities
- 12 groups of anadromous fish plus bull trout listed
- Spread throughout the entire Columbia River Basin (most of Oregon, Washington, Idaho)



How can we expedite consultations while still protecting the listed fish species?



- BPA's Fish and Wildlife Program fulfills its responsibilities under the Northwest Power Act of 1980 and the 2000 Biological Opinion on the operations of the Federal Columbia River Power System (FCRPS Opinion).
- Both NOAA Fisheries and BPA have a vested interest in implementing the program expeditiously as it is designed to assist in the recovery of ESA-listed fish in the Columbia River Basin



## THE SOLUTION:

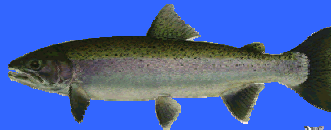
### A PROGRAMMATIC SECTION 7 CONSULTATION!



- NOAA Fisheries and BPA worked cooperatively for over a year to draft a biological assessment (BA). Made sure that everything needed for the biological opinion (BO) was in the BA so that the BO was produced in less than 2 months.
- BA and BO included implementation details so that implementation could begin immediately after the BO was signed.
- Included Essential Fish Habitat consultation.



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- Four caveats for using the HIP BO to avoid pitfalls of previous programmatic consultations:
    - At least one listed species or critical habitat is present in the project area.
    - The activity is within the categories of habitat improvement activities addressed in the Opinion.
    - The direct and indirect effects of the activity are within the range of effects considered in the Opinion.
    - The activity meets all of the applicable terms and conditions.



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- The HIP BO allows expedited ESA Section 7 review of projects where:
    - It is known that a listed species or critical habitat is present in the project area.
  - Almost everywhere in the Columbia River Basin there is at least one group of listed fish – distribution is fairly well known.



- The HIP BO allows expedited ESA Section 7 review of projects where:
  - The activity is within the categories of habitat improvement activities addressed in the Opinion.



### **1) Planning and Habitat Protection Actions**

- Stream Channel, Floodplain, and Uplands Surveys/ Installation of Stream Monitoring Devices
- Fee-Title or Easement Acquisition, Cooperative Agreements, and/or Leasing of Land and/or Water



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## 2) Small Scale Instream Habitat Actions

- Streambank Protection using Bioengineering Methods
- Install Habitat-Forming Natural Material Instream Structures (large wood and boulders)
- Improve Secondary Channel Habitats
- Riparian and Wetland Habitat Creation, Rehabilitation, and Enhancement
- Fish Passage Activities



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## 3) Livestock Impact Reduction

- Construct Fencing for Grazing Control
- Install Off-Channel Watering Facilities
- Harden Fords for Livestock Crossings of Streams



#### **4) Control of Soil Erosion from Upland**

Farming

- Implement Upland Conservation Buffers
- Implement Conservation Cropping Systems
- Soil Stabilization via Planting and Seeding
- Implement Erosion Control Practices



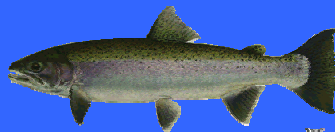
#### **5) Irrigation and water delivery/ management actions**

- Convert Delivery System to Drip or Sprinkler Irrigation
- Convert Water Conveyance from Open Ditch to Pipeline or Line Leaking Ditches and Canals
- Convert from Instream Diversions to Groundwater Wells for Primary Water Source
- Install New or Upgrade/Maintain Existing Fish Screens
- Remove, Consolidate, or Improve Irrigation Diversion Dams
- Install or Replace Return Flow Cooling Systems



## **6) Native Plant Community Protection and Establishment**

- Vegetation Planting
- Vegetation Management by Physical Control
- Vegetation Management by Herbicide Use



## **7) Road Actions**

- Road Maintenance
- Bridge, Culvert, and Ford Maintenance, Removal or Replacement
- Road Decommissioning





## 8) Special Actions

- Install/Develop Wildlife Structures



- The HIP BO allows expedited ESA Section 7 review of projects where:
  - The direct and indirect effects of the activity are within the range of effects considered in the Opinion.



- Activities were included in the HIP BO only if they had a track record of consultation and there was a degree of scientific certainty about the effects on listed fish.
- Over 140 previous consultation documents and many current research publications reviewed to determine effects. BO contains extensive reference section.



- The HIP BO allows expedited ESA Section 7 review of projects where:
  - The activity meets all of the applicable terms and conditions.
- The BO includes an incidental take statement for the activities that would result in take (e.g. use of cofferdams). The incidental take statement comes with terms and conditions to avoid and/or minimize take.



- Terms and conditions from previous BOs on similar activities were reviewed.
- Those that had the most current and sound science and best addressed the effects identified for the activities were selected.
- BPA included the selected terms and conditions as conservation measures in the BA.
- Since NOAA Fisheries reviewed the conservation measures during the BA preparation, they were adopted as the terms and conditions for the HIP BO.

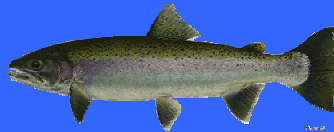


- The process for implementing the HIP Opinion is as follows:
  1. The BPA project sponsor/contractor (States, Tribes, non-profit group) completes Form 1 from Appendix A of the Opinion.
  2. BPA staff reviews completed form.
  3. If the proposed project meets all of the requirements of the HIP Opinion, BPA staff documents the consistency determination and files the form.
  4. The project may then proceed without review by NOAA Fisheries.



➤ The process for implementing the HIP Opinion is as follows:

5. The project sponsor/contractor implements the habitat improvement project, incorporating all applicable Terms and Conditions of the HIP Opinion.
6. The project sponsor/contractor submits project completion report and subsequent monitoring reports.
7. BPA compiles forms, monitoring reports, etc., and prepares and submits annual report to NOAA Fisheries.
8. BPA and NOAA Fisheries continue ongoing review and updating of the HIP Opinion, using the feedback from monitoring.



➤ NOAA Fisheries is consulted when:

- BPA staff determines that the project does not meet one or more of the requirements of the programmatic HIP Opinion and an individual project consultation is required.
- There is a minor deviation as defined in the HIP Opinion.



## ➤ SUMMARY

- The HIP BO allows for expedited ESA review of fish and wildlife habitat projects
- Relies on sound science and review of current literature
- Provides consistency and predictability for planning of projects
- Facilitates implementation of projects that will contribute to recovery of listed fish

The HIP BO can be found at:

[www.efw.bpa.gov/portal/Organizations/  
Government/Federal/Dept\\_of\\_Energy/  
BPA/Environment/NEPA/BiOps/NOAA  
FishHIPBiOp.pdf](http://www.efw.bpa.gov/portal/Organizations/Government/Federal/Dept_of_Energy/BPA/Environment/NEPA/BiOps/NOAA_FishHIPBiOp.pdf)

or

[http://www.nwr.noaa.gov/1publcat/bo/2  
003/HIP/200300750\\_index.html](http://www.nwr.noaa.gov/1publcat/bo/2003/HIP/200300750_index.html)