



U.S. Department of Justice

Environment and Natural Resources Division

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General Litigation Section

P.O. Box 663

Washington, DC 20044-0663

Telephone (202) 305-0504

Facsimile (202) 305-0506

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Mr. Mark C. Rutzick
870 Pioneer Tower
888 S.W. Fifth Avenue
Portland, Oregon 97204

Confidential Settlement Document
Protected from Disclosure by F.R.E. 408

Re: Douglas Timber Operators v. Secretary of Agriculture; American Forest Resource Council v. Clarke; Western Council of Industrial Workers v. Secretary of Interior; American Forest Resources Council v. Secretary of Interior

Dear Mark,

We are writing to respond to your clients' proposed "Global Framework for Settlement of Litigation Challenging Federal Agency Actions Related to the Northwest Forest Plan" (Global Framework). Our clients, the Department of Interior and the Department of Agriculture, have considered how to respond to the Framework, and have authorized undersigned counsel to provide this letter in response. The agencies are willing to pursue the actions generally described below pursuant to settlement agreements that would result in dismissal of the above-captioned lawsuits.

- I. Proposal To Revisit The Survey And Manage Mitigation Measures And Provide Any Needed Species Protection Through Existing Agency Programs.
 - A. The Department of Interior and the Department of Agriculture will revisit and review the Northwest Forest Plan's Survey and Manage mitigation measures. The BLM and Forest Service will supplement the existing Supplemental Environmental Impact Statement (SEIS) for the 2001 Survey and Manage Amendments to the Northwest Forest Plan by considering an alternative that replaces the Survey and Manage mitigation requirements with existing Forest Service and BLM special status species programs to achieve the goals of the Northwest Forest Plan through a more streamlined process.
 - B. A Biological Assessment would be prepared by the Forest Service and BLM to determine the effects of this alternative on species listed under the Endangered Species Act, and consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service would be conducted as required by the ESA.
 - C. The adoption of an alternative that modifies the Survey and Manage mitigation measures will be considered by the BLM and the Forest Service, and if selected, the ROD would amend the seven BLM district Resource Management Plans and 19 Forest Service Land and Resource Management Plans subject to the terms of the Northwest Forest Plan.

- II. The Forest Service and BLM will address, through amendment of the Record of Decision for the Northwest Forest Plan, the proper application of the Aquatic Conservation Strategy (ACS) to provide that ACS consistency is evaluated at the appropriate temporal and spatial scales and that watershed analyses are utilized accordingly in project planning.
- III. Consistent with this amendment process, the Forest Service and BLM will work with the National Marine Fisheries Service and the Fish and Wildlife Service to refine existing streamlined consultation procedures to implement consultation on projects developed under the amended ROD, in order to provide for efficient and expeditious compliance with ESA Section 7(a)(2).

We hope these proposals will lead to settlement of the above-captioned cases. Please contact us if you have any questions or wish to discuss any of the items described above.

Sincerely,
/s/ Wells Burgess

Wells Burgess
Assistant Section Chief

cc: Jean Williams, Section Chief, Wildlife and Marine Resources Section
John Almeida
Ruth Ann Lowery
Lisa Jones