UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
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Seattle, WA 98115

Refer to NMFS No:
2007/01423

May 7, 2007

Scott Conroy
Forest Supervisor
Rogue River/Siskiyou National Forest
333 West 8th Street
Medford, Oregon 97501-0209

Re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Coastal Healthy Forest Treatments in the Lower Rogue River Subbasin (4th field HUC: 17100310), the Chetco River Subbasin (4th field HUC: 17100312), the Smith River (4th field HUC: 18010101), and the Sixes River Subbasin (4th field HUC: 17100306), Curry County, Oregon

Scott

Dear Mr. Conroy:

On March 9, 2007, the National Marine Fisheries Service (NMFS) received your request for a written concurrence that the effects of the Coastal Healthy Forest Treatments Project in the Lower Rogue River, the Chetco River, and the Sixes River subbasins on Rogue River/Siskiyou National Forest-administered lands, as proposed, are not likely to adversely affect (NLAA) Southern Oregon/Northern California Coasts (SONCC) coho salmon (*Oncorhynchus kisutch*), which are listed as threatened under the Endangered Species Act (ESA), or their designated critical habitat. The request included the information necessary to complete an essential fish habitat (EFH) assessment under the Magnuson-Steven Fishery Conservation and Management Act (MSA).

The Rogue Level 1 Aquatic Team (Team) reviewed the Coastal Healthy Forest Treatments Project on February 6, 2007. For the project, the Team assessed the current watershed baseline conditions, analyzed the effects of the proposed actions added to the environmental conditions to determine the effects on SONCC coho salmon, and provided comments for a final draft of the biological assessment (BA). The Rogue River/Siskiyou National Forest used the Team's comments to finalize the BA, and received concurrence from the Team that the project was NLAA SONCC coho salmon and their designated critical habitat.

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This response to your letter was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at 50 CFR 402 and agency guidance for preparation of letters of concurrence,[1] and concludes that the action, as proposed, is NLAA SONCC coho salmon or their designated critical habitat. This letter also transmits the results of our analysis of the effects of the proposed action on EFH pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation,[2] and concludes that the action, as proposed, is not likely to adversely affect EFH designated for Pacific salmon. Therefore, no conservation measures are provided at this time and no further response is necessary.

DESCRIPTION OF THE PROPOSED ACTION

Coastal Healthy Forest Treatments Project. The BA for the proposed Coastal Healthy Forest Treatments Project clearly and completely describes the proposed action and action area (section III). The essential features of SONCC coho salmon critical habitat are included in the description of the affected species and critical habitat (section IV). The environmental baseline is incorporated into the effects of the action section (section V) and describes the existing condition of the habitat indicators. The proposed action includes the following project elements (PEs): (1) Timber felling; (2) timber yarding; (3) timber hauling; (4) fuels treatments; (5) temporary road and landing construction; (6) road decommissioning and stabilization; (7) road maintenance and road reconstruction; and (8) culvert replacements. The effects section of the BA (section VI) details and summarize the effects of the project elements on each habitat indicator using the relevant analysis factors.

The proposed action occurs across a wide geographic area and includes the Elk River (HUC#: 1710030603), Lobster Creek (HUC#: 1710031007), Rogue River Agness (HUC#: 1710031006), Lower Rogue River (HUC#: 1710031008), Hunter Creek (HUC#: 1710031205), Pistol River (HUC#: 1710031204), Chetco River (HUC#: 1710031201), Winchuck River (HUC#: 1710031207), and North Fork Smith River (HUC#: 1801010101) 5th field watersheds. The proposed planning area lies within the Lower Rogue River, Sixes River, Chetco River, and Smith River subbasins.

The proposed action is the harvest of timber within managed stands on 47,329 acres within nine 5th field watersheds. Previous harvest units provide the specific locations of all proposed stand treatments. Proposed forest management activities include: (1) Timber harvest, yarding, and haul; (2) fuels treatment such as prescribed fire management and mechanical fuel treatment; (3) temporary road and landing construction; (4) culvert replacement; (5) road maintenance and reconstruction; and (6) road decommissioning and stabilization. Activities occurring within riparian reserves are timber harvest, timber yarding, timber haul, fuels treatment, culvert replacement, road renovation, and road decommissioning.

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[1] Memorandum from D. Robert Lohn, Regional Administrator, to ESA Consultation Biologists (guidance on informal consultation and preparation of letters of concurrence) (January 30, 2006).

[2] Memorandum from William T. Hogarth, Acting Administrator for Fisheries, to Regional Administrators (national finding for use of Endangered Species Act section 7 consultation process to complete essential fish habitat consultations) (February 28, 2001).

The SONCC coho salmon and its designated critical habitat are present in all nine of the watersheds within the action area. The number of miles of anadromous habitat upstream to the first long-standing geologic barrier is described by watershed in Table 1.

Table 1. Miles of anadromy, miles of occupied coho, miles of critical and essential fish habitat by 5th field watershed.

5th Field Watershed	5th Field Watershed Acres	Miles of Occupied Coho Habitat	Miles of Essential Fish Habitat and Critical Habitat
Chetco River	22,5073	54.9	132.4
Elk River	59,322	40.2	53.2
Hunter Creek	28,451	~ 7 miles off Forest	11
Lobster Creek	44,255	15.6	30.3
Lower Rogue River	82,692	30.8	36.1
North Fork Smith River	101,100	17	37.7
Pistol River	66,820	~ 10 miles off Forest	41.2
Rogue River- Agness	44,938	15	22.5
Winchuck River	45,579	18.2	39.8
Totals	698,230	208.7	404.2

Timber Harvest, Yarding, and Haul. Timber harvest is proposed on 47,329 acres within overstocked, previously-managed plantations that are between 30 and 60 years old. These stands are within riparian reserves, late-successional reserves, and matrix land allocations. Harvest will include only thinning prescriptions in all land allocations but will vary depending on the land allocation and stand condition.

Within riparian reserves, timber harvest may be used to attain riparian objectives. Thinning will be used to improve shade and root strength, and other characteristics having to do with overall health and vigor of the stand. A young, healthy stand has greater potential to provide shade within riparian areas and restore the timing, volume, rate, and character of sediment input and storage (water quality and aquatic habitat). A young, healthy stand also has greater potential to grow into a late seral forest, providing late-successional habitat. Under the Coastal Healthy Forest Treatments, no treatment is a viable option in riparian reserves if existing spacing is already at the recommended or minimum levels.

Riparian timber management will utilize Temperature Implementation Strategies as outlined in the *Northwest Forest Plan Temperature TMDL Implementation Strategies*[3]. Riparian thinning will occur based on a riparian classification system that will characterize each treatment area based on the stream type and stand density. Riparian reserve treatments fall into three categories: (1) Fish-bearing perennial streams; (2) non-fish-bearing perennial streams; and

[3] Northwest Forest Plan Temperature TMDL Implementation strategies - Evaluation of the Northwest Forest Plan Aquatic Conservation Strategy and Associated Tools to achieve and maintain stream temperature water quality standards. USFS and BLM; latest version September 9, 2005.

(3) intermittent streams, wetlands and unstable areas. A stream protection zone, riparian treatment zone, and primary and secondary shade zones, if applicable, are established within each treatment category. In portions of riparian reserves where density management treatments and commercial extraction are allowable, treatments would be designed to maintain 52 to 60% overstory canopy (RD 45 to 49%). Treatment prescriptions will always leave the largest overstory trees with a typical commercial removal size of approximately 7 inches diameter at breast height (DBH).

Category 1: Fish-bearing Perennial Streams. This category includes permanently-flowing, fish-bearing streams. The primary concern regarding treatments within this category is maintenance of stream temperature. This involves protection and maintenance of existing stream shade and maintenance of the existing microclimate, ambient air temperature, and air movement. For this category, riparian reserve widths are two site potential tree heights (350 feet) on each side of the stream.

A Stream Channel Protection Zone would be established from the edge of stream course up to 25 feet. No vegetation management (including commercial extraction) would occur within 25 feet of the active stream channel. No hand piles would be located or burned within the channel or within 25 feet of stream channels. Prescribed fire would not be ignited within this zone, but during fuels treatment, fire would be allowed to back down within 25 feet of a stream (any slope, low intensity burn).

The Primary Shade Zone is an area where no commercial extraction would occur (larger trees felled for skyline corridor clearing would be left). However, some density management, fuels reduction, or other restoration treatments could occur. Distance from active stream channel varies according to height of existing overstory trees and hill slope in immediate area. For managed stands under Coastal Healthy Forest Treatments, trees that provide shade are assumed to be 60 feet tall and greater. The following table establishes the width of the Primary Shade Zone.

Table 2. Primary shade zone width based on adjacent hill slope.

	Hill Slope less than 30%	**Hill Slope 30% to 60%**	**Hill Slope greater than 30%**
Primary Shade Zone Width (slope distance)	50 ft.	55 ft.	60 ft.

The Temperature Implementation Strategies allow the distances in the above table to be less than the stated value (but not less than 25 feet) if any of the following conditions applies:

1. The trees are on a south-facing slope (175 to 185 degree azimuth) and therefore do not provide stream shade.
2. An appropriate level of analysis is completed and documented; such as shade modeling, using site-specific characteristics to determine the primary shade tree width.

3. Field monitoring or measurements are completed to determine the width where optimum Angular Canopy Density (65% or greater) is achieved.

The Riparian Treatment Zone (Secondary Shade Zone) includes area from the edge of the Primary Shade Zone to the outer edge of the riparian reserve. Density management treatments and commercial extraction would be allowed, following guidelines and overall design elements for riparian reserves.

Category 2: Non-fish-bearing Perennial Streams. This category includes permanently flowing, non-fish-bearing streams. The primary concern regarding treatments within this category is maintenance of stream temperature. This involves protection and maintenance of existing stream shade, and maintenance of the existing microclimate, ambient air temperature, and air movement. For this category, riparian reserve widths are one site potential tree height (175 feet) on each side of the stream.

The Stream Channel Protection Zone is from the edge of the stream up to 25 feet. No vegetation management (including commercial extraction) would occur within 25 feet of the active stream channel. No hand piles would be located or burned within the channel or within 25 feet of stream channels. Prescribed fire would not be ignited within this zone, but during fuels treatment, fire would be allowed to back down within 25 feet of a stream (any slope, low intensity burn).

Under Category 2, the Primary Shade Zone is also an area where no commercial extraction would occur (larger trees felled for skyline corridor clearing would be left). However, some density management or other restoration treatments could occur. Distance from active stream channel varies according to height of existing overstory trees and hill slope in immediate area. Table 2 (above) establishes the width of the Primary Shade Zone. The Temperature Implementation Strategies (discussed above) also allow the distances in above table to be less (but not less than 25 feet) under the same conditions as Category 1.

The Riparian Treatment Zone (Secondary Shade Zone) includes area from the edge of the Primary Shade Zone to the outer edge of the riparian reserve. Density management treatments and commercial extraction would follow guidelines and overall design elements for riparian reserve. The primary difference between Category 1 and 2 is the width of the entire riparian reserve (differentiated by fish-bearing status).

Category 3: Non-fish-bearing Intermittent Streams and Wetlands. This category includes: (1) Intermittent, non-fish-bearing streams; (2) wetlands greater than 1 acre; and (3) unstable areas not associated with streams. The primary concern is prevention of sediment delivery to streams, prevention of concentrated overland flow, and maintenance of microclimates, ambient air temperature, and humidity.

The Stream Channel Protection Zone is from the edge of the stream to 25 feet away from the stream. No vegetation management (including commercial extraction) would occur within 25 feet of the active stream channel. No hand piles would be located or burned within the channel.

Prescribed fire would not be ignited within this zone, but during fuels treatment, fire would be allowed to back down within 25 feet of a stream (any slope, low intensity burn).

The Riparian Treatment Zone includes the area from the edge of the Stream Channel Protection Zone, to the outer edge of the riparian reserve (1 site potential tree height). Density management treatments and commercial extraction would be allowed, following guidelines and design elements for riparian reserve.

Table 3. Summary of potential harvest acres by 5th field watershed and land allocation

5th Field Watershed	Matrix Acres	LSR Acres	Riparian Reserve Acres	Total Acres Candidate Stands	Total Watershed Acres	Project acres as % of watershed
Chetco River	1,583	1,557	5,282	8,422	225,073	4%
Elk River	523	1,242	3,406	5,170	59,332	9%
Hunter Creek	198	77	623	898	28,451	3%
Lobster Creek	445	698	1,803	2,947	44,255	7%
Lower Rogue River	902	808	3,008	4,718	82,692	6%
North Fork Smith River	0	256	654	910	101,100	1%
Pistol River	897	269	1,901	3,068	66,820	5%
Rogue River- Agness	0	652	1,208	1,860	44,938	5%
Winchuck River	0	1,204	2,506	3,710	45,579	8%
Totals	4,548	5,522	20,391	31,703	698,240	

Within Coastal Healthy Forest Treatments, logging system options for stands that provide opportunities for commercial extraction include ground-based systems, skyline cable systems, and aerial (helicopter) systems.

Timber hauling involves loading and transporting logs on log trucks along roads within the action area. Hauling will occur on all road surface types including asphalt, bituminous surface treatments (BST), gravel, and native-surface. Approximately 1,081.3 miles of road would be used for hauling.

Fuels Treatments. Fuels treatments associated with the proposed action include two catagories: Activity fuels treatments and fuels treatments within Fire Management Areas. Activity fuels treatment refers to the slash and accumulated fuel loading that may be a result of the proposed density management treatments. Several methods of activity fuels treatment are being proposed:

Leave Tops Attached – This method, sometimes referred to as whole tree yarding, would effectively reduce fuel loading within treatment units and would transfer most of the slash to landings where it would be burned.

Piling– This is a fuels treatment where accumulated harvest activity slash is piled (by hand or mechanical equipment), and the resulting piles are burned (typically in the winter) when the risk of an escaped fire has subsided, risk to soils and the residual stands are minimal, and resulting smoke can be managed in coordination with weather conditions.

Underburning – This is a term for prescribed ignition and burning of resulting concentrations of slash and fuels, brush, and small trees. Underburing is normally conducted under low-intensity conditions; under the forested canopy of a stand.

Fire Management Areas may be established within proposed timber sale units if excessive fuel loading is documented. All PDCs will be followed within Fire Management Areas. Fuel reduction objectives within Fire Management Areas are to reduce surface and ladder fuels, decrease crown density, and retain the largest trees, while increasing the height to live crown height. To meet these fuel objectives, additional treatment is recommended, including: (1) Pruning; (2) manual slashing; (3) lop and scatter; (4) chipping; and (5) hand and machine piling, including disposal by burning.

Temporary Road Construction. Temporary roads are proposed where one-time access is needed as part of a timber sale, for access to harvest units. They typically have a lower planning, design, and initial development cost than permanent system roads. Under Coastal Healthy Forest Treatments, previously-existing spur roads or skid roads could be utilized for access. No new temporary roads or landings are proposed nor allowed within riparian reserves. In this analysis, a temporary road is defined as a created travelway, for the purpose of transporting logs, that is built, utilized, and obliterated over the course of the treatment/harvest operation. These roads would be built and removed by the operator as part of the Forest Service (FS) timber sale or stewardship contract.

To prevent continued low level casual use, and to minimize resource impacts, temporary roads and landings would be obliterated at the completion of their intended use. Effective obliteration is generally achieved through a combination of the following measures:

1. Temporary culverts are removed and natural drainage configuration is re-established.
2. Road surfaces are deeply ripped.
3. Sideslopes are reshaped and stabilized; road is effectively drained.
4. Road is blocked to further use, and road is returned to vegetation production through revegetation (seeding, planting browse species, or hardwood/conifer trees).

While a majority of the Coastal Healthy Forest Treatments project area has an existing network of roads and landings from previous harvests, there would be some additional areas created for log landings.

Culvert Replacement. Culvert replacement work will replace culverts in stream channels and drains that relieve road ditches. Many culverts in channels were deemed undersized to handle the water and sediment from areas above the structure. Culverts have a lifespan and effectiveness that diminishes as rust and corrosion decrease the strength and integrity of the structure and these culverts will also be replaced. Work will entail excavating the fill covering

the current culvert and removing the culvert. Excavation of the area to accommodate the new culvert will precede installation of the new structure. Fills placed over the new pipe will be compacted and the road prism shaped to provide good drainage in and around the new culvert. Preventive measures and project design criteria (PDCs) will be used to minimize stream channel disturbance at the site and reduce the amount of unconsolidated material remaining in the channel after installation of the new culvert is completed. Equipment will be clean of excess oil residue and in good working order free or drips and leaks when working near streams. No culvert replacement work will occur within SONCC coho salmon critical habitat.

Road Maintenance and Road Reconstruction. Road maintenance activities maintain road drainage features, road cuts and fills, and road surfacing to accommodate light and commercial road traffic while maintaining road integrity and minimizing effects to natural resources adjacent to the road. Much of this work is done with a motor grader, dump truck, and backhoe. Road maintenance includes travel way surface maintenance, drainage ditch maintenance, culvert cleaning, surface rock placement, shaping of the roadway and ditches by blading, removal of slough materials, compacting and other mechanized and hand work. Road maintenance renders the road durable and useable or in storage condition that minimizes effects on soil, water and other resources. Road maintenance includes use of rock quarries and pump chances, roadside brushing, grading, ditching, rocking of perennial stream crossings on native surface roads, and other activities needed to maintain the road facility in good condition. Maintenance work is usually performed commensurate to the use of the road and the condition of the road during and after the planned use is completed.

Road reconstruction involves restoring a system road to its previous operational condition. Road repairs could have one or more of the following work items: (1) Removing fallen trees; (2) cleaning out culvert inlets; (3) removing and disposing of small-cut slope slides; (4) falling danger trees; (5) replacing minor amounts of road surfacing, *etc*. Treatments could include grading, clearing, restoring road width loss, or stabilizing a cut or fill (embankment) slope that was lost due to storm damage by placing riprap materials (large boulders) against existing slopes.

Road Decommissioning, Road Stabilization, and Road Closures. Road decommissioning removes all culverts, out-sloping, or other drainage methods to prevent un-natural concentration of water, rips compacted surfaces to facilitate vegetation growth, seeds, mulches, and removes or repairs portions of the road prism not secure. Most of this work is done with a motor grader, bulldozer, backhoe, excavator and/or a dump truck.

Road stabilization includes recompacting loose fills, rocking ditchlines, placing rocked spillways and rocked inlets at culverts, placing rock blankets to prevent erosion of cuts and fills, installing rolls and dips to move water off the travelway, and out-sloping to drain the road prism more effectively.

Road closures physically close the road segment to vehicular traffic for more than one year and involves pulling of culverts, seeding of the cuts, fills and travelway, out-sloping and/or rolling dips, and placement of frequent cross drains and waterbars on the road travelway.

ENDANGERED SPECIES ACT

In the request for concurrence, the FS determined that the action, as proposed, may affect SONCC coho salmon or designated critical habitat. The NMFS listed SONCC coho salmon as threatened under the ESA on June 28, 2005 (70 FR 37160 (previously listed on May 6, 1997 [62 FR 24588]), critical habitat was designated on May 5, 1999 (64 FR 24049) and final protective regulations were issued under section 4(d) of the ESA on June 28, 2005 (70 FR 37160, previously issued on July 18, 1997 [62 FR 38479]).

The "effects of the action" means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action (see, 50 CFR 402.02). The applicable standard to find that a proposed action is NLAA listed species or critical habitat is that all of the effects of the action are expected to be discountable, insignificant, or completely beneficial.[4] Discountable effects cannot be reasonably expected to occur. Insignificant effects are so mild that the effect cannot be meaningfully measured, detected, or evaluated as take. Beneficial effects are contemporaneous positive effects without any adverse effect to the listed species or critical habitat, even if the long-term effects are beneficial.

The NMFS worked with the U.S. Fish and Wildlife Service (USFWS), Bureau of Land Management (BLM), and the FS to revise the methods for making determinations of effect for certain land management activities impacting ESA-listed salmonid species in the Northwest Forest Plan (NWFP) geographical area. This approach was used to assess the effects of the proposed action.[5] In this regard, the constituent activities or elements of the proposed action (*e.g.*, timber harvest, road activities, timber hauling) were analyzed for potential effects on the SONCC coho salmon habitat pathways of water quality, habitat access, habitat elements, channel conditions and dynamics, flow/hydrology, and watershed conditions. Each pathway has several relevant habitat indicators, such as temperature, physical barriers, and large woody debris. In addition, where critical habitat has been designated, the primary constituent elements (PCEs) will be analyzed in the same manner as the habitat indicators.

In applying this analytical approach, the agencies consider eight factors, derived largely from the 1998 joint NMFS and USFWS ESA Section 7 Consultation Handbook, when evaluating the effects of an action on habitat indicators and subsequently the effects on ESA-listed fish. These factors are proximity, probability, magnitude (severity and intensity), distribution, frequency, duration, timing, and nature. It is possible for agencies to complete their action analysis and reach an effect determination using only the first three factors. For example, if the action agency determines the species or critical habitat is not in proximity to the effects of a project element, then the element has a neutral effect on this indicator and no further analysis is needed. Likewise, if the outcome of assessment of the probability factor is entirely discountable, no further factor analysis is required for that element. If the outcome of the probability analysis is not discountable, the element should be assessed for the magnitude factor. Again, should the

[4] Memorandum from D. Robert Lohn, Regional Administrator, to ESA Consultation Biologists (guidance on informal consultation and preparation of letters of concurrence) (January 30, 2006).

[5] Analytical Process for Developing Biological Assessments for Federal Actions Affecting Fish Within the Northwest Forest Plan Area (November 2004).

outcome of the assessment for magnitude result in insignificant effects, no further factor analysis is required for that project element.

The BA for the subject actions detail and summarize the effect of each project element (PE) on each habitat indicator using the relevant analysis factors. Element summaries are combined in indicator summaries to determine if the combined project effects result in an adverse effect to an indicator. In the subject BA, the analysis of the potential effects of each PE on the relevant habitat indicators led to a conclusion that the expected effects on SONCC coho salmon or their designated critical habitat would be discountable or insignificant. This conclusion was based on the distance of the project from SONCC coho salmon or their habitat (proximity), the likelihood that implementation of any of the project elements would affect SONCC coho salmon (probability), or the severity and intensity of any affects that might occur (magnitude). The FS analysis of the proximity, probability, and magnitude factors resulted in the conclusion that the proposed Coastal Healthy Forest Treatments Project is NLAA SONCC coho salmon and designated critical habitat. The other five evaluation factors were therefore not relevant to the effects determination for these proposed actions and were not addressed further in the BA.

Based on the information provided by the FS and developed during informal consultation, NMFS concludes that the negative effects of the actions, as proposed, are discountable or insignificant, and therefore concurs with the FS determination that the proposed Coastal Healthy Forest Treatments Project is NLAA SONCC coho salmon or their designated critical habitat. This conclusion was reached for the following reasons:

1. Ten habitat indicators, including physical barriers, off-channel habitat, width:depth ratios, floodplain connectivity, changes in peak and base flows, drainage network densities, road density, disturbance history, disturbance regime, and landslide and erosion rates will be unaffected (neutral effect) by PEs.

2. Timber felling and timber yarding were considered to have a negative effect on the temperature indicator. The effect would be due to skyline yarding corridors that cross small streams. Yarding corridors would be at least 200 feet apart and would be no more than 12 feet wide. No yarding corridors would cross streams that are designated SONCC coho salmon critical habitat, however may occur on tributaries to SONCC coho salmon critical habitat. The negative effect to SONCC coho salmon and critical habitat was determined in the BA to be insignificant in magnitude. The NMFS concurs with that assessment for the following reasons: (a) Yarding corridors through riparian reserve will be infrequent and used only if no other yarding option is feasible; (b) PDCs require narrow corridors (12 feet) that are intermittently spaced across the landscape (greater than 200 feet apart) and lie perpendicular to the stream orientation; and (c) the limited amount of increased solar radiation will not occur in critical habitat.

3. Timber yarding, timber hauling, road maintenance, culvert replacement, road decommissioning, and road stabilization were considered to have a negative effect on the suspended sediment, turbidity, and substrate character and embeddedness indicators. The summary of these indicators states that the magnitude of the negative effect is anticipated to be insignificant. The NMFS concurs with this assessment because: (a) Stream

crossings in SONCC coho salmon or critical habitat are only on paved roads and conservation measures for hauling require dry conditions; (b) all culvert work and mechanical road decommissioning are above SONCC coho salmon or critical habitat; (c) all road activities would occur during dry conditions and are likely to contribute only a small amount of sediment; and (d) soil protection zones 100 feet on each side of the stream would be present in all riparian areas to prevent sediment laden surface flow from entering any stream. The amount of sediment generated would not be detectable against normal background levels due to conservation measures, including using sediment and erosion controls and seeding and mulching exposed soils.

4. Road maintenance, timber felling, timber yarding, timber hauling, fuels treatment, temporary road construction, and road decommissioning activities were determined to have a negative effect on the chemical contamination indicator. The probability of effect was determined to be discountable because PDCs for these PEs dictate that refueling and storage of chemicals occur at least 150 feet from any water source and that equipment is cleaned and inspected regularly for leaks. The NMFS concurs that the PDCs make delivery of chemical contaminants to SONCC coho salmon critical habitat highly unlikely to occur and therefore a discountable negative effect on SONCC coho salmon and critical habitat.

5. Timber felling, timber yarding, and fuels treatments will have a short-term, negative effect and a long-term, positive effect on the large woody debris and riparian reserve indicators. All riparian harvest prescriptions are designed to enhance the structure and average tree size of riparian reserves as well as the future large wood recruitment potential. Harvest prescriptions will only remove smaller, subdominant trees. Trees being removed outside the stream protection zone are presently 60 - 100 feet tall. Yarding corridors will also remove some trees that have potential to act as large wood in stream channels. All harvest prescriptions within the riparian treatment zone will leave an excess of 20 – 60 trees per acre above established late-successional stand conditions, in order to provide a source for coarse and large wood recruitment. Because yarding corridors are narrow (less than 12 feet wide) and intermittently spaced across the landscape, and harvest prescriptions account for a source of large wood to be available through suppression mortality, the magnitude of effect is considered to be insignificant. Fuels treatments do not intend to cause mortality of large or dominant trees within any of the stands being treated.

The PDCs require that within 100 feet of perennial or fish-bearing streams and within 50 feet of intermittent streams broadcast burns will not be ignited and 100% of the overstory canopy cover will be retained within the primary shade zone. The moist nature of the forest habitat in the Coast Range make it highly unlikely that prescribed fire will get out of control and lead to unintended results. The probability of fuels treatments causing a significant negative effect to large wood recruitment potential is discountable at the site and watershed scale. Timber felling outside of the shade protection zone will reduce competition among trees and allow for the stand to grow larger trees over a shorter period of time. Decreasing the timeline that a riparian stand will provide large wood for

recruitment into a stream will result in a slight positive effect on the riparian reserve and large woody debris indicators.

6. Timber harvest, timber yarding, timber hauling, fuels treatments, road renovation, road decommissioning, and road maintenance were considered to have discountable or insignificant negative effects on the pool frequency and quality indicator. The pool frequency and quality indicator is directly related to the sediment and large wood indicators. As described above, the proposed action will have discountable or insignificant negative effects on sediment and large woody debris, however sediment and large woody debris are considered to be potential causal mechanisms for pool quality and frequency. The NMFS concurs that without significant effects to the sediment or woody debris indicators, the probability of significant effects from the proposed action to the pool frequency and quality indicator is discountable.

There are no other concurrent Federal action consultations within the watersheds that, when combined with these actions, would have a significant effect on the watersheds' baseline conditions. Also, there are no interrelated or interdependent actions related to the proposed projects that require consideration. All of this information was used to make an overall project effect determination in each BA.

Reinitiation of consultation is required and shall be requested by the FS, or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action [see, 50 CFR 402.16]. This concludes the ESA portion of this consultation.

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

As part of the information provided in the request for ESA concurrence, the FS determined that the action, as proposed, may affect, but not likely to adversely affect EFH designated for Pacific salmon.[6]

For purposes of MSA, "adverse effect" means any impact which reduces quality and/or quantity of EFH. Adverse effects may include direct (*e.g.*, contamination or physical disruption), indirect (*e.g.*, loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions [50 CFR 600.910(a)]. Avoidance and minimization measures are analyzed by NMFS as part the action, as proposed. However, NMFS will not consider proposed compensatory mitigation as part of the effects

[6] Pacific Fishery Management Council, 1999, Amendment 14 to the Pacific Coast Salmon Plan. Appendix A: Description and Identification of Essential Fish Habitat, Adverse Impacts and Recommended Conservation Measures for Salmon. Pacific Fishery Management Council, Portland, Oregon (March 1999). http://www.pcouncil.org/salmon/salfmp/a14.html.

analysis, although completing sufficient compensatory mitigation for the effects of action may make the net effect of that action neutral or positive for EFH.

The effects of the action, as proposed, on EFH are the same as those described above in the ESA portion of this document and NMFS concurs with the findings in the EFH assessment. No compensatory mitigation is proposed with this project.

EFH Conservation Recommendations

Because the properties of EFH that are necessary for the spawning, breeding, feeding or growth to maturity of managed species in the action area are the same or similar to the biological requirements of ESA-listed species as analyzed above, and because the conservation measures that the FS included as part of the proposed action are adequate to avoid, minimize, or otherwise off set those adverse effects to designated EFH, NMFS has no conservation recommendations to make at this time and no reporting is necessary.

The FS is required to complete a supplemental EFH consultation with NMFS if it substantially revises its plans for this action in a manner that may adversely affect EFH or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations [50 CFR 600.920(k)]. This concludes the EFH portion of this consultation.

Please direct questions regarding this letter to Steve Burns, fisheries biologist in the Southwest Oregon Habitat Branch of the Oregon State Habitat Office, at 541.957.3389.

Sincerely,

for D. Robert Lohn
Regional Administrator

cc: Steve Namitz, USFS