UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
Portland, OR 97232

December 18, 2015

Jerome E. Perez
Bureau of Land Management State Director
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208

Re: Clarification of NMFS' Comments on Draft Environmental Impact Statement for the Revision of the Resource Management Plan of the Western Oregon Bureau of Land Management Districts

Dear Mr. Perez:

By letter dated August 21, 2015, the National Marine Fisheries Service (NMFS) provided comments on the draft environmental impact statement (DEIS) for the Revision of the Resource Management Plan (RMP) of the Western Oregon Bureau of Land Management (BLM) Districts of Salem, Eugene, Coos Bay, Roseburg, and Medford, and the Klamath Falls Resource Area of the Lakeview District. We are providing this letter of clarification to avoid the potential for our comments to be taken out of context.

Alternatives A and D

In case it was not clear on the face of our comment letter, NMFS supports further development of the aquatic conservation strategies and riparian management concepts described in Alternatives A and D. NMFS would like to see elements of Alternatives A and D carried into the final proposed alternative. As set out on pages 41 and 42 of NMFS' comment letter, our view is that the riparian reserves described in Alternatives A and D – which propose one Site Potential Tree Height (SPTH) – have potential to provide the basis for an aquatic conservation strategy for listed salmonids provided these alternatives are modified to include a landscape level aquatic conservation strategy. The Aquatic Conservation Strategy (ACS) must strive to maintain and restore ecosystem health at watershed and landscape scales to protect habitat for fish and restore currently degraded habitats. NMFS expects that BLM's ACS will contain components with objectives aligned with the four components of the ACS of the Northwest Forest Plan (NWFP), riparian reserves, key watersheds, watershed analysis, and watershed restoration. NMFS is not requesting that the BLM incorporate the existing components of the NWFP ACS into alternatives A and D. Rather, NMFS expects that BLM will draw on the experience of implementation of the NWFP, new technologies, and adapting science to develop revised ACS components with objectives similar to those in the NWFP ACS. As noted in the comment letter, none of the DEIS alternatives contain such a landscape strategy, but the ongoing efforts between

our agencies to develop such a strategy, paired with management direction focused on aquatic conservation, are expected to achieve the important concepts developed in the NWFP's ACS.

We also listed on page 42 additional components of an aquatic conservation strategy that, if added to Alternatives A and D, would make a more robust strategy for BLM's management and contribution to the protection and recovery of our ESA-listed species. Productive discussions, since issuance of the comment letter, validate our confidence that our joint effort to strengthen concepts of Alternative A and D could result in a proposed action that includes an appropriate aquatic conservation strategy for listed salmonids that is supported by the best available science.

Northwest Forest Plan and Best Available Science

Our comment letter clearly endorsed the two SPTH standard from the NWFP, and, as outlined above, also endorsed development of an alternative that involves one SPTH with additional elements; however, our letter was not as clear as it could have been in articulating the relationship between those two positions. By way of clarification, NMFS' view is that best available science is consistent both with the notion that two SPTH, applied at the landscape scale, would ensure the protection and recovery of ecological function and endangered and threatened aquatic species, but it is also consistent with the notion that one SPTH, coupled with elements such as we described on page 42 of our comment letter, can achieve those goals. Indeed, the NWFP itself provided a process by which the two SPTH could be modified in a step-down analysis taking into account site-specific factors.

In addition, NMFS' letter, prepared by our science and technical staff, should not have included interpretations of judicial decisions on the NWFP, and all such comments are withdrawn.

Thus, statements in the earlier part of our comment letter, indicating that the NWFP, and its ACS (and two SPTH) reflect best available science should not be taken out of context to mean that two SPTH is the only option that meets that test. When read *as a whole* the intended meaning of our comment letter was that:

- best available science supports both (a) two SPTH and (b) one SPTH, coupled with an aquatic conservation strategy that incorporates those identified elements on page 42 of the letter.
- Alternatives A and D, as presented in the DEIS, have potential to satisfy (b); however, they need to be modified to include the listed elements on page 42.

Our comment letter indicated that BLM did not provide adequate basis to depart from the two SPTH riparian reserves of the NWFP and in favor of the one SPTH described in Alternatives A and D. We wish to clarify our statements and convey that \ we believe that the science does exist to support one SPTH and anticipate the ongoing efforts between our agencies will result in use of this science in the FEIS to support the proposed action's riparian management strategy. Indeed, in our comment letter, we provided advice about the best available science related to riparian forest management and subsequent environmental response, for BLM's consideration. In particular, we highlighted the documents prepared for our joint effort to resolve riparian

management science questions (Leinenbach et al. 2013; Spies et al. 2013),[1] as well as other applicable science on these riparian management issues. Such science could support a final proposed Alternative that is based on one SPTH and considers management aligned with the ACS and that can achieve protection and conservation of key ecological processes supporting aquatic environments if it incorporates elements of Alternative A or D, along with concepts from page 42.[2]

Our Misinterpretations of the DEIS

We do want to take this opportunity to clarify our comment letter's description of the NWFP implementation (No Action Alternative) of the riparian reserves and changes in land use allocations by alternative, specifically information in Table 1. As mentioned, the NWFP provided a procedure, initially through watershed analysis and subsequently through project planning, where riparian reserves could be altered and thinning in riparian reserves could be supported as consistent with the NWFP standards and guides. Because that process is being implemented under the NWFP, the thinning and timber harvest values in Table 1 misrepresented the No Action Alternative and should be ignored. We also understand, from discussions with your staff, additional characterizations of the change in land use allocations we presented in Table 1 were misinterpretations of the intended allocation distribution. After considering our misinterpretation of the harvest land base changes and land use allocations, we ask that you ignore Table 1 and associated comments.

Conclusion

In conclusion, we believe best available science can support the concepts of an aquatic conservation strategy our agencies have discussed over the last several years and continue to refine. The building blocks of such a strategy were presented in Alternatives A and D. We continue to work with your staff to ensure that the proposed action based on Alternatives A and D and augmented by additional elements of an aquatic conservation strategy, as will be defined in the FEIS, will provide appropriate conservation for our trust resources.

Sincerely,

Kim W. Kratz, Ph.D.
Assistant Regional Administrator
Oregon Washington Coastal Office

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[1] Leinenbach, P., G. McFadden, and C. Torgersen. 2013. Effects of riparian management strategies on stream temperature. Science Review Team Temperature Subgroup. U.S. Environmental Protection Agency, Seattle, Washington; U.S. Geological Survey, Seattle, Washington; and Bureau of Land Management, Portland, Oregon. Spies, T., M. Pollock, G. Reeves, and T. Beechie. 2013. Effects of riparian thinning on wood recruitment: A scientific synthesis. Science Review Team, Wood Recruitment Subgroup, Forestry Sciences Laboratory, Corvallis, OR, and Northwest Fisheries Science Center, Seattle, WA. January 28. 46 p.
http://www.mediate.com/DSConsulting/docs/FINAL%20wood%20recruitment%20document.pdf

[2] As you are aware, our ESA and MSA consultation with BLM on the proposed action will require a robust analysis of the components of the action and their predicted effects on ecological processes affecting our trust resources. Our comments in the NEPA process do not pre-judge the outcomes of those consultations.