



# United States Department of the Interior

**FISH AND WILDLIFE SERVICE**  
**Roseburg Field Office**  
**2900 NW Stewart Parkway**  
**Roseburg, Oregon 97470**  
**(541) 957-3474, FAX: (541) 957-3475**

Reply To: 8330.04344 (03)  
File Name: Roguehazard  
Tracking Number: 03-3658

May 28, 2003

## Memorandum

**To:** Mary Smelcer, Acting District Manager, Medford District BLM, 3040 Biddle Road, Medford, OR 97504  
/s/ Craig A. Tuss

**From:** Craig Tuss, Field Supervisor, U.S. Fish and Wildlife Service, Roseburg Field Office, 2900 NW Stewart Parkway, Roseburg, Oregon. 97470

**Subject:** Request for Initiation of Informal Consultation for the Rogue River Hazardous Fuel Reduction Project (FWS Ref # 1-15-03-I-434).

The U.S. Fish and Wildlife Service (Service) has reviewed your request for informal consultation pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536 et seq.) (Act), as amended, on the proposed Rogue River Hazardous Fuel Reduction Project for the Grants Pass Resource Area of the Medford Bureau of Land Management (BLM). Your request was received in our office on May 16, 2003. As identified in your consultation request, the Federally listed species that would be affected by the proposed action are the northern spotted owl (*Strix occidentalis caurina*), and Gentner's fritillary (*Fritillaria gentneri*) (lily).

This concurrence letter is based on information provided in the May Biological Assessment (Assessment) and numerous in-person, e-mail, and phone discussions, between David Clayton and Sam Friedman of the Service and Carole Jorgensen, Mark Mousseaux, and Tony Kerwin of Medford BLM, as well as reviews of the Assessment by the Rogue Basin Level I Team.

## DESCRIPTION OF PROPOSED ACTION

The Medford BLM proposes to conduct a fuels reduction project in the Hellgate Recreation Area of the Rogue River. The Hellgate Recreation Area (HRA) is located within Josephine County, Oregon and covers approximately 8,657 acres in southwestern Oregon. Approximately 60 percent (5,090 acres) is federal land managed by the BLM Grants Pass Resource Area, Medford District Office.

The proposed project reduces potential high intensity wildfire behavior and creates defensible spaces around homes and structures by thinning under story brush and small trees, reducing ground fuel loads and ladder fuels, and lowering over-story crown density using a combination of manual (i.e. chain-saws, pruners) and heavy equipment methods (i.e. chippers, slash-buster). Some material may have to be removed with equipment (yarders, cable, tractors, or helicopter). Follow up treatments such as pile burning, under-story burning, or broadcast burning will occur. Multiple entries will occur in many areas in different years depending on specific site conditions (e.g. manual removal, piling, followed up with burning). No road building is proposed.

The proposed action creates defensible spaces (a “Defense Zone”) next to and within ¼ mile of homes and structures for human safety on no more than 3,547 acres. This is where the most intensive fuel reduction treatments will take place. There are approximately 190 residences within the boundaries of the HRA and housing density averages 3.4 homes per mile. There are 21 recreational developments in the HRA that include a range of facilities such as boat landings, campgrounds, fishing access, recreation sites and day use areas.

The action also reduces fuel loads, and potential fire intensity within an additional 1¼ miles (linearly within the river corridor) surrounding the ¼ mile “Defense Zone” next to homes (the “Threat Zone”). The treatment acres within the Threat zone are 2,753 acres. Throughout the rest of the “General Forest Zone” to improve forest health and stand vigor, thinning will occur on 704 acres. In all, up to 5,090 acres of federal lands and an additional 1,914 acres of private lands could be treated using a combination of methods appropriate for individual sites. Approximately 3,669 acres of the proposed project area is located within a designated spotted owl critical habitat unit (CHU OR-65)(Table 1).

Table 1. Treatment zones within designated critical habitat for the northern spotted owl.

<b>Table 1. Acres within Northern Spotted Owl designated critical habitat (CHU) and overlapping treatment zones</b>				
	CHU	CHU – Defense Zone	CHU – Threat Zone	CHU – General Forest
Total acres	3669	1071	1930	668

As part of the proposed action, the following conservation measures to reduce adverse effects to listed species will be implemented:

#### **Northern Spotted Owls:**

- Surveys of known sites will be conducted between March 1 and June 1 to determine nesting status. This will be done prior to treatments to determine seasonal restriction requirements.
- Canopy closure will not be reduced below 60 percent within treatment units that currently provide suitable nesting habitat. Units will be well identified on the ground with ribbon.
- Fuels treatments within riparian corridors (150 feet on a fish stream) will occur at

a lower intensity than outside the riparian corridors. No trees greater than 12" dbh will be cut within this area and canopy will be maintained at =60 percent. Where existing canopy is less than 60 percent, only understory vegetation would be removed.

- No activities will occur within ¼ mile of active nesting sites during the nesting season (March 1 to June 30).
- Major roads will be buffered with a 50 feet no-treatment zone.
- All access points for large equipment along roads will be blocked after work is complete.

### **Gentner's fritillary**

- Surveys will occur for the Lily in suitable habitat prior to the action during April – May. Populations will be well identified on the ground with plant signs or ribbon. All federal lands and private lands with scenic easements in the corridor will be surveyed. Noxious weed populations will also be identified and controllable patches removed by using hand removal methods.
- No heavy equipment will be used within any known Lily populations; a no-ground disturbance protection buffer will be implemented.
  - Actual buffer size will be dependent on microsite conditions or the species habitat requirements necessary to maintain habitat, but will be a minimum of 25' from the occurrence boundary.
  - Manual fuels treatments and prescribed fire can occur within buffered populations as long as heavy equipment is kept outside the buffer boundaries and a backing fire started outside of the buffer boundaries is used.
  - Manual treatments can occur through populations if done during the dormant period (August 1 – February 15<sup>th</sup>). Within these buffers a canopy cover of at least 40 percent will be retained. If the canopy is less than 40 percent, no treatment in the buffers is needed.
  - No piling of slashed material shall occur within buffers, and material to be burned must be piled 25 feet from the buffers. No yarding of material through buffers.
- Prescribed burns through documented populations will occur while the species is dormant; no spring burning through populations will occur.
- All equipment will be washed prior to treatment to minimize the introduction of any noxious weeds.

### **Effects to northern spotted owls**

The proposed project will degrade 136 acres of suitable spotted owl habitat which will still continue to serve as suitable habitat. This suitable habitat occurs within both a Late-Successional Reserve (LSR #RO-258) and spotted owl CHU (OR-65). The area west of the river within CHU is also within the Fish Hook/Galice Late Successional Reserve. The 136 acres of suitable spotted owl habitat proposed for treatment is within this

overlapping CHU and LSR. Understory fuel reduction treatment will occur in the 136 acres of suitable nesting habitat. This treatment may degrade the habitat by reducing the understory habitat characteristics that may be necessary to support a healthy prey population. However, it would still retain suitable habitat characteristics. In addition, much of the overstory canopy will be retained as will suitable structure of existing hardwoods to maintain a secondary canopy. While there may be a short-term reduction in prey species because of reduction in understory vegetation, reduction of understory fuels could improve long-term habitat suitability and reduce the risk of future loss of habitat due to wildfire.

The proposed action will also degrade 415 acres of forage habitat to dispersal habitat within the CHU OR-65. While there may be short-term effects to foraging habitat along the river corridor, this habitat type is abundant in the area and not a limiting factor for spotted owls.

The proposed project will also degrade 639 acres of dispersal habitat outside of CHU and within CHU and LSR, up to 1215 acres of dispersal habitat could be reduced to 40 percent canopy cover, the minimum canopy required to be classified as dispersal habitat. However, this degraded dispersal habitat will still continue to provide at least minimal dispersal habitat. Dispersal habitat will not be degraded within the project area to an extent that would preclude dispersal between interprovincial provinces from the Klamath Mountains Province to the Western Cascades Province, and from the Klamath Mountains Province north to the Coast Ranges Province.

### **Effects to Gentner's Fritillary**

Direct physical effects are possible from fuels reduction projects (slashing, piling, yarding, and burning). Hand thinning in the spring can cause trampling of above ground portion of plants, but is unlikely to kill the plants. However, given the conservation measures, direct effects are likely reduced to insignificant levels.

Indirect effects could include increasing the light regime and precipitation by removal of part of the tree and shrub overstory. Reducing canopy cover down to 40-60 percent would be beneficial to any existing plants over the long term. Fire in the late fall or winter would have an effect on the successional state of the existing plant communities and in turn positively influence the Lily. Fires at these times of the year can burn incompletely and in a mosaic pattern, creating more edge habitat. One goal of reducing fuels is to reduce the intensity of wildfires so that they burn in a mosaic pattern and less severely. Gentner's fritillary can be thought of as a mid-seral species, and tends to like partially open, edge habitats, and this type of treatment would likely benefit the plant by increasing some light and available precipitation, and create more suitable habitat conditions. However, fire during the growing period (February - June), would likely burn leaves and flowers.

Noxious weeds can out-compete the Lily for space, light, water and nutrients. The project area does have infestations of listed noxious weeds and other non-native species. In this area, yellow star-thistle, weedy annual grasses, and scotch broom present the greatest threat. Particularly susceptible are disturbed areas in the oak woodlands, and

small meadow openings. Thinning and opening up the canopy coupled with some soil disturbance could result in increased population of weeds that could compete with Gentner's fritillary. Given the conservation measures proposed for the project, these effects would be reduced.

In summary, fuels treatments with minimal ground disturbance is thought to have some positive effects, by reducing the intensity of wildfires, and by increasing light and decreasing moisture interception by the canopy and competing vegetation. Some minor effects from activities such as increased recreation or the potential for noxious weed invasion could occur as an indirect result of the proposed action.

### **Concurrence**

Based on the proposed action and the conservation measures as outlined above, the Service concurs that the implementation of the National Fire Plan hazardous fuels reduction project in the Rogue River /Hellgate Recreation Area **may affect, but is not likely to adversely affect** the northern spotted owl. Negative affects to the species are likely insignificant given the conservation measures. Minimal adverse impacts to spotted owl suitable and critical habitat are anticipated as a result of the proposed action. This project will not result in adverse effects to late-successional habitat or the function of the LSR within the watershed. The proposed project may affect critical habitat by degrading suitable and dispersal habitat but it would not result in adverse modification to critical habitat and the CHU would continue to function as intended. Conservation measures such as seasonal restrictions and minimal degradation of suitable habitat will minimize any potential direct effect to the northern spotted owl or to reproductive success.

Based on the proposed action and the conservation measures as outlined above, the Service concurs that the implementation of the National Fire Plan hazardous fuels reduction project in the Rogue River /Hellgate Recreation Area **may affect, but is not likely to adversely affect** the Gentner's fritillary. Negative affects to the species are likely insignificant given the proposed conservation measures. All federal lands and private lands with scenic easements in the corridor will be surveyed. No heavy equipment would be used within any Gentner's fritillary populations. Manual fuels treatments or prescribed burns could occur through plant populations only if done during the dormant period and within these populations, a canopy cover of at least 40% will be retained. All equipment would be washed prior to treatment to minimize the introduction of any noxious weeds.

Modification of the vegetation on private lands within the Rogue River corridor is controlled by the BLM through scenic easements, and make up a portion of the lands to be treated. There is no effect to the spotted owl due to interrelated and interdependent effects as there is no suitable spotted owl habitat on private lands within the river corridor that. There is suitable habitat for Gentner's fritillary on private lands within the action area. However the proposed action will minimize potential effects to the fritillary by requiring surveys on those private lands where there are scenic easements, as well as implementing of all of the other conservation measures described above.

For both Gentner's fritillary and the spotted owl, there is a high likelihood that the proposed project will, in time, have a positive effect by improving habitat conditions and reducing the risk of catastrophic wildfire in treated areas.

This response is prepared in accordance with section 7(a)(2) and 7(c) of the Act, and concludes informal consultation on the project pursuant to 50 CFR 402. If new information or project modification reveals that the proposed actions may affect listed species in a manner or to the extent not considered in your assessment, or if a new species is listed or critical habitat is designated that may be affected by the actions, work should be halted and consultation reinitiated immediately.

If any questions arise concerning the contents of this concurrence letter, please contact David Clayton, Samuel Friedman, or myself at (541) 957-3474.

cc: Office Files, FWS-OFWO, Portland, OR (e)  
Carole Jorgensen, BLM, Medford, OR (e)  
Anthony Kerwin, BLM, Medford, OR (e)  
Mark Mousseaux, BLM, Medford, OR (e)  
Frank Bird, NMFS, Roseburg, OR (e)