Appendix J
Fisheries

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Received
2003
District Office
Medford BLM

Refer to:
2003/00934

August 29, 2003

Tim Reuwsaat
District Manager
Medford BLM District
3040 Biddle Road
Medford, OR 97504

Re: Endangered Species Act Section 7 Informal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Timbered Rock Fire Salvage Project, Medford District Bureau of Land Management, Rogue River Basin, Jackson County, Oregon

Dear Mr. Reuwsaat:

This correspondence is in response to your July 17, 2003, request for consultation under the Endangered Species Act (ESA) for the proposed Timbered Rock Fire Salvage Project in the Elk Creek watershed. Additionally, this letter serves to meet the requirements for consultation under the Magnuson Stevens Fishery Conservation and Management Act (MSA).

ENDANGERED SPECIES ACT

On July 24, 2003, NOAA's National Marine Fisheries Service (NOAA Fisheries) received a complete biological assessment (BA) describing the proposed action and its effects, maps detailing the project location, and a written request for concurrence with a determination that the proposed action is "not likely to adversely affect" (NLAA) Southern Oregon/Northern California (SONC) coho salmon (*Oncorhynchus kisutch*), or their designated critical habitat.

NOAA Fisheries listed SONC coho salmon as threatened under the ESA on May 6, 1997 (62 FR 24588), and designated critical habitat designated on May 5, 1999 (64 FR 54049). Interim protective regulations for SONC coho salmon were issued under section 4(d) of the ESA on July 18, 1997 (62 FR 38479). This consultation is undertaken under section 7(a)(2) of the ESA, and its implementing regulations, 50 CFR Part 402.

The proposed action occurs in four subwatersheds of the Elk Creek watershed: West Branch Elk Creek, Flat Creek, Sugarpine Creek, and Button Creek. Elk Creek is a major tributary to the Upper Rogue River, entering the Rogue River just below Lost Creek Dam. Several streams in the project area are designated critical habitat for SONC coho salmon, including Elk Creek, West

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Branch Elk Creek, Morine Creek, Alco Creek, Flat Creek, Jones Creek, Sugarpine Creek, Hawk Creek, and Bitterlick Creek.

The Medford District Bureau of Land Management (BLM) is proposing to salvage dead timber from 2,334 acres, commercial and pre-commercial thin 2,690 acres, build fuel management zones on 1,300 acres, and perform other restorative management actions on 1,984 acres.

The BLM will be conducting three types of dead tree salvage, research, roadside, and remaining area, on 2,334 acres. There are 328 acres that will be salvaged based on a study design to assess questions about the effects of salvage harvest intensity on wildlife species. There will be light, moderate, heavy, and no treatment units. The light treatment will salvage 35% of the area, the moderate will salvage 70% of the area, and the heavy will salvage 100% of the area, but leave 6 snags per acre. Tractor yarding will occur on 23 acres, cable yarding on 194 acres, and helicopter yarding on 111 acres. There are 14 acres of research treatment within riparian reserves, nine of those acres occur in one unit that is located adjacent to an intermittent stream, 1.5 miles from coho habitat. The roadside salvage consists of taking hazard trees within 200 feet of roads on 955 acres. If any trees identified as a roadside hazard are located within a riparian reserve, they will be felled and left in place. The salvage outside of the research and roadside salvage, called remaining area salvage, will treat 1,051 acres in several scattered units. In Douglas-fir forests, eight snags per acre would be left; in white fir forests, twelve snags per acre would be left; and all down wood and other ecological requirements would be met. No remaining area salvage would occur within riparian reserves. Tractor yarding will occur on 47 acres, cable yarding on 440 acres, and helicopter yarding on 552 acres. To facilitate harvest, 0.8 miles of temporary road will be built and reclaimed.

Commercial and pre-commercial thinning will occur on 2,690 acres. This includes 952 acres of pine habitat restoration where thinning occurs around large pine trees to promote pine growth and regeneration, and reduce competition. None of this will occur within the riparian reserve. Commercial thinning will occur on 479 acres where trees are greater than 8 inches diameter at breast height (dbh), none of which are within riparian reserves. Non-commercial thinning, where all material felled will remain on site, will occur on 1,259 acres. Of this, 347 acres occur within riparian reserves. Coho salmon-bearing streams will receive no-cut buffers of 50 feet; other streams will receive 30-foot buffers.

The other restorative silvicultural treatments include oak woodland and meadow restoration and owl activity center underburns. A total of 1,559 acres of oak woodland and meadows would receive treatment. The treatment consists of thinning small diameter oak and conifers, clearing brush, and applying low intensity fire. There will be a fifty foot no-ignition buffer along streams. The fire is expected to slightly back into the buffer and make a mosaic at fifty feet. The owl activity center underburns cover 425 acres, and consist of using low intensity fires to maintain existing reduced fuel loadings and protect the owl areas from future fires. There will be a 50-foot no-burn buffer on streams in owl activity underburns also.

Fuel management zones will be built on 1,300 acres to assist in future wildfire suppression activities. These zones are built on ridgelines to break up watersheds and provide anchor points for firelines, burnouts, and safety zones for firefighters. Treatment consists of thinning stands, handpiling and burning slash and then underburning to further remove fuels. This work is along ridgelines, there will be no burning near streams.

To facilitate harvest, two roads will have to be built, and several others will need to receive maintenance or renovation. A temporary road 0.8 miles long and a permanent road 0.3 miles long will be built on or near ridgetops, and will not cross any stream channel. Maintenance and renovation will occur on 66.8 miles of road, and will include reshaping road surface, adding rock, installing and replacing drainage culverts, and cleaning catch basins. As many as 14 culverts on intermittent streams will be replaced to allow for a 100-year flow. There will also be 0.9 miles of road decommissioning. Appropriate project design criteria have been compiled using the BLM's Best Management Features and will be applied throughout the project to minimize or eliminate adverse effects to riparian and aquatic habitats resulting from the project. Several of these design criteria are meant to minimize the amount of sediment mobilized from road work. All road work will be completed during the dry season, including hauling. Waterbars, seeding, and mulching will be utilized, and selected roads will be blocked and barricaded before the rainy season.

Based on information provided by the BLM and developed during informal consultation, NOAA Fisheries concurs with the BLM's determination that the proposed project is NLAA for the following reasons: (1) Salvage harvest within riparian reserves is limited to 14 acres of research units, the only harvest adjacent to streams is on an intermittent tributary 1.5 miles from coho salmon critical habitat; (2) no other salvage or thinning will remove material from the riparian reserves; (3) pre-commercial thinning in the riparian reserves include buffers to protect streams; (4) all underburning includes a 50-foot no-burn/ignition buffer on streams; (5) sediment control measures will be used in roadside ditches to minimize sediment delivery to streams; and (6) hauling will be limited to the dry season. Therefore, the proposed project is unlikely to cause incidental take of SONC coho salmon.

The BLM must reinitiate this consultation if: (1) New information reveals that effects of the action may affect listed species in a way not previously considered; (2) the action is modified in a way that causes an effect on listed species that was not previously considered; or (3) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Federal agencies are required, under §305(b)(2) of the MSA and its implementing regulations (50 CFR 600 Subpart K), to consult with NOAA Fisheries regarding actions that are authorized, funded, or undertaken by that agency that may adversely affect essential fish habitat (EFH). The

MSA (§3) defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." If an action would adversely affect EFH, NOAA Fisheries is required to provide the Federal action agency with EFH conservation recommendations (MSA §305(b)(4)(A)). This consultation is based, in part, on information provided by the Federal action agency and descriptions of EFH for Pacific salmon contained in Appendix A to Amendment 14 to the *Pacific Coast Salmon Plan* (August 1999) developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce (September 27, 2000).

The proposed action and action area are described above in this concurrence letter and in the BA. Designated EFH for various life stages of coho salmon and chinook salmon (*Oncorhynchus tshawytscha*) occurs within and downstream from the project area.

Because the habitat requirements (*i.e.*, EFH) for the MSA-managed species in the project area are similar to that of the ESA-listed species, and because the conservation measures that the BLM included as part of the proposed action to address ESA concerns are also adequate to avoid, minimize, or otherwise offset potential adverse effects to designated EFH, conservation recommendations pursuant to MSA (§305(b)(4)(A)) are not necessary. Since NOAA Fisheries is not providing conservation recommendations at this time, no 30-day response from the BLM is required (MSA §305(b)(B)).

This concludes consultation under the MSA. If the proposed action is modified in a manner that may adversely affect EFH, the BLM will need to reinitiate EFH consultation with NOAA Fisheries in accordance with NOAA Fisheries implementing regulations for EFH at 50 CFR 600.920(k).

Please direct questions regarding this letter to Chuck Wheeler of my staff in the Oregon Habitat Branch at 541.957.3379.

Sincerely,

Marc Liverman/for

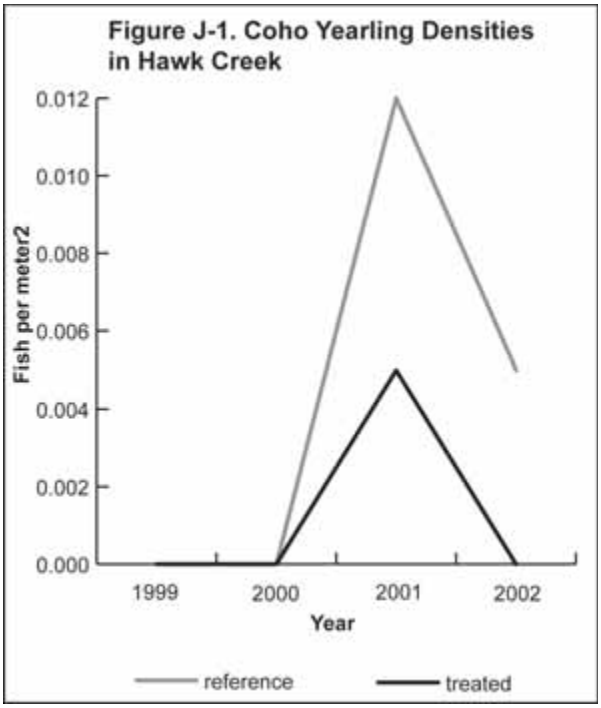
D. Robert Lohn
Regional Administrator

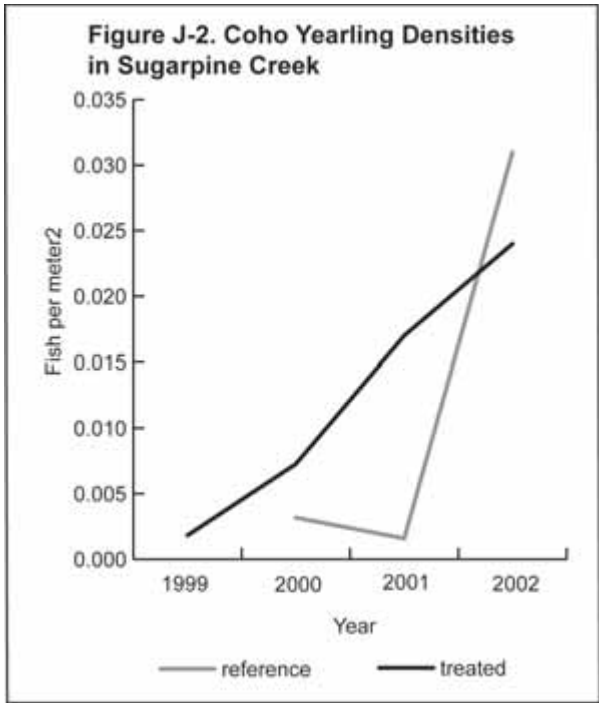
cc: Bill Hudson, Coos Bay BLM District
Dale Johnson, Medford BLM District
Dan Delaney, Rogue-Siskiyou National Forest
Craig Tuss, Fish and Wildlife Service

Table J-1. Returns of Wild Adult Anadromous Salmonids to the Elk Creek Trap

Year	Chinook Salmon	Coho Salmon	Steelhead
1992-93	29	40	112
1993-94	2	76	105
1994-95	8	232	201
1995-96	57	349	283
1996-97	34	319	493
1997-98	22	982	224
1998-99	12	404	351
1999-00	9	288	265
2000-01	26	698	572
2001-02	9	1378	715

NOTE: 2001-02 totals are preliminary





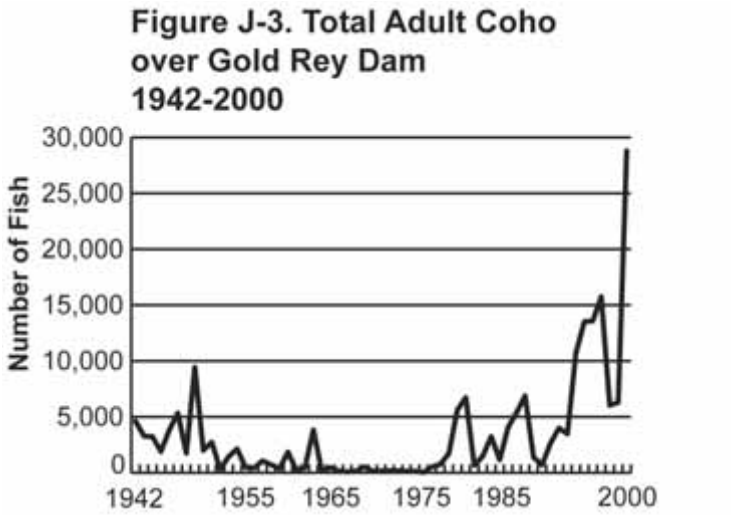


Figure J-3. Total Adult Coho
over Gold Rey Dam
1942-2000
Number of Fish
30,000
25,000
20,000
15,000
10,000
5,000
0
1942
1955
1965
1975
1985
2000

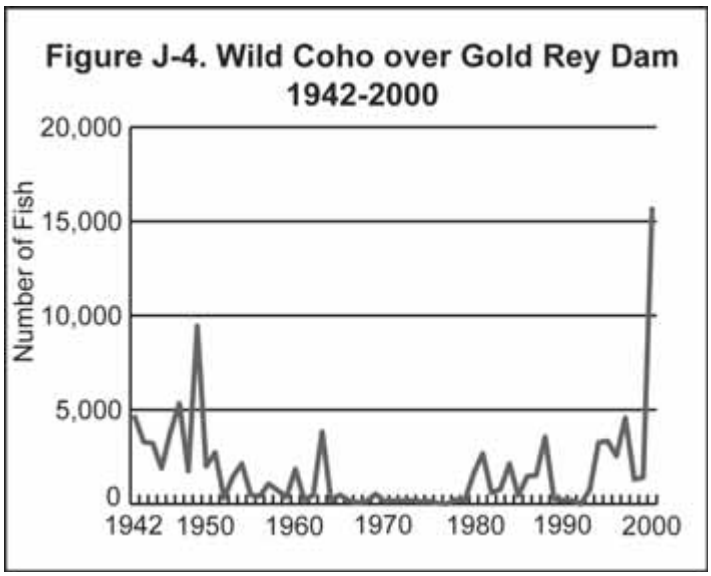


Figure J-4. Wild Coho over Gold Rey Dam
1942-2000
Number of Fish
20,000
15,000
10,000
5,000
0
1942
1950
1960
1970
1980
1990
2000

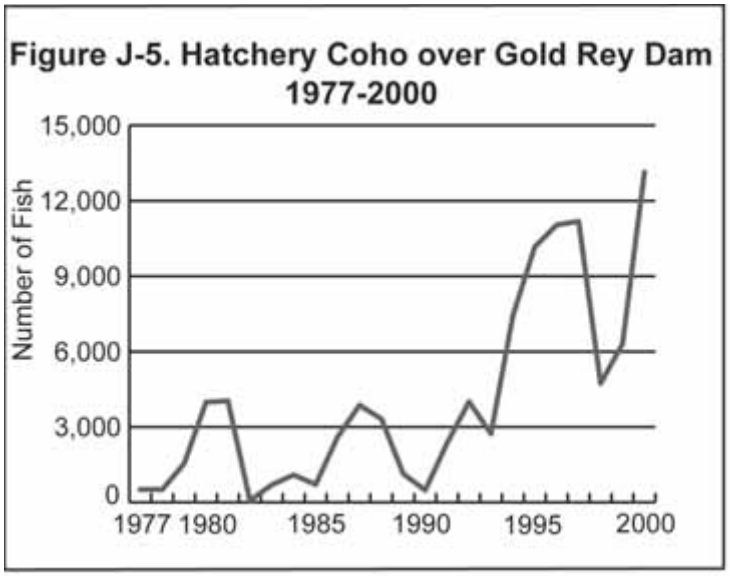


Figure J-5. Hatchery Coho over Gold Rey Dam
1977-2000
Number of Fish
15,000
12,000
9,000
6,000
3,000
0
1977
1980
1985
1990
1995
2000

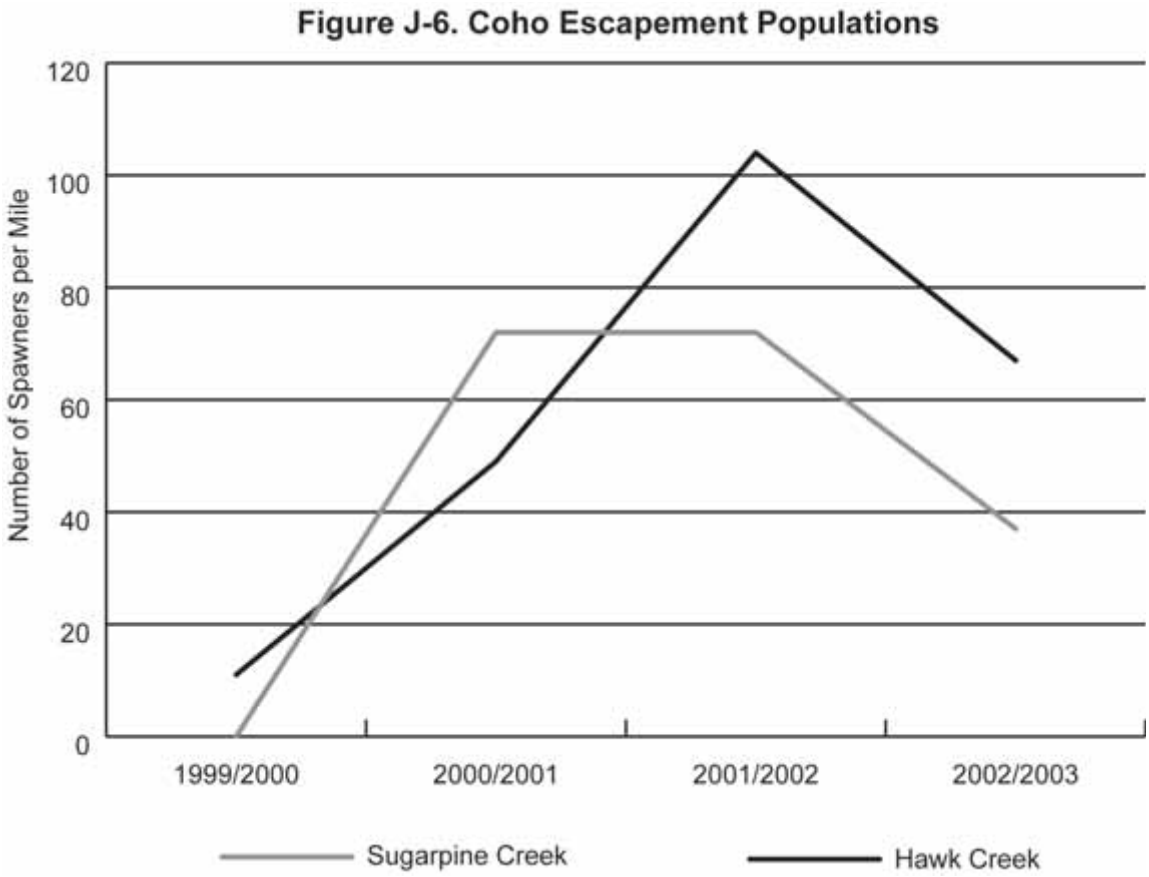


Figure J-6. Coho Escapement Populations
Number of Spawners per Mile
120
100
80
60
40
20
0
1999/2000
2000/2001
2001/2002
2002/2003
Sugarpine Creek
Hawk Creek

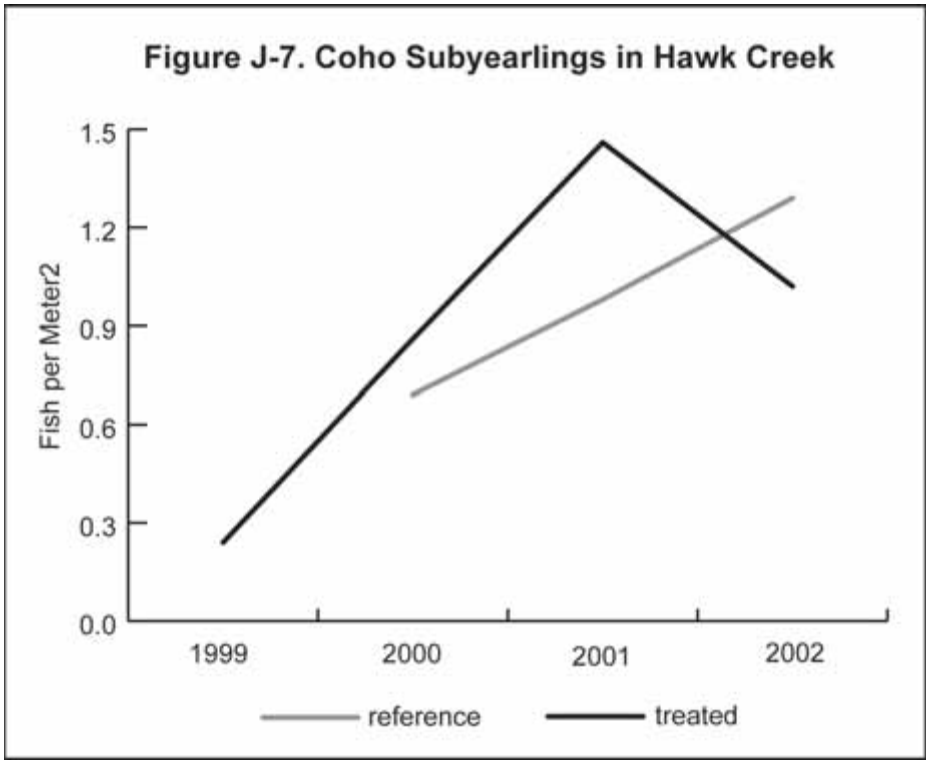


Figure J-7. Coho Subyearlings in Hawk Creek
Fish per Meter2
1.5
1.2
0.9
0.6
0.3
0.0
1999
2000
2001
2002
reference
treated

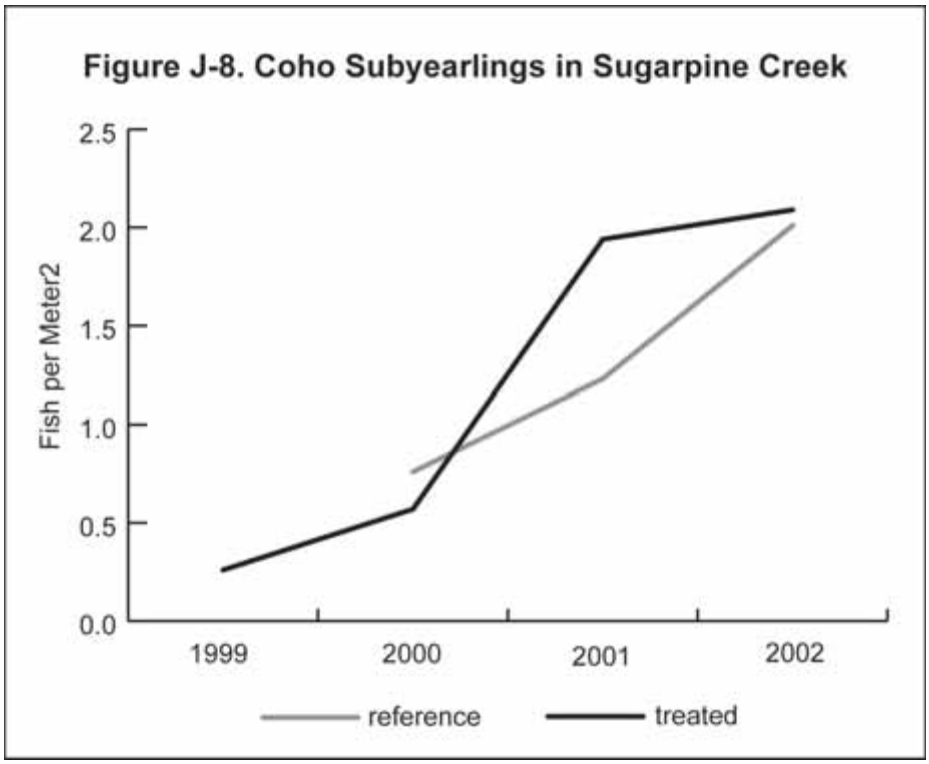


Figure J-8. Coho Subyearlings in Sugarpine Creek
Fish per Meter2
2.5
2.0
1.5
1.0
0.5
0.0
1999
2000
2001
2002
reference
treated

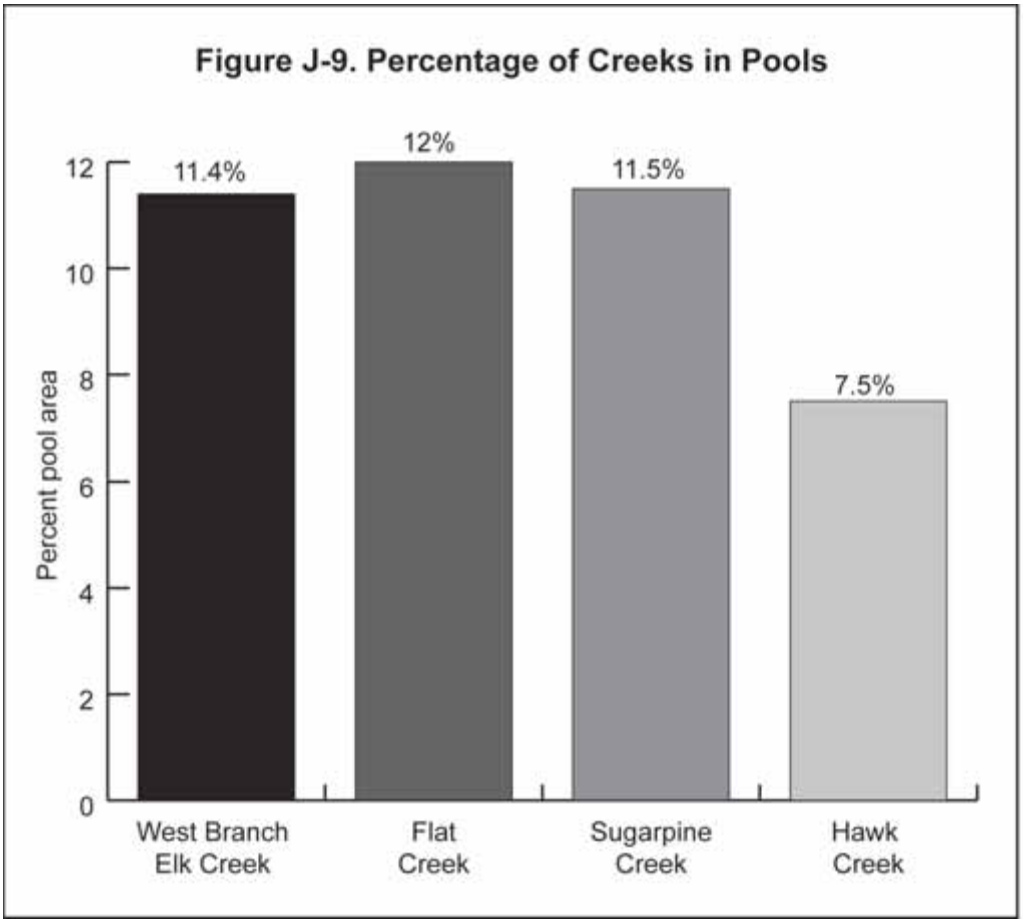


Figure J-9. Percentage of Creeks in Pools
Percent pool area
12
10
8
6
4
2
0
11.4%
12%
11.5%
7.5%
West Branch Elk Creek
Flat Creek
Sugarpine Creek
Hawk Creek

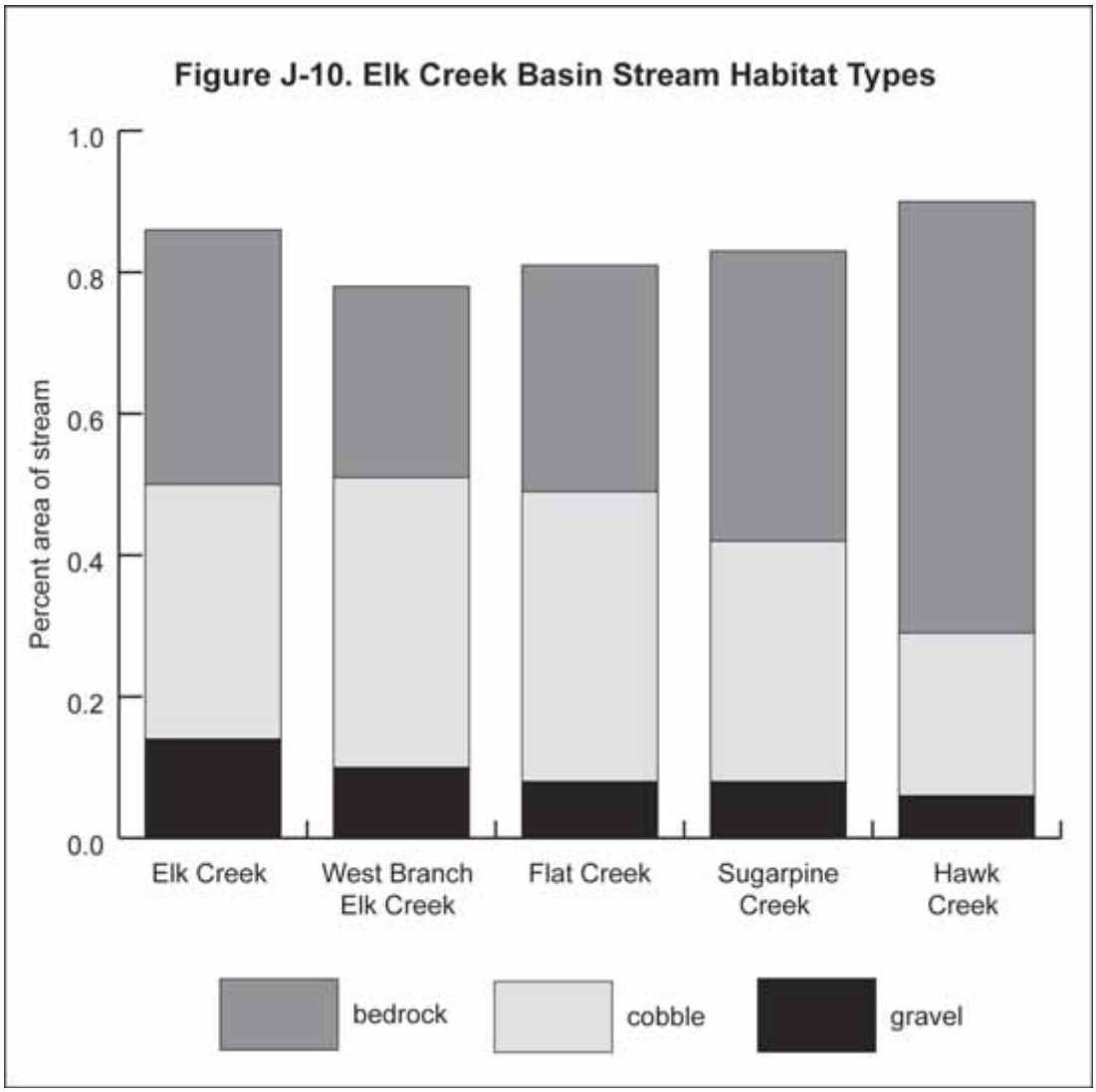


Figure J-10. Elk Creek Basin Stream Habitat Types
1.0
0.8
0.6
0.4
0.2
0.0
Percent area of stream
Elk Creek
West Branch Elk Creek
Flat Creek
Sugarpine Creek
Hawk Creek
bedrock
cobble
gravel

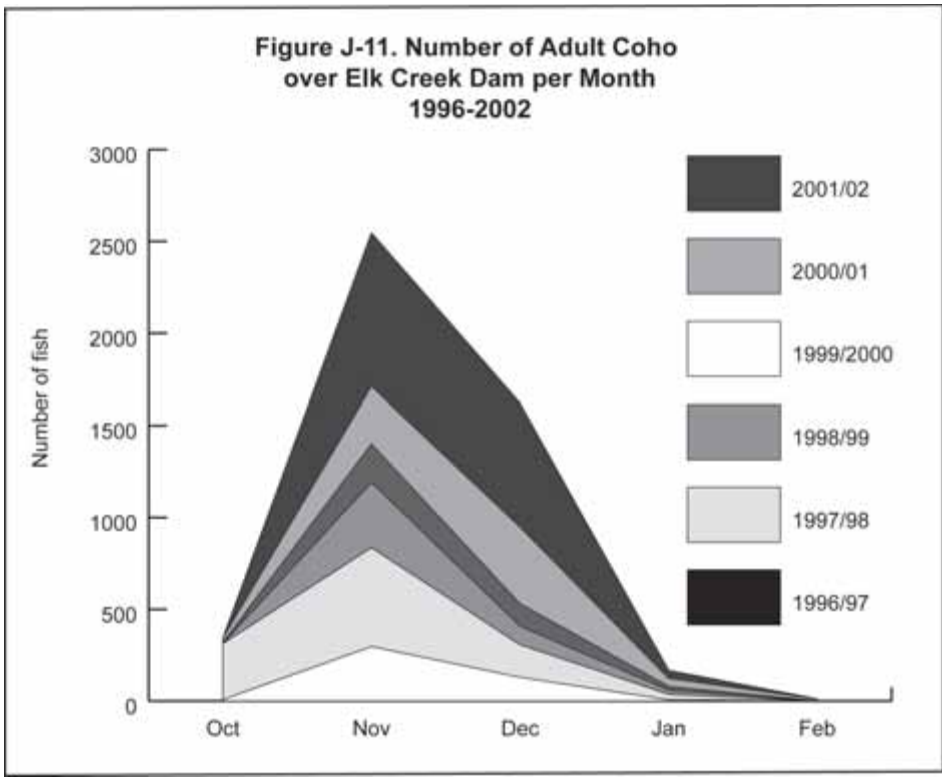


Figure J-11. Number of Adult Coho
over Elk Creek Dam per Month
1996-2002
Number of fish
3000
2500
2000
1500
1000
500
0
Oct
Nov
Dec
Jan
Feb
2001/02
2000/01
1999/2000
1998/99
1997/98
1996/97

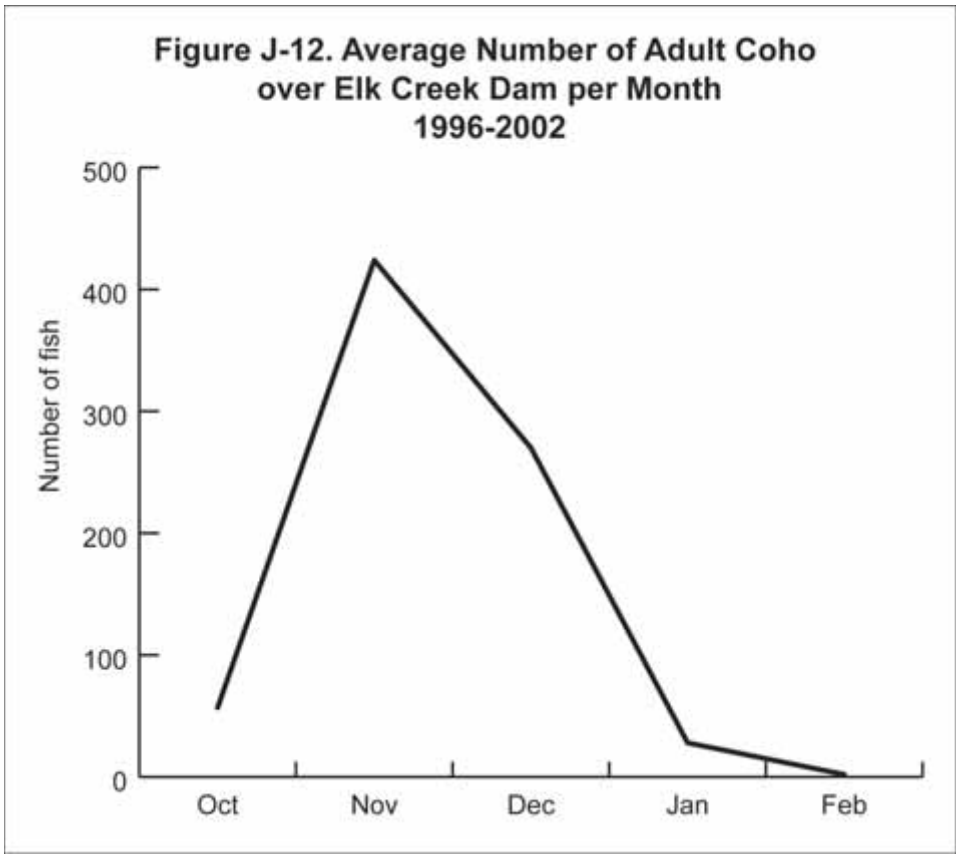


Figure J-12. Average Number of Adult Coho
over Elk Creek Dam per Month
1996-2002
Number of fish
500
400
300
200
100
0
Oct
Nov
Dec
Jan
Feb

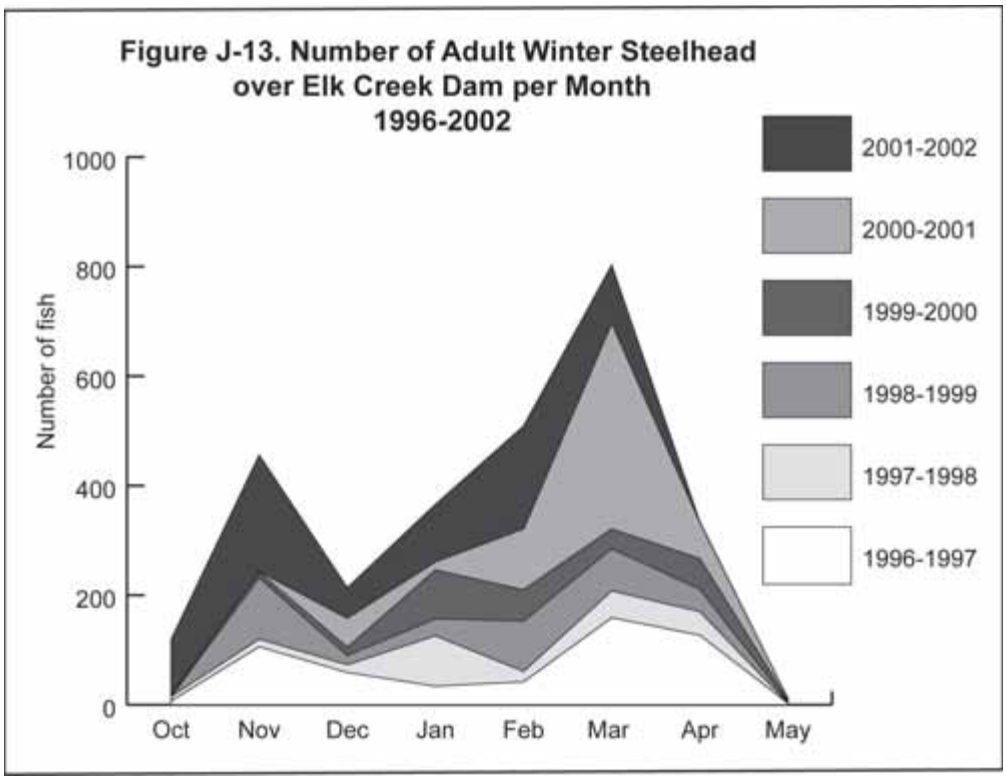


Figure J-13. Number of Adult Winter Steelhead
over Elk Creek Dam per Month
1996-2002
Number of fish
1000
800
600
400
200
0
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
2001-2002
2000-2001
1999-2000
1998-1999
1997-1998
1996-1997

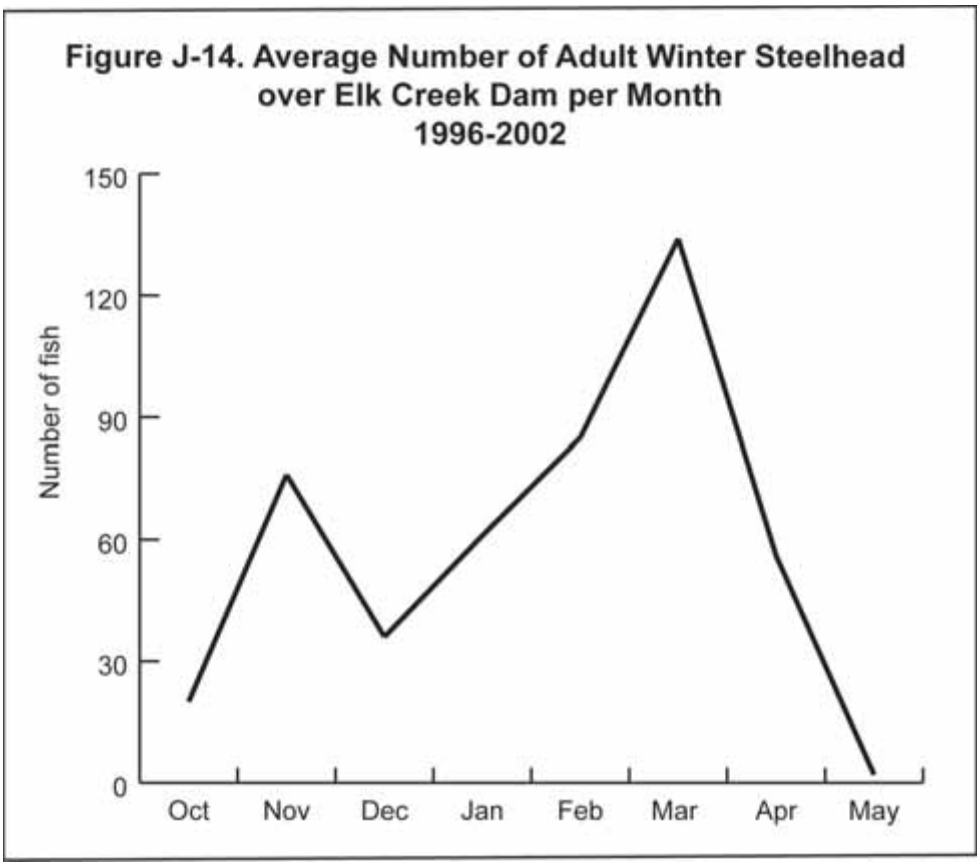


Figure J-14. Average Number of Adult Winter Steelhead
over Elk Creek Dam per Month
1996-2002
Number of fish
150
120
90
60
30
0
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May