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BLM PRINEVILLE
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
525 NE Oregon Street
PORTLAND, OREGON 97232-2737

July 2, 1999

Mr. Harry R. Cosgriffe, Area Manager
Central Oregon Resource Area
Bureau of Land Management
Prineville District Office
P.O Box 550
Prineville, Oregon 97754

Re: Section 7 Informal Consultation on Ongoing and Proposed Actions in the Central Oregon Resource Area, Prineville District, Bureau of Land Management, John Day River Basin

Dear Mr. Cosgriffe:

This responds to your May 27, 1999, letter received by the National Marine Fisheries Service (NMFS) on June 3, 1999, and accompanying June, 1999, Biological Assessment (BA), requesting formal consultation on Bureau of Land Management (BLM) actions within the Central Oregon Resource Area which "may affect" Middle Columbia River (MCR) steelhead (*Oncorhynchus mykiss*). On May 6 and 7, 1999, NMFS met with BLM fisheries personnel to discuss the April, 1999, draft BA. MCR steelhead were listed as threatened under the Endangered Species Act (ESA) by the NMFS on March 25, 1999 (64 FR 14517; March 25, 1999). The NMFS proposed critical habitat for MCR steelhead on February 5, 1999 (64 FR 5740). The subject actions, except for those upstream from Izee Falls on the South Fork John Day River (SFJDR), are within proposed critical habitat for MCR steelhead. This consultation is undertaken under section 7 (a)(2) of the ESA and its implementing regulations, 50 CFR Part 402.

In the BA, the BLM determined that the proposed South Little Canyon Timber Sale, 122 range allotments for the 1999 grazing season, prescribed burning, and construction of a small pond at a spring in the Grub Creek drainage "may affect, but are not likely to adversely affect" (NLAA) MCR steelhead. The NLAA actions covered by this concurrence letter are listed in Table 1 (Attached). The proposed South Little Canyon Timber Sale would involve the commercial thinning of 284 acres and precommercial thinning of 150 acres in Little Pine Creek, an Upper John Day River tributary. Approximately 500 feet of new temporary and 400 feet of new permanent road would be constructed outside Riparian Habitat Conservation Areas (RHCAs). The grazing allotments and their current management are individually described in detail in Appendix B of the BA. Since 1999 grazing on many allotments had already been or would be completed within a week after the May 24, 1999, effective ESA listing date for MCR steelhead, those allotments were determined to be NLAA for 1999. However, prior to livestock turnout in the spring of 2000, the BLM should have completed interagency Section 7 consultation with NMFS to develop grazing strategies which minimize or avoid the potential for livestock to



adversely effect (e.g. stepping on MCR steelhead redds, over-utilization of riparian vegetation, decreased streambank stability) MCR steelhead or their proposed critical habitat. That consultation should be initiated by mid-August of 1999 to allow for its completion well in advance of expected livestock turnout in 2000. In 1999, prescribed burning on BLM lands in the John Day River basin would occur at eight locations listed in Table 1. The proposed spring improvement would be located at the head of an intermittent tributary to Grub Creek approximately 0.7 mile upstream from Grub Creek, itself an intermittent stream. The BLM also determined in the BA that road maintenance, 14 range allotments for the 1999 grazing season, irrigation use in agricultural leased fields along Bridge Creek, and natural gas pipeline right-of-way maintenance in Pine Hollow were "likely to adversely affect" (LAA) MCR steelhead. Those LAA actions are addressed in a biological opinion to be issued by NMFS at a later date.

NMFS concurs with the BLM's determinations that the actions listed in Table 1 are NLAA MCR steelhead or their proposed critical habitat. Regarding the South Little Canyon Timber Sale, NMFS' decision is based on the determination that: (1) full PACFISH no entry buffers will be implemented on all streams within the sale; (2) road construction associated with the timber sale is minimal and is outside RHCAs; and, (3) existing roads will be improved to decrease potential for sediment transport to streams and eliminate drainage problems and closed if deemed not necessary by the BLM for future resource management. Regarding grazing allotments, NMFS' decision is based on the determination that: (1) spring grazing had already been completed prior to or would be completed within one week following the effective listing date for MCR steelhead of May 24, 1999; or, (2) fencing or existing topographical and other natural features (e.g. thick brush, downed trees) prevent livestock access to streams where MCR steelhead may spawn. Regarding prescribed fire: (1) burning would not be allowed to enter riparian areas along perennial streams (fish-bearing or non-fish-bearing) and would not be ignited in riparian areas of intermittent streams; and (2) burning would occur primarily in areas of sagebrush-juniper plant associations. Regarding the Grub Creek spring development: (1) based on location of the project and the intermittent nature of the stream, the potential for flow alterations in Grub Creek or sediment resulting from implementation of this project to reach MCR steelhead habitat in Grub Creek is minimal; (2) development of the spring for livestock watering will eliminate or reduce the need for livestock watering in Grub Creek. The BLM determined in the BA that all aquatic habitat indicators listed in NMFS' Matrix of Pathways and Indicators (MPI) would be maintained by all actions listed in Table 1 below. Thus, the NMFS believes there is less than a negligible likelihood of incidental take of MCR steelhead or adverse effects to proposed critical habitat occurring due to the subject actions.

The BLM must reinitiate this ESA consultation if: (1) new information reveals that effects of the actions may affect listed species in a way not previously considered; (2) the actions are 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 actions (50 CFR 402.16). The BLM must also reinitiate consultation if the actions are not in compliance with requirements of NMFS' broad-scale biological opinion being developed in consultation with the BLM for the Resource Management Plan as amended by PACFISH, within the MCR steelhead ESU.

Questions regarding this letter should be directed to Ron Lindland, of my staff, at 503-231-2315.

Sincerely,

A handwritten signature in black ink that reads "Michael Stelle for". The signature is written in a cursive style.

William Stelle, Jr.
Regional Administrator

Attachment

cc: Doug Young, U.S. Fish and Wildlife Service
Tim Unterwegner, Oregon Department of Fish and Wildlife

Table 1. Ongoing and proposed actions from Prineville BLM Central Oregon Resource Area's June, 1999, Biological Assessment for the John Day River basin which are covered by this concurrence letter.

Timber Harvest

South Little Canyon Creek (Little Pine Creek)

Prescribed Fire

South Carroll Rim:	2000-3000 acres (Sutton Mtn. Area, north of Mitchell, Oregon: T10S, R21E)
Gable Creek:	1500 acres (South of Highway 26, southwest of Mitchell, Oregon: T11S, R21E)
McNulty Burn:	75 acres (Battle Creek, southwest of Dayville, Oregon: T13S, R26E, Sec 21)
Morgan Creek:	2400 acres (SFJDR, upstream from Izee Falls: T17S, R27E, Secs. 1-3, 10-15, and 23-24)
Whisenhunt Burn:	55 acres (Ferris Creek, northwest of Dayville, Oregon: T12S, R27E, Sec. 30)
Hole-in-Ground:	510 acres (SFJDR, upstream from Izee Falls: T18S, R27E, Secs. 2, 10, and 15)
Corral Creek:	134 acres (SFJDR, upstream from Izee Falls: T18S, R28E, Sec. 15)
Creek Burn	291 acres (Cottonwood Creek west of Dayville, Oregon: T12S, R26E, Sec 32 and T13S, R26E, Sec. 5)

Range Allotments

2501, 2508, 2514, 2520, 2523, 2524, 2525, 2531, 2535, 2544, 2551, 2554, 2556, 2558, 2559, 2560, 2561, 2563, 2565, 2577, 2584, 2587, 2601, 2609, 2613, 2625, 2626, 2629, 2639, 2642, 2645, 2660, 2663, 4001, 4002, 4003, 4006, 4007, 4009, 4012, 4014, 4015, 4020, 4021, 4022, 4023, 4025, 4028, 4029, 4030, 4031, 4035, 4037, 4038, 4041, 4042, 4046, 4047, 4049, 4050, 4052, 4059, 4060, 4061, 4062, 4066, 4067, 4068, 4069, 4071, 4074, 4077, 4078, 4083, 4085, 4086, 4087, 4092, 4094, 4095, 4100, 4102, 4104, 4106, 4107, 4108, 4109, 4110, 4112, 4113, 4118, 4119, 4120, 4121, 4122, 4124, 4125, 4128, 4129, 4131, 4133, 4134, 4135, 4136, 4139, 4141, 4154, 4155, 4156, 4158, 4159, 4163, 4164, 4167, 4172, 4174, 4176, 4177, 4181, 4184, 4186

Miscellaneous

Spring Development near Grub Creek