

— APPENDICES —

— APPENDIX A—

**Updated Species List from NMFS and
USFWS**



UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 BUREAU OF RECLAMATION
 525 NE Oregon Street
 PORTLAND, OREGON 97232-2787

OFFICIAL FILE COPY

JUL 08 '02

TO	INIT	DATE
6308	P	7/6/02
CONTROL #:		
FOLDER #:		

Refer to:
 OHB2002-0159-SL

July 3, 2002

Mr. Ronald J. Eggers
 U.S. Department of the Interior
 Bureau of Reclamation
 Pacific Northwest Region
 Lower Columbia Area Office
 825 NE Multnomah Street, Suite 1110
 Portland, Oregon 97232-2135

Re: Updated Species List Request for Species Which May Be Affected by Bureau of Reclamation Reservoir Operations in the Deschutes River Basin, Oregon.

Dear Mr. Eggers:

The National Marine Fisheries Service (NMFS) received your June 5, 2002, letter requesting an updated list of threatened and endangered anadromous fish species which may be affected by Bureau of Reclamation (BOR) reservoir operations in the Deschutes River Basin, Oregon. We have enclosed a list of those anadromous fish species that are listed as endangered or threatened under the Endangered Species Act (ESA), those that are proposed for listing, and those that are candidates for listing. This inventory only includes species under NMFS' jurisdiction that occur in the Pacific Northwest. The U.S. Fish and Wildlife Service should be contacted regarding the presence of species falling under its jurisdiction.

Available information indicates that ten anadromous fish species listed under the ESA are known to be present within or downstream from the proposed action area. Middle Columbia River (MCR) steelhead (*Oncorhynchus mykiss*) which NMFS listed as threatened (March 25, 1999, 64 FR 14517) are known to spawn and rear in the Deschutes River and its tributaries downstream from Pelton Dam. Snake River (SR) fall, SR spring/summer, and Upper Columbia River (UCR) spring chinook salmon (*O. tshawytscha*); SR sockeye salmon (*O. nerka*); and SR and UCR steelhead (*O. mykiss*) migrate past the mouth of the Deschutes River in the Columbia, and sometimes enter the lower Deschutes for brief periods before continuing their migration up the Columbia River. Lower Columbia River (LCR) chinook salmon, LCR steelhead and Columbia River chum salmon (*O. keta*) occur in the Columbia River, and certain tributaries downstream from Hood River.

Furthermore, habitat in and along the length of the Columbia River has been designated as critical habitat for SR fall chinook salmon, SR spring/summer chinook salmon, and SR sockeye salmon. Additional information on listed species' distribution, copies of Federal Register

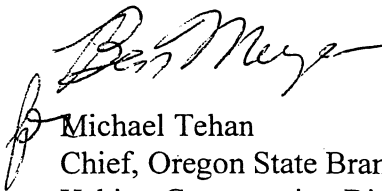


documents designating listed species status, and links to various ESA consultation policies and tools may be found on our web site at: www.nwr.noaa.gov. For information on the ESA section 7 consultation process, please refer to the ESA section 7 implementing regulations, 50 CFR Part 402.

In addition, the Pacific Fisheries Management Council (PFMC), which was established under the Magnuson-Stevens Act, has described and identified essential fish habitat (EFH) in each of its fisheries management plans. EFH includes “those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity.” All habitat, excluding areas upstream of longstanding, naturally-impassible barriers, in the Upper Deschutes watershed (HUC 17070301), Lower Crooked River watershed (HUC 17070305), and Trout Creek watershed (HUC 17070307) is designated as EFH for chinook salmon. All habitat, excluding areas upstream of longstanding, naturally-impassible barriers, in the Lower Deschutes watershed (HUC 17070306) is designated as EFH for chinook salmon and coho salmon. Additional information addressing EFH may be found on our web site cited above.

Questions regarding this letter should be directed to Scott Hoefer of my staff at 503.231.6938.

Sincerely,



Michael Tehan
Chief, Oregon State Branch
Habitat Conservation Division

Enclosure:

Endangered, Threatened, Proposed, and Candidate Species That Occur under National Marine Fisheries Service Jurisdiction in Oregon

cc: Ellen Berggren, BOR
Peter Lickwar, USFWS

Enclosure

Endangered, Threatened, Proposed, and Candidate Species That Occur under National Marine Fisheries Service Jurisdiction in Oregon

(T=threatened, E=endangered, CH=critical habitat)

Listed Species:

Coho Salmon (*Oncorhynchus kisutch*)

-S. Oregon/N. California Coasts Evolutionarily Significant Unit(ESU)(T)

-Oregon Coast ESU (T)

Chinook Salmon (*O. tshawytscha*)

-Snake River fall-run ESU (T)(CH)

-Snake River spring/Summer-run ESU (T)(CH)

Lower Columbia River ESU (T)

Upper Willamette River ESU (T)

Upper Columbia River Spring-run ESU (E)

Chum Salmon (*O. keta*)

-Columbia River ESU (T)

Sockeye Salmon (*O. nerka*)

-Snake River ESU (E)(CH)

Steelhead (*O. mykiss*)

-Upper Columbia River ESU (E)

-Snake River Basin ESU (T)

-Lower Columbia River ESU (T)

-Upper Willamette River ESU (T)

-Middle Columbia River ESU (T)

Proposed for Listing:

-None

Candidates for Listing:

-Coho Salmon (*O. kisutch*)

Lower Columbia River/SW Washington ESU

-Steelhead (*O. mykiss*)

Oregon Coast ESU

Ellen Berggren



United States Department of the Interior

**FISH AND WILDLIFE SERVICE
Oregon Fish and Wildlife Office
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Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195**

BUREAU OF RECLAMATION OFFICIAL FILE COPY	
JUN 28 2002	

Reply To: 8330.7401(02)
File Name: Sp740.wpd
TS Number: 02-5889

June 28, 2002

Ronald J. Eggers
U.S. Bureau of Reclamation
825 NE Multnomah Street, Suite 1110
Portland, OR 97232-2135

Subject: Deschutes River Basin Projects
USFWS Reference # (1-7-02-SP-740)

Dear Mr. Eggers:

This is in response to your letter, dated May 28, 2002, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Deschutes River Basin Projects in Deschutes County. The U.S. Fish and Wildlife Service (Service) received your correspondence on May 28, 2002.

We have attached a list (Attachment A) of threatened and endangered species that may occur within the area of the Deschutes River Basin Projects. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). U.S. Bureau of Reclamation (BR) requirements under the Act are outlined in Attachment B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, BR is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Attachment B, as well as 50 CFR 402.12.

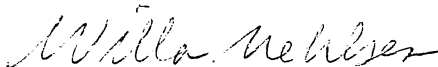
If BR determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, BR is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

Attachment A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published October 30, 2001, in the Federal Register (Vol. 66, No. 210, 54808) and the addition of "species of concern." Candidate species have no protection under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, BR is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends addressing potential impacts to these species in order to prevent future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, BR may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages BR to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Stacy Sroufe at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

Sincerely,



for Kemper M. McMaster
State Supervisor

Attachments
1-7-02-SP-740

cc: OFWO-ES
ODFW (nongame)

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE
AREA OF THE DESCHUTES RIVER BASIN PROJECTS
1-7-02-SP-740

LISTED SPECIES^{1/}

<u>Mammals</u>		
✓ Canada lynx ^{2/}	<i>Lynx canadensis</i>	T
<u>Birds</u>		
✓ Bald eagle ^{3/}	<i>Haliaeetus leucocephalus</i>	T
✓ Northern spotted owl ^{4/}	<i>Strix occidentalis taurina</i>	CH T
<u>Fish</u>		
✓ Steelhead (Middle Columbia River) ^{5/}	<i>Oncorhynchus mykiss</i>	**T
✓ Bull trout (Columbia River pop) ^{6/}	<i>Salvelinus confluentus</i>	T

PROPOSED SPECIES

None

CANDIDATE SPECIES^{7/}BirdsYellow-billed cuckoo^{8/} *Coccyzus americanus*Amphibians and ReptilesColumbia spotted frog *Rana luteiventris*
Oregon spotted frog *Rana pretiosa*SPECIES OF CONCERNMammals

Pygmy rabbit	<i>Brachylagus idahoensis</i>
Pale western big-eared bat	<i>Corynorhinus (=Plecotus) townsendii pallescens</i>
California wolverine	<i>Gulo gulo luteus</i>
Silver-haired bat	<i>Lasionycteris noctivagans</i>
Pacific fisher	<i>Martes pennanti pacifica</i>
Small-footed myotis (bat)	<i>Myotis ciliolabrum</i>
Long-eared myotis (bat)	<i>Myotis evotis</i>
Fringed myotis (bat)	<i>Myotis thysanodes</i>
Long-legged myotis (bat)	<i>Myotis volans</i>
Yuma myotis (bat)	<i>Myotis yumanensis</i>
California bighorn sheep	<i>Ovis canadensis californiana</i>
Preble's shrew	<i>Sorex preblei</i>

Birds

Northern goshawk
Tricolored blackbird
Western burrowing owl
Ferruginous hawk
Band-tailed pigeon
Greater sage-grouse
Black tern
Olive-sided flycatcher
Willow flycatcher
Harlequin duck
Yellow-breasted chat
Lewis' woodpecker
Mountain quail
White-headed woodpecker

Accipiter gentilis
Agelaius tricolor
Athene cunicularia hypugea
Buteo regalis
Columba fasciata
Centrocercus urophasianus
Chlidonias niger
Contopus cooperi (=borealis)
Empidonax trailli adastus
Histrionicus histrionicus
Icteria virens
Melanerpes lewis
Oreortyx pictus
Picoides albolarvatus

Amphibians and Reptiles

Coastal tailed frog
Oregon slender salamander
Northern red-legged frog
Cascades frog
Northern sagebrush lizard

Ascaphus truei
Batrachoseps wrighti
Rana aurora aurora
Rana cascadae
Sceloporus graciosus graciosus

Fish

Pacific lamprey
Interior redband trout

Lampetra tridentata
Oncorhynchus mykiss gibbsi

Invertebrates

Beller's ground beetle
California floater (mussel)
Cascades apatanian caddisfly
Mt. Hood farulan caddisfly
Great Columbia River spire snail
One-spot rhyacophilan caddisfly

Agonum belleri
Anodonta californiensis
Apatania (=Radema) tavala
Farula jewetti
Fluminicola columbianus
Rhyacophila unipunctata

Plants

Wallowa ricegrass
Peck's milk-vetch
Crenulate grape-fern
Disappearing monkeyflower
Little mousetail
Lichen

Achnatherum wallowaensis
Astragalus peckii
Botrychium crenulatum
Mimulus evanescens
Myosurus minimus ssp. *apus* (= var. *sessiliflorus*)
Texosporum sancti-jacobi

(E) - Listed Endangered

(T) - Listed Threatened

(CH) - Critical Habitat has been designated for this species

(PE) - Proposed Endangered

(PT) - Proposed Threatened

(PCH) - Critical Habitat has been proposed for this species

(S) - Suspected

(D) - Documented

Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

- 1/ U. S. Department of Interior, Fish and Wildlife Service, October 31, 2000, Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12
- 2/ Federal Register Vol. 65, No. 58, Mar 24, 2000, Final Rule-Canada lynx
- 3/ Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle
- 4/ Federal Register Vol. 57, No. 10, January 15, 1992, Final Rule-Critical Habitat for the Northern Spotted Owl
- 5/ Federal Register Vol. 64, No. 57, March 25, 1999, Final Rule - Middle Columbia and Upper Willamette River Steelhead
- 6/ Federal Register Vol. 63, No. 111, June 10, 1998, Final Rule-Columbia River and Klamath River Bull Trout
- 7/ Federal Register Vol. 66, No. 210, October 30, 2001, Notice of Review - Candidate or Proposed Animals and Plants
- 8/ Federal Register Vol. 66, No. 143, July 25, 2001, 12-Month Finding for a Petition To List the Yellow-billed Cuckoo

ATTACHMENT B
FEDERAL AGENCIES RESPONSIBILITIES UNDER SECTION 7(a) and (c)
OF THE ENDANGERED SPECIES ACT

SECTION 7(a)-Consultation/Conference

Requires:

- 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
- 2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of Critical Habitat. The process is initiated by the Federal agency after they have determined if their action may affect (adversely or beneficially) a listed species; and
- 3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed Critical Habitat.

SECTION 7(c)-Biological Assessment for Major Construction Projects¹

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify proposed and/or listed species which are/is likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should: (1) conduct an on-site inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or for potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within FWS, National Marine Fisheries Service, State conservation departments, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not a listed species will be affected. Upon completion, the report should be forwarded to our Portland Office.

¹A construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332. (2)c). On projects other than construction, it is suggested that a biological evaluation similar to the biological assessment be undertaken to conserve species influenced by the Endangered Species Act.