

Attachments

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- Attachment D – Mail Distribution List
- Attachment E – Public Involvement

Attachment A – Endangered Species Act Correspondence

- Reclamation requests for list of threatened and endangered species for Rogue River Basin Project
 - March 15, 2001, memorandum to USFWS
 - March 15, 2001, letter to NOAA Fisheries
- NOAA Fisheries Rogue River Basin Project referral to internet site: <http://www.nwr.noaa.gov/lsalmon/salmesa/cohosoc/htm>)
- April 16, 2001, USFWS Rogue River Basin Project response
- October 22, 2001, Reclamation memorandum to USFWS requesting updated threatened and endangered species list for Tyler Creek wasteway
- December 13, 2001, USFWS Tyler Creek wasteway response
- May 1, 2003, Reclamation memorandum to USFWS requesting updated threatened and endangered species list for Tyler Creek wasteway stabilization
- May 16, 2003, USFWS Tyler Creek wasteway stabilization response



IN REPLY
REFER TO:

LCA-6101
ENV-7.00

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Lower Columbia Area Office
825 NE Multnomah Street, Suite 1110
Portland, Oregon 97232-2135

MAR 15 2001

MEMORANDUM

To: State Supervisor, U.S. Fish and Wildlife Service
2600 SE 98th Avenue, Suite 100, Portland, OR 97266

From: *for* J. Eric Glover *Romeo Wisco*
Area Manger

Subject: Request for List of Threatened and Endangered Species Under the Endangered Species Act - Bureau of Reclamation's Rogue River Basin Project

The Bureau of Reclamation (Reclamation) is proposing to upgrade access to the Tyler Creek Wasteway (Wasteway) and conduct bank stabilization and restoration activities. The storage system of the Rogue River Basin Project-Talent Division includes two high elevation reservoirs, Hyatt and Howard Prairie. Storage from these reservoirs is diverted to Keene Creek Reservoir, which serves as a forebay for the Green Springs Powerplant (Powerplant). Water from the Powerplant discharges into Emigrant Reservoir via Emigrant Creek and is subsequently regulated for irrigation within the Talent Irrigation District. The only alternative means of transferring water from Keene Creek Reservoir to Emigrant Reservoir is the Wasteway. Therefore, for periods when the Powerplant is out of service during the irrigation season, storage water is conveyed to Emigrant Reservoir through the Wasteway. The term Tyler Creek Wasteway is a misnomer in that the Wasteway is actually located in the South Fork of Schoolhouse Creek.

Use of the Wasteway is generally restricted in duration; however, during the spring of 1993, repairs and scheduled maintenance forced the shutdown of the Powerplant for virtually an entire irrigation season. As a consequence of the extended use of the Wasteway, damage to property outside Reclamation's existing right-of-way occurred. Reclamation has made an agreement with the property owners to conduct restoration activities in exchange for right-of-way access. Reclamation proposes construction of an unpaved road, including installing three culverts and one crossing ford to gain access to the Wasteway. Prior to the acquisition of the right-of-way, irrigators and Powerplant operators could not access the Wasteway directly. The construction of the road will make operation and maintenance of the Wasteway more feasible.

As part of Reclamation's National Environmental Policy Act (NEPA) compliance procedure, it is formally requesting information on any listed and/or proposed endangered and threatened species

that may be present within the proposed project area, as required under the Federal Endangered Species Act (ESA) of 1973. We request that your ESA species list cover the townships below.

Jackson County, Oregon T39S: R3E S32-33

T40S: R3E S4-5

We would appreciate receiving the ESA species list at your earliest convenience. Please send your response and any other correspondence related to this NEPA process to our Lower Columbia Area Office, 825 NE Multnomah Street, Suite 1110, Portland, OR 97232, Attention - L.A. 6101. You should contact Mr. Chuck Korson, (541) 312-9323, if you have any questions during the course of this NEPA review.



IN REPLY
REFER TO:

LCA-6101
ENV-7.00

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Lower Columbia Area Office
825 NE Multnomah Street, Suite 1110
Portland, Oregon 97232-2135

MAR 15 2001

Mr. Michael P. Tehan
Chief, Oregon State Branch Habitat Conservation Division
National Marine Fisheries Service
525 NE Oregon Street
Portland, OR 97232

Subject: Request for List of Threatened and Endangered Species Under the Endangered Species Act - Bureau of Reclamation's Rogue River Basin Project

Dear Mr. Tehan:

The Bureau of Reclamation (Reclamation) is proposing to upgrade access to the Tyler Creek Wasteway (Wasteway) and conduct bank stabilization and restoration activities. The storage system of the Rogue River Basin Project-Talent Division includes two high elevation reservoirs, Hyatt and Howard Prairie. Storage from these reservoirs is diverted to Keene Creek Reservoir, which serves as a forebay for the Green Springs Powerplant (Powerplant). Water from the Powerplant discharges into Emigrant Reservoir via Emigrant Creek and is subsequently regulated for irrigation within the Talent Irrigation District. The only alternative means of transferring water from Keene Creek Reservoir to Emigrant Reservoir is the Wasteway. Therefore, for periods when the Powerplant is out of service during the irrigation season, storage water is conveyed to Emigrant Reservoir through the Wasteway. The term Tyler Creek Wasteway is a misnomer in that the Wasteway is actually located in the South Fork of Schoolhouse Creek.

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COHO SALMON

Oncorhynchus kisutch

SOUTHERN OREGON/NORTHERN CALIFORNIA COASTS ESU

LISTED THREATENED

May 1997

ESU* STATUS AND DESCRIPTION: Listed as a threatened species on [May 6, 1997](#). The ESU includes all naturally spawned populations of coho salmon in coastal streams between Cape Blanco, Oregon, and Punta Gorda, California.

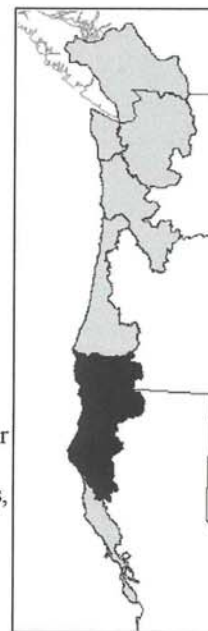
** An Evolutionarily Significant Unit or "ESU" is a distinctive group of Pacific salmon, steelhead, or sea-run cutthroat trout.*

CRITICAL HABITAT:

Current Status - Designated on May 5, 1999.

Description - Critical habitat is designated to include all river reaches accessible to listed coho salmon between Cape Blanco and Punta Gorda. Excluded are areas above specific dams or above longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years). Major river basins containing spawning and rearing habitat for this ESU comprise approximately 18,090 square miles in California and Oregon. The following counties lie partially or wholly within watersheds inhabited by this ESU: California - Del Norte, Glenn, Humboldt, Lake, Mendocino, Siskiyou, and Trinity; Oregon - Coos, Curry, Douglas, Jackson, Josephine, and Klamath.

More detailed critical habitat information (i.e., specific watersheds, migration barriers, habitat features, and special management considerations) for this ESU can be found in the [May 5, 1999 Federal Register](#) notice.



PROTECTIVE REGULATIONS: On [July 18, 1997](#), NMFS published an interim rule that identified several exceptions to the Endangered Species Act's Section 9 take prohibitions.

ESU MAPS AND DATA:

- [View Detailed Oregon Coast Coho ESU Map](#) (Adobe Acrobat PDF format)
- [View Range Map for all Coho ESUs](#)
- [Download coho salmon ESU data in Arc/Info export and shape file format](#)
- [Download E-sized plot files of West Coast coho salmon listings in RTL file format for large format](#)

ESU NAME: Southern Oregon/Northern California Coasts Coho ESU

<http://www.mwr.noaa.gov/1salmon/salmesa/cohosoc.h>

[plotters](#)

STATUS REVIEWS:

NOAA Technical Memorandum NMFS-NWFSC-24, September 1995

[Status Review of Coho Salmon from Washington, Oregon, and California](#)

STATUS REVIEW UPDATE MEMOS:

[Scientific disagreements regarding coho salmon under the ESA, 9/27/96 \(0.5 mb pdf\)](#)

[Conclusions regarding the updated status of west coast coho salmon, 12/20/96 \(6 mb pdf\)](#)

[Conclusions regarding the updated status of coho salmon from northern California and Oregon coasts, 4/3/97 \(6.3 mb pdf\)](#)

FEDERAL REGISTER NOTICES:

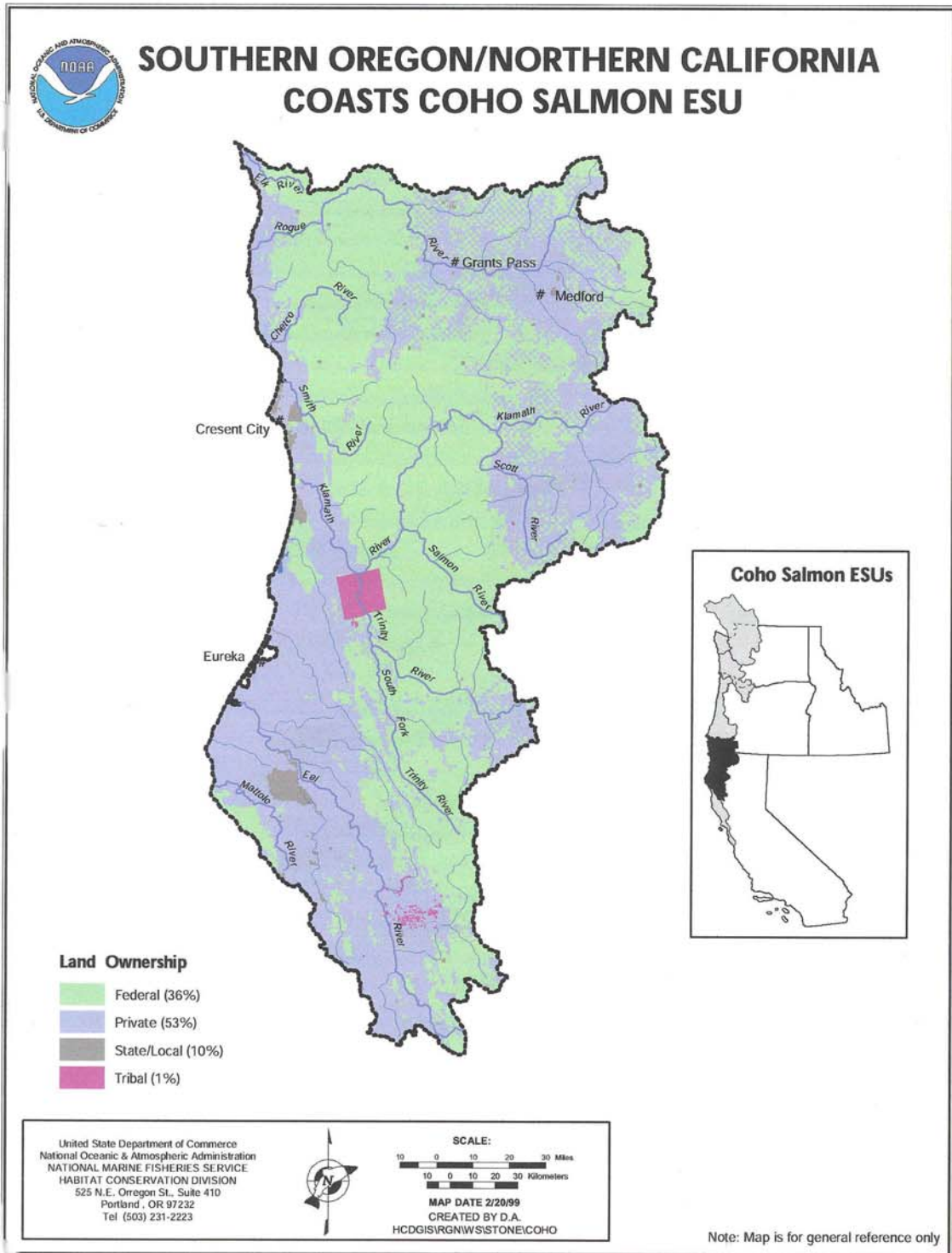
[View Federal Register Notices for Coho Salmon§](#)

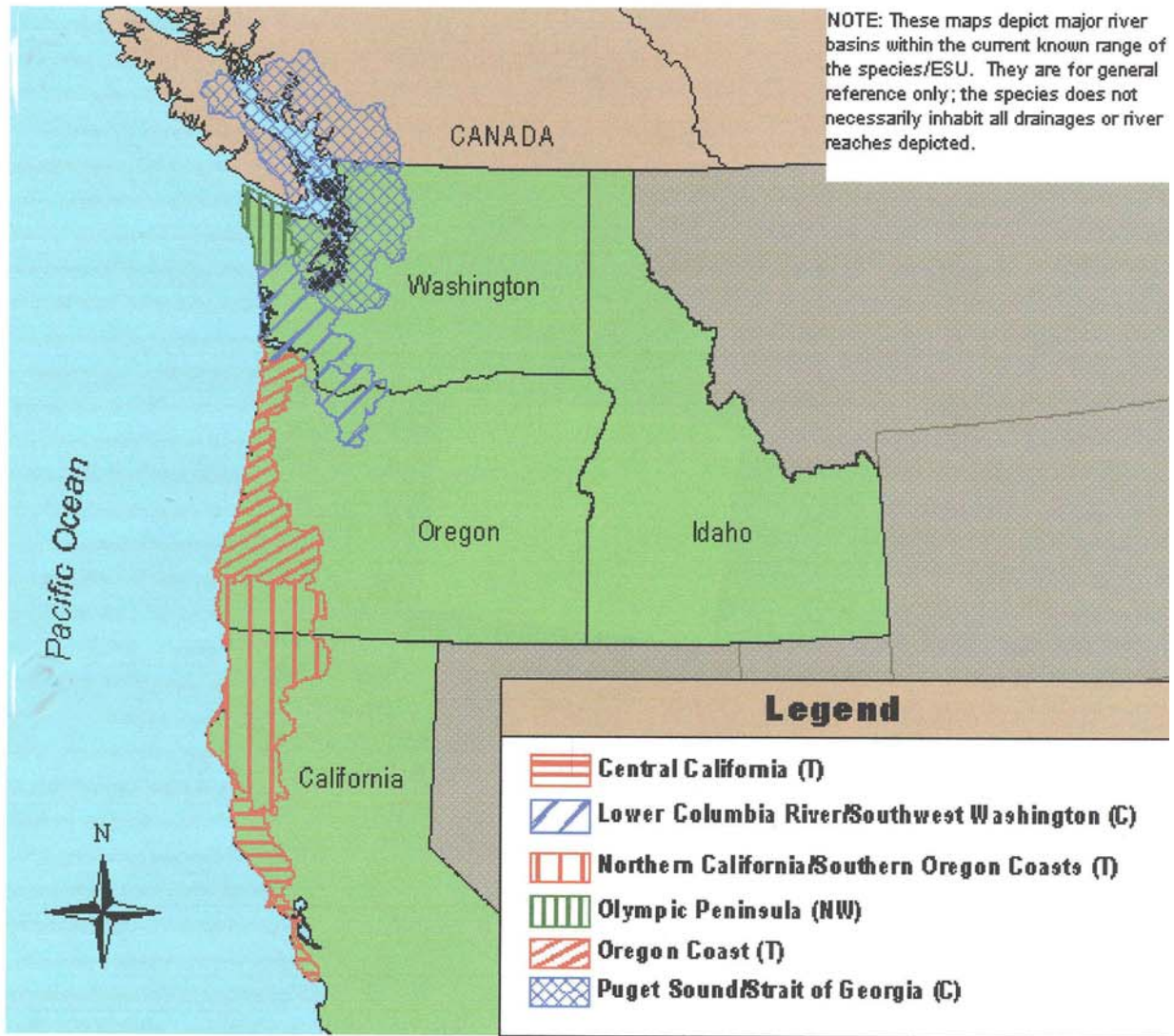
§You will need Adobe Acrobat Reader in order to view and print the detailed ESU map file and the Federal Register Notices. This program is available for free at the following link.



[Home](#) | [Fact Sheets](#) | [Federal Register Notices](#) | [ESA Status Pages](#)
[Maps](#) | [Reports & Publications](#) | [Search](#) | [Contact Us](#)

Updated November 16, 2000





Status	
T	- Threatened
C	- Candidate
NW	- Not Warranted

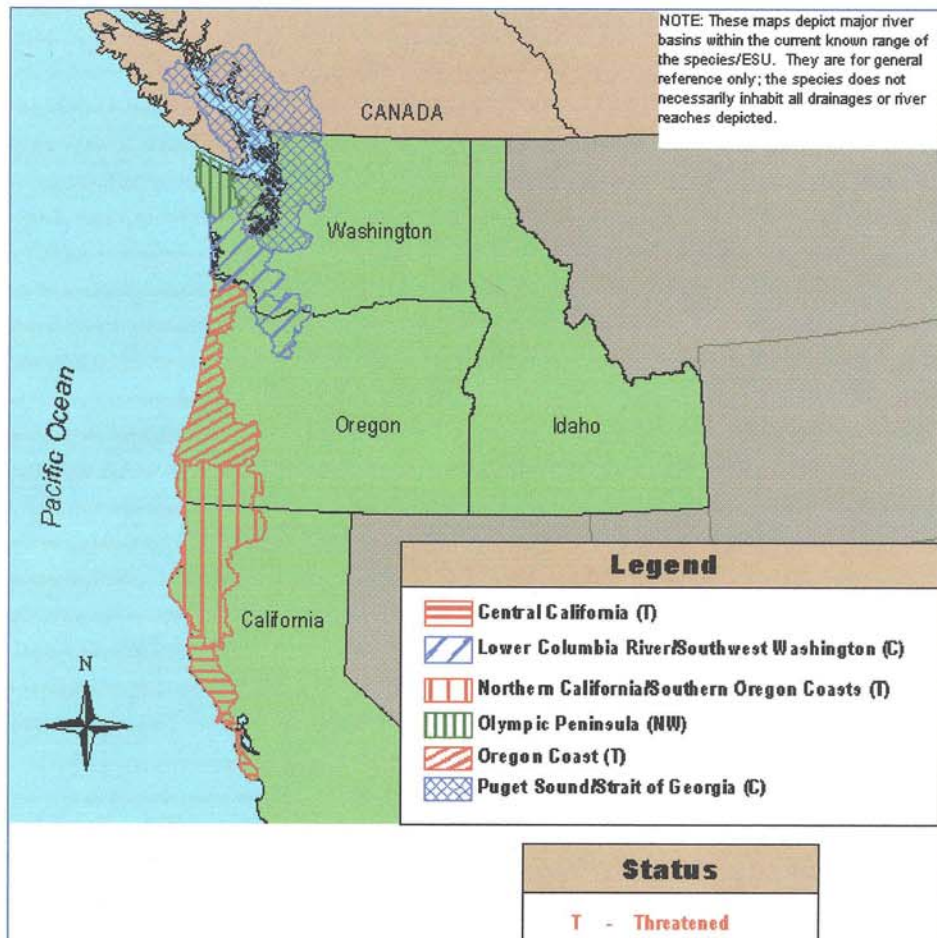


COHO SALMON
Oncorhynchus kisutch

COHO LISTING STATUS MAP

Click on an ESU or legend name below, or on the ESU name in the table provided to view a detailed map in Adobe Acrobat PDF Format. §

* An Evolutionarily Significant Unit or "ESU" is a distinctive group of Pacific salmon, steelhead, or sea-run cutthroat trout.



Coho Salmon ESU Map

<http://www.mwr.noaa.gov/1salmon/salmesa/cohoesum.h>



ESU Name	File Size (PDF)§
Central California	267 K
Lower Columbia River/Southwest Washington	570 K
Northern California/Southern Oregon Coasts	588 K
Olympic Peninsula	367 K
Oregon Coast	514 K
Puget Sound/Strait of Georgia	515 K

§You will need Adobe Acrobat Reader in order to view and print the map files listed on this page. This program is available for free at the following link.



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Updated November 16, 2000

U.S. Dept Commerce/NOAA/NMFS/NWFSC/Publications

NOAA Technical Memorandum NMFS-NWFSC-24

Status Review of Coho Salmon from Washington, Oregon, and California



**Laurie A. Weitkamp, Thomas C. Wainwright, Gregory J. Bryant*, George B. Milner,
David J. Teel, Robert G. Kope, and Robin S. Waples**



**National Marine Fisheries Service
Northwest Fisheries Science Center
Coastal Zone and Estuarine Studies Division
2725 Montlake Blvd. E.
Seattle WA 98112-2097**

and

***National Marine Fisheries Service
Southwest Region
Protected Species Management Division
501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213
September 1995**

**U.S. DEPARTMENT OF COMMERCE
Ronald H. Brown, Secretary**

**National Oceanic and Atmospheric Administration
D. James Baker, Administrator**

**National Marine Fisheries Service
Rolland A. Schmitten, Assistant Administrator for Fisheries**

NOAA-NWFSC Tech Memo-24: Status Review of Coho Salmon

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EXECUTIVE SUMMARY

The Endangered Species Act (ESA) allows listing of distinct population segments of vertebrates as well as named species and subspecies. The policy of the National Marine Fisheries Service (NMFS) on this issue for Pacific salmon and steelhead is that a population will be considered distinct for purposes of the ESA if it represents an evolutionarily significant unit (ESU) of the species as a whole. To be considered an ESU, a population or group of populations must 1) be substantially reproductively isolated from other populations, and 2) contribute substantially to ecological/genetic diversity of the biological species. Once an ESU is identified, a variety of factors related to population abundance are considered in determining whether a listing is warranted.

In October 1993, in response to three petitions seeking protection for coho salmon under the ESA, NMFS initiated a status review of coho salmon in Washington, Oregon, and California, and formed a Biological Review Team (BRT) to conduct the review. This report summarizes biological and environmental information gathered in that process.

Proposed Coho Salmon ESUs

The BRT examined genetic, life history, biogeographic, geologic, and environmental information to identify where ESU boundaries should be located. In particular, physical environment and ocean conditions/upwelling patterns, estuarine and freshwater fish distributions, and coho salmon river entry and spawn timing and marine coded-wire-tag recovery patterns were found to be the most informative for this process. Based on this examination, the BRT identified six coho salmon ESUs in Washington, Oregon, and California. The geographic boundaries of the six proposed ESUs are as follows:

1. Central California coast. The geographic boundaries of this ESU extend from Punta Gorda in northern California south to and including the San Lorenzo River in central California, and include tributaries to San Francisco Bay, excluding the Sacramento-San Joaquin River system.
2. Southern Oregon/northern California coasts. This ESU includes coho salmon from Cape Blanco in southern Oregon to Punta Gorda in northern California.
3. Oregon coast. This ESU covers coastal drainages along most of the Oregon coast from Cape Blanco to the mouth of the Columbia River.
4. Lower Columbia River/southwest Washington coast. Historically, this ESU probably included coho salmon from all tributaries of the Columbia River below the Klickitat River on the Washington side and below the Deschutes River on the Oregon side (including Willamette River as far upriver as the Willamette Falls), as well as coastal drainages in southwest Washington between the Columbia River and Point Grenville (between the Copalis and Quinault Rivers).
5. Olympic Peninsula. The geographic boundaries of this ESU are entirely within Washington, including coastal drainages from Point Grenville to and including Salt Creek (directly west of the Elwha River).
6. Puget Sound/Strait of Georgia. This ESU includes coho salmon from drainages of Puget Sound and Hood Canal, the eastern Olympic Peninsula (east of Salt Creek), and the Strait of Georgia from the eastern side of Vancouver Island and the British Columbia mainland (north to and including Campbell and Powell Rivers), excluding the upper Fraser River above Hope.

Assessment of Extinction Risk

The ESA (section 3) defines the term endangered species as any species which is in danger of extinction throughout all or a significant portion of its range. The term threatened species is defined as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. According to the ESA, the determination whether a species is threatened or endangered should be made on the basis of the best scientific information available regarding its current status, after taking into consideration conservation measures that are proposed or are in place. In this review, the BRT did not evaluate likely or possible effects of conservation measures and, therefore, did not make recommendations as to whether identified ESUs should be listed as threatened or endangered species; rather, the BRT drew scientific conclusions about the risk of extinction faced by identified ESUs under the assumption that present conditions will continue. The resulting conclusions for each ESU follow.

1. Central California coast. There was unanimous agreement among the BRT that natural populations of coho salmon in this ESU are presently in danger of extinction. The chief reasons for this assessment were extremely low current abundance, especially compared to historical abundance, widespread local extinctions, clear downward trends in abundance, extensive habitat degradation and associated decreased carrying capacity, and a long history of artificial propagation with the use of non-native stocks. In addition, recent droughts and current ocean conditions may have further

reduced run sizes.

2. Southern Oregon/northern California coasts. There was unanimous agreement among the BRT that coho salmon in this ESU are not in danger of extinction but are likely to become endangered in the foreseeable future if present trends continue. Current run size, the severe decline from historical run size, the frequency of local extinctions, long-term trends that are clearly downward, degraded habitat and associated reduction in carrying capacity, and widespread hatchery production using exotic stocks are all factors that contributed to the assessment. Like the central California ESU, recent droughts and current ocean conditions may have further reduced run sizes.
3. Oregon coast. The BRT concluded that coho salmon in this ESU are not in danger of extinction but are likely to become endangered in the future if present trends continue. The BRT reached this conclusion based on low recent abundance estimates that are 5-10% of historical abundance estimates, clearly downward long-term trends, recent spawner-to-spawner ratios that are below replacement, extensive habitat degradation, and widespread hatchery production of coho salmon. Drought and current ocean conditions may have also reduced run sizes.
4. Lower Columbia River/southwest Washington coast. Previously, NMFS concluded that it could not identify any remaining natural populations of coho salmon in the lower Columbia River (excluding the Clackamas River) that warranted protection under the ESA. The Clackamas River produces moderate numbers of natural coho salmon. The BRT could not reach a definite conclusion regarding the relationship of Clackamas River late-run coho salmon to the historic lower Columbia River ESU. However, the BRT did conclude that if the Clackamas River late-run coho salmon is a native run that represents a remnant of a lower Columbia River ESU, the ESU is not presently in danger of extinction but is likely to become so in the foreseeable future if present conditions continue.

For southwest Washington coho salmon, uncertainty about the ancestry of coho salmon runs given high historical and current levels of artificial production prevented the BRT from reaching a definite conclusion regarding the relationship between coho salmon in that area and the historical lower Columbia River/southwest Washington ESU. If new information becomes available, the relationship and status of the ESU will be reexamined.

5. Olympic Peninsula. While there is continuing cause for concern about habitat destruction and hatchery practices within this ESU, the BRT concluded that there is sufficient native, natural, self-sustaining production of coho salmon that this ESU is not in danger of extinction and is not likely to become endangered in the foreseeable future unless conditions change substantially.
6. Puget Sound/Strait of Georgia. The BRT was concerned that if present trends continue, this ESU is likely to become endangered in the foreseeable future. Although current population abundance is near historical levels and recent trends in overall population abundance have not been downward, there is substantial uncertainty relating to several of the risk factors considered. These risk factors include widespread and intensive artificial propagation, high harvest rates, extensive habitat degradation, a recent dramatic decline in adult size, and unfavorable ocean conditions. Further consideration of this ESU is warranted to attempt to clarify some of these uncertainties.

ACKNOWLEDGMENTS

The status review for west coast coho salmon was conducted by a team of researchers from the National

Marine Fisheries Service (NMFS). This biological review team relied on information in the Endangered Species Act Administrative Record for West Coast Coho Salmon, which was developed pursuant to this review and includes comments, data, and reports submitted by the public and by state, tribal, and federal agencies. The authors acknowledge the efforts of all who contributed to this record, especially the Washington Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, California Department of Fish and Game, U.S. Fish and Wildlife Service, and Northwest Indian Fisheries Commission.

The biological review team for this status review included: Peggy Busby, Dr. David Damkaer, Robert Emmett, Dr. Jeffrey Hard, Dr. Orlay Johnson, Dr. Robert Kope (formerly with the Southwest Fisheries Science Center), Dr. Conrad Mahnken, Gene Matthews, George Milner, Dr. Michael Schiewe, David Teel, Dr. Thomas Wainwright, William Waknitz, Dr. Robin Waples, Laurie Weitkamp, Dr. John Williams, and Dr. Gary Winans, all from the Northwest Fisheries Science Center (NWFSC), and Gregory Bryant from the NMFS Southwest Region. Craig Wingert, from the NMFS Southwest Region, and Steven Stone, from the NMFS Northwest Regional Office, also participated in the discussions and provided information on coho salmon life history and abundance.

Jason Griffith and Megan Ferguson, students from the University of Washington, were instrumental in compiling information on coho salmon hatcheries. Don Vandoornik and Dave Kuligowski (NWFSC) collected new genetic data for the status review, and Kathleen Neely (NWFSC) provided most of the graphics for this document and assisted in the completion of this status review in numerous other ways.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon Fish and Wildlife Office
 2600 S.E. 98th Avenue, Suite 100
 Portland, Oregon 97266
 (503) 231-6179 FAX: (503) 231-6195

RECLAMATION OFFICIAL FILE COPY		
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FILE April 16 2001		

CC-CORSON
W GREEN

Reply To: 8330.4031(01)
 File Name: Sp403.wpd
 OARS Number: 01-1688

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

Subject: Tyler Creek Wasteway Access Upgrade and Bank Stabilization and Restoration Project (1-7-01-SP-403).

Dear Mr. Glover:

This is in response to your memorandum, dated March 15, 2001, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Tyler Creek Wasteway Access Upgrade and Bank Stabilization and Restoration Project in Jackson County. The U.S. Fish and Wildlife Service (Service) received your correspondence on March 16, 2001.

We have attached a list (Attachment A) of threatened and endangered species that may occur within the area of the Tyler Creek Wasteway Access Upgrade and Bank Stabilization and Restoration Project. 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 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 401.12.

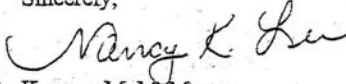
If BR determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, BR is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

Attachment A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published October 25, 1999, in the Federal Register (Vol. 64, No. 205, 57534) 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 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 Cindy Bright at (503) 231-6179, or Scott Center at (541) 957-3472. For questions regarding anadromous fish, please contact National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400. All correspondence should include the above referenced file number.

Sincerely,


Kemper M. McMaster
State Supervisor

Attachments
1-7-01-SP-403
cc: OFWO-ES
ODFW (nongame)
cc: Chuck Korson BR

ATTACHMENT A

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
 CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE
 AREA OF THE TYLER CREEK WASTEWAY ACCESS UPGRADE AND
 BANK STABILIZATION AND RESTORATION PROJECT
 1-7-01-SP-403

LISTED SPECIES^{1/}Birds

Bald eagle	<i>Haliaeetus leucocephalus</i>	T
Northern spotted owl ^{2/}	<i>Strix occidentalis caurina</i>	CH T

Fish

Coho salmon (S. Oregon/N. Calif. Coast) ^{3/}	<i>Oncorhynchus kisutch</i>	**T
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Plants

Gentner mission-bells ^{4/}	<i>Fritillaria gentneri</i>	E
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PROPOSED SPECIESFish

Steelhead (Klamath Mountains Province) ^{5/}	<i>Oncorhynchus mykiss</i>	PT
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CANDIDATE SPECIES^{6/}Amphibians and Reptiles

Oregon spotted frog	<i>Rana pretiosa</i>	
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Invertebrates

Mardon skipper butterfly	<i>Polites mardon</i>	
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SPECIES OF CONCERNMammals

Pallid bat	<i>Antrozous pallidus pacificus</i>
Pacific western big-eared bat	<i>Corynorhinus (=Plecotus) townsendii townsendii</i>
Silver-haired bat	<i>Lasiorycteris noctivagans</i>
Pacific fisher	<i>Martes pennanti pacifica</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>

Birds

Northern goshawk	<i>Accipiter gentilis</i>
Band-tailed pigeon	<i>Columba fasciata</i>
Olive-sided flycatcher	<i>Contopus cooperi (=borealis)</i>
Yellow-breasted chat	<i>Icteria virens</i>
Acorn woodpecker	<i>Melanerpes formicivorus</i>
Lewis' woodpecker	<i>Melanerpes lewis</i>
Mountain quail	<i>Oreortyx pictus</i>
White-headed woodpecker	<i>Picoides albolarvatus</i>

Amphibians and Reptiles

Tailed frog	<i>Ascaphus truei</i>
Northwestern pond turtle	<i>Clemmys marmorata marmorata</i>
Common kingsnake	<i>Lampropeltis getula</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>
Siskiyou Mountains salamander	<i>Plethodon stormi</i>
Northern red-legged frog	<i>Rana aurora aurora</i>
Foothill yellow-legged frog	<i>Rana boylei</i>
Cascades frog	<i>Rana cascadae</i>

Fish

Pacific lamprey	<i>Lampetra tridentata</i>
Coastal cutthroat trout (S. OR/CA Coasts)	<i>Oncorhynchus clarki clarki</i>

Invertebrates

Denning's agapetus caddisfly	<i>Agapetus denningi</i>
Franklin's bumblebee	<i>Bombus franklini</i>
Siskiyou chloealtis grasshopper	<i>Chloealtis aspasma</i>
Green Springs Mountain farulan caddisfly	<i>Farula davisii</i>
Sagehen Creek goeracean caddisfly	<i>Goeracea oregona</i>
Schuh's homoplectran caddisfly	<i>Homoplectra schuhi</i>
caddisfly (no common name)	<i>Mosefyana comosa</i>
Siskiyou gazelle beetle	<i>Nebria gebleri siskiyouensis</i>

Plants

Wayside aster	<i>Aster vialis</i>
Crenulate grape-fern	<i>Botrychium crenulatum</i>
Greene's mariposa-lily	<i>Calochortus greenei</i>
Clustered lady's-slipper	<i>Cypripedium fasciculatum</i>
Detling's microseris	<i>Microseris laciniata ssp. detlingii</i>

(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

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.

(CF) - Candidate: National Marine Fisheries Service designation for any species being considered by the Secretary for listing for endangered or threatened species, but not yet the subject of a proposed rule.

•• Consultation with National Marine Fisheries Service required.

^{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. 57, No. 10, January 15, 1992, Final Rule-Critical Habitat for the Northern Spotted Owl

^{3/} Federal Register Vol. 62, No. 87, May 6, 1997, Final Rule-Coho salmon

^{4/} Federal Register Vol. 64, No. 237, December 10, 1999, Final Rule -*Fritillaria gentneri*

^{5/} Federal Register Vol. 66, No. 29, February 12, 2001, Proposed Rule-Klamath Mountains Province Steelhead

^{6/} Federal Register Vol. 64, No. 205, October 25, 1999, Notice of Review-Candidate or Proposed Animals and Plants

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 designees 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.



IN REPLY
REFER TO-

LCA-6101
ENV-7.00


United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Lower Columbia Area Office
825 NE Multnomah Street, Suite 1110
Portland, Oregon 97232-2135

OCT 22 2001

MEMORANDUM

To: State Supervisor, U.S. Fish and Wildlife Service
2600 S.E. 98th Avenue, Suite 100, Portland, OR 97266

From:  David R. Nelson
Acting Area Manager, Lower Columbia Area Office

Subject: Request for Updated Threatened and Endangered Species List for Tyler Creek
"Wasteway" Proposed Restoration

On March 15, 2001 the Bureau of Reclamation (Reclamation) requested a list of threatened and endangered species occurring within our proposed Tyler Creek "Wasteway" maintenance road construction and restoration project in preparation for National Environmental Policy Act (NEPA) compliance. On April 18, 2001 we received your list (number 1-7-01-SP-403). Reclamation's NEPA and other planning activities for this project are ongoing and at this time we would like to request the Fish and Wildlife Service verify the accuracy of our list and send an updated list if any changes have occurred. We request that your Endangered Species Act (ESA) species list cover the following townships:

Jackson County, Oregon T39S: R3E S32-33
 T40S: R3E S4-5

Please send your response to the address above, attention LCA-6101. If you have any questions please contact Tanya Sommer at 503-872-2795 or you can reach her by email at tsommer@pn.usbr.gov.



United States Department of the Interior

**FISH AND WILDLIFE SERVICE
Oregon Fish and Wildlife Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195**

BUREAU OF RECLAMATION OFFICIAL FILE COPY		DATE BY
DEC 17 2001		
TO	DATE	
1000		
6101		
Copy to Chuck		
FILE		

Reply To: 8330.0791(02)
File Name: Sp079.wpd
Tracking Number: 02-440

December 13, 2001

David R. Nelson
U.S. Bureau of Reclamation
825 NE Multnomah Street, Suite 1110
Portland, OR 97232-2135

Subject: Tyler Creek "Wasteway" Maintenance Project (1-7-02-SP-079).

Dear Mr. Nelson:

This is in response to your memorandum, dated October 22, 2001, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Tyler Creek "Wasteway" Maintenance Project in Jackson County. The U.S. Fish and Wildlife Service (Service) received your correspondence on October 23, 2001.

We have attached a list (Attachment A) of threatened and endangered species that may occur within the area of the Tyler Creek "Wasteway" Maintenance Project. 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 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.

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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 Jeff Dillon at (503) 231-6179 or Cindy Bright at (541)957-3479. 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-079

cc: OFWO-ES
ODFW (nongame)

ATTACHMENT A

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
 CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE
 AREA OF THE TYLER CREEK "WASTEWAY" MAINTENANCE PROJECT
 1-7-02-SP-079

LISTED SPECIES^{1/}Birds

Bald eagle ^{2/}	<i>Haliaeetus leucocephalus</i>	T
Northern spotted owl ^{3/}	<i>Strix occidentalis caurina</i>	CH T

Fish

Coho salmon (S. Oregon/N. Calif. Coast) ^{4/}	<i>Oncorhynchus kisutch</i>	**T
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Plants

Gentner mission-bells ^{5/}	<i>Fritillaria gentneri</i>	E
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PROPOSED SPECIES

None

CANDIDATE SPECIES^{6/}Amphibians and Reptiles

Oregon spotted frog	<i>Rana pretiosa</i>
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Invertebrates

Mardon skipper butterfly	<i>Polites mardon</i>
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SPECIES OF CONCERNMammals

Pallid bat	<i>Antrozous pallidus pacificus</i>
Pacific big-eared bat	<i>Corynorhinus (=Plecotus) townsendii townsendii</i>
Silver-haired bat	<i>Lasionycteris noctivagans</i>
Pacific fisher	<i>Martes pennanti pacifica</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>

Birds

Northern goshawk	<i>Accipiter gentilis</i>
Band-tailed pigeon	<i>Columba fasciata</i>
Olive-sided flycatcher	<i>Contopus cooperi</i> (=borealis)
Yellow-breasted chat	<i>Icteria virens</i>
Acorn woodpecker	<i>Melanerpes formicivorous</i>
Lewis' woodpecker	<i>Melanerpes lewis</i>
Mountain quail	<i>Oreortyx pictus</i>
White-headed woodpecker	<i>Picoides albolarvatus</i>

Amphibians and Reptiles

Tailed frog	<i>Ascaphus truei</i>
Northwestern pond turtle	<i>Clemmys marmorata marmorata</i>
Common kingsnake	<i>Lampropeltis getula</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>
Siskiyou Mountains salamander	<i>Plethodon stormi</i>
Northern red-legged frog	<i>Rana aurora aurora</i>
Foothill yellow-legged frog	<i>Rana boylei</i>
Cascades frog	<i>Rana cascadae</i>
Northern sagebrush lizard	<i>Sceloporus graciosus graciosus</i>

Fish

Pacific lamprey	<i>Lampetra tridentata</i>
Coastal cutthroat trout (S. OR/CA Coasts)	<i>Oncorhynchus clarki clarki</i>

Invertebrates

Denning's agapetus caddisfly	<i>Agapetus denningi</i>
Franklin's bumblebee	<i>Bombus franklini</i>
Siskiyou chloealetis grasshopper	<i>Chloealetis aspasma</i>
Green Springs Mountain farulan caddisfly	<i>Farula davisi</i>
Sagehen Creek goeracean caddisfly	<i>Goeracea oregona</i>
Schuh's homoplectran caddisfly	<i>Homoplectra schuhi</i>
caddisfly (no common name)	<i>Moselyana comosa</i>
Siskiyou gazelle beetle	<i>Nebria gebleri siskiyouensis</i>

Plants

Wayside aster	<i>Aster vialis</i>
Crenulate grape-fern	<i>Botrychium crenulatum</i>
Greene's mariposa-lily	<i>Calochortus greenei</i>
Clustered lady's-slipper	<i>Cypripedium fasciculatum</i>
Detling's microseris	<i>Microseris laciniata</i> ssp. <i>detlingii</i>

(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

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.

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** Consultation with National Marine Fisheries Service may be required.

- ⚡ 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
- ⚡ Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle
- ⚡ Federal Register Vol. 57, No. 10, January 15, 1992, Final Rule-Critical Habitat for the Northern Spotted Owl
- ⚡ Federal Register Vol. 62, No. 87, May 6, 1997, Final Rule-Coho salmon
- ⚡ Federal Register Vol. 64, No. 237, December 10, 1999, Final Rule -Fritillaria gentneri
- ⚡ Federal Register Vol. 66, No. 210, October 30, 2001, Notice of Review - Candidate or Proposed Animals and Plants



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
Lower Columbia Area Office
825 NE Multnomah Street, Suite 1110
Portland, Oregon 97232-2135

IN REPLY REFER TO:

LCA-6500
ENV-7.00

MAY - 1 2003

VIA FACSIMILE AND U.S. MAIL

MEMORANDUM

To: State Supervisor, U.S. Fish and Wildlife Service, Oregon State Office
2600 S.E. 98th Avenue, Suite 100, Portland, OR 97266
Attn: Kemper M. McMaster

From: Karen A. Blakney *Karen A. Blakney*
ESA Program Manager

Subject: Request for Updated Threatened and Endangered Species List for Tyler Creek
"Wasteway" Stabilization Project

On March 15, 2001 and again on October 22, 2001 the Bureau of Reclamation requested a list of threatened and endangered species occurring within our proposed Tyler Creek "Wasteway" Stabilization Project in Jackson County. We received your lists numbered 1-7-01-SP-403 and 1-7-02-SP-079 on April 18, 2001 and December 17, 2001, respectively.

We are nearing completion of our draft environmental assessment, prepared for National Environmental Policy Act (NEPA) Compliance. We request an updated Endangered Species Act (ESA) list for the following townships:

Jackson County, Oregon T39S: R3E S32-33
T40S: R3E S4-5

We would appreciate receiving the ESA species list at your earliest convenience. If you have questions regarding this NEPA review, please contact me at (503) 872-2798.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Oregon Fish and Wildlife Office
2600 S.E. 98th Avenue, Suite 100
Portland, Oregon 97266
(503) 231-6179 FAX: (503) 231-6195

Reply To: 8330.03701(03)
File Name: Sp0370.wpd
TS Number: 03-3383

May 16, 2003

Karen Blakney
U.S. Bureau of Reclamation
825 NE Multnomah Street, Suite 1110
Portland, OR 97232-2135

Subject: Tyler Creek Wasteway Stabilization Project
USFWS Reference # (1-7-03-SP-0370)

Dear Ms. Blakney:

This is in response to your memorandum, dated May 1, 2003, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Tyler Creek Wasteway Stabilization Project in Jackson County. The U.S. Fish and Wildlife Service (Service) received your correspondence on May 1, 2003.

We have attached a list (Attachment A) of threatened and endangered species that may occur within the area of the Tyler Creek Wasteway Stabilization Project. 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.

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Attachment A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published June 13, 2002, in the Federal Register (Vol. 67, No. 114, 40657) 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,



bor Kemper M. McMaster
State Supervisor

Attachments
1-7-03-SP-0370

cc: OFWO-ES
ODFW (nongame)

ATTACHMENT A

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,
 CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE
 AREA OF THE TYLER CREEK WASTEWAY STABILIZATION PROJECT
 1-7-03-SP-0370

LISTED SPECIES^{1/}BirdsBald eagle^{2/}Northern spotted owl^{3/}

Haliaeetus leucocephalus
Strix occidentalis caurina

T
CH TPlantsGentner mission-bells^{4/}*Fritillaria gentneri*

E

PROPOSED SPECIES

None

CANDIDATE SPECIES^{5/}Amphibians and Reptiles

Oregon spotted frog

*Rana pretiosa*Invertebrates

Mardon skipper butterfly

*Polites mardon*Plants

Siskiyou mariposa lily

*Calochortus persistens*SPECIES OF CONCERNMammals

Pallid bat

Pacific western big-eared bat

Silver-haired bat

Pacific fisher

Long-eared myotis (bat)

Fringed myotis (bat)

Long-legged myotis (bat)

Yuma myotis (bat)

*Antrozous pallidus pacificus**Corynorhinus (=Plecotus) townsendii townsendii**Lasionycteris noctivagans**Martes pennanti pacifica**Myotis evotis**Myotis thysanodes**Myotis volans**Myotis yumanensis*Birds

Northern goshawk

Band-tailed pigeon

Olive-sided flycatcher

Yellow-breasted chat

Acorn woodpecker

Lewis' woodpecker

Mountain quail

White-headed woodpecker

Purple martin

*Accipiter gentilis**Columba fasciata**Contopus cooperi (=borealis)**Icteria virens**Melanerpes formicivorus**Melanerpes lewis**Oreortyx pictus**Picoides albolarvatus**Progne subis*

Amphibians and Reptiles

Tailed frog	<i>Ascaphus truei</i>
Northwestern pond turtle	<i>Emys (=Clemmys) marmorata marmorata</i>
Common kingsnake	<i>Lampropeltis getula</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>
Siskiyou Mountains salamander	<i>Plethodon stormi</i>
Northern red-legged frog	<i>Rana aurora aurora</i>
Foothill yellow-legged frog	<i>Rana boylei</i>
Cascades frog	<i>Rana cascadae</i>

Fish

Coastal cutthroat trout (S. OR/CA Coasts)	<i>Oncorhynchus clarki clarki</i>
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Invertebrates

Denning's agapetus caddisfly	<i>Agapetus denningi</i>
Franklin's bumblebee	<i>Bombus franklini</i>
Siskiyou chloealtis grasshopper	<i>Chloealtis aspasma</i>
Green Springs Mountain farulan caddisfly	<i>Farula davisii</i>
Sagehen Creek goeracean caddisfly	<i>Goeracea oregona</i>
Schuh's homoplectran caddisfly	<i>Homoplectra schuhi</i>
caddisfly (no common name)	<i>Moselyana comosa</i>
Siskiyou gazelle beetle	<i>Nebria gebleri siskiyouensis</i>

Plants

Clustered lady's-slipper	<i>Cypripedium fasciculatum</i>
--------------------------	---------------------------------

(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.

** Consultation with National Marine Fisheries Service may be required.

^{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. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle

^{3/} Federal Register Vol. 57, No. 10, January 15, 1992, Final Rule-Critical Habitat for the Northern Spotted Owl

^{4/} Federal Register Vol. 64, No. 237, December 10, 1999, Final Rule -Fritillaria gentneri

^{5/} Federal Register Vol. 67, No. 114, June 13, 2002, Notice of Review - Candidate or Proposed Animals and Plants

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.

