United States Department of the Interior

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Reply To: 8330.I0253(16)
File Name: FWS concurrence for Sandy River Hatchery Programs 4-13-16
TS Number: 16-370
TAILS:01EOFWO00-2016-I-0253

APR 12 2016

Rob Jones
National Marine Fisheries Service
West Coast Region
1201 NE Lloyd Blvd, Suite 1100
Portland, OR 97232-1274

Re: Informal consultation for Sandy River hatchery programs

Dear Mr. Jones:

This letter responds to your March 30, 2016, request for informal consultation with the Fish and Wildlife Service (Service) on potential impacts to threatened bull trout and designated critical habitat from the operation and maintenance of four Sandy River salmon and steelhead hatchery programs as described in your biological assessment (BA). Our review and concurrence are provided pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S. C. 1531 *et seq.*).

The proposed action is comprised of the following: (1) National Marine Fisheries Service's (NMFS) decision on a request submitted by the Oregon Department of Fish and Wildlife for a determination that the exemption under limit 5 of the 4(d) rule applies to four hatchery programs in the Sandy River basin; and (2) future Mitchell Act funding for certain hatchery operations and maintenance. The 4(d) rule exempts the take of salmon and steelhead listed as threatened species under the ESA if the entity follows a Hatchery and Genetics Management Plan that meets the 4(d) rule criteria and is approved by NMFS.

The Sandy River hatchery programs are funded and operated to mitigate for habitat impacts and loss of salmon and steelhead production in the Sandy River and the larger Columbia River Basin. Fish from these programs are intended to be caught in commercial and recreational fisheries and to provide enough brood stock to perpetuate the hatchery programs. The four hatchery programs include spring Chinook, coho, summer steelhead and winter steelhead. While juvenile fish from these hatchery programs are released in the Sandy River, they are propagated and reared at multiple facilities both in and outside the Sandy River Basin including the following hatcheries: Clackamas Hatchery, South Santiam Hatchery, Oxbow Hatchery (Columbia Gorge, Cascade Locks), Cascade (Eagle Creek, Columbia Gorge), Sandy Hatchery (Eagle Creek, Sandy River), and Bull Run Acclimation Pond (Bull Run, Sandy River Basin). The action area for this

consultation, while focused on the Sandy River Basin, is actually a much larger geographic area due to the use of the hatcheries listed above for propagation and rearing.

Bull Trout Background

Bull trout populations present in tributaries of the lower Columbia River include the Klickatat, Deschutes, Hood and Lewis river basins, and several tributaries of the Willamette River, including the Clackamas, McKenzie and Middle Fork Willamette rivers. Bull trout in these basins are part of the Service's Coastal Recovery Unit, which also extends north into Puget Sound and the Olympic Peninsula. The Coastal Recovery Unit is one of multiple recovery units that comprise the range-wide coterminous bull trout distinct population segment listed as threatened by the Service in 1999. A portion of the action area considered in this consultation (mainstem Columbia River) is within the Lower Columbia Critical Habitat Unit, designated as part of the Service's 2010 revised final critical habitat rule for bull trout. The Sandy River Basin is not part of the Coastal Recovery Unit because there is no evidence of a reproducing bull trout population in the basin and further there is no information to suggest the basin contained a bull trout population historically. Several occurrences of bull trout subadults observed in the Sandy River in 1999, 2000 and 2002, were likely bull trout on foraging migrations from adjacent basins such as the Lewis or Hood rivers. Bull trout surveys by the Portland Water Bureau in 1998 and 1999 in the Bull Run River (Sandy River tributary) did not confirm the presence of bull trout thus increasing the certainty that a bull trout population does not exist in the Sandy River Basin.

Historically, bull trout likely utilized the lower mainstem Columbia River below Bonneville Dam, as well as lower reaches of many tributaries of the Columbia River below Bonneville Dam, for foraging, overwintering and migration between river basins. However, migration barriers in the river basins listed above, combined with other limiting factors, have reduced the species abundance and distribution and thus recent observations in the lower mainstem Columbia River and associated tributaries are rare. According to information presented in the BA, and additional information available in our files, the likelihood of a bull trout being present within the action area, and in particular the Sandy River, is low.

Concurrence

Potential effects on ESA-listed bull trout and designated critical habitat from the operation of the Sandy River hatchery programs can be generally grouped into the following categories: water withdrawals; hatchery effluent; hatchery weir operations; and, competition for food resources in the mainstem Columbia River. Our review of the information presented in the BA (hereby incorporated by reference) and in our office files affirms effects from these four categories are not expected to adversely affect bull trout or bull trout critical habitat and are discountable, insignificant or beneficial. Our concurrence with your "may affect, not likely to adversely affect" determination is based largely on the relative rarity over the last two decades of bull trout occurrences within the action area and the limited critical habitat within the action area. Our concurrence and support for your effects determination is summarized in the following bullets:

- Water withdrawals associated with the facilities that rear salmon and steelhead for the Sandy River hatchery programs all occur outside habitat utilized by bull trout and thus would have an insignificant effect with respect to water quantity.

- Hatchery effluent released from the facilities associated with the Sandy Hatchery Program is not directly released into bull trout occupied habitat and designated bull trout critical habitat. The Service agrees with NMFS' opinion that the current hatchery

operations that achieve the National Pollutant Discharge Elimination System (NPDES) permit requirements will have only discountable effects on bull trout and water quality.

- Weirs will be operated annually in the tributaries to the Sandy River from June through October, during a period when bull trout have not been observed in the Sandy River (i.e., winter migrants) and so are not expected to have any effect on bull trout migration. The adult weir on Cedar Creek at the Sandy Hatchery is operated most of the year, particularly in the fall and winter, to collect and remove returning hatchery coho salmon and steelhead. During this period of operation, no bull trout have been observed at the Sandy Hatchery adult weir. Therefore, effects of weir operations are expected to be insignificant, if any.

- Sandy River hatchery salmon and steelhead released into the Sandy River may interact with rearing bull trout in the mainstem Columbia River critical habitat unit CHU. Based on the size at release for spring Chinook salmon and coho salmon, these smolts are of a size that they would likely be prey for bull trout (beneficial affect). Hatchery winter steelhead and summer steelhead are released at a larger size and may compete for food with rearing bull trout in the Columbia River, but may act as prey for the larger bull trout that have been observed occasionally in the lower Sandy River during the winter months. Interactions in the mainstem Columbia River between hatchery salmon and steelhead are expected to be unlikely because there are so few bull trout in the mainstem and many of those adults typically return to spawn in the natal tributaries by July.

We appreciate the early coordination between our agencies on this action. If you have any questions regarding this concurrence letter, please contact Chris Allen of my staff at (503) 231.6179.

1 Sincerely,

Acting for Paul Henson, PhD.
State Supervisor