

Appendix B: National Marine Fisheries Service Concurrence Memorandum



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

December 6, 2017

In response, refer to:
WCR-2017-8446

Rain Emerson
U.S. Bureau of Reclamation
1243 N Street
Fresno, California 93721-1813

Antal Szijj
U.S. Army Corps of Engineers
Los Angeles District
Ventura Field Office
2151 Alessandro Dr., Suite 110
Ventura, California 93001

Re: Endangered Species Act Section 7(a)(2) Concurrence Letter for the U.S. Bureau of Reclamation's (Reclamation) Hilton Creek gravel augmentation project and U.S. Army Corps of Engineers Clean Water Act 404 Permit for the project.

Dear Ms. Emerson and Mr. Szijj:

This letter responds to Reclamation's December 4, 2017, request for concurrence from NOAA's National Marine Fisheries Service (NMFS) pursuant to Section 7 of the Endangered Species Act (ESA) for the subject action. Your request qualified for our expedited review and concurrence because it met our screening criteria and contained all required information on your proposed action and its potential effects to endangered southern California (SC) steelhead (*Oncorhynchus mykiss*)^{1,2} or designated critical habitat for this species.³

We reviewed your consultation request and related materials. Based on our knowledge, expertise, and the materials you provided, we concur with your conclusions that the proposed actions are not likely to adversely affect NMFS ESA-listed species and designated critical habitat.

We relied mostly on your analysis of potential effects to reach our concurrence. However, your analysis was somewhat unclear regarding whether or not any steelhead would be disturbed by the proposed gravel-augmentation activities, and how any disturbed fish might respond. Based on

¹ Endangered and Threatened Wildlife; Final Rule to Revise the Code of Federal Regulations for Species Under the Jurisdiction of the National Marine Fisheries Service. Federal Register, Vol. 79, No. 71. April 14, 2014.

² Southern California Steelhead Recovery Plan. National Marine Fisheries Service. January 2012.

³ Endangered and Threatened Species: Designated Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California. Federal Register, Vol. 70, No. 170. September 2, 2005.

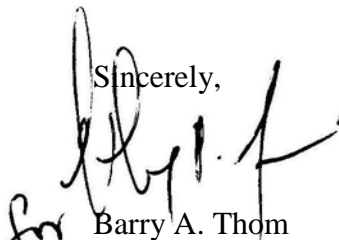


the information you provided and our familiarity with the action area and work proposed, we have concluded that although a small number of steelhead may be in the vicinity of gravel-augmentation activities we expect that any steelhead disturbed would quickly return to normal behavior patterns based on the minor and temporary nature of the work. We do not expect any steelhead disturbed by the proposed action to suffer any loss of fitness; therefore, such disturbance would be insignificant.

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). The concurrence letter will be available through NMFS' Public Consultation Tracking System (<https://pcts.nmfs.noaa.gov/pcts-web/homepage.pcts>). A complete record of this consultation is on file at the NMFS California Coastal Office—Southern California Branch in Long Beach, California.

Reinitiation of consultation is required and shall be requested by Reclamation or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter; or, if (3) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

Should you have a question regarding the information contained in this letter, please contact Darren Brumback at (562) 980-4060.

Sincerely,

for Barry A. Thom
Regional Administrator

cc: Lisa Buck, U.S. Bureau of Reclamation
Crystal Huerta, U.S. Army Corps of Engineers
Chris Dellith, U.S. Fish and Wildlife Service
Mary Larson, California Department of Fish and Wildlife
Janet Gingras, Cachuma Operation and Maintenance Board
Administrative File: 151422SWR2010PR00316