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United States Department of the Interior

FISH AND WILDLIFE SERVICE

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May 28, 2004

Memorandum

To: Ronald J. Eggers, Bureau of Reclamation Lower Columbia Area Manager

From: Field Supervisor, Bend Field Office, Bend, Oregon *Nancy Dilbert*

Subject: Consultation on the Bureau of Reclamation's Deschutes Basin Projects

The U.S. Fish and Wildlife Service (Service) has received your letter and Supplemental Information to Biological Assessment on Deschutes River Basin Projects, dated March 8, 2004. You requested our concurrence with your "may affect, not likely to adversely effect" determination regarding the Bureau of Reclamation's (Bureau) Deschutes Basin Projects (Project) effects to the bull trout (*Salvelinus confluentus*) and bald eagle (*Haliaeetus leucocephalus*). The biological assessment found the Bureau's Projects had "no effect" to northern spotted owl (*Strix occidentalis caurina*) and Canada lynx (*Lynx canadensis*). The Bureau also found that its Projects did not adversely modify proposed critical habitat for the bull trout. This consultation is undertaken under Section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Proposed Action

Under the proposed action, the Bureau will continue the current program of operations and maintenance at the Bureau's Deschutes Basin Projects. This includes the Deschutes Project in the upper Deschutes River basin, the Crooked River Project in the Crooked River basin, and the Wapinitia Project in the White River basin. Your biological assessment covers the operations and



maintenance of all facilities associated with the three Projects and their five reservoirs in the Deschutes basin. The Projects, their reservoirs, and construction dates are as follows:

1. Deschutes Project - Crane Prairie (1922) and Wickiup Dams (1947)
2. Crooked River Project - Bowman (1961) and Ochoco Dams (1918)
3. Wapinitia Project - Wasco Dam (1958)

The Bureau's Projects supply irrigation flow to about 134,150 acres of farmland, which use 636,400 acre-feet per year (acft/yr) of water. There are about 218,700 irrigated acres in the Deschutes basin, of which some 134,150 acres or 61 percent are associated with Bureau Projects. Total basin withdrawals are about 1,125,490 acre-feet, of which some 636,400 acre-feet or 57 percent are associated with Bureau Projects.

Service Finding Regarding Project Effects

The Service has reviewed the supplemental information you submitted, as well as the Bureau's previous filings regarding possible effects to listed species. The Service concurs with your "may affect, not likely to adversely effect" determination regarding the Project's effects to the bull trout and bald eagle. We base this determination on the following factors, which are discussed respective to each of the three Bureau Projects.

1. Deschutes Project

- 1) Bull trout have been extirpated in the upper Deschutes River basin downstream to Big Falls, and thus are not affected by the Deschutes Project in the upper Deschutes.
- 2) Adult and subadult bull trout are present in the middle and lower Deschutes, and use these sections of the river for foraging and migration. The Deschutes Project affects flows in the mainstem middle and lower Deschutes River. Flows in the middle Deschutes River are reduced from November to April. In the lower Deschutes River flows are reduced from October to April, and increased from June to September. However, the bull trout life stages present in the middle and lower Deschutes River are not adversely affected by these flow changes. This is because during periods of flow reduction, adequate flow remains to support the physical or biological features essential to the conservation of the bull trout. Similarly, flow increases do not affect the physical or biological features essential to the conservation of the bull trout. Thus, the effects to bull trout of the Deschutes Project are not significant.
- 3) Regarding the bald eagle, the Bureau's Deschutes Project's effects are not significant. This is because the Bureau's project operations and maintenance activities do not impair bald eagle foraging, nesting, reproduction, or other physical features or biological activities essential to the bald eagle. In some years the reservoir habitat created by the Bureau's project may increase the forage base available to the bald eagle.

2. Crooked River Project

- 1) Bull trout have been extirpated from the Crooked River downstream of the Bureau's Project to Opal Springs Dam, and thus are not affected by the Crooked River Project in this section of the Crooked River.
- 2) Adult and subadult bull trout are present downstream of Opal Springs Dam. The Crooked River Project reduces flows in the Crooked River by holding flow for storage water during the winter months. However, since cold, spring-fed flows have added about 1,000 cfs of flow to the Crooked River by the time it reaches Opal Springs Dam, bull trout are not adversely affected by these flow changes. Thus, the effects to bull trout of the Crooked River Project are not significant.
- 3) Regarding the bald eagle, the Bureau's Crooked River Project's effects are not significant. This is because the Bureau's project operations and maintenance activities do not impair bald eagle foraging, nesting, reproduction, or other physical features or biological activities essential to the bald eagle. In some years the reservoir habitat created by the Bureau's project may increase the forage base available to the bald eagle.

3. Wapinitia Project

- 1) The Bureau's biological assessment states that bull trout are not found in the White River. We agree that there is currently no information indicating that bull trout are present, and thus are not affected by the Wapinitia Project.
- 2) Regarding the bald eagle, the Bureau's Wapinitia Project's effects are not significant. This is because the Bureau's project operations and maintenance activities do not impair bald eagle foraging, nesting, reproduction, or other physical features or biological activities essential to the bald eagle. In some years the reservoir habitat created by the Bureau's project may increase the forage base available to the bald eagle.

Proposed Critical Habitat

The Service proposed critical habitat for the bull trout on November 12, 2002. This proposal included areas in the upper, middle, and lower Deschutes River, as well as the Crooked River. The Bureau's March 8, 2004, Supplemental Information found that the Bureau's proposed action will not adversely modify bull trout critical habitat. Based on this conclusion, the Bureau declined to conference with the Service on proposed critical habitat. We agree that the proposed action will not adversely modify proposed critical habitat.

Conclusion

This concludes informal section 7 consultation on the Bureau's Deschutes River Basin Projects. However, if future events result in a reassessment of the proposed action, then reinitiation of

consultation will be warranted. Our above comments are provided in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) We appreciate your efforts to comply with Federal requirements. If you have any questions or concerns about this consultation or the consultation process in general, please contact Peter Lickwar or me at (541) 383-7146.

cc: National Marine Fisheries Service, attn: Scott Hoefer
OFWO, attn: Rollie White
Regional Office, attn: Larry Salata