UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
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Refer to NMFS No: WCRO-2021-01101

Lt. Col. Richard T. Childers
U.S. Army Corps of Engineers
Walla Walla District
201 North Third Avenue
Walla Walla, Washington 98362-1836

Re: Endangered Species. Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Hells Gate Marina Dock Replacement Project in the City of Lewiston, Nez Perce County, Idaho, HUC 170601030307.

Dear Lieutenant Colonel Childers:

This letter responds to your March 18, 2021, request for initiation of consultation with National Marine Fisheries Service (NMFS) pursuant to Section 7 of the Endangered Species Act (ESA) for the Hells Gate Marina Dock Replacement Project. The U.S. Army Corps of Engineers' (COE) proposes to authorize the construction of a replacement over-water structure. Your request qualified for our expedited review and analysis because it met our screening criteria and contained all required information on, and analysis of, your proposed action and its potential effects to listed species and designated critical habitat.

We reviewed COE's consultation request and related initiation package. Where relevant, we have adopted the information and analyses you have provided and/or referenced but only after our independent, science-based evaluation confirmed they meet our regulatory and scientific standards. We adopt by reference here sections 1.0 through 4.3 of the Hells Gate State Park Dock Replacement Biological Assessment (BA), PPL-C-2020-0041, including the Federal Action (section 1.0), Listed Species (section 2.0), Environmental Baseline (section 3.0), and the Effect of the Action (section 4.0). This document may be accessed by contacting John Hook, Environmental Resource Specialist in the Environmental Compliance Section of the COE, Walla Walla District, at (509) 527-7239, or by email at john.d.hook@usace.army.mil. NMFS supplemented this COE analysis with greater discussion regarding effect pathways for predation, passage, and rearing critical habitat (see *Effects of the Action*, below).

On October 30, 2020, NMFS received a BA and letter requesting informal consultation for the Hells Gate Marina Dock Replacement Project. NMFS agreed that the action is Not Likely to Adversely Affect Snake River sockeye salmon and their designated critical habitat. However, NMFS did not concur with the Not Likely to Adversely Affect determination for Snake River spring/summer Chinook salmon, Snake River fall Chinook salmon, Snake River Basin steelhead, and their designated critical habitats. NMFS informed the COE that we determined that the action would Likely Adversely Affect Snake River spring/summer Chinook salmon, Snake River fall Chinook salmon, and Snake River Basin steelhead and their designated critical habitats. As explained below in the opinion the action extends the duration of the overwater structures, which in turn perpetuate ambush opportunities for predator fish and killing of some individual juvenile salmonids.

On March 18, 2021, COE submitted a new BA with a request for formal consultation.

Biological Opinion

Idaho State Parks and Recreation (IDPR) applied to the COE for a permit to replace four docks in the Hells Gate State Park Marina used for public recreational fishing. The manmade marina location, four miles south of Lewiston ID, was initially the dredge borrow area used by the COE when constructing the Lewiston levees in 1975, as part of the Lower Granite Lock and Dam Project (BA section 1.1)(Fig.1). Current docks have outlived their lifespan and are no longer meeting the needs of the public. The state plans to replace the docks in two phases - two docks in 2021, and the remaining two in 2025, with a total area of 11,100 ft^2 (Fig.2). The footprint for dock replacement will be the same as the present docks.

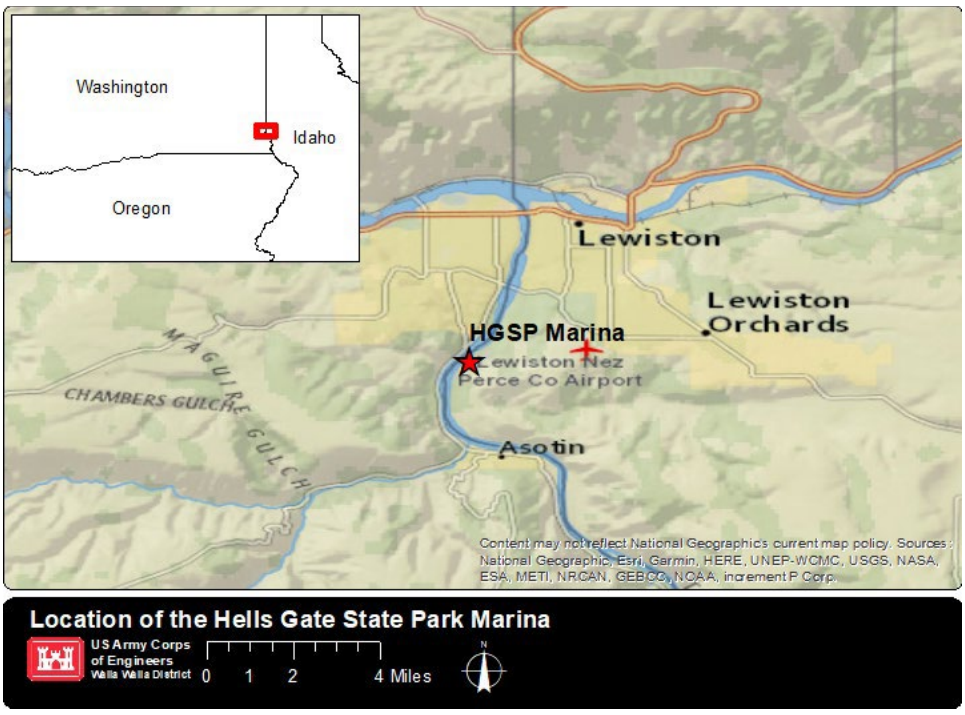

Figure 1. The location of Hells Gate State Park Marina, along the riverbank (east side) of the Snake River, four miles south of Lewiston ID.

Figure 2. The Locations of Phase I (2001) and II (2025) Dock Pairs.

The in-water work window for each phase is July 1 through September 21. The current wooden docks are to be replaced with Sunwalk light penetrating plastic decking, allowing more light transmission (BA section 1.6). A sediment curtain will be used to isolate the in-water work area prior to construction. Current pilings will be pulled from substrate and disposed of off-site (pilings are buried about 1ft into substrate). A shoreline excavator equipped with a drop or impact hammer would perform pile removal and new pile driving. All equipment access, materials staging, and terrestrial activities would occur via existing roadways, parking areas, disturbed upland areas, and/or upon floating barges. The plan includes installing twenty 1ft diameter steel pilings – ten per phase. A wooden cushion and a bubble curtain would be used for sound damping and containment.

Impact minimization measures outlined in the BA (section 1.8) include cleaned in-water equipment, regular fluid leak inspections, and a Spill Prevention Control (SPC) Plan.

We examined the status of each species in the BA (section 2.2) that would be adversely affected by the proposed action to inform the description of the species' "reproduction, numbers, or distribution" as described in 50 CFR 402.02. We also examined the condition of critical habitat throughout the designated area and the function of the physical or biological features essential to the conservation of the species that create the conservation value of that habitat in the BA (section 2.3).

The river reach encompassing the project area, the Snake River is designated critical habitat for Snake River spring/summer Chinook salmon, Snake River fall Chinook salmon, Snake River sockeye salmon, and Snake River Basin steelhead. Both adult and juvenile life stages of these ESA-listed salmon use the main channel as a migration corridor (BA section 2.0). The project

site provides potential shallow water rearing and resting habitat for those species, but disturbance from operating vessels and lack of vegetation reduce its value as refugia.

During the winter months, juvenile Snake River spring/summer Chinook salmon, Snake River fall Chinook salmon, and Snake River Basin steelhead may have some, but probably limited, use of shallow water, off-channel areas of the lower Snake River such as that found in the Hell's Gate marina basin. During the summer months, and the proposed July 1 to September 21 work window, the shallow, semi-enclosed basin likely exceeds main river temperatures, which are usually over 20°C. The nearest U.S. Geological Service (USGS) gage is located over 25 miles upstream in Anatone, WA. Daily median temperatures in the Snake River at Anatone are consistently above 19°C for the duration of the proposed work period (BA section 4.1). The optimal water temperatures for Chinook salmon range from 14-19°C, and sustained temperature above 21°C is lethal (BA section 2.2.1).

"Action area" means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR 402.02). The action area includes the marina enclosure (Fig.3), and the adjacent edge of the main Snake River channel approximately 30 feet riverward and 100 feet downstream from the marina entrance, an area where suspended sediment from pile replacement may be detectable before becoming dispersed within the Snake River. Sediment curtains used to isolate the in-water work area (BA section 1.5), along with the dynamics of the marina basin entrance help reduce the extent of suspended sediment in the main Snake River. This pathway of effect has the greatest extent (i.e., covers the largest area) compared to other potential pathways of effect (e.g., noise). The action area also includes the staging area in the parking lot adjacent to the boat ramp (Fig.4).

Figure 3. Outlined in red is the largest portion of the boat basin that would be isolated using sediment curtains.

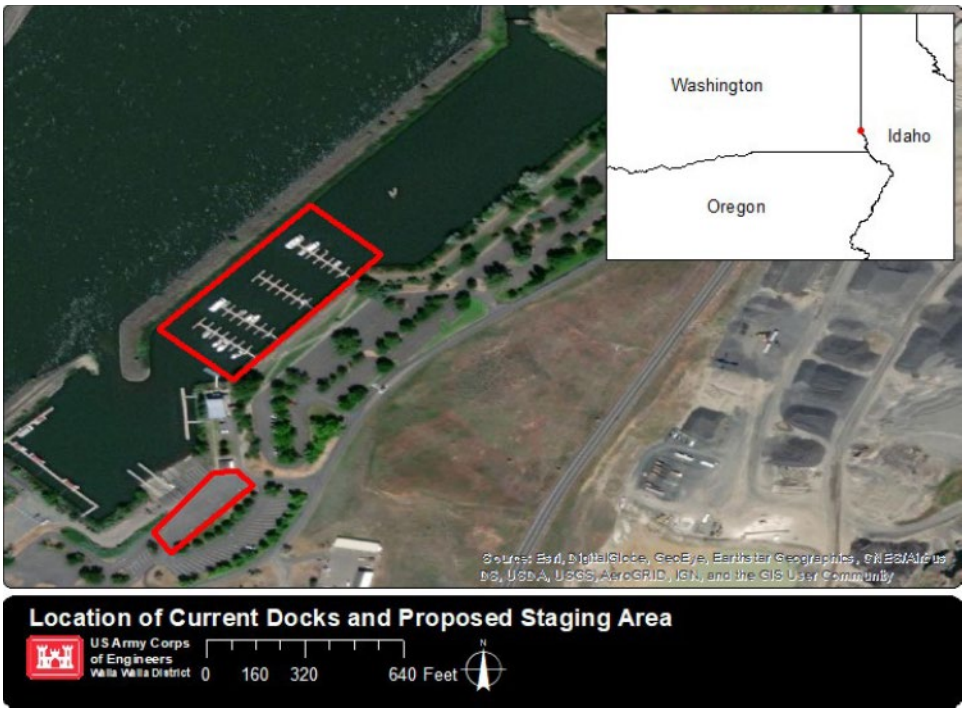

Figure 4. Location of the boat basin, marina, docks, and staging area (parking lot outlined in red) considered in this analysis.

The "environmental baseline" refers to the condition of the listed species or its designated critical habitat in the action area, without the consequences to the listed species or designated critical habitat caused by the proposed action. The environmental baseline includes the past and present impacts of all federal, state, or private actions and other human activities in the action area, the anticipated impacts of all proposed federal projects in the action area that have already undergone formal or early section 7 consultations, and the impact of state or private actions which are contemporaneous with the consultation in process. The consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency's discretion to modify are part of the environmental baseline (50 CFR 402.02). The marina basin is regularly dredged using suction dredging, most recently in 2019 with details in consultation WCR-2018-10658 (NMFS 2019). Section 3.0 of the BA describes the environmental baseline, including recent consultations affecting the area.

The action area is within the upstream reach of Lower Granite Reservoir. This habitat has been degraded by a variety of human impacts. Due to hydropower infrastructure and the shipping industry, much of the habitat has been altered from a free flowing river to an impounded waterway managed for many uses. Here, the Snake River in the CWA 303d is listed as impaired, with increased water temperature, decreased dissolved oxygen, and most habitat parameters required for healthy salmonid populations not functioning properly. Those habitat characteristics make the action area likely only used for short periods of time by migrating and rearing salmonids. As noted above, the area within the marina enclosure is likely not used by salmonids during summer because of its even higher water temperature than the already very warm main Snake River channel. In the non-summer months, a small proportion of juvenile salmonids that pass by or linger in this section of river may venture into the marina and be exposed to predator fish using the area under the docks. Juvenile Snake River spring/summer Chinook salmon,

migrate the Snake River corridor through July (BA section 2.2.2), and Snake Basin steelhead through August (BA section 2.2.4). Following emergence, juvenile Snake River fall Chinook quickly move downstream from their main Snake River natal spawning beds from June through early fall, seeking cooler deeper water when temperatures reach 21.1°C (BA section 2.2.1). Adult salmon and steelhead are not likely to be present in the vicinity of the docks.

Effects of the Action

Under the ESA, "effects of the action" are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action (see 50 CFR 402.17). In our analysis, which describes the effects of the proposed action, we considered 50 CFR 402.17(a) and (b).

The BA provides a detailed discussion and assessment of the noise and water quality (sediment and chemical contamination) effects of the proposed action in BA section 3.1 of the initiation package, and is adopted here (50 CFR 402.14(h)(3)). NMFS has evaluated this section and after our independent, science-based evaluation, it was determined it meets our regulatory and scientific standards for these effect pathways. The temporary and long-term effects of this proposed action are:

- Minor impacts from underwater sound, including behavioral changes by juvenile salmon and steelhead, caused by pile driving;
- Minimal and temporary sediment suspension in the water column during removal and placement of pilings, with minor effects on juvenile salmon and steelhead;
- Minimal chemical contamination potential due to use of construction equipment and continued vessel traffic;
- Perpetuation of hiding cover for predator fish which could result in predation of a small number of juvenile salmon and steelhead for the lifetime of the docks;
- Suppression of submerged aquatic vegetation/cover for juvenile fish in the vicinity of the structure; and
- Perpetuation of marina use and boat traffic and associated temporary displacement of a small number of juvenile fish per year into the foreseeable future.

The effect pathways of predation, suppression of aquatic vegetation, and disturbance due to continued vessel traffic (limiting rearing habitat quality), were not addressed in the BA and are discussed below.

The COE proposes to authorize the replacement of current over-water structures. The temporary effects of noise and suspended sediment will be mediated by using a wood cushion and bubble curtain, and a sediment curtain to contain the in-water work area. Due to the physical isolation of the boat basin from the mainstem of the Snake River, and the configuration of the marina entrance and exit, any in-water sound wave from pile driving would not exceed 150 decibels outside the boat basin (BA section 1.6). Salmon and steelhead are not likely to be present in the

marina basin during the work window, so effects from noise on juvenile salmonids is expected to be minimal. However, some fish will be in the main Snake River channel portion of the action area directly downstream from the marina entrance. The effects of suspended sediment and turbidity from the project are expected to be small, minimized by the sediment curtain enclosing the work area. When the sediment curtain is removed, a small flush of suspended sediment may enter the main channel. Juvenile fish may be either not affected or temporarily displaced. We do not expect juvenile fish to be harmed by this displacement because suitable rearing habitat is available nearby.

By replacing the docks, several effects are likely to continue into the future. Perpetuation of the marina use and boat traffic brings associated displacement of a small number of juvenile fish, as well as the suppression of submerged aquatic vegetation. Juvenile fish that may seek shallow slow water river edges are likely to be displaced by the disturbance caused by vessel activity. Aquatic vegetation, which could provide cover for juvenile fish rearing and resting in the vicinity of the structure, is unlikely to establish due to the churning of water and sediment by vessel propellers. The most concerning effect is the perpetuation of cover for predator fish like smallmouth bass, which could result in predation of a small number of juvenile salmon and steelhead, every year for the duration of the new docks. Predation is a limiting factor for all ESA-listed Snake River salmonids (BA section 2.2).

While the replacement and lengthened lifetime of the over water structures perpetuate impacts of predation, particularly by smallmouth bass, NMFS anticipates that the light-transmitting design of the new decking may result in somewhat reduced predation into the future because this design reduces the amount of shade preferred by predatory fish. Predator fish prefer, and are advantaged by over-water structures such as docks. While the continued potential predation associated with the proposed action would likely be small annually, the adverse effects would continue for the life of the dock.

The action area includes designated critical habitat for Snake River spring/summer Chinook salmon, fall Chinook salmon, and Snake River Basin steelhead. The proposed action has the potential to affect the safe passage, water quality, and cover physical and biological features (PBF) of critical habitat (Table 1). The effects on the water quality and cover PBF will not change those functions appreciably. The effects on the safe passage PBF will perpetuate decreased safety because of the hiding cover the docks afford for predator fish. Nevertheless, the area is a very small proportion of the critical habitat and the effects on the safe passage PBF function, as a whole, is also very small. Both of these affects will be very small and will be limited to the scale of the action area.

Table 1. Types of sites, essential physical and biological features (PBSs), and the species life stage each PBF supports.

Site	Essential Physical and Biological Features	Species Life Stage
Snake River Basin Steelhead[a]		
Freshwater spawning	Water quality, water quantity, and substrate	Spawning, incubation, and larval development
Freshwater rearing	Water quantity & floodplain connectivity to form and maintain physical habitat conditions	Juvenile growth and mobility
	Water quality and forage[b]	Juvenile development
	Natural cover[c]	Juvenile mobility and survival
Freshwater migration	Free of artificial obstructions, water quality and quantity, and natural cover[c]	Juvenile and adult mobility and survival
Snake River Spring/Summer Chinook Salmon, Fall Chinook		
Spawning & Juvenile Rearing	Spawning gravel, water quality and quantity, cover/shelter (Chinook only), food, riparian vegetation, space (Chinook only), water temperature and access (sockeye only)	Juvenile and adult
Migration	Substrate, water quality and quantity, water temperature, water velocity, cover/shelter, food[d], riparian vegetation, space, safe passage	Juvenile and adult

[a] Additional PBFs pertaining to estuarine, nearshore, and offshore marine areas have also been described for Snake River steelhead and Middle Columbia steelhead. These PBFs will not be affected by the proposed action and have therefore not been described in this Opinion.
[b] Forage includes aquatic invertebrate and fish species that support growth and maturation.
[c] Natural cover includes shade, large wood, log jams, beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.
[d] Food applies to juvenile migration only.

"Cumulative effects" are those effects of future state or private activities, not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02 and 402.17(a)). Future federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA. Some continuing non-federal activities are reasonably certain to contribute to climate effects within the action area (Section 3.1, 3.2). However, it is difficult if not impossible to distinguish between the action area's future environmental conditions caused by global climate change that are properly part of the environmental baseline vs. cumulative effects. Therefore, all relevant future climate-related environmental conditions in the action area are described in the environmental baseline (BA section 3.0). Typical activities in this area of urban development along the river include boating, fishing, and other forms of water-related recreation, as well as industrial development and shipping. Considering potential for additional development and for habitat restoration along the Snake River, NMFS assumes that effects of future state and private activities within the action area will remain similar to what they are presently.

The Integration and Synthesis section is the final step in our assessment of the risk posed to species and critical habitat as a result of implementing the proposed action. In this section, we add the effects of the action to the environmental baseline and the cumulative effects, taking into account the status of the species and critical habitat, to formulate the agency's biological opinion

as to whether the proposed action is likely to: (1) Reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing its numbers, reproduction, or distribution; or (2) appreciably diminish the value of designated or proposed critical habitat as a whole for the conservation of the species. The potential project effects of noise and suspended sediment (BA section 4.1), and impeded safe passage due to predator fish habitat, will be minimized using best management practices. Summer work period, wood cushions, bubble and sediment curtains will be used to reduce impacts from sound and suspended sediment (sections 4.1.1 and 4.1.2). Warm temperatures expected in the marina basin during the in-water work window likely reduce the likelihood that juvenile fish will enter the basin and experience these effects during construction phases. While continuing vessel activity is expected to discourage use of the marina basin by juvenile salmonids, and hinder the establishment of submerged aquatic vegetation, we have no evidence that this artificial habitat has provided usable habitat in the past. Replacing the docks will extend the longevity of over-water structures in shallow nearshore habitat, but new decking material - allowing more light transmission than the current wooden recreational docks - may reduce the quality of predator habitat. While some predation may continue into the future due to the extended presence of these docks, NMFS anticipates the predation may be at a lower rate than what occurs currently because the new docks should transmit more light and potentially afford less effective hiding for predator fish like smallmouth bass.

Within the Snake River Basin steelhead Distinct Population Segment (DPS), the Salmon River and Hell's Canyon Major Population Groups (MPGs) are two of six MPGs potentially affected by the proposed action. Within the Snake River spring/summer Chinook salmon DPS, the South Fork Salmon, Middle Fork Salmon, and Upper Salmon MPGs – three of five MPGs, are all potentially affected by the proposed action. There is only one extant lower mainstem Snake River fall Chinook salmon MPG within the single Evolutionarily Significant Unit (ESU). Individual fish affected by the proposed action are likely to be equally distributed between the identified populations and MPGs. Thus, assuming each population is expected to lose a few juveniles per year or fewer, this loss is not expected to alter the survival or recovery of each MPG. After reviewing and analyzing the current status of the listed species, the environmental baseline within the action area, the effects of the proposed action, the effects of other activities caused by the proposed action, and cumulative effects, it is NMFS' biological opinion that the proposed action is not likely to jeopardize the continued existence of Snake River Basin steelhead, Snake River spring/summer Chinook salmon, or Snake River fall Chinook salmon.

When analyzing the effects of the proposed action on designated critical habitat. The action area provides poor habitat quality for juvenile salmon and steelhead to rest and grow because of the existing marina (shoreline development, docks and associated activities). The proposed action may improve rearing and migration conditions by designing the new docks to reduce the quality of habitat for predatory fish. However, the proposed action extends the life of the structures into the future, including the likely reduced rate of predation. The effects will be manifest at the scale of the action area, and will not affect the quality or amount of critical habitat available at the scale of the designation. Thus, the action is also not likely to destroy or adversely modify designated critical habitat for Snake River Basin steelhead, Snake River spring/summer Chinook salmon, or Snake River fall Chinook salmon.

INCIDENTAL TAKE STATEMENT

Section 9 of the ESA and Federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without a special exemption. "Take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. "Harm" is further defined by regulation to include significant habitat modification or degradation that actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering (50 CFR 222.102). "Incidental take" is defined by regulation as takings that result from, but are not the purpose of, carrying out an otherwise lawful activity conducted by the Federal agency or applicant (50 CFR 402.02). Section 7(b)(4) and section 7(o)(2) provide that taking that is incidental to an otherwise lawful agency action is not considered to be prohibited taking under the ESA if that action is performed in compliance with the terms and conditions of this ITS.

Amount or Extent of Take

In this opinion, NMFS determined that the proposed action is reasonably certain to result in incidental take of ESA-listed species, and that such take is due to the perpetuation of habitat for predator fish and predation of some juvenile salmon and steelhead. There is potential for a small number of juvenile salmon and steelhead to occur in this shallow marina during non-summer months, and for some subset of those fish to be eaten because of the advantage the docks afford the predator fish, particularly smallmouth bass, which abound in the marina.

NMFS anticipates that such incidental take will be difficult to detect and measure. There are no data on juvenile salmon and steelhead presence, timing, and density in the marina, and there is no practical way to determine predator fish success attributable to the docks in this setting. Therefore, while NMFS expects that incidental take of Snake River fall Chinook salmon, Snake River Basin steelhead, or Snake River spring/summer Chinook salmon is reasonably certain to occur, available data are insufficient to estimate the number of individuals that may be harmed. The area of dock providing potential predator fish habitat will serve as the surrogate for take. This dock will provide more light transmission than the current decking material in order to dissuade predatory fish, but we cannot exclude the potential for predation to continue.

The area of dock is a suitable surrogate for take because predation is causally related to the amount of cover provided for predatory fish, and because it is possible to monitor deck area. Monitoring and reporting requirements included in this ITS will provide opportunities to check throughout the course of the proposed action whether the surrogate is exceeded. For this reason, the surrogate functions as an effective reinitiation trigger.

Effect of the Take

In the biological opinion, NMFS determined that the amount or extent of anticipated take, coupled with other effects of the proposed action, is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat when the reasonable and prudent alternative is implemented.

Reasonable and Prudent Measures

"Reasonable and prudent measures" are nondiscretionary measures that are necessary or appropriate to minimize the impact of the amount or extent of incidental take (50 CFR 402.02).

The COE shall:

- Monitor the proposed action to ensure that the incidental take surrogate is not exceeded.

Terms and Conditions

The terms and conditions described below are non-discretionary, and the COE or any applicant must comply with them in order to implement the RPMs (50 CFR 402.14). The COE or any applicant has a continuing duty to monitor the impacts of incidental take and must report the progress of the action and its impact on the species as specified in this ITS (50 CFR 402.14). If the entity to whom a term and condition is directed does not comply with the following terms and conditions, protective coverage for the proposed action would likely lapse.

The COE shall:

- Confirm that the installed floating dock structure does not exceed 11,100 square feet (including phase 1 and phase 2). The COE shall contact NMFS Snake Basin Office immediately if the completed structure exceeds this square footage.

- Submit a monitoring report (with information on project area, use time of vibratory hammers, and turbidity monitoring, and suspended sediment containment) by April 15 of the year following project completion to the Snake Basin Office email: nmfswcr.srbo@noaa.gov.

Conservation Recommendations

Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. Specifically, conservation recommendations are suggestions regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information (50 CFR 402.02).

1. The COE should monitor daily water temperature and fish presence in the marina basin during in-water construction projects to provide scientific data to inform future marina maintenance consultations.

Reinitiation of Consultation

This concludes formal consultation for the Hells Gate State Park Marina Dock Replacement.

Reinitiation of consultation is required and shall be requested by COE or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by

law and (1) the amount or extent of incidental taking specified in the ITS is exceeded, (2) 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; (3) 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 biological opinion; or if (4) a new species is listed or critical habitat designated that may be affected by the identified action.

The amount of take will be considered exceeded if the square footage of the floating dock is greater than 11,100 square feet (including both phase 1 and phase 2).

Not Likely to Adversely Affect Determination

NMFS concurs that the action is not likely to adversely affect Snake River sockeye salmon or its critical habitat. Sockeye salmon use the Snake River as a migration corridor only, and it is unlikely that juveniles would seek shallow water habitat in the enclosed marina basin (BA section 2.2.3). Therefore, it is unlikely any SR sockeye salmon will be exposed to the effects of the proposed action, and thus all effects are discountable.

MSA Consultation

NMFS also reviewed the proposed action for potential effects on essential fish habitat (EFH) designated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including conservation measures and any determination you made regarding the potential effects of the action. This review was conducted pursuant to section 305(b) of the MSA, implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation.

Based on information provided in the BA and the analysis of effects presented in this document, NMFS concludes that the proposed action will adversely affect EFH designated for Chinook salmon and coho salmon because it may decrease safe passage conditions for salmon EFH beneath and immediately adjacent to the dock structure. This adverse effect to EFH in the action area is identical to the adverse effect to critical habitat described in the opinion. The proposed action may decrease safe passage conditions for salmon EFH beneath and immediately adjacent to the dock structure.

- As with this project, through its permitting, funding, and public outreach, the COE should encourage and require grating on dock floats in order to increase the transmission of light through the structures and thus create less desirable and advantageous habitat for predator fish.

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 biological opinion will be available through NOAA Library Institutional Repository [https://repository.library.noaa.gov/welcome]. A complete record of this consultation is on file at the NMFS office in Boise ID.

Please direct questions regarding this letter to Jennifer Gatzke, Northern Snake Branch in Moscow ID, at 208-596-2969 or Jennifer.gatzke@noaa.gov.

Sincerely,

Michael P. Tehan
Assistant Regional Administrator
Interior Columbia Basin Office

cc: John Hook, COE