



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
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Portland, Oregon 97232-1274

Refer to NMFS No: WCRO-2024-01454

January 2, 2025

<https://doi.org/10.25923/gsn3-0s26>

Doug McKay
Umatilla National Forest
Heppner Ranger District
117 S. Main Street
Heppner, OR 97836

Re: Endangered Species Act Section 7(a)(2) Biological Opinion for the Umatilla National Forest's Parkers Mill Vegetation Management Project: Little Wall Creek (170702020802), Skookum Creek-Little Wall Creek (170702020803) Chapin Creek-Rock Creek (HUC 170702041101), Wilson Creek (HUC 170702020806), Swale Creek (HUC 170702020801), and Ditch Creek (HUC 170702020709) in Morrow and Grant Counties, Oregon.

Dear Mr. McKay:

This letter responds to your November 13, 2024, request for initiation of consultation with the 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 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.

Updates to the regulations governing interagency consultation (50 CFR part 402) were effective on May 6, 2024 (89 FR 24268). We are applying the updated regulations to this consultation. The 2024 regulatory changes, like those from 2019, were intended to improve and clarify the consultation process, and, with one exception from 2024 (offsetting reasonable and prudent measures), were not intended to result in changes to the Services' existing practice in implementing section 7(a)(2) of the ESA (89 FR 24268; 84 FR 45015). We have considered the prior rules and affirm that the substantive analysis and conclusions articulated in this biological opinion and incidental take statement would not have been any different under the 2019 regulations or pre-2019 regulations.

The Umatilla National Forest's (UNF) first presented the UNF's Parkers Mill Vegetation Management Project (the Project) through the UNF Level 1 team on May 10, 2023, following the 1999 Streamlined Consultation Procedures for Section 7 of the Endangered Species Act (USDA-FS, USDC, USDI BLM, and USDI FWS, 1999). We reviewed and provided comments on multiple versions of draft biological assessments (BA) (June 8, 2023, November 20, 2023, April 8, 2024, and May 28, 2024). On July 14, 2024, the UNF submitted a final BA (UNF 2024) and consultation request to NMFS. NMFS initiated formal consultation at the time. However, in



late July 2024, multiple wildfires ignited in the region and merged into the Battle Mountain Wildfire Complex and wildfire and emergency wildfire suppression activities impacted the Project action area.

On July 29, 2024, following notification from UNF of these wildfires, NMFS paused the ESA consultation pending the UNF's assessment of the effects of the wildfire and emergency response within the project area. The UNF Level 1 Team held several meetings and correspondence from August to October, 2024, regarding the status of the wildfires, impacts to the project area, and additional information needed to complete formal consultation for the Project. On November 13, 2024, NMFS received a revised Parker Mill Vegetation Management BA, and supplemental 'BA Addendum for the Battle Mountain Complex', dated October 31, 2024 (revised BA and Addendum; UNF 2024a). The revised BA and Addendum contained sufficient information and consultation was initiated.

We have reviewed the revised BA and Addendum (UNF 2024a). 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 the following sections of the revised BA and Addendum (UNF 2024a), dated October 31, 2024: Section 3.0 Proposed Action (pp. 6-31), Section 4.0 Action Area (pp. 31-35), Section 6.0 Status of Species and Critical Habitat (pp. 37-38), Section 7.0 Environmental Baseline (pp. 39-62), Section 8.0 Effects of the Action (pp. 63-82), Section 9.0 Cumulative Effects (pp. 82), Appendix B: Stream Crossings Over DCH/OCH and Monitoring Plan (pp. 90-94), and Appendix C: Best Management Practices (BMPs) (pp. 95-100).

As described in Section 3 (Proposed Action) of the revised BA and Addendum, the UNF will implement vegetation management activities for up to 15 years across a 32,300-acre project area. The Project's objective is to improve timber stand health, enhance fish and wildlife habitat, enhance native plant communities, enhance pollinator habitat, enhance culturally important Tribal plant resources, and to reduce the risk of severe wildfire behavior and its effects on the UNF. Proposed treatments include:

- Commercial timber harvest (3,891 acres),
- Non-commercial thinning (14,888 acres, including 839 acres in riparian habitat conservation areas [RHCA]),
- Fuels reduction and fuel break treatments (3,891 acres),
- Prescribed fire (32,218 acres),
- Upland juniper treatments (1,094 acres),
- Hand seeding or planting (6,122 acres, 607 acres within RHCAs),
- Aspen treatments (15 acres),
- Road maintenance and timber haul on 153 miles of roads,
- Reopening 29.12 Maintenance Level (ML) 1 closed roads (0.10 miles within a category 1 RHCA),
- 0.53 miles of temporary road construction (outside RHCAs),
- Road haul and transportation over 137 stream crossings (12 crossings over ESA-listed Middle Columbia River [MCR] steelhead occupied streams and/or designated critical habitat [DCH]).

Road maintenance activities, timber haul, and equipment transportation includes routes over 137 stream crossings to implement the vegetation management and prescribed fire and fuels reduction activities. This includes use of 29.38 miles of roads within RHCAs, of which approximately 13 miles are located within Category 1 (fish-bearing) RHCAs. We considered, under the ESA, whether or not the proposed action would cause any other activities and determined that it would not.

The Project includes conservation measures to reduce the effects of the proposed action on ESA listed species and their habitat (UNF 2024a BA Section 3 pgs. 25-31, and Appendix C). Some of these include:

- No harvest of trees 21-inch diameter breast height (DBH) or larger.
- No commercial harvest, mechanical treatments, handline construction, water drafting, skid trails, or landings are proposed in RHCAs.
- All hazard trees felled in RHCAs will be left on site.

BIOLOGICAL OPINION

We examined the status of the species 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 discuss the function of the physical or biological features essential to the conservation of the species that create the conservation value of that habitat. Section 6.0 of the BA covers the status of the species and designated critical habitat; in this case, Middle Columbia River (MCR) steelhead distinct population segment (DPS) and their designated critical habitat occur in the Project's action area. NMFS has published a 5-year review for MCR steelhead updating their status and limiting factors ([NMFS 2022](#)), and that review is adopted here. We also incorporate our summary of the most recent status update summary of the MCR steelhead DPS, which can be found on our website at: <https://www.fisheries.noaa.gov/s3/2024-08/status-species-middle-columbia-river-steelhead-july-2024.pdf>. Overall, this DPS is at a moderate risk of extinction.

"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). Section 4.0 of the BA provides a detailed description of the action area.

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). Section 7.0 of the BA describes the environmental baseline and is adopted here.

The action area supports migration, rearing, and spawning of MCR steelhead from the North Fork John Day population. This population is one of five in the John Day River Major

Population Group (MPG). The North Fork John Day River steelhead population is considered “highly viable” and is rated as being at “very low risk” based on current abundance and productivity estimates (NMFS 2022). Critical habitat for MCR steelhead has been designated in the action area. Important physical and biological features (PBFs) of freshwater spawning, rearing, and migration designated critical habitat (DCH) in the action area include: water quantity and quality, substrate, floodplain connectivity, forage, natural cover, and freedom from obstruction. The ability of critical habitat within the action area to support the PBFs is primarily limited by a degraded floodplain and channel structure (i.e., a lack of habitat quantity/diversity), altered sediment routing, altered hydrology, and high water temperature. Adult MCR steelhead are anticipated to be in the action area from March through June, during adult migration and spawning. Juvenile MCR steelhead are present year-round throughout the action area when water temperatures are suitable for rearing.

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.

The BA provides a detailed discussion and comprehensive assessment of the effects of the proposed action in Section 7.0, and is adopted here (50 CFR 402.14(h)(3)). NMFS has evaluated this section and after our independent, science-based evaluation determined that it meets our regulatory and scientific standards. We provide the following information to supplement the BA.

Changes in water quality and substrate from increased stream sediment and chemical contamination along 29.38 miles of road in RHCAs, and at each of the 12 crossings in MCR steelhead-occupied DCH are expected over the 15-year life of the Project. These effects are derived from implementation of site-related Project activities, including vegetation management, road maintenance, road use and haul, prescribed burning, and fuels reduction. The proposed action is expected to deliver small amounts of stream sediment and chemicals (oil) at infrequent intervals over the duration of the proposed action. We anticipate both water quality and sediment effects would last for the duration of road use and potential several weeks following completion of each unit being treated.

The effects, and our determinations of the effects, to MCR steelhead from the Project are:

- Increased stream sediment/turbidity. The BMPs, including no cut riparian vegetation buffers within RHCAs, and erosion control measures at stream crossings, are expected to help reduce the amount of sediment from reaching surface water; however, they will not completely eliminate it. Increased sediment delivery to the stream network from the proposed action are anticipated to be small. Likely effects will include intermittent and short-term exposure to pulses of suspended sediment during timber haul and transportation activities, which will increase turbidity at locations up to 300 feet downstream from 12 unpaved stream crossings and along 29.38 miles of roads over the duration of the Project. Log hauling has the potential to occur during all times of year, although not during heavy rains when sedimentation into streams would be most likely.

- For juveniles, the increase in suspended sediment may result in behavior changes, coughing, gill abrasions, reduced prey availability, pauses in migration, and/or increased risk of predation. This will result in the reduced fitness and survival of small numbers of individuals from each year's cohort over the 15 years of operation.
- Adults are highly mobile and will have plenty of similar suitable habitat to move into; any effects of displacement due to increased suspended sediments on adults will be short-term and minor.
- Increased levels of sediment delivery may have detrimental effects on redds when located in close vicinity (within 300 feet downstream) of the point of entry. Alevins and eggs incubating in redds located in close vicinity downstream of sediment entry may experience smothering due to increased levels of suspended sediment and reduced emergence and survival. BMPs implemented will reduce the magnitude of increased sediment input. It is anticipated no more than one redd may be present within the 300 feet downstream of the 12 road stream crossings point of sediment entry annually during the spring when active timber haul is implemented. Annually, one redd will potentially experience harm or injury from increased sediment discharge from haul.
- Increased sediment delivery to streams is anticipated to be small, intermittent and temporary only within 300 feet downstream of the point of entry. Any water temperature increase due to elevated sediment will quickly return to baseline stream temperatures within minutes. Any small, temporary increase in temperature is not anticipated to result in take of MCR steelhead or any potential redds.
- Given the proposed BMPs, we believe chemical contamination to individual MCR steelhead is unlikely to occur.
- Reduction of road-related stream sediment/turbidity immediately following road maintenance and improvements. We believe the Project, upon completion, will reduce road-related stream sediment due to road and drainage improvements, which may be a beneficial effect to MCR steelhead in the long term.

The effects, and our determinations of the effects, to MCR steelhead DCH from the Project are:

- The substrate and water quality PBFs of freshwater spawning DCH will be negatively affected by delivery of sediment during log haul and road operations. The impairment of substrate and water quality will be present within 300 feet downstream of each of the 12 stream crossings and along 29.38 miles of road. Given the BMPs, and the small scope and scale of this effect, we expect the delivery of sediment to have short term, intermittent adverse effects to the substrate and water quality PBFs of freshwater spawning habitat over the life of the Project.
- The water quality and forage PBFs of freshwater rearing DCH will be negatively affected by delivery of sediment during log haul and road operations. The impairment of water quality and forage habitat will be present within 300 feet downstream of each of the 12 stream crossings and along 29.38 miles of road. Given the BMPs, and the small scope and scale of the effect, we expect the delivery of sediment to have short term, intermittent adverse effects to the water quality and forage PBFs of freshwater rearing habitat over the life of the Project.

- The water quality PBF of freshwater migration DCH will be negatively affected by delivery of sediment during log haul and road operations. The impairment of water quality will be present within 300 feet downstream of each of the 12 stream crossings and along 29.38 miles of road. Given the BMPs, and the small scope and scale of the effect, we expect the delivery of sediment to have short term, intermittent adverse effects to the water quality PBF of freshwater migration habitat over the life of the Project.
- The water quality and forage PBFs of freshwater rearing and migration DCH will be negatively affected by increased temperature during log haul and road operations due to increased sediment delivery. The impairment of water quality and forage habitat will be present within 300 feet downstream of each of the 12 stream crossings and along 29.38 miles of road. Given the BMPs, and the small scope and scale of the effect, we expect increased temperature due to the delivery of sediment will be small, and have short term, intermittent adverse effects to the water quality and forage PBFs of freshwater rearing and migration habitat over the life of the Project.
- Given the proposed BMPs, we believe effects from chemical contamination to the water quality PBF of freshwater spawning, rearing, and migration DCH is improbable.
- Reduction of road-related stream sediment/turbidity immediately following road maintenance and improvements. We believe the Project, upon completion, will reduce road-related stream sediment due to road and drainage improvements, which may be a beneficial effect to MCR steelhead DCH in the long term.

“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). 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. NMFS reviewed Section 9.0 of the BA that describes Cumulative Effects. NMFS is providing the additional supplemental cumulative effects description as follows. Recreational use (e.g., camping, hunting, fishing, firewood cutting) is likely to continue within the action area and on adjacent state, private, and federal lands. Dispersed camping and recreational activities adjacent to streams and in riparian areas contributes to a cumulative reduction in riparian vegetation and can reduce vegetation recruitment and establishment within riparian corridors and next to streams. At this time, no specific non-federal projects are identified on state and private lands in the action area. Therefore, NMFS assumes future state and private actions and land uses will continue within the action at their current rate.

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.

Rangewide, the status of MCR steelhead and its DCH is generally poor as a result of a combination of effects outside the action area, the existence and operation of Columbia River

dams, and historic and ongoing land management and anthropogenic activities impairing habitat in the action area.

As described above, vegetation, prescribed fire management, road maintenance and use are not expected to directly harm MCR steelhead, but the reduction in water quality due to increased intermittent sediment delivery during Project implementation will likely cause a slight increased risk of behavioral effects, reduced fitness, and mortality from predation for juvenile MCR steelhead that rear along the affected 29.38 miles of road and to any redds located in the 300 feet below each of the 12 stream road crossing in MCR steelhead DCH throughout the day for up to 15 years during Project implementation. Because increased sediment delivery will be intermittent, small and temporary, any resulting increase in stream temperature will be in a small, localized area and quickly disperse, and hence, is not anticipated injury from altered stream temperature to any juvenile steelhead. Water temperature will quickly return to baseline stream temperature and is not expected to injure or kill incubating eggs in redds. Harm, injury and mortality is anticipated to impact redds present within the 300 feet below the 12 stream road crossings from increased sediment delivery from points of discharge. Due to little known data of redds present below the points of discharge we anticipate no more than one redd annually may be harmed, injured or mortality during active haul. The adverse effects will be entirely confined to the North Fork John Day River population, which is considered “highly viable”. The North Fork John Day River population is rated as being at “very low risk” based on current abundance and productivity estimates and spatial structure/diversity is rated at “low risk” (NMFS 2022).

Project effects arise from an increase in sediment delivered to the stream network along 29.38 miles of road and 12 stream crossings in DCH. The BMPs will be applied to reduce and minimize impacts to MCR steelhead and its DCH from these Project activities, however, they will not eliminate these effects. Upon completion of the Project, water quality is expected to improve due to road and drainage improvements and maintenance activities.

We anticipate pulses of sediment will be small and intermittent, adversely affecting only small numbers of juvenile steelhead (North Fork John Day population, John Day MPG) through reduced fitness or behavioral changes that may lead to increased incidence of predation, reduced fitness, or mortality. As described above, we anticipate one redds annually may be present 300 feet below the 12 road stream crossings and may experience injury and take if elevated increased sediment smother or bury redds. These adverse effects to a small number of juveniles will not meaningfully reduce the abundance/productivity of the population. Most juvenile MCR steelhead present in the action area will likely experience behavioral modification, and move out of the immediate area affected. A few juvenile steelhead or any redds present within 300 feet downstream during infrequent events of increased sediment discharge may experience harm, injury or mortality. Adults are anticipated to move out of the area to other more suitable habitat. Because mortality of only a few juvenile steelhead or one redd is anticipated annually, survival and recovery of MCR steelhead will not be meaningfully affected at the population scale and thus effects to the survival and recovery of the MPG and the DPS are unlikely.

Short term negative effects to the forage, substrate, and water quality PBFs of spawning, rearing, and migration DCH from increased sediment delivery are expected. However, given the proposed BMPs, and the small scope and scale of increased sediment delivery, we believe these effects will be temporary, and intermittent at site-specific locations 300 feet downstream of the

12 stream crossings and along 29.38 miles of roads within the action area. Because the effects to critical habitat in the action area will be small and because the action area is only a small portion of the designated critical habitat for MCR steelhead, we do not expect the Project will affect the conservation value of DCH as a whole.

After reviewing and analyzing the current status of the listed species and critical habitat, 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 MCR steelhead or destroy or adversely modify its DCH.

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). "Harass" is further defined by interim guidance as to "create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." "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 the biological opinion, NMFS determined that incidental take of juvenile MCR steelhead is reasonably certain to occur from exposure to site-specific increased suspended sediment/turbidity derived from implementation of site-related Project activities, including vegetation management, road maintenance, road use and haul, prescribed burning, and fuels reduction.

NMFS anticipates juvenile MCR steelhead and the potential of redds will be present in streams and experience the effects of increased sediment/turbidity. An increase in suspended sediment may result in behavior changes, coughing, gill abrasions, reduced prey availability, pauses in migration, and/or increased risk of predation, which may result in reduced fitness, injury, or death to juvenile MCR steelhead; and injury or mortality of redds present below the 12 stream road crossings.

NMFS anticipates the amount of incidental take from increased sediment to redds will not exceed one redd present within the 300 feet below the 12 stream road crossings point of entry annually. The amount of take will be exceeded if more than one redd is documented within the 300 feet of all the 12 road stream crossings.

In some instances, NMFS is unable to quantify the amount of take and we use a surrogate to describe the incidental take pursuant to 50 CFR 402.14. It is not feasible to observe fish fleeing the area of increased turbidity or quantify the number of predators that may be in the action area. Therefore, the surrogate for incidental take of juvenile steelhead caused by increased suspended sediment is the number of proposed miles of reopening road work (i.e., 29.2 miles) and number of stream crossings in DCH (i.e., 12 stream crossings). In addition, we expect increased suspended sediment will extend no further than 300 feet downstream of any site-related Project activities. Thus, the extent of take will be exceeded if a turbidity plume extends further than 300 feet below the site-specific work area along the 29.2 miles of proposed roads or at any of the 12 stream crossings in DCH. The surrogate is causally linked to the take pathway because the scale of the effect is related to the size of turbidity plume. The surrogate described above is measurable, and thus can be monitored and reported. For this reason, the surrogate functions as an effective re-initiation 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.

Reasonable and Prudent Measures

“Reasonable and prudent measures” refer to those actions the Director considers necessary or appropriate to minimize the impact of the incidental take on the species (50 CFR 402.02).

1. Minimize the potential for incidental take from degraded water quality along the 29.38 miles of road resulting from reopening closed roads, constructing new roads, road maintenance, and timber haul operations.
2. Minimize the potential for incidental take from sedimentation and turbidity resulting from maintenance, transportation, and operations near the 12 stream crossings in MCR steelhead DCH.
3. Monitor the project to ensure that BMPs are meeting the objective of minimizing take and that the amount or extent of take is not exceeded.
4. Prepare and provide NMFS with an annual report detailing annual implementation metrics.

Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the ESA, the Federal action agency must comply (or must ensure that any applicant complies) with the following terms and conditions. The UNF, 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.

1. The following terms and conditions implement RPM 1:
 - a. During intense or prolonged rainfall, the UNF will monitor haul road surface conditions. Anytime the road surface begins to deteriorate, as evidenced by the increasing presence of surface mud, rutting, ponding, or under any other conditions when haul roads show visible signs of eroding sediment or turbid stormwater discharge, the UNF will not allow timber or rock haul until surface conditions improve and sediment is no longer transported from the road surfaces.
2. The following terms and conditions implement RPM 2:
 - a. The UNF or timber purchaser will install, maintain, and routinely inspect erosion and stormwater controls for active operations as necessary to ensure proper and effective function during any potential wet or storm season to control off-site discharge of sediment. This includes sediment movement from road surfaces, drainage ditches, skid trails, and fuels treatment areas.
 - b. The UNF will complete a visual survey for redds present each spring within the 300 feet below the 12 stream road crossings during implementation of active road haul.
 - i. Redd surveys will be implemented annually during spring (April to June) of the stream road crossings routes for 300 feet downstream when haul is implemented between April to June.
 - ii. Any redds present will be documented.
3. The following terms and conditions implement RPM 3:
 - a. Inspections will occur annually during project implementation at each of the 12 stream crossing in DCH to ensure erosion control methods are properly implemented.
 - b. Annually, five stream crossings identified in the BA's Monitoring plan will have visual monitoring 300 feet below stream crossings following the methods described in the Plan.
 - i. This will be completed during active implementation of maintenance.
 - ii. This will be completed at a minimum twice each month when haul is occurring at the stream crossing.
 - iii. If a visual turbidity plume is observed. UNF will complete turbidity monitoring within 8 hours of an observed turbidity plume and additionally monitoring at 300 feet below the stream crossing. UNF will document results.
4. The following terms and conditions implement RPM 4:
 - a. Prepare and submit an annual project status completion report to NMFS within or by the end of March following each year the proposed action is implemented. Since the Project will occur over 15 years, an annual report shall include a statement on the vegetation and fire treatments conducted and whether all the terms and conditions of this opinion were successfully implemented. The report shall also include: (1) description of the total acres of vegetation treated and or fire treatments in RHCAs; (2) a summary of miles of any road reopening, construction, closure, and maintenance; (3) pollution and erosion control inspection results, including a description of any erosion control measures,

- contaminant releases, and efforts that were taken to correct such incidences; (4) description of annual sediment monitoring data; (5) summary of any additional implementation of activities implemented due to wildfire impacts in the project area; and (6) documentation of turbidity monitoring results.
- b. Coordinate with the Services a Project overview meeting, site tour and comprehensive Project completion report during year 5 and year 10 of Project implementation. This Project report and meeting should provide all information of implementation for the overall Project and summarize all annual report information. All implementation activities, monitoring data, and post recovery information related to the Projects activities and riparian monitoring should be included.
 - c. Annual reports should be electronically delivered to: crbo.consultationrequest.wcr@noaa.gov. The subject line of the email should include the Project name: Umatilla National Forest Parkers Mill Vegetation Management Project and NMFS Tracking No: WCRO-2024-01454

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).

The following recommendations are discretionary measures that NMFS believes are consistent with this obligation and therefore should be carried out by the UNF:

- Coordinate and partner with other tribal, federal, state, and non-governmental partners in the John Day Basin to restore proper riparian area vegetation and natural ecosystem functions, in order to secure long-term protection of restoration and recovery of riparian areas and streams.
- Coordinate and partner with other tribal, federal, state, and non-governmental partners in the John Day Basin to decommission, obliterate, relocate and restore any unnecessary roads located within floodplains and riparian corridors to restore natural riparian floodplain function and ecosystems.
- Continue coordination and negotiations with other tribal, federal, state, and non-governmental partners in the John Day Basin to secure additional in-stream water for tributaries during summer low stream flow conditions to assist to lower in-stream water temperatures.

Reinitiation of Consultation

Under 50 CFR 402.16(a): “Reinitiation of consultation is required and shall be requested by the Federal agency or by the Service where discretionary Federal agency involvement or control over the action has been retained or is authorized by law and: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) If new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) If 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 the biological opinion or written concurrence; or (4) If a new species is listed or critical habitat designated that may be affected by the identified action.”

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’s Institutional Repository [<https://repository.library.noaa.gov/welcome>]. A complete record of this consultation is on file at the Columbia Basin Office in Ellensburg, Washington.

Please direct questions regarding this letter to Rebecca Viray, Fish Biologist, Columbia Basin Office, La Grande, Oregon, at rebecca.viray@noaa.gov or 541-786-5177.

Sincerely,

A handwritten signature in blue ink that reads "Nancy L. Munn". The signature is written in a cursive style.

Nancy L. Munn, Ph.D.
Assistant Regional Administrator
Interior Columbia Basin Office

cc: Doug Mckay, Umatilla National Forest
Graham Shaw, U.S. Fish and Wildlife
Jessica Bolis, UNF
Jerimiah Bonifer, Confederated Tribes of Umatilla Indian Reservation

Literature Cited

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