

Snake River & LSRCP ESA Consultations

Status

Endangered Species Act

Section 2(b) Purposes – “The purposes of this Act are to provide the means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species.....”

Prohibited Acts

Section 9(a) – “.....It is unlawful for any person subject to the jurisdiction of the United States to –

(B) **take** any such species within the United States or the Territorial sea of the United States;”

The term “**take**” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.



Take

Incidental Take – Take of listed fish or wildlife species that results from, but is not the purpose of, carrying out an otherwise lawful activity by a Federal agency or applicant.

Direct Take – Intentional take of listed fish or wildlife species that are consistent with exemptions in the Act.

Exceptions

Section 10 (a) Permits - (1) “The Secretary may permit.....

(A) any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species.....”

(B) any taking otherwise prohibited by section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity.”



Section 7. (a)(2)

“Each Federal agency shall,insure that any action authorized, funded, or carried out by such agency..... is **not likely to jeopardize** the continued existence of an endangered species or threatened species or result in the destruction or adverse modification of habitat of such species....”

Section 7.(a)(3)

“....a Federal Agency shall consult.....on any prospective action.....if the applicant has reason to believe that an endangered species or threatened species may be present in the area affected by his project and that implementation of such action will likely affect such species.”

Section 7.(b)(4)(B)

“If after consultation.....the Secretary concludes..... the taking of an endangered species or a threatened species will not violate such subsection..... the Secretary shall provide the Federal agency and the applicant concerned.....with a written statement that –

(i) specifies the impact of such incidental taking of the species.

(ii) specifies those reasonable and prudent measuresnecessary or appropriate to minimize those impacts.

(iii) sets forth the terms and conditions.....that **must** be complied with by the Federal agency or applicant.....”

LSRCP Programs

- * Actions authorized, funded, and carried out by a Federal agency.
- * If any LSRCP action “is likely to affect” a listed species, (i.e. results in incidental take) – requires a Section 7 Consultation.
- * If any LSRCP action is for scientific purposes or to enhance the propagation or survival of the affected species (i.e. results in direct take) – requires a Section 10 Permit (or other exemption).
- * All LSRCP cooperative agreements specify requirement to meet ESA requirements.

NMFS Consultations (02/23/2015)					FWS Consultations
Region	Program		Applicant	Status	Status
Mid Col	Walla Walla/Lyons Ferry STH	(S7)	BPA/LSRCP/WDFW	Done	<u>Need BA completed.</u> Submit to E. WA FO, Spokane, WA. (S7)
	Touchet (integrated) STH	(S10)	BPA/LSRCP/WDFW	Ongoing	
Snake	Lyons Ferry/FCAP/IPC FACH	(S10)	BPA/LSRCP/NPT/WDFW/IDFG/IPC	Done	<u>BA submitted 2/9/15</u> to Boise SO, Boise, ID. (S7)
	Nez Perce FACH	(S10)	BPA/NPT	Done	
Snake	Imnaha SPCH	(S10)	BPA/LSRCP/ODFW	*Program changes	<u>BA submitted 4/22/14</u> to E. WA FO, Spokane, WA. <u>May need to modify dependent on NMFS consultation.</u> (S7)
	Wallowa/Lostine SPCH	(S10)	BPA/NPT	On hold	
	Catherine Ck. SPCH	(S10)	BPA/ODFW	On hold	
	Upper Grande Ronde SPCH	(S10)	BPA/CTUIR	On hold	
	Lookingglass SPCH	(S10)	BPA/LSRCP/ODFW	On hold	
	Tucannon SPCH	(S10)	BPA/LSRCP/WDFW	*Program changes	
	L. Sheep STH	(S10)	BPA/LSRCP/ODFW	On hold	
	Wallowa STH	(S7)	BPA/LSRCP/ODFW	On hold	
	Tucannon STH	(S10)	BPA/LSRCP/WDFW	*Program changes	
Lyons Ferry Wallowa STH	(S7)	BPA/LSRCP/WDFW	On hold		

NMFS Consultations (02/23/15)					FWS Consultations
Region	Program		Applicant	Status	Status
Snake	DNFH SPCH	(S7)	BPA/LSRCP/FWS	Updating	Drafting BA. Need completed HGMP's. Will submit to Boise SO, Boise, ID. (S7)
	KNFH SPCH	(S7)	BPA/FWS/NPT	Updating	
	Clearwater SPCH	(S7)	BPA/LSRCP/IDFG	Updating	
	NPTH SPCH	(S7)	BPA/NPT	Updating	
	RR SPCH	(S10)	IPC/IDFG	Updating	
	Hells Canyon SPCH	(S10)	IPC/IDFG	Updating	
	Upper Salmon SPCH	(S10)	BPA/LSRCP/IDFG	Updating	
	Pahsimeroi SUCH	(S10)	IPC/IDFG	Updating	
	Yankee Fork SPCH	(S10)	BPA/LSRCP/SBT	Updating	
	Panther SPCH	(S10)	BPA/SBT	Awaiting HGMP	
	Johnson SUCH	(S10)	BPA/NPT	Updating	
	SF Salmon SUCH	(S10)	BPA/LSRCP/IDFG	Updating	
	Dollar SUCH (egg boxes)	(S10)	BPA/SBT	Updating	
	DNFH STH	(S10)	COE/FWS	Updating	
	SF Clearwater STH	(S10)	BPA/LSRCP/IDFG	Updating	
	Salmon A STH	(S7)	BPA/LSRCP/IPC/IDFG	Updating	
	Pahsimeroi STH	(10)	IPC/LSRCP/IDFG	Updating	
	Salmon STH (egg boxes)	(S7)	BPA/SBT	Updating	
	Yankee Fork STH	(S10)	BPA/LSRCP/SBT	Updating	
	Salmon B STH	(S10)	BPA/LSRCP/COE/IPC/IDFG	Updating	
	EF Salmon STH	(S10)	BPA/LSRCP	Updating	
	L. Salmon STH	(S7/10)	BPA/LSRCP/IPC/IDFG	Updating	
	Hells Canyon STH	(S10)	IPC/IDFG	Updating	
Clearwater CO	(S7)	BPA/NPT	Awaiting HGMP		

ESA Coverage Provided

1. Program Operations
2. Monitoring and Evaluation
3. Routine Maintenance

Snake River FACH – Permit # 16607 (WDFW, IDFG, ODFW, BIA)

Snake River FACH – Permit # 16615 (BIA)

***Take Limits, Special Conditions, Reporting Requirements, General Conditions**

1 USFWS BIOP for all FACH programs

***Incidental Take Statement, RPM's, T&C's, CR's, Reinitiation**

Actions Not Covered

1. Major Construction
2. New Actions

* For actions that “May Affect” listed species.

Future ESA Coverage

NE Oregon/SE Washington Programs
Idaho Programs

1. Program Operations
2. Monitoring and Evaluations
3. Routine Maintenance
4. Non-Routine Maintenance*

* Follows BMP's & conducted during
instream work windows

NE Oregon/SE Washington

NOAA – 2 BIOP's

1- 6 Salmon Program Permits

1- 1 Steelhead Program Permit

S7-Non-Listed STH Programs

FWS – 1 BIOP

All programs

Idaho Programs

NOAA – 4 BIOP's

2-Clearwater Basin (STH & CH)

2- Salmon basin (STH & CH)

S7- Non-Listed Programs

FWS – 1-BIOP

All Programs

Mid-Columbia

Walla Walla Basin

1. Lyons Ferry Wallowa STH
2. Touchet Endemic STH

NOAA - ? BIOP(s)

FWS – 1 BIOP

Major Construction & New Actions

*Planning to Provide Adequate Lead Time to Prepare BA's and Consult With NOAA and FWS.

*Co-Manager Coordination, Budgeting, *US v OR*, Contracting, Permits, Consultations, NEPA, ¹NOAA Passage Criteria, etc.....?

¹The intention of these criteria and guidelines is to ensure future compliance in the context of major upgrades and new designs of fish passage facilities.

Emergency Consultations

Notification to Regulatory Agencies

*Co-Manager Coordination, Budgeting, *US v OR*, Contracting, Permits, Consultations, NEPA, ¹NOAA Passage Criteria, etc.....

Questions?

