

**Plum Creek Timber Company Native Fish Habitat Conservation Plan  
Section 10 (a)(2)(B) Findings**

**A. Description of the Proposed Action**

The Plum Creek Timber Company of Seattle, Washington (Plum Creek) has applied to the National Marine Fisheries Service (NMFS) for an incidental take permit for their Native Fish Habitat Conservation Plan (NFHCP). The NFHCP and associated Implementing Agreement (IA) describe measures that Plum Creek would take to satisfy requirements of section 10 (a)(2)(A) of the Endangered Species Act (ESA), and the IA specifies certain roles, responsibilities and procedures for implementing the NFHCP. The proposed NMFS permit would authorize incidental take of the following seven listed anadromous fish species:

- Snake River steelhead ESU (*Oncorhynchus mykiss*)
- Mid-Columbia River steelhead ESU (*Oncorhynchus mykiss*)
- Lower Columbia River steelhead ESU (*Oncorhynchus mykiss*)
- Snake River spring/summer chinook salmon ESU (*Oncorhynchus tshawytscha*)
- Snake River fall chinook salmon ESU (*Oncorhynchus tshawytscha*)
- Lower Columbia River chinook salmon ESU (*Oncorhynchus tshawytscha*)
- Columbia River chum salmon ESU (*Oncorhynchus keta*)

In addition, the IA provides that upon listing, the following three unlisted species will be added to the permit:

- Upper Columbia River summer/fall chinook salmon ESU (*Oncorhynchus tshawytscha*)
- Mid-Columbia River chinook salmon ESU (*Oncorhynchus tshawytscha*)
- Lower Columbia River/Southwest Washington coho salmon ESU (*Oncorhynchus kisutch*)

The area covered by the incidental take permit consists of Plum Creek lands in Montana, Idaho, and Washington. However, since anadromous fish are distributed in a few basins of the entire plan area, only those lands in the Lochsa River drainage in Idaho, and in the Yakima, Lewis, Cowlitz, and Kalama River drainages in Washington are under consideration for take authorization by NMFS. The U.S. Fish and Wildlife Service (FWS) is considering in a separate document take authorization for resident species in all three states. All further discussion, below, pertains only to the proposed permit for the ten ESUs of anadromous fish identified above.

Under the proposed permit, Plum Creek would manage lands covered by the permit according to direction in the NFHCP and IA submitted with their permit application.

The NFHCP is a set of 56 conservation commitments and land management prescriptions in seven general categories that Plum Creek agrees to follow for a period of 30 years. The seven management categories are fully explained in the Plum Creek NFHCP, and consist of: 1) Forest Road and Upland Management; 2) Riparian Management; 3) Range Management; 4) Land Use Planning; 5) Legacy and Restoration; 6) Administration and Implementation; and 7) Adaptive Management and Monitoring.

## **B. Effects of the Proposed Action**

Direct, indirect, and cumulative effects of the proposed action on anadromous fish and their habitat were evaluated in the biological opinion for this action, pursuant to section 7 of the ESA. The analysis of effects in the biological opinion and Environmental Impact Statement (EIS) for the proposed action provide the basis for the section 10(a)(2)(B) findings below. The biological opinion and EIS for the proposed permit, and all supporting documents referenced therein, are hereby incorporated, by reference.

## **C. Permit Issuance Considerations**

The proposed permit includes seven ESUs listed under the ESA, and, upon listing, three unlisted ESUs. With respect to currently unlisted ESUs, Plum Creek has requested assurances that they will receive an Incidental Take Permit if and when such unlisted ESUs are subsequently listed under the ESA, subject to section 12.3 in the IA. In order to issue an incidental take permit under 50 C.F.R. §222.22(c)(1) the NMFS must consider the following:

1. The status of the affected species or stocks.

The status of anadromous salmonids potentially affected by the HCP has been considered in the biological opinion (see section entitled “Status of the Species (Rangewide)”). The environmental baseline for anadromous fish and their habitats was also considered (see section entitled “Environmental Baseline” for Idaho and Washington sub-basins).

2. The potential severity of direct, indirect and cumulative impacts on anadromous salmonids and their habitats as a result of the proposed activity. The impacts of the HCP were examined in detail in the biological opinion (see section entitled “Effects of the Action”).

3. The availability of effective monitoring techniques.

Monitoring of the implementation of the NFHCP and the effectiveness of the prescriptions is a critical feature. Chapter 7 of the NFHCP describes the specific attributes that will be monitored, internal and external audit procedures, and requirements and procedures for reporting information to NMFS. Chapter 8 of the NFHCP describes monitoring activities, and studies that would be done to test assumptions used in development of the NFHCP.

4. The use of the best available technology for minimizing or mitigating impacts.

The prescriptions established in the NFHCP represent the most recent developments in science and technology in minimizing and mitigating impacts to riparian and aquatic habitats, including road management, riparian prescriptions, and adaptive management. Further, the adaptive management component of the NFHCP provides a mechanism to make adjustments if new scientific indicates changes in the NFHCP are warranted, or if new technology becomes available that will allow further reductions in potential adverse effects, with the same or lower cost.

5. The views of the public, scientists and other interested parties knowledgeable of the species or stocks or other matters related to the application.

During development of the NFHCP, the FWS, NMFS and Plum Creek held a total of 39 meetings with interested members of the public between October 1997, and January 1998. Public scoping, under the National Environmental Policy Act (NEPA) was formally initiated through notification in *Federal Register* on December 12, 1997. A 60-day public comment period was initiated on December 17, 1999, with a notice published in the *Federal Register* announcing the availability of the DEIS, draft NFHCP, and Plum Creek's permit application for public review and comment. The FWS represented the Services at meetings with interested Native American Tribes, and contacted 14 Native American Tribes at various times between September 1997, and September 1999. Public meetings were held in Kelso and Yakima Washington, Libby, Kalispell, and Missoula, Montana, and Coeur d'Alene, Idaho, prior to, and during development of the NFHCP.

The Services received 83 separate pieces of correspondence commenting on the DEIS and NFHCP. Plum Creek made many changes to the NFHCP as a result of public comments and recommendations from the Services. The most notable changes to the NFHCP occurred in adaptive management, riparian, roads, and administration and implementation.

#### **D. Permit Issuance Findings**

Having considered the above, the NMFS makes the following findings with regard to the adequacy of the HCP meeting the statutory and regulatory requirements for an Incidental Take Permit under Section 10(a)(2)(B) of the ESA and 50 C.F.R. § 222.307.

1. The taking of listed species will be incidental. The NMFS anticipates that the proposed action may result in incidental take of threatened Snake River steelhead, Mid-Columbia River steelhead, Lower Columbia River steelhead and chinook salmon, Snake River spring/summer and fall chinook salmon, and Columbia River chum salmon, and unlisted Upper Columbia River summer/fall chinook salmon, Mid-Columbia River chinook salmon, and Lower Columbia River/Southwest Washington coho salmon, if these unlisted species were listed. There are no actions covered by the NFHCP that are intended to take listed species, and any take that might occur would be an indirect result of activities related to commercial timber harvest and production. Activities covered in the NFHCP that may result in take may include "harm" through sediment inputs due to landslides and roads, frightening or disturbing spawning fish when conducting activities nearby, as well as potential modifications to riparian vegetation that may increase stream temperature or reduce large woody debris. Although less likely than harm, take may occur via the "harass, kill, or injury" definition as well. These types of take are speculative, not quantifiable, and would be limited in extent to a fraction of the action area.

2. The Plum Creek Timber Company will, to the maximum extent practicable, monitor, minimize and mitigate the impacts of taking anadromous salmonids associated with watershed management and related activities. The HCP and IA provide specific conservation measures to monitor, minimize, and mitigate the impact of take of anadromous fish under the permit in the following categories: 1) Road and Upland Management; 2) Riparian Management.; 3) Range Management; 4) Land Use Planning; 5) Legacy and Restoration; 6) Administration and Implementation; and 7) Adaptive Management.

As indicated in the biological opinion for the proposed action of permit issuance, there is high

likelihood of providing for the survival and recovery of all ESUs covered by the NFHCP. During the 30-year term of the NFHCP, there will likely be an improving trend toward properly functioning watershed conditions and fish habitats. This determination is based on the biological opinion and EIS that show the conservation measures are likely to result in improved riparian management, road maintenance and upgrades, and range operations. Further, other elements of the NFHCP address related potential impacts on fish habitats from development, as well as assuring that conservation measures with uncertain effectiveness will be able to be adjusted to ensure conservation for fish.

3. Based upon the best available scientific information, the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. Conservation measures identified in the plan will increase the quality and quantity of spawning and rearing habitat and result in a benefit to anadromous salmonid species.

The Act's legislative history establishes the intent of Congress that this issuance criteria be based on a finding of "not likely to jeopardize" under section 7(a)(2) [see 50 C.F.R. §402.02]. This is the identical standard to Section 10(a)(2)(B). The conclusions regarding jeopardy for the listed ESUs and for all other unlisted anadromous salmonid are found in the Biological Opinion in the section entitled "CONCLUSION." In summary, the NMFS has considered the status of the species, the environmental baseline and the effects of the proposed action, and any indirect and cumulative effects, to conclude that issuance of the Incidental Take Permit for seven listed species of steelhead and salmon and three unlisted species of salmon and steelhead, would likely not jeopardize the continued existence of any of the anadromous salmonids addressed in the NFHCP.

4. The NFHCP and IA incorporate all elements determined by NMFS to be necessary for issuance of the incidental take permit and approval of the IA.

5. The NMFS has received the necessary assurance that the NFHCP will be funded and implemented.

The NFHCP and IA commit Plum Creek to adequately fund implementation of the NFHCP. These documents contain provisions that are to be used in the event of changed and unforeseen circumstances.

## **E. Conclusion**

Based on these findings, it is determined that the Plum Creek Timber Company's NFHCP meets the statutory and regulatory requirements for an Incidental Take Permit under Section 10(a)(2)(B) of the ESA and 50 C.F.R. § 222.307.

/s/ Joe Scordino

11/20/2000

for/ Donna Darm  
Acting Regional Administrator  
Northwest Region  
National Marine Fisheries Service

Date