



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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Memorandum

APR - 8 2016

To: Chris Nagano, Division Chief, Forest Foothills Division, Endangered Species, Sac FWO

From: Tricia Parker Hamelberg, Habitat Restoration Coordinator, AFRP, Red Bluff, CA 

Subject: Section 7 informal consultation for Deer Creek Fish Passage Improvement Project at Lower Deer Creek Falls

This memo is to request informal Section 7 consultation for protecting the West Coast Distinct Population Segment (DPS) of Fisher (*Pekania pennanti*) at a fish passage improvement project that is proposed to be constructed at Tehama County's Deer Creek Falls beginning August 1, 2016. The proposed project will replace a fish ladder that was constructed in the 1940's around a boulder jumble that forms a barrier preventing upstream migration of spring Chinook salmon. The proposed project is not likely to jeopardize the continued existence of the proposed as Threatened West Coast fisher DPS.

This fish ladder will benefit anadromous fish by providing improved upstream fish passage. At this time, all of the funding is secured to implement this project. Approximately half of the funds are from California Department of Fish and Wildlife (CDFW)'s Drought Funds to U.S. Fish and Wildlife Service (USFWS) in grant D1481038 (\$980k). These funds require that implementation occurs during summer/fall 2016. The Design Plans have been produced since 2012 with involvement and review by the landowner, USFS staff and the Technical Team. At this point in time, the Designs are at the 90% stage and the Tech Team will meet to finalize designs in the next few weeks.

The project is located on private property approximately six miles north of Butte Meadows in Tehama County. It is on located on land owned by the Northern California Regional Land Trust who purchased this land for the purpose of holding it in trust until this new fish ladder can be implemented. After the fish ladder is constructed, the USFS Lassen National Forest will likely acquire the land as the USFS manages all the surrounding land.

Based on our analysis of the effects of this project, we have identified that the a limited operating period could be established to ensure potential disturbance fisher will not occur during the denning season when they are most vulnerable and their kits are least mobile (see page 42 of the attached Biological Assessment). The Resource Protective Measures and Best Management Practices associated with this project will be adhered to and implemented to minimize disturbance. We request your concurrence.

Enclosure:

Biological Assessment, Lower Deer Creek Falls Fish Passage Improvements Project,
March 2016, Tehama Environmental Services

Cc: Jim Smith, Project Leader
Bob Clarke, Fisheries Program Supervisor

AMENDMENT

Per cover letter to Maria Rea, dated 4/7/2016 and memo to USFWS Chris Nagano 4/8/16:

Amend this hard copy on page 22 in Resource protection Measure FISH-1 to read:
Construction outside of the stream channel could start as early as July 1, based upon permits receipt, permit conditions, and / or consultation terms and conditions. For fisheries protection, instream work can occur between July 1st and September 30th. Instream work could start sooner if the Department determines that adult spring-run Chinook salmon are no longer present based environmental conditions and real time passage data. Instream work could be extended to October 14th, if environmental conditions which would preclude juvenile steelhead and spring-run Chinook salmon emigration or adult steelhead/fall-run Chinook salmon immigration are expected to persist. Instream work outside of the July 1st to September 30th work window must be approved by the Department and NOAA Fisheries on a case by case basis with details on how take would be avoided and/or minimized. For work within the channel and banks, fish rescue efforts (herding fish, netting / seining) will be required prior to the onset of any dewatering of the area. This will be coordinated with CDFW; see also FISH-6.