

NOAA Fisheries Incidental Take Permit Application

I.A. Application for an Individual Incidental Take Permit under the Endangered Species Act of 1973. Based on information provided in the attached Port Blakely Habitat Conservation Plan for the John Franklin Eddy Forestlands in Oregon.

II. August 17, 2020

III. Applicant: Port Blakely US Forestry
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IV. Description of the endangered or threatened species, to include a description of the status, distribution, seasonal distribution, habitat needs, feeding habits and other biological requirements of the affected species.

NOAA Fisheries covered species are listed below and all pertinent information is described in detail in the attached Port Blakely HCP Section 3.

Chinook salmon (*Oncorhynchus tshawytscha*), Lower Columbia River Fall Run
Chinook salmon (*Oncorhynchus tshawytscha*), Upper Willamette River Spring Run
Coho salmon (*Oncorhynchus kisutch*), Lower Columbia River
Steelhead (*Oncorhynchus mykiss*), Lower Columbia River
Steelhead (*Oncorhynchus mykiss*), Upper Willamette River

V. Detailed description of the proposed activity, including, but not limited to:

A. The anticipated dates and duration of the activity: The covered forest management activities described in the HCP will be conducted from the effective date of permit issuance to an end-date 50 years from the permit issuance date as described in HCP Section 1.4.

B. The specific location of the activity: Location of the covered activities is specifically described in HCP Sections 1.3, 2.1 and Appendix A.

C. For a general incidental take application, include an estimate of the total level of activity expected to be conducted: N/A as this application is for an individual/corporation.

VI. The application must include a conservation plan based on the best scientific and commercial data, which specifies:

A. The anticipated impact of the proposed activity on the listed species, including:

1. The estimated number of animals of the listed species and, if applicable, the subspecies or population group, and range.

The impacts of forest management covered activities on listed salmonids are described in HCP Section 5.1.1. The impacts of forest management activities conducted under the HCP with a Conservation Program that avoids, minimizes and mitigates the impacts to listed salmonids are described in HCP Section 7.1.1.

As stated in at the beginning of HCP Section 7, for highly mobile animals like salmon and steelhead that reside in dynamic habitats in which the functional processes that create and maintain habitat are fluid and continuous, estimating the amount of anticipated take of individual fish by implementation of the HCP Covered Activities, resulting in habitat modification, is not possible (NMFS 2006b, NMFS 2016e). Port Blakely believes that an assessment of take of salmon and steelhead for HCP Covered Activities across a 124,000-acre landscape that includes a 0.5 mile buffer and future acquisition lands, will be similar to the assessments conducted in the Biological Opinions (BOs) for the BLM Resource Management Plan (RMP) for Western Oregon and the Washington Forest Practices HCP (FPHCP), albeit smaller in scale (NMFS 2006b, NMFS 2016e). Both these BOs explain similar rationales and approaches to assessing take for large landscape-scale management plans.

The NMFS states that estimating take of salmon and steelhead from implementation of a landscape-scale management plan is problematic because fish population sizes, as well as their distribution, fluctuate annually and seasonally within a watershed, basin and species, depending on many complex environmental variables (NMFS 2016e). Further, take caused by habitat-related pathways cannot be accurately predicted as a number of fish because the relationship between habitat conditions and the distribution and abundance of those individuals in the action area are affected by habitat quality, competition, predation, and the interaction of processes that influence genetic, population, and environmental characteristics. These biotic and environmental processes interact in ways that may be random or directional and may operate across far broader temporal and spatial scales than are affected by the actions described for landscape scale management plans. Thus, the distribution and abundance of fish within [large scale] action areas cannot be attributed entirely to habitat conditions, nor can the number of fish that are reasonably certain to be injured or killed if their habitat is modified or degraded, by actions that will be completed under the management plan, be precisely predicted. In such cases, we use a take surrogate or take indicator that rationally reflects the incidental take caused by the proposed action (NMFS 2016e).

The NMFS also states that for large-scale landscape management plans it would be impossible to discern the number of animals injured or killed as the result of habitat modified during implementation of the Covered Activities, and separately identify that number from the take caused by habitat modified from any of the numerous habitat-affecting actions (such as those identified in HCP Section 5, e.g., agriculture, hydropower, and urbanization) (NMFS 2006b). Another problem in estimating the number of individuals taken by HCP Covered Activities is that it requires distinguishing between habitat modifications that would occur if the ITP were issued and the Port Blakely HCP was implemented, versus habitat modifications that would occur if they weren't. Thus, in instances where the number of individual animals to be taken cannot be reasonably estimated, NMFS relies on the relationship between fish and their habitat (in the form of the extent of habitat likely to be modified under the proposed action) to identify indicators of the extent of take (NMFS 2006b). This approach is consistent with guidance provided in the revised HCP Handbook (USFWS and NOAA Fisheries 2016).

2. The type of anticipated taking, such as harassment, predation, competition for space and food, etc.

The type of take is described in detail for each species in HCP Section 7.1. 1. Given the approach and guidance described above, it is believed that any take of aquatic species estimated to occur will be in the form of "harm" from habitat modified during implementation of our forest management and conservation plan, i.e., forestry and road management activities. Because the relationship between habitat conditions and the distribution and abundance of fish wherever these activities will occur over the Permit term is unpredictable, a specific number of individuals taken cannot be practically estimated, as mentioned above. We will, therefore, use the predicted extent of habitat modification to describe the extent of take. The prediction is based on the general relationship between habitat function and the extent to which normal behaviors can be expressed relative to habitat function. Thus, the extent of incidental take anticipated for aquatic Covered Species under NMFS purview will be the amount of habitat modification that is expected to occur on the current Port Blakely HCP lands, i.e., miles of streams within an ESU and miles of forest roads near streams within an ESU, as well as a 0.5 mile distance of influence beyond the current ownership and the maximum anticipated increase in HCP lands of 25% over the Permit term. To conduct the take assessment that includes streams and roads beyond the current ownership and future land (and stream) acquisitions, we use the same proportions of streams by stream type and roads that exist on the current HCP ownership (190 miles of streams and 251 miles of active roads).

3. The effects of the take on the listed species, such as descaling, altered spawning activities, potential for mortality, etc.

The effects of the take in terms of how the covered salmonid species are impacted is described in detail for each species in HCP Section 7.1.1.

B. The anticipated impact of the proposed activity on the habitat of the species and the likelihood of restoration of the affected habitat.

The effects of the take in terms of how the covered salmonid species are impacted is described in detail for each species in HCP Section 7.1.1. Our assessment of the impacts of the taking focuses on the increase in HCP protection measures over current forest practices being implemented by commercial forest landowners throughout Oregon, Recovery Plan recommendations for each of the listed aquatic Covered Species, as well as the occupied habitat in the HCP area as a proportion of the habitat available to the species' population, to the extent possible. Thus, the assessment of the anticipated impacts of the taking considers the amount of stream miles of fish and nonfish-bearing streams, as well as isolated and stream-associated wetlands, in the HCP area, which includes the distance of influence and future land acquisitions, that will receive increased protections (intensity), over the life of the Permit term (duration), and what that means to aquatic Covered Species. The assessment addresses salmon species within the LCR and UWR ESUs, throughout the HCP area that are also being impacted by numerous other land management activities conducted by a broad range of landowners and/or land managers (context).

C. The steps that will be taken to monitor, minimize, and mitigate such impacts, including:

1. Specialized equipment, methods of conducting activities, or other means.

The measures and methodologies to be implemented to avoid, minimize, and mitigate the impacts of Covered Activities are described in the HCP Section 6 Conservation Program. Specifically, Section 6.3 describes the measures in terms of Biological Goals and Objectives (Section 6.2) based on salmonid Recovery Plan goals (Section 6.1).

2. Detailed monitoring plans.

The Monitoring Plan is described in HCP Section 6.4. Specific to salmonid habitat conditions, monitoring activities are described in HCP Section 6.4.2

3. Funding available to implement measures taken to monitor, minimize and mitigate impacts.

HCP funding is described in HCP Section 9.

D. The alternative actions to such taking that were considered and the reasons why those alternatives are not being used.

Alternative actions to the taking, based on HCP Handbook guidance for document location and content in an HCP, are provided in HCP Section 1.5,

E. A list of all sources of data used in preparation of the plan, including reference reports, environmental assessments and impact statements, and personal communications with recognized experts on the species or activity who may have access to data not published in current literature.

The HCP cites an extensive list of scientific publications, agency biological opinions and salmonid recovery plans. All citations are provided in HCP Section 11, References. Most notably, our source data and information include the following:

- Beechie, T.J. 2015. Letter to Tom Imeson, Chairman, Oregon Board of Forestry, Oregon Department of Forestry providing additional perspective for consideration on the action titled "Developing Riparian Rule Prescriptions", scheduled for the Board of Forestry (Board) review on July 23, 2015. NOAA Fisheries, Northwest Fisheries Science Center, Fish Ecology Division, Watershed Program. Seattle, Washington.
- Beschta, R.L., R.E. Bilby, G.W. Brown, L.B. Holtby, and T.D. Hofstra. 1987. Stream temperature and aquatic habitat: fisheries and forestry interactions. pp. 191-232 in E.O. Salo, and T.W. Cundy (eds.), *Streamside Management: Forestry and Fishery Interactions*. College of Forest Resources, Washington State University, Pullman, WA.
- Brazier, J.R., and G.W. Brown. 1973. Buffer strips for stream temperature control. Res. Paper 15. Corvallis: Forest Research Laboratory, School of Forestry, Oregon State University. University of Washington, Seattle, WA.
- Czarnomski, N., C. Hale, W.T. Frueh, M. Allen, and J. Groom. 2013. Effectiveness of riparian buffers at protecting stream temperature and shade in Pacific Northwest Forests: A systematic review. Final Report.
- Dornbush, P. and A. Sihler. 2013. ESA Recovery Plan for: Lower Columbia River coho salmon, Lower Columbia River Chinook salmon, Lower Columbia River chum salmon, and Lower Columbia River steelhead. Prepared by the National Marine Fisheries Service. 503 p.
- Leinenbach, P., G. McFadden, and C. Torgersen. 2013. Effects of riparian management strategies on stream temperature, Part II. Summary report of the Science Review Team submitted to the Interagency Coordinating Subcommittee. Bureau of Land Management, Portland, Oregon.
- NMFS. 2006b. Endangered Species Act Section 7 Consultation Biological Opinion and Section 10 Statement of Findings and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation, Washington State Forest Practices Habitat Conservation Plan. June 5, 2006. National Marine Fisheries Service, Northwest Region, Seattle, Washington.
- NMFS. 2013. ESA Recovery Plan for Lower Columbia River Coho Salmon, Lower Columbia River Chinook Salmon, Columbia River Chum Salmon, and Lower Columbia River Steelhead. Northwest Region. 503 p.
- NMFS. 2016b. 2016 5-Year Review: Summary & Evaluation of Lower Columbia River Chinook Salmon, Columbia River Chum Salmon, Lower Columbia River Coho Salmon, Lower Columbia River Steelhead. National Marine Fisheries Service, West Coast Region, Portland, OR. 87 p.
- NMFS. 2016c. 2016 5-Year Review: Summary & Evaluation of Upper Willamette River Steelhead, Upper Willamette River Chinook. National Marine Fisheries Service, West Coast Region, Portland, OR. 61 p.

- NMFS. 2016e. Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat for the Resource Management Plan for Western Oregon. July 15, 2016. National Marine Fisheries Service, West Coast Region, Portland, Oregon.
- NMFS and USFWS. 2006. Final Environmental Impact Statement for the Proposed Issuance of Multiple Species Incidental Take Permits or 4(d) Rules for the Washington State Forest Practices Habitat Conservation Plan. January 2006. U.S. Department of Commerce, National Marine Fisheries Service, Seattle, Washington, and U.S. Department of the Interior, Fish and Wildlife Service, Portland, Oregon.
- NWFSC (Northwest Fisheries Science Center). 2015. Status Review Update for Pacific Salmon and Steelhead Listed under the Endangered Species Act: Pacific Northwest. December 21, 2015.
- ODFW. R. Beamesderfer, L. Berg, M. Chilcote, J. Firman, E. Gilbert, K. Goodson, D. Jepsen, T. Jones, S. Knapp, C. Knutsen, K. Kostow, B. McIntosh, J. Nicholas, J. Rodgers, T. Stahl and B. Taylor. 2010a. Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead. Oregon Department of Fish and Wildlife, Salem, OR.
- Spies, T.A., M. Pollock, G. Reeves, and T. Beechie. 2013. Effects of Riparian Thinning on Wood Recruitment: A Scientific Synthesis. Science Review Team Wood Recruitment Subgroup. U.S. Forest Service, Corvallis, Oregon; Northwest Fisheries Science Center, Seattle, Washington, 46 p.

Date:
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