

**US Army Corps
of Engineers**
Portland District

Willamette Basin Review Feasibility Study

APPENDIX N

USFWS Section 7 Informal Consultation — Willamette Basin Review Feasibility Study

July 2019



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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Reply To: Willamette Basin Review Informal Consultation July 2019.doc

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Amy C. Gibbons
Chief, Environmental Resources Branch
Corps of Engineers
PO Box 2946
Portland, OR 97208-2946

Subject: Section 7 Informal Consultation – Willamette Basin Review Feasibility Study

Dear Ms. Gibbons:

This letter responds to your July 13, 2018, request for consultation with the Fish and Wildlife Service (Service) on potential impacts to bull trout (*Salvelinus confluentus*), Fender's blue butterfly (*Icaricia icarioides fender*), Bradshaw's desert parsley (*Lomatium bradshawii*), and Nelson's checker-mallow (*Sidalcea nelsoniana*), from the U.S. Army Corps of Engineers (USACE) proposed action to reallocate the 1,590,000 acre-feet of Willamette Valley Project (WVP) conservation storage from Joint Use to specific uses for fish and wildlife (F&W), municipal and industrial water supply (M&I), and agricultural irrigation (AI) to fulfill the multi-purpose goals of the WVP. Our review and concurrence with your "may affect, not likely to adversely affect" (NLAA) determinations are provided pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C 1536 *et seq.*).

The Proposed Action is to implement the agency recommended plan (ARP) in the integrated feasibility study/environmental assessment which reallocates 1.59 million acre-feet of conservation storage in WVP reservoirs to F&W, M&I, and AI authorized purposes, and establish a water marketing program for M&I water supply. The Corps' Proposed Action to implement the ARP assumes the following to inform the extent of analyses within the Biological Assessment:

- The demand for WVP stored water is not imminent – the demand is assumed to materialize gradually over the next 50 years.
- Implementing the Corps decision to reallocate WVP conservation storage would not trigger any direct or immediate effects on the environment (i.e., effects caused by the reallocation decision, and occurring at the same time and place).
- There are no changes to WVP Flood Risk Management operations associated with implementation of the PA. Therefore, the analysis does not evaluate changes in

downstream flood risk potential or examine the effects to riparian resources that could be affected during flood events.

- Implementing the PA would not include any structural changes at any WVP reservoirs that would increase the volume of stored water (e.g., increasing the dam height). Therefore, there is no potential for implementation of the PA to cause construction-related effects at WVP dams and there is no change to the dam safety status of the dams.
- Implementing the PA would not require or involve new water supply intakes on Corps property for the use of WVP stored water.
- There are no indirect construction-related effects expected (i.e., occurring later in time or removed in distance) in the near-term (less than 10 years). Near term growth in M&I peak season demand is expected to be met by entities withdrawing more water from existing infrastructure (intakes that currently draw from the Willamette River or its tributaries) and not requiring construction of new intakes for the use of WVP stored water.
- While the reallocation of WVP conservation storage would allow the Corps to grant storage agreements and could lead to indirect effects from inducing growth or changing patterns of population growth or land use, there is currently no immediate unmet demand awaiting this action to be completed.

The Proposed Action has the potential to affect stream flows, water temperature and water quality. For stream flow, BiOp (NMFS 2008 biological opinion) flow objective achievement under the Base Year Scenario and Proposed Action was evaluated in all water year types (i.e., insufficient, deficit, adequate, abundant) to determine if there were differences in the two scenarios. Based on this analysis, the proposed action results in a reduction of flow objective target days in some or all water year types for the following: Big Cliff tributary, Dexter tributary, Fall Creek tributary, Foster tributary, Salem mainstem, and Albany mainstem. There is no observed effect to stream flow for the following: Blue River tributary, Cougar tributary, Dorena tributary, Fern Ridge, and Hills Creek tributary. Water temperature differences between the Base Year Scenario and the Proposed Action are expected to be insignificant for main channel and off-channel areas. Given the long-term trends of improving water quality in the Willamette River, the spatial distribution of future diversions, and the results of the USEPA's analysis discussed in the BA (USEPA 2013), the cumulative effect to water quality parameters (water temperature, DO concentrations, nutrients, and bacteria) are not predicted to be significantly altered.

Your Biological Assessment evaluated the proposed action and its potential to effect threatened or endangered species and associated critical habitat. For species under the jurisdiction of the Service, you determined the proposed action would have no effect on the following species and associated critical habitat: Columbia white-tailed deer (*Odocoileus virginianus leucurus*), red tree vole (*Arborimus longicaudus*), marbled murrelet (*Brachyramphus marmoratus*), Northern spotted owl (*Strix occidentalis caurina*), streaked horned lark (*Eremophila alpestris strigata*), yellow-billed cuckoo (*Coccyzus americanus*), Willamette daisy (*Erigeron decumbens*), Kincaid's lupine (*Lupinus sulphureus*), golden paintbrush (*Castilleja levisecta*), and water howellia (*Howellia aquatilis*). You further determined the proposed action *may affect, but is not likely to adversely affect (NLAA)*, bull trout and Fender's blue butterfly and their respective designated critical habitat. Your effects determination for Bradshaw's desert parsley and Nelson's checker-mallow was *may affect, but is not likely to adversely affect*.

Given information available in our office and review of your proposed action by the Service's species experts, we concur that adverse effects to bull trout, Fender's blue butterfly, Bradshaw's desert parsley, and Nelson's checker-mallow are unlikely.

Our concurrence with your NLAA determination for bull trout and bull trout critical habitat was for the following reasons:

1. Bull trout distribution in the Willamette River basin is limited to the McKenzie River and the Middle Fork Willamette River. With lack of downstream fish passage, the number of bull trout below Corps dams is small in the McKenzie River, and small and limited to the reach between Hills Creek Reservoir and Lookout Point Reservoir in the Middle Fork Willamette River. Under current conditions and with future implementation of downstream passage actions, the effects of the Proposed Action to stream flow, water temperature and water quality in these areas is not expected to impact bull trout.
2. While not explicitly analyzed in this BA, the impact to forage species from the Proposed Action is expected to be negligible.

Our concurrence with your NLAA determination for Fender's blue butterfly and Fender's blue butterfly critical habitat was for the following reasons:

1. Fender's blue butterfly depends on Kincaid's lupine, an upland plant that is not directly affected by water flow management at the Willamette Valley Project.
2. The Corp actively manages habitats at Fern Ridge Reservoir to preserve and protect Kincaid's lupine (i.e., critical habitat for Fender's blue butterfly).

Our concurrence with your NLAA determination for Bradshaw's desert parsley was for the following reasons:

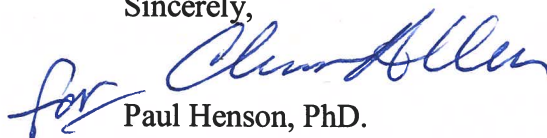
1. The Corps actively manages and protects the wet-prairie habitats at Fern Ridge Reservoir to preserve and protect the populations of Bradshaw's desert parsley.

Our concurrence with your NLAA determination for Nelson's checker mallow was for the following reasons:

1. Nelson's checker-mallow is found within a mosaic of urban and agricultural sites within the Willamette River Valley and in summer-inundated wetlands in proximity to the Action Area, but is not likely to be adversely affected by the Proposed Action.
2. While there may be potentially suitable habitat for Nelson's checker-mallow at Fern Ridge, the species is not known to presently occur there. The Corps actively manages and protects this area to preserve and protect sensitive plant species.

We appreciate your efforts to minimize project impacts on bull trout, Fender's blue butterfly, Bradshaw's desert parsley, and Nelson's checker-mallow. If you have any questions regarding this concurrence letter, please contact Chris Allen of my staff at (503) 231-6179.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Henson", is written over the typed name.

Paul Henson, PhD.
State Supervisor