



UNIT, FG, WQ
4-21-06 *W*
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-6528



April 18, 2006

In response refer to:
150502WR2006SR00218:CAA

Leslie A. Markham
Division Chief, Forest Practice
California Department of Forestry and Fire Protection
135 Ridgway Avenue
Santa Rosa, California 95401

1-06-024 MEN

1-00-362 MEN

Dear Ms. Markham:

NOAA's National Marine Fisheries Service (NMFS) is the Federal agency responsible for regulatory jurisdiction over salmon and steelhead populations in California listed as threatened or endangered under the Federal Endangered Species Act (ESA) of 1973, as amended. As you know, absent an ESA section 4(d) limitation on the prohibitions and forestry activities in California, or an ESA section 10(a)(1)(B) permit (Habitat Conservation Plan), incidental take of listed salmonids is not authorized. The California Department of Forestry (CDF), the plan submitter, and the timberland owner bear full responsibility of ensuring timber harvest activities do not result in "take" of listed salmonids, and that Timber Harvest Plans (THPs) approved and implemented are in compliance with the ESA and other applicable laws. This letter is being submitted to CDF for two reasons: 1) to notify CDF of a change in the letter NMFS submits from the Santa Rosa office for proposed THPs; and 2) inform CDF of the recent upgrade in the Federal status of Central California Coast (CCC) coho salmon from threatened to endangered.

NMFS has interacted with the Board of Forestry (BOF), the regulatory body responsible for promulgating California's Forest Practice Rules (see enclosed letter recently submitted to BOF); and the State's THP review process for THPs found to pose a high risk of harming anadromous salmonids if implemented as proposed. It has come to our attention that new THPs are being submitted to the California Department of Forestry (CDF) that may overlap with THP areas where NMFS has previously conducted field reviews and submitted recommendations to avoid harm to salmonids (e.g., THP 1-06-024 MEN and 1-00-362 MEN). Watershed processes support spawning, rearing and migrating habitats for salmonids and little has changed regarding our understanding of this relationship and the effects of timber operations on these processes.

A recent status review of all Pacific Northwest salmonids determined CCC coho salmon were at high risk of extinction and were Federally re-listed from threatened to endangered (70 FR 37160 effective August 2005). The range of CCC coho salmon overlaps large tracts of forestlands operating under California's Forest Practice Rules. We encourage CDF to review THPs within the

RECEIVED

APR 20 2006

COAST AREA OFFICE
RESOURCE MANAGEMENT



range of CCC coho salmon (map enclosed) more critically relative to potential impacts to this species. Furthermore, NMFS is revising the letter submitted to CDF for harvest plans received by our office. It is our position that where NMFS has conducted field reviews and provided no take recommendations for specific streams within the CCC coho salmon range; those recommendations are still applicable for new THP submissions and additional reviews by NMFS are unwarranted.

If you have any questions or would like to meet with staff regarding comments in this letter, please contact Charlotte Ambrose at (707) 575-6068 or via email at Charlotte.A.Ambrose@noaa.gov.

Sincerely,

Original Signature on File

Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

Enclosures

cc: Stan Dixon, Chair Board of Forestry
Russ Strach, NMFS Sacramento
Irma Lagomarsino, NMFS Arcata
Rick Macedo, CDFG
Christine Wright Shacklett, Water Quality
Stephen P. Levesque, Campbell Timberland Management, LLC.

RECEIVED

APR 20 2006

COAST AREA OFFICE
RESOURCE MANAGEMENT

Federal Register Notices Cited or Provided for Reference

60FR38011. 1995. Proposed Threatened Status for Three Contiguous ESUs of Coho Salmon Ranging From Oregon Through Central California. Federal Register 60:38011-38030.

60FR14253. 1995. Proposed Threatened Status for Southern Oregon and Northern California Steelhead. Federal Register 60:14253-14261.

61FR56138. 1996. Threatened Status for Central California Coast Coho Salmon Evolutionarily Significant Unit (ESU). Federal Register 61:56138-56149.

61FR41541. 1996. Proposed Endangered Status for Five ESUs of Steelhead and Proposed Threatened Status for Five ESUs of Steelhead in Washington, Oregon, Idaho, and California 61:41541-41561.

62FR62741. 1997. Central California Coast and Southern Oregon Northern California Coast Coho Salmon. Federal Register 62:62741-62751

62FR43937. 1997. Listing of Several Evolutionary Significant Units (ESUs) of West Coast Steelhead. Federal Register 62:43937-43954.

62FR43974. 1997. Notice of Partial 6-Month Extension on the Final Listing Determination for Several Evolutionarily Significant Units (ESUs) of West Coast Steelhead. Federal Register 62:43974-43976.

62FR38479. 1997. Interim Rule Governing Take of the Threatened Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) of Coho Salmon. Federal Register 62:38479-38485.

62FR33038. 1997. Threatened Status for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon

63FR11482. 1998. Proposed Endangered Status for Two Chinook Salmon ESUs and Proposed Threatened Status for Five Chinook Salmon ESUs; Proposed Redefinition, Threatened Status, and Revision of Critical Habitat for One Chinook Salmon ESU; Proposed Designation of Chinook Salmon Critical Habitat in California, Oregon, Washington, Idaho. Federal Register 63:11482-11482-520.

63FR13347. 1998. Threatened Status for Two ESUs of Steelhead in Washington, Oregon, and California. Federal Register 63:13347-13371.

63FR24148. 1998. Definition of Harm. Federal Register 63:24148-24150.

64FR73479. 1999. Proposed Rule Governing Take of Threatened Snake River, Central California Coast, South/Central California Coast, Lower Columbia River, Central Valley California, Middle

RECEIVED

APR 20 2006

COAST AREA OFFICE
RESOURCE MANAGEMENT

Columbia River, and Upper Willamette River Evolutionarily Significant Units (ESUs) of West Coast Steelhead. Federal Register 64:73479-73506.

64FR60727. 1999. Definition of Harm. Federal Register 64:60727-60731.

65FR36074. 2000. Endangered and Threatened Species: Threatened Status for One Steelhead Evolutionarily Significant Unit (ESU) in California. Federal Register 65:36074-36094.

65FR42422. 2000. Final Rule Governing Take of 14 Threatened Salmon and Steelhead ESUs. Federal Register 65:42422-42481.

65FR6960. 2000. Threatened Status for One Evolutionarily Significant Unit of Steelhead in California. Federal Register 65:6960-6975.

67FR1116. 2002. Final Rule Governing Take of 4 Threatened ESUs of West Coast Salmonids. Federal Register 67:1116-1133.

69FR33102. 2004. Endangered and Threatened Species: Proposed Listing Determinations for 27 ESUs of West Coast salmonids. Federal Register 69: 33102.

70FR37160. 2005. Endangered and threatened species: final listing determinations for 16 ESUs of West Coast Salmon, and final 4(d) protective regulations for threatened salmonid ESUs. Federal Register 70: 37160.

RECEIVED

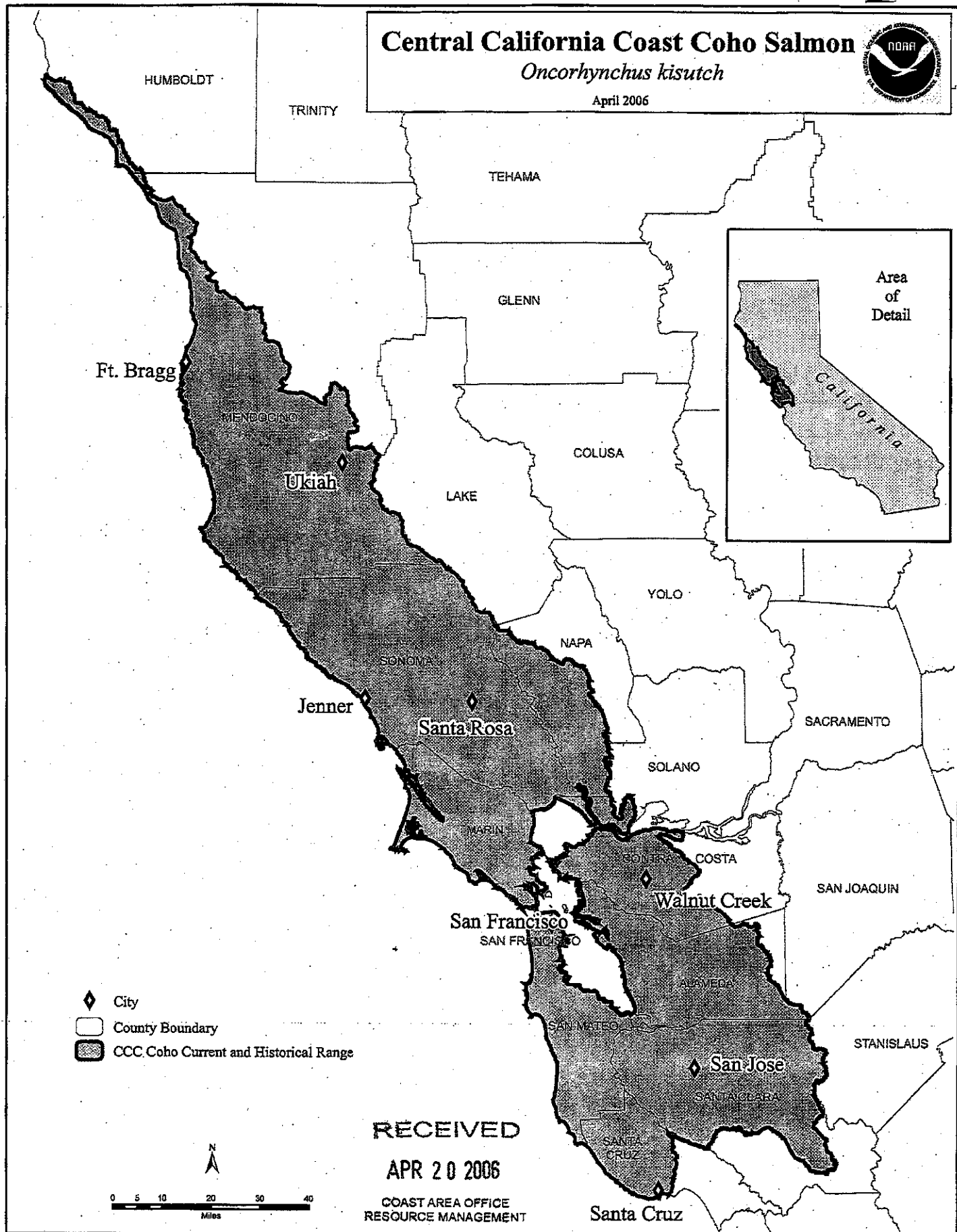
APR 20 2006

COAST AREA OFFICE
RESOURCE MANAGEMENT

Central California Coast Coho Salmon

Oncorhynchus kisutch

April 2006



ENCLOSURE

XXXXXXXXXXXX

Leslie A. Markham
Division Chief, Forest Practice
California Department of Forestry and Fire Protection
135 Ridgway Avenue
Santa Rosa, CA 95401

Dear Ms. Markham:

The National Marine Fisheries Service (NMFS) has received Timber Harvest Plan (THP) XXXXXXXXXX. This THP was submitted to the California Department of Forestry and Fire Protection (CDF) by XXXXXXXXXX. The proposed THP area may be within the ranges of species which have been listed as threatened or endangered under the Federal Endangered Species Act (ESA) of 1973, as amended: Central California Coast steelhead, Northern California steelhead, Central California Coast coho salmon, and California Coastal Chinook.

Thank you for the opportunity to review this THP. Unfortunately, NMFS will not be reviewing or commenting at this time. We remind you, however, that CDF, the plan submitter, and the timberland owner bear full responsibility of ensuring activities do not result in "take" of listed salmonids, and that this THP is approved and implemented in compliance with the ESA and other applicable laws. Absent an ESA section 4(d) limitation on the prohibitions and forestry activities in California, or an ESA section 10(a)(1)(B) permit (Habitat Conservation Plan), incidental take of listed salmonids is not authorized.

Please do not assume that because NMFS has not selected this THP for a thorough review that NMFS is not concerned with potential impacts of this THP if implemented. Timber harvest activities have been identified in NMFS *Federal Register* Notices as actions that may, and often do, result in incidental take of ESA listed species. Please notify me if you feel this THP warrants special attention, or to request assistance obtaining incidental take authorization. Furthermore, should areas in Mendocino or Sonoma counties be proposed for harvesting, where NMFS has previously conducted a field review and provided recommendations; these recommendations still apply. The status of Central California Coast coho salmon was recently relisted from threatened to endangered and is at high risk of extinction throughout its range; a range where forestry is a predominant land use.

In summary, NMFS will have no further comments specific to THP XXXXXXXXXX at this time. If the THP is approved by CDF, incidental take of Federally listed species pursuant to the ESA (16 USC 1531 *et. seq.*) is not authorized. If you have questions or comments about this letter, please contact me at 707/575-6058.

Sincerely,

Dick Butler
Santa Rosa Area Office Supervisor
Protected Resources Division

cc: XXXXXXXXXXXXXXXXXXXX

RECEIVED

APR 20 2006

COAST AREA OFFICE
RESOURCE MANAGEMENT