



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

September 26, 2003

Ruth Monahan
Sawtooth National Forest
2647 Kimberly Road East
Twin Falls, Idaho 83301

Re: Amendment to Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Outfitter/Guided Commercial & Non-Outfitted Floatboating and Walk/Wade Special Use Permit Renewals (2 projects)

Dear Ms. Monahan:

This letter serves to amend NOAA's National Marine Fisheries Service (NOAA Fisheries) July 16, 2003, biological opinion (Opinion) on the subject actions. That Opinion addresses Sawtooth National Forest's (SNF) new program of administering Floatboat and Walk/Wade outfitting and access that will begin in 2004 and continue through the 2008 summer/fall activity seasons. For 2003, as in several years prior, the Floatboating and Walk/Wade outfitting followed requirements set forth in the SNF's 1996 informal consultation with NOAA Fisheries (extended most recently by September 16, 2003, letter from NOAA Fisheries to SNF).

During the 2003 Floatboating season, SNF and NOAA Fisheries received comments and proposals from SNF's applicants concerned about aspects of the existing administration of floatboating and future administration of the new program that will begin in 2004. Various aspects of the new program were discussed. One specific proposal seemed to SNF and NOAA Fisheries feasible and likely to still meet Endangered Species Act (ESA) requirements. The proposal is outlined in the following paragraph.

An existing component of the action that NOAA Fisheries and SNF agreed to (Opinion p. 8) was a limit of 48 commercial boats per day from August 15 through August 28 in the lower section of river. That section of river will be closed from August 29 through September 22. Subsequent to the issuance of the Opinion, an applicant requested that (because the boat limit has negatively affected his business) the boat limit not go into effect on the set date of August 15, but instead go into effect when the first salmon redd is identified in the section of river the outfitters float (Sunbeam to Torrey's Hole; Randy Hess, outfitter, personal communication with Ken Troyer, NOAA Fisheries, September 5, 2003).



In this letter that amends the Opinion, NOAA Fisheries evaluates the proposed change in the floatboating action as provided under section 7(a)(2) of the ESA and its implementing regulations, 50 CFR part 402, and section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and its implementing regulations, 50 CFR Part 600. The Walk/Wade action remains unchanged; therefore, it is not re-analyzed in this amendment.

Analysis of Effects with Proposed Change in Action

NOAA Fisheries determined that the proposed change in the action would result in a minimal, unquantifiable increase in adverse effects on ESA listed Snake River spring/summer chinook salmon compared to the effects described in the Opinion. The reasons for that finding are described below.

The proposed change involves instituting boat limits when redds are first identified, rather than on the set date of August 15. Daily survey data collected by SNF over the past nine floatboat seasons show that the first redds in the lower section of river occur, in almost all instances, after August 15, and in most instances after August 20. Therefore, the proposed change in the action would typically result in several days after August 15 without boat limits.

It is not clear what actual effect this change in the start time for boat limits would have on the number of boats on the river. The applicants have explained that when boat limits are in place and outfitters are sometimes unable to accommodate all possible clients for a guided trip, they often rent boats to unguided floaters, or direct business to the other outfitters that have not reached their boat limit for the day. The Opinion (p. 16) notes SNF information that boat numbers have averaged less than 30 per day in August over the past several years, with the 48-boat commercial limit in place. The Opinion (p. 17) also cites SNF estimates (based on their experience) that an average of 30-50 commercial and non-commercial boats per day would use the lower section of river in August. That estimate did not assume commercial boat limits would be in place.

NOAA Fisheries assumes that the proposed change in the action can result in an increase in the number of boats on some days between August 15 and the identification of the first ESA listed salmon redd. This increase in boat numbers can increase the frequency of disturbance of pre-spawning salmon and salmon that have begun constructing redds (before the redds have been identified). The Opinion (p.18) also notes the importance of pre-spawning behaviors, and that it is important to minimize disruption of those behaviors as well as disturbance of actively spawning fish on identified redds.

In the context of SNF data and measures in place to protect salmon reproduction for the floatboating program as a whole, however, the potential additional adverse effects on listed salmon are likely minimal. The summary of effects (Opinion p. 23) notes the five primary elements of the program NOAA Fisheries is relying on to ensure adverse effects on listed salmon are minimized, as noted below.

1. The river will be closed to commercial use and SNF access points closed to private use after August 28. Nine years of SNF redd survey data show that in each year between 86% and 96% of redds have appeared during the time the river will now essentially be closed to use. This eliminates the potential for boat disturbance of pre-spawning and spawning of the vast majority of the salmon.
2. Daily redd monitoring prior to August 29 will provide up to date information on redd locations for earlier spawning, smaller component of the salmon run in this lower section of river. (The upper section closes August 15).
3. Up-to-date information on redd locations, quiet zones, and boat routes to avoid disturbing salmon on redds will be transferred from SNF to outfitters and non-commercial floatboaters.
4. Consistent implementation of quiet zone rules and redd avoidance measures can be effective in avoiding disturbance of the few fish likely to spawn in the lower section before August 29.
5. A monitoring program will be developed by SNF and NOAA Fisheries to ensure, in particular, the above four elements are implemented and are effective.

Those primary mechanisms to avoid and minimize disturbance of spawning fish would remain in place with the proposed change to the action. The extension of the time period without boat limits can increase disturbance of the earliest spawning fish; however, SNF data indicate that the first redds are few, and there is a several-day interval between the first redd and the dramatic increase (or “surge”) in spawning activity. This pattern of gradually developing spawning activity at the outset indicates that only a small percentage of the fish in pre-spawning behavior or attempting to spawn are potentially affected by greater numbers of boats between August 15 and the sighting of the first redd. Further, SNF, based on several years of experience, does not anticipate large or sustained increases in the number of boats on the river when commercial boat limits are not in place. The monitoring program that will be developed before the 2004 season will be an essential tool in checking the validity of SNF’s and NOAA Fisheries’ assumptions about the new program.

Conclusion

In summary, with the proposed change in the floatboating action, NOAA Fisheries finds that the action is not likely to jeopardize the continued existence of ESA listed Snake River spring/summer chinook salmon or result in destruction or adverse modifications of their designated critical habitat. NOAA Fisheries also concludes, as in the Opinion, that the action will not adversely affect designated Essential Fish Habitat (EFH) for chinook salmon.

This concludes ESA consultation on this action in accordance with 50 CFR 402.14 (b)(1), and MSA consultation in accordance with 50 CFR 600.920 (e)(3). The SNF must reinitiate consultation on this action if new information becomes available, or if circumstances occur that may affect listed species, designated critical habitat, or may adversely affect EFH in a manner, or to an extent not previously considered.

Additional Conservation Recommendation

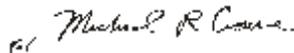
The Conservation Recommendation described below is added to the July 16, 2003, Opinion based on discussions with SNF and outfitters. Some of the outfitters, in discussing their concerns with SNF and NOAA Fisheries, have also offered ideas on additional steps they can take to minimize the effects of floatboating on spawning salmon.

The Conservation Recommendation #7: The SNF should encourage the outfitters and public to take further steps to minimize the duration and amount of disturbance to fish within quiet zones. The measures can include rafting two or more kayaks together through quiet zones so their profile is similar to one raft, navigating multiple boats through quiet zones in close succession so the frequency of potential disturbance is reduced, and keeping boats well beyond 25 feet from redds where possible.

This Conservation Recommendation, if implemented, can increase the effectiveness the floatboating program shows through monitoring, and increase the number of techniques for future use in protecting salmon reproduction while maintaining the floatboating business and recreational opportunities.

Ken Troyer (208) 378-5692 is the NOAA Fisheries contact for this consultation.

Sincerely,



D. Robert Lohn
Regional Administrator

cc: J. Foss - USFWS
D. Cooper - USFS
D. Parrish - IDFG
K. Kutchins - SBT
J. Pinkham - NPT