



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
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In reply refer to:
151422SWR2006AR00437

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Trinity County Department of Transportation
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Mr. Mark Lancaster
Director
Five Counties Salmonid Conservation Program
P.O. Box 2819
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Mr. Brian McDermott
Director
Siskiyou County Public Works Department
305 Butte Street
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Mr. Howard Dashiell
Director
Mendocino County Department of Transportation
340 Lake Mendocino Drive
Ukiah, California 95482

Mr. Thomas K. Mattson
Director
Humboldt County Public Works Department
1106 2nd Street
Eureka, California 95501

Mr. Ernest Perry
Director
Del Norte County Community Development
Department
981 H Street, Suite 110
Crescent City, California 95531

Dear Messieurs:

NOAA's National Marine Fisheries Service (NMFS) has evaluated the Five Counties Salmonid Conservation Program's (5 C) application and submittal of "A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds" (Manual) for approval under Limit 10 (routine road maintenance) of the Endangered Species Act (ESA) section 4(d) rule (50 CFR 223.203). After evaluating the 5 C submittal package and Manual, together with supporting documentation, NMFS has determined that all of the relevant 4(d) criteria have been addressed. Therefore, NMFS finds that the routine road maintenance activities carried out in accordance with the 5 C Manual will adequately conserve threatened Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*; June 28, 2005, 70 FR 37160), California Coastal (CC) Chinook salmon (*O. tshawytscha*; June 28, 2005, 70 FR 37160), Northern California (NC) steelhead (*O. mykiss*; January 5, 2006, 71 FR 834), and Central California Coast (CCC) steelhead (January 5, 2006, 71 FR 834) within Mendocino, Humboldt, Del Norte, Trinity, and Siskiyou Counties.

As you know, the Manual includes provisions for monitoring, reporting, and Manual review and updating (Manual, chapter 10); and training (Manual, chapter 11). The monitoring includes implementation and effectiveness monitoring of the Manual's Best Management Practices



(BMPs), and adaptive management provides the opportunity to change or add BMPs based on the results and feedback from the monitoring.

Periodically, NMFS may evaluate the Manual for its effectiveness in maintaining and achieving program implementation that provides for the conservation of listed species. Whenever warranted, NMFS will identify to 5 C ways in which the Manual needs to be altered or strengthened. If 5 C does not respond adequately to the new information in the shortest amount of time feasible, but not longer than 1 year, NMFS will publish notification in the Federal Register announcing its intention to disqualify the 5 C Manual under Limit 10 of the 4(d) rule.

Take prohibitions under section 9 of the ESA and applicable 4(d) rules will not apply to the routine road maintenance practices carried out by 5 C in accordance with the Manual and the requirements of this letter for threatened SONCC coho salmon, CC Chinook salmon, NC steelhead, and CCC steelhead within Mendocino, Humboldt, Del Norte, Trinity, and Siskiyou Counties. However, each Federal agency has an independent responsibility to comply with section 7(a)(2) of the ESA for actions in which there is discretionary Federal involvement or control (50 CFR 402.03).

NMFS encourages 5 C to request technical assistance from the Yreka Fish and Wildlife Office (Brian Woodbridge, 530-842-5763) or Arcata Fish and Wildlife Office (Ray Bosch, 707-825-5143) of the U.S. Fish and Wildlife Service (USFWS) for those routine road maintenance activities that may result in take of USFWS-listed species.

Thank you for the time your staff has invested in developing the Manual and submittal package. Please contact Garwin Yip at (707) 825-5166, or via e-mail at garwin.yip@noaa.gov, for implementation follow-up or any other questions.

Sincerely,



Rodney R. McInnis
Regional Administrator

cc: Sari Sommarstrom – Sari Sommarstrom & Associates
Phil Deitrich – USFWS, Yreka Fish and Wildlife Office
Michael Long – USFWS, Arcata Fish and Wildlife Office