



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4181



In Reply Refer to:  
FWS/R1/ES/2025-0034873

Natasha Preston  
Branch Chief  
Anadromous Hatchery South  
National Marine Fisheries Service  
1201 NE Lloyd Blvd, Suite 1100  
Portland, OR 97232-1274

Subject: U.S. Fish and Wildlife Service Concurrence on Continuation of Funding for Mitchell Act Programs in the Columbia River Basin

Dear Ms. Preston:

This letter is in response to your December 12, 2024, request for informal consultation with the U.S. Fish and Wildlife Service (Service) on the National Oceanic and Atmospheric Administration National Marine Fisheries Service's (NMFS) implementation of the Preferred Alternative from the Mitchell Act Final Environmental Impact Statement (FEIS) and the continued funding of Mitchell Act hatchery programs in the Columbia River basin. NMFS has requested our concurrence on "may affect, not likely to adversely affect" for the threatened bull trout (*Salvelinus confluentus*), Columbian white-tailed deer (*Odocoileus virginianus leucurus*), marbled murrelet (*Brachyramphus marmoratus*), northern spotted owl (*Strix occidentalis caurina*), streaked horned lark (*Eremophila alpestris strigata*), northwestern pond turtle (*Actinemys marmorata*), and yellow-billed cuckoo (*Coccyzus americanus*), and designated critical habitat for bull trout for impacts related to funding of Mitchell Act programs.

NMFS has also determined the action will have no effect on several other ESA-listed species and designated critical habitat identified in the Biological Assessment. There is no regulatory or statutory authority for the Service to concur with "no effect" determinations; therefore, these determinations lie with the action agency. This informal consultation has been conducted in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

NMFS annually funds hatchery operations under the Mitchell Act (16 USC 755-757) in the Columbia River Basin through a series of grants to States and Tribes, and through an annual Memorandum of Understanding with the Service. These funds are used to cover costs associated with the operation and maintenance of hatchery programs and facilities as well as hatchery program monitoring, evaluation, and hatchery reform activities. As described in the Biological Assessment, NMFS expects most of the program operations to have minimal to no effects on ESA-listed species and critical habitat under Service jurisdiction. Where there are negative impacts, namely during some facility operations, site-specific coverage exists for such facility

## PACIFIC REGION 1

IDAHO, OREGON\*, WASHINGTON,  
AMERICAN SAMOA, GUAM, HAWAII, NORTHERN MARIANA ISLANDS

\*PARTIAL

operations. NMFS is incorporating, by reference, any reasonable and prudent measures, terms and conditions, and conservation measures associated with existing ESA compliance at individual facilities. Each year's continued Mitchell Act funding is contingent on NMFS's judgment that the action and its effects remain consistent with the analysis and conclusions of this document, as well as consistency with these existing authorizations.

Based on the Service's participation in the development of the Biological Assessment, the analysis contained within is incorporated by reference here and is the analytical basis of our concurrence for the species and designated critical habitat listed above. In addition, the development and implementation of site-specific ESA compliance in the event of adverse impacts to ESA-listed species under the jurisdiction of the Service further supports our concurrence of "not likely to adversely affect" the above species.

This concludes consultation pursuant to the ESA implementing regulations. NMFS must reinitiate consultation with the Service, if any of the conditions set forth in the implementing regulations at 50 CFR 402.16 are met.

If you have any questions regarding this letter or our shared responsibilities under the Act, please contact Erin Kuttel, Columbia River System Coordinator, at [erin\\_brittonkuttel@fws.gov](mailto:erin_brittonkuttel@fws.gov) at 360-742-9659.

Sincerely,

Acting Assistant Regional Director