



United States Department of the Interior
FISH AND WILDLIFE SERVICE

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To: Field Manager, Salmon Field Office,
Bureau of Land Management, Salmon, Idaho

From: Field Supervisor, Eastern Idaho Field Office,
Fish and Wildlife Service, Chubbuck, Idaho

Subject: Concurrence for Effects from Grazing on Leadville Grazing Allotment, in Lemhi
County, Idaho – Concurrence

In Reply Refer To: 14420-2011-I-0328

Internal Use: 1005.3000

This memorandum responds to the Bureau of Land Management's (BLM) request for Fish and Wildlife Service (Service) concurrence on effects of the subject project to species and habitats listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; [Act]). The BLM's request dated September 16, 2011, and received September 19, 2011, included a biological assessment entitled *Biological Assessment for BLM Actions in the Canyon to Big Timber Watershed Assessment Area* (Assessment), dated September 2011. Since April 2010 the Service has coordinated with the BLM on this Assessment including reviews of drafts. The BLM batched multiple grazing actions in the Assessment for efficient presentation with the subject project being one of those batched actions. Through the Assessment, the BLM determined that the subject project may affect, but is not likely to adversely affect bull trout (*Salvelinus confluentus*), and its designated critical habitat. Under the Act, the bull trout is listed as a threatened species, and has critical habitat designated. Therefore, the Service's concurrence under section 7 of the Act has been requested.

The Service concurs with the BLM's determination, and the Service's rationale is presented below. Information contained in the Assessment is herein incorporated by reference. For clarity, the Service is issuing separate concurrence letters for each individual Allotment from the batched Assessment.

The BLM also made a determination that the proposed action will have no effect to Canada lynx (*Lynx canadensis*). We acknowledge your No Effect determination, but regulations implementing section 7 of the Act do not require the Service to review or concur with no effect determinations; therefore the Service will not address them further. However, we do appreciate you informing us of your determination for this listed species even if not required to do so under the Act.

Previous Consultation

This Allotment was part of a previously batched consultation in 1999, and again in 2003 (Assessment, p. 13). Both times the BLM determined that effects to bull trout fit within the may affect, but not likely to adversely affect category. Both times the Service concurred with that determination (Assessment, p. 13).

Proposed Action

The action is continued authorization of grazing through one permit with approximately 500 cattle from May 5 through May 31; 16 cattle from September 1 through September 30; and 5 cattle from

June 1 through September 30, on approximately 7,400 acres in the Allotment in three pastures; Canyon Creek, Upper, and Lower (Assessment, p. 55). Total Animal Unit Months would be 926 (Assessment, p. 55). Crossing permits may be applied for on an annual basis, but would be restricted to a maximum of 500 cattle at one time with a total of 2300 a year (Assessment, p. 56). Crossings would only use the Lower Pasture and crossing cattle would not be left on the allotment overnight (Assessment, p. 56). Also proposed is removal of an existing fence segment separating the Upper Pasture from the southern portion of Lower Pasture to allow for access to water, and relocation of another segment of the fence (Assessment, p. 56).

Species and Designated Critical Habitat Distribution in the Project Area

There are two prominent streams in the allotment, Canyon Creek and Hawley Creek (Assessment, p. 54). Bull trout occupy a Canyon Creek tributary named Rough Canyon Creek, but that occurrence is upstream of the Allotment on Forest Service lands (Assessment, p. 54). Canyon Creek is seasonally connected to the Lemhi River (Assessment, p. 54). Riparian habitats and streambank stability along the Canyon Creek segment within the allotment (2.5 miles) are generally in good condition or in an upward trend (Assessment, pp. 58-59). Canyon Creek's condition has improved dramatically since 1990s, and is now much narrower with a large portion of the riparian area dominated by woody vegetation (Assessment, pp. 58 and 194-195). Hawley creek is occupied by bull trout above the Allotment (Assessment, p. 54), but the segment of Hawley Creek within the Allotment (approximately 1 mile) is historically dewatered (past 50 years) during the growing season by irrigation diversions and lacks riparian vegetation (Assessment, p. 54). Bull trout are not expected to occupy that segment of Hawley Creek in the Allotment (Assessment, p. 54). A barrier on a lower segment prevents bull trout from moving from the Lemhi River into Hawley creek.

There is no designated critical habitat in any stream within the Allotment (Assessment, p. 63) however; the Lemhi River downstream of the Allotment is designated critical habitat, under the Act, for bull trout. Critical habitat is proposed in those areas the Service believes have habitat components necessary for conservation of bull trout. The habitat component of importance in the Lemhi River is largely its ability to provide for bull trout movement to tributaries, and as an area to overwinter.

Potential Impacts of Grazing in Fish and Riparian Habitats

In general, grazing has potential to impact fish and fish habitat by trampling redds, impacting stream temperature through reduction in plant shading, reducing complex bank structures by shearing overhanging banks, and increasing sediment in stream gravel through bank degradation (Assessment, pp. 29-42). Impacts can be reduced to a point where their effect to bull trout is insignificant by using move triggers, management of cattle with fences, active removal of cattle from riparian areas, and exclusion of livestock from spawning areas during spawning.

Effects from the Proposed Action

Specifically for this proposed action, those segments of Hawley and Canyon Creeks in the Allotment are not known to be occupied by bull trout (Assessment, p. 54), therefore no impacts to bull trout redds are likely to occur. Recovery of the riparian area in Canyon Creek has been successful under similar past management (Assessment, pp. 194-195). Canyon Creek does have a higher than desired sediment substrate value, but bank stability and vegetation condition suggest that the sediment level is not driven by livestock use (Assessment, p. 58). The Hawley creek segment is not functioning appropriately¹

¹ The nomenclature for describing the degree of functionality for various habitat characteristics originates from a document referred to as the U.S. Fish and Wildlife Matrix" (1998). It is a framework developed to assist in the process of making effects determinations by

from a riparian vegetation perspective (Assessment, p. 58) and this is most likely a result of 50 years of dewatering. Livestock are likely to have a minimum impact to conditions around the dry channel (Assessment, p. 62). Also, the BLM has included a wide array of permit terms and conditions, monitoring, and adaptive management techniques to limit impacts to upland and riparian habitats on this Allotment (Assessment, p. 55). The aggregated effect of these actions and circumstances led the BLM to determine that any remaining effects to bull trout and their habitat, including important habitat components of critical habitat downstream in the Lemhi River, are likely to be insignificant (Assessment, p. 64).

Concurrence

Based on Service review of the Assessment, we concur with the BLM's determination that the project outlined in the Assessment and this memorandum, may affect but is not likely to adversely affect bull trout. This concurrence is based on the condition of bull trout habitat within the Allotment, bull trout distribution, project design, and protective measures included as part of the proposal that reduce impacts of grazing to bull trout and its occupied habitat to an insignificant level. We also concur with the determination that the proposed action is not likely to adversely affect designated critical habitat, because the grazing strategy and protective measures included as part of the proposal reduce the scale of impacts such that they are unlikely to affect designated critical habitat downstream.

This concludes informal consultation. Further consultation pursuant to section 7(a) (2) of the Act is not required. Reinitiation of consultation on this action may be necessary if new information reveals effects of the action that may affect listed species or designated habitat in a manner or to an extent not considered in the assessment, the action is subsequently modified in a manner that causes an effect to listed species that was not considered in the analysis, or a new species is listed or critical habitat is designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of endangered, threatened, and proposed species. If you have any questions regarding this consultation, please contact Doug Laye of this office at (208) 237-6975.

cc: BLM, Salmon (Feldhausen and Trapani)
NOAA, Boise (Mabe)
IDFG, Salmon (Lukens, Curet)