



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Eastern Idaho Field Office
4425 Burley Dr., Suite A
Chubbuck, Idaho 83202
Telephone (208) 237-6975
<http://www.fws.gov/idaho>



OCT 21 2011

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

From: *for* Field Supervisor, Eastern Idaho Field Office, *Doug Lyle*
Fish and Wildlife Service, Chubbuck, Idaho

Subject: Effects from Grazing on Powderhorn Grazing Allotment, in Lemhi County, Idaho
– Concurrence
In Reply Refer To: 14420-2011-I-0340 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 will have no effect on its designated critical habitat, or on Canada lynx (*Lynx canadensis*). Under the Act, 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.

We acknowledge your No Effect determinations, 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 determinations even if not required to do so under the Act.

Previous Consultation

This Allotment has not been subject to a section 7 consultation, because until recently bull trout were not known from any creeks in the Allotment (Assessment, p. 98).

Proposed Actions

Grazing - The action is continued authorization of grazing through two permits of a maximum of 982 cattle from April 15 through December 12, for a maximum of 3,517 Animal Unit Months (Assessment, p. 95). The Allotment is approximately 36,000 acres and is currently organized into ten pastures; 10 mile, Upper 10 mile, Powderhorn, 18 Mile Flat, Center Field, Poison Creek, Winter Range, Steer, Carlton's Field and Upper Poison (Assessment, p. 97). After the fencing project is complete, Upper 10 Mile, Poison Creek and Upper Poison Creek will be combined into a new pasture; Clear Creek (Assessment, p. 96) leaving eight pastures. Grazing in creek segments that may have bull trout spawning is discontinued after August 15, which is the earliest date of likely spawning activity (Assessment, p. 95).

Crossing permits may be applied for on an annual basis, however crossing permits would be restricted to a maximum of 350 cattle at one time and cattle would not be left on the allotment overnight (Assessment, p. 95). A maximum of 700 cattle would be allowed to cross the allotment in a year, and cattle crossing the Allotment would not use the Clear Creek Pasture (Assessment, p. 95).

18 Mile Pipeline - A pipeline is proposed to run approximately 4 miles to the west from 18 Mile Creek. Three troughs would be placed in the Steer, Center Field, and 18 Mile Flat Pasture. An existing two-track road would provide access to most of the pipeline route. The landowner at the point of diversion would transfer a 0.02 cubic foot per second water right to the pipeline. The BLM would obtain an easement from the landowner for the portion of pipeline crossing private land, approximately 7,500 feet (Assessment, p. 96).

18 Mile Flat Fence Relocation - Currently, a watergap giving cattle access to 18 Mile Creek exists in the southernmost portion of 18 Mile Flat Pasture. With addition of a trough in 18 Mile Flat Pasture, as described above, the watergap would become unnecessary. The current fence (approximately 0.30 mile) on the south side of 18 Mile Flat Pasture would be removed and a new 0.3 mile barbed wire fence would be constructed to the north of the existing fence. The new fence would prevent cattle from accessing 18 Mile Creek from the allotment. The cattleguard would also be moved from its present location to where the new fence crosses the existing road (Assessment, p. 96).

Clear Creek Division Fence - A large spring complex exists at the mouth of Clear Creek Canyon. The spring complex provides approximately half of the flow to Clear Creek below the complex. Cattle have access to this complex in winter months when grazing Winter Pasture. In order to keep cattle from accessing this spring complex in winter months, a new 0.5 mile fence would be built to include this spring complex into Clear Creek Pasture, which is used early in the year. This would ensure that cattle would not enter the creek during winter months, thus protecting bull trout redds. Due to steep topography, cattle from Clear Creek Pasture rarely access the spring complex from other areas, therefore mostly excluding the area from livestock access. When cattle do access the complex, it would be early in the season and for a limited amount of time (Assessment, p. 96).

The new fence would include 0.1 mile of barbed wire fence that would be constructed to the north of the existing fence. The new fence would prevent cattle from accessing Clear Creek

from Winter Range Pasture. The rest of the fence, crossing Clear Creek and along the road would be constructed of wooden jack and/or post and poles (Assessment, p. 96).

Species and Designated Critical Habitat Distribution in the Project Area

The Allotment contains a short segment of 18 Mile Creek (0.25 miles) and 3 miles of Clear Creek, including its headwaters (Assessment, pp. 100-101). The Clear Creek segment contains a small population of resident fish in segment # 2 below segment #1, the uppermost segment (Assessment, p. 101). 18 Mile Creek does have bull trout but in the uppermost section, but outside this Allotment (Assessment, p. 100). 18 Mile Creek is a tributary to the Lemhi River (Assessment, p. 100). Clear Creek does not regularly reach a larger stream due to natural infiltration conditions on the alluvial fan it occupies and diversions below the Allotment (Assessment, p. 100).

Riparian habitats and streambank stability along the uppermost section of Clear Creek are in poor condition (from past livestock grazing) evidenced by limited water flow, steep channels, unstable banks, and reduced vegetation (Assessment, p. 100). The middle segment occupied by bull trout is in good condition (Assessment, p. 101). The 18 Mile Creek segment within the allotment is used as a water gap therefore riparian habitat is limited, but it receives little to no grazing (Assessment, p. 98).

None of the creeks in the Allotment are designated critical habitat for bull trout (Assessment, p.103).

Potential Impacts of Grazing in Fish and Riparian Habitats

In general, grazing on rangelands 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, the uppermost segment of Clear Creek does not support fish, but can influence occupied areas immediately downstream (Assessment, p. 100). Historically, livestock have grazed along both streams after August 15 and as long as into October. The proposed action changes Clear Creek's exposure to cattle through a new division fence and a change in use dates for upper Clear Creek (Assessment, p. 102). The proposed action would change existing management by limiting use in Clear Creek Pasture (the majority of the stream on BLM) to one week, and no grazing after August 15 to ensure no conflicts with spawning bull trout (Assessment, p. 103).

The remainder of Clear Creek would be fenced out of Winter Range Pasture which would not allow livestock access to the stream. The proposed action would also construct a new fence to exclude livestock from accessing 18 Mile Creek on the allotment (Assessment, p. 101).

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 are likely to reduce impacts of grazing to bull trout and its occupied habitat to an insignificant level.

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, Challis (Feldhausen and Trapani)
NOAA, Boise (Mabe)
NOAA, Salmon (Murphy and Fealko)
IDFG, Salmon (Schmidt, Curet)