



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>



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

From: *For* Field Supervisor, Eastern Idaho Field Office, *Douy Lye*
Fish and Wildlife Service, Chubbuck, Idaho

Subject: Effects from Grazing on Tex Creek Grazing Allotment, in Lemhi County, Idaho –
Concurrence
In Reply Refer To: 14420-2011-I-0343 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, 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 the 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.

Proposed Action

Grazing - The action is continued authorization of grazing approximately 2,700 acres through two permits with approximately 105 cattle from May 12 through July 15, and 17 cattle from May 12 through July 15, for a total of 261 Animal Unit Months (Assessment, p. 116). Cattle numbers on each permit may be increased up to described limits as long as use does not exceed the Animal Unit Months (Assessment, p. 116). The Allotment is organized into one pasture; Tex Creek (Assessment, p. 117). No crossing permits are proposed for this allotment (Assessment, p. 116).

Tex Creek Ponds Exclosure -The BLM also proposes to place a fence around a pond complex to reduce impacts to that area (Assessment, p. 116). The pond exclosure would be approximately 45 acres in size and be constructed of approximately 1.3 miles of barbed wire fence and 400 feet of jack and pole fence (Assessment, p. 116). A watergap accessing one pond will be built into the fence (Assessment, p. 116). Because this fencing is in the uplands and not connected by surface flow to fish-bearing streams, no impacts to bull trout are expected.

Species and Designated Critical Habitat Distribution in the Project Area

In the Allotment, there are two small segments (total of ¼ miles) of Eighteenmile Creek (Assessment, p. 119). Because these sections are fenced and designed to be long water gaps bank stability is likely to be high (Assessment, pp. 118-119), but with expected impacts to riparian vegetation. However, grazing patterns due to forage conditions in the upland suggest lower impact than might be expected (Assessment, p. 119). Conditions in riparian areas of Tex Creek and Eighteenmile Creek have improved over the last decade and trends are expected to stabilize or continue improvement (Assessment, pp. 118-119). The area of Eighteenmile Creek in this Allotment represents approximately 1% of the entire creek (Assessment, p. 119). There is a partial fish barrier at the confluence of Eighteenmile Creek and Hawley Creek, and a complete barrier where Hawley Creek flows into the Lemhi River (Assessment, p. 119).

Eighteenmile Creek is occupied by bull trout far above the Allotment (Assessment, p. 120), but bull trout are not known to inhabit small segments on the Allotment (Assessment, p. 120).

There is no designated critical habitat in any streams within the Allotment (Assessment, p. 122), 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 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, those segments of Eighteenmile Creeks in the Allotment are less than ¼ mile total and are not known to be occupied by bull trout (Assessment, p. 120). The BLM has included a wide array of general permit terms and conditions, monitoring, and adaptive management techniques to limit impacts to upland and riparian habitats on its allotments (Assessment, p. 116). 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. 122).

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 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)
NOAA, Salmon (Murphy and Fealko)
IDFG, Salmon (Schmidt and Curet)