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FISH AND WILDLIFE SERVICE

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

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

*Doug Zyl*

Subject: Effects from Grazing on Timber Creek Grazing Allotment, in Lemhi County, Idaho –  
Concurrence

In Reply Refer To: 14420-2011-I-0345

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 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 7,000 acres of BLM land and 340 acres of other land (Assessment, p. 132). Three permits are used to graze approximately 368 cattle from May 6 through June 15; 75 cattle from May 6 through June 30; 5 cattle from August 15 through September 30; and 5 horses from May 6 through October 31 for a total of 569 animal Unit Months (Assessment, p. 133). An increase in livestock numbers is allowed under specific conditions and as long as Active Preference Animal Unit Months are not exceeded (Assessment, p. 133). The Allotment is organized into two pastures; Upper and Lower (Assessment, p. 135).

Livestock crossing permits can be applied for on an annual basis, but crossing permits would be restricted to a maximum of 1,200 cattle at one time and cattle would not be left on the allotment overnight (Assessment, p. 134). A maximum of 5,000 cattle would be allowed to cross the allotment in a year and crossing of Big Timber Creek would take place on the Carey Act Dam - not require fording the stream. Crossing Little Timber Creek would occur on a two-track road ford that does not have appropriate spawning substrate and does not have bull trout at the site location (Assessment, p. 134).

Swan Basin Douglas Fir Removal -The action would be the removal of Douglas-fir trees scattered across the south side of Swan Basin Creek in the Upper Pasture for trees with diameter at breast height of up to 10 inches that are encroaching into mountain big sagebrush communities in the Allotment outside of the Riparian Habitat Conservation Area. The work would be conducted by using chainsaws, and material loped and scattered, or large tracked machinery which would masticate, or grind Douglas-fir in to small material. Total unit acres would be approximately 506 acres (Assessment, p. 134).

Swan Basin Aspen Restoration – The action includes modification to existing aspen stands at the confluence of Swan Basin Creek and Timber Creek and within the Timber Creek drainage. On the south side of Swan Basin Creek, Douglas fir and juniper are encroaching into aspen stands and competing for soil, water and nutrients with aspen. Treatment would consist of removal of juniper and Douglas-fir up to 12 inches diameter at breast height using chainsaws, or large tracked mastication machinery. Slash which was created from these activities would then be piled, or let lay and burned. Total unit acres to be treated would be approximately 160 (Assessment, p. 134).

If machinery is used, Swan Basin Creek would be crossed twice, once going in and once coming out. This would take place at an existing two-track road which has a low-flow ford across the stream channel. Swan Basin is a relatively small stream with no bull trout present (Assessment, p. 134).

#### Species and Designated Critical Habitat Distribution in the Project Area

The Assessment characterizes the streams on the Allotment by segments (Assessment, p. 139), and the Service has reproduced that narrative verbatim below.

*The Timber Creek Allotment contains five stream segments:*

- *Lower Big Timber Creek in the Lower Pasture - one mile segment. Timber Creek Allotment TC-01 DMA downstream. At that site, streambank stability was 84% in 2009. TC-01 is rated at Late-Seral Ecological Status with 88% Hydric Riparian Vegetation on Greenline in 2008.*
- *Big Timber Creek in the Upper Pasture – two mile segment bordering the Leadore Hill upper pasture and the USFS upstream. It is in PFC with a high quality willow shrub community and near PNC with beaver ponds and very good quality in-channel conditions with very few livestock impacts.*
- *Lower Little Timber Creek in the Timber Creek Allotment Lower Pasture – 100 feet watergap. This is just below the lowest diversion which dewateres the stream, consequently causing a complete loss of riparian shrubs. Even with the short early season grazing, the segment is in FAR Static Condition with a mix of shallow and deep-rooted riparian vegetation. Conditions are less than expected due to private irrigation water withdrawal.*
- *Lower Little Timber Creek in the Upper Pasture – One mile segment where about ½ of the length is above and ½ below the lowest diversion. Above the diversion, there is perennial flow*

*and a thick riparian community of willow/aspen in PFC. The lowest portion is dewatered and similar to the adjacent segment in the Lower Pasture.*

- *Swan Basin Creek (tributary to BT) – one mile of stream in two pieces adjacent to private land. The section within the private land is also within the action area and federally authorized livestock have access to and affect that habitat. Grazing does not take place on this parcel outside of the Timber Creek Allotment use period. The upper reaches of this stream are used for private irrigation but do not completely dewater the channel. Multiple springs arise on the BLM and private and have maintained a series of well-vegetated meadows with thick willows/aspen and beaver activity. The DMA has been in place since the mid-1990's. It shows FAR upward trend with MIM data at Mid Seral Ecological Status for 2008. Also, % Hydric Riparian Vegetation on Greenline has changed from 16% in 1999 to 75% in 2009.*

In summary those areas of Big Timber and Little Timber Creeks which are not impacted by water diversions are in relatively good condition considering their location in the drainage and have appropriate channel characteristics with diverse vegetation communities. Recent grazing does not appear to have had substantial negative impacts to riparian condition (Assessment, p. 139).

A strong population of resident bull trout occurs in the upper reaches of Big Timber Creek, but no spawning has been documented in the Allotment (Assessment, p. 140). Spawning has been observed approximately ¼ mile above the allotment (Assessment, p. 140). A Fluvial population of bull trout is likely to have been present historically, but is not present at this time (Assessment, p. 138), though fish passage barriers are being removed to improve likelihood of re-establishment. Swan Basin Creek does not contain bull trout (Assessment, p. 134).

Big Timber Creek and Little Timber Creek are designated critical habitat for bull trout under the Act (Assessment, p. 142). 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 Big Timber and Little Timber Creeks are their potential to provide spawning and rearing habitat for resident fish and perhaps in the future, fluvial bull trout.

In addition, the Lemhi River downstream of the Allotment is designated critical habitat, under the Act, for 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 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, segments of Big Timber Creek in the Allotment are not known to have spawning bull trout, but some fish do occupy the creek segments (Assessment, p. 140). The segments have been impacted by historic and current irrigation practices (Assessment, p. 136-137), but are improving and show little impact from grazing (Assessment, p. 140). The BLM has included a

wide array of permit terms and conditions, monitoring, and adaptive management techniques to limit the impacts to upland and riparian habitats on this Allotment (Assessment, p. 133). Though spawning has not been documented on the Allotment, it has been observed just above the Allotment on Big Timber Creek (Assessment, p. 140). The segment of Big Timber closest to that observed spawning is used only in the early season. Therefore should spawning occur in that segment, cattle are not grazing at the time of potential spawning (Assessment, p. 139). 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, are likely to be insignificant (Assessment, p. 142).

#### 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 be significant.

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, Trapani)  
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