



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
764 Horizon Drive, Building B
Grand Junction, Colorado 81506-3946



IN REPLY REFER TO:
ES/CO: USDAFS
TAILS 65413-2011-B-0001/2011-I-0001

October 5, 2010

Rick Cables
U.S. Forest Service
Rocky Mountain Region
740 Simms Street
Golden, Colorado 80401

Dear Mr. Cables:

In response to your September 10, 2010 request, the U.S. Fish and Wildlife Service (Service) has reviewed the "Southern Rockies Lynx Screens and Programmatic Consultation Agreement-Conditions and Criteria and Operating Instructions", "Inter-Agency Southern Rockies Lynx Project Decision Screen" – June 10, 2010, and "Programmatic Consultation Agreement Between U.S. Forest Service and U.S. Fish and Wildlife Service for the Southern Rockies Lynx Project Screens (collectively - Agreement)". The US Forest Service (USFS) Rocky Mountain Region Regional Office (RO) submitted the Agreement for the following National Forests: Medicine Bow, Routt, Arapaho-Roosevelt, White River, Pike-San Isabel, Rio Grande, San Juan, and Grand Mesa-Uncompahgre-Gunnison. The use of the screen is designed to rapidly identify those actions that are clearly insignificant to Canada lynx (*Lynx canadensis*) (lynx) at either the population or individual level, or are discountable, thereby accommodating the programmatic approach to Endangered Species Act section 7 compliance.

The Service has reviewed the Agreement and concurs with the determination that projects and actions complying with the conditions and criteria outlined in the screens may affect, but are not likely to adversely affect the threatened lynx. In addition, the Service does not anticipate any incidental take of lynx as a result of implementation of projects or actions that fully meet the conditions and criteria outlined in the screen. Therefore, pursuant to 50 CFR 402.13 (a), formal consultation on the effects of actions that use the screens is not required. This programmatic concurrence determination pertains to the effects on lynx from projects or actions that meet the conditions and criteria of the effects screen contained in the Agreement, and that are fully compliant with all of the following conditions:

This programmatic concurrence is expressly limited to those actions with effects to listed species that are insignificant or discountable as defined in the Service's Section 7 Consultation Handbook, based on site specific information and analysis. This programmatic concurrence applies to USFS projects or actions for which the project as proposed clearly leads a qualified biologist to a determination of "not likely to adversely affect." More complex projects, which do

not clearly lead to a "not likely to adversely affect" determination, or those for which the project biologist determines there may be effects not accounted for in the screen, do not qualify for this programmatic concurrence. Such projects must be evaluated and submitted to the Service for traditional individual or batched concurrence, or formal consultation as appropriate.

1. This programmatic concurrence is expressly limited to those actions with effects to listed species that are insignificant or discountable as defined in the Service's Section 7 Consultation Handbook, based on site specific information and analysis. This programmatic concurrence applies to USFS projects or actions for which the project as proposed clearly leads a qualified biologist to a determination of "not likely to adversely affect." More complex projects, which do not clearly lead to a "not likely to adversely affect" determination, or those for which the project biologist determines there may be effects not accounted for in the screen, do not qualify for this programmatic concurrence. Such projects must be evaluated and submitted to the Service for traditional individual or batched concurrence, or formal consultation as appropriate.
2. Application of the screens and determination of project effects on lynx, for compliance with section 7, must be approved by a qualified wildlife biologist assigned by the USFS.
3. In the event that a project or action proceeds under this programmatic concurrence and later results in any "take" of lynx or exceeds the conditions of this programmatic concurrence, the USFS must reinitiate consultation for that project or action with the Service.
4. This programmatic concurrence *does not* apply to management activities, individually or cumulatively, where the effects of the action exceed screen criteria for habitat that currently provides winter foraging opportunity for lynx or habitats that are currently regenerating to such conditions. This programmatic concurrence *does not* apply to management activities that are of a nature or magnitude, individually or cumulatively, that could compromise the function of a lynx analysis unit (LAU) (Ruediger et al.2000), as that may constitute "take" under section 9 of the Endangered Species Act and an adverse effect under section 7, requiring individual consultation.
5. Regardless of whether the project or action meets other criteria, this programmatic concurrence *does not* apply to any projects or activities that would result in long-term habitat loss in designated or identified landscape linkages, unless the proposed activity is consistent with a management plan for that linkage area that has been jointly agreed to by the Service and USFS.
6. The USFS shall submit in writing annual spreadsheets by September 15 (or other appropriate date as agreed upon) of each year summarizing by Forest the projects that were successfully screened and claimed under the blanket concurrence for the year. These spreadsheets shall be submitted by each Forest to the Service (Lakewood and Grand Junction) and Rocky Mountain Region RO, Threatened and Endangered Species Program Leader. The USFS will also continue to conduct annual audits of a sample of projects screened by a date mutually agreed upon by the Service and USFS.

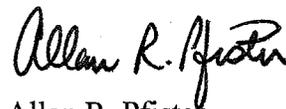
7. For projects in Wyoming, USFS staff will provide updates on the use of the screens to the Level 1 Interagency Consultation Streamlining Team for southern Wyoming. Updates should include a brief discussion at the Southern Level 1 Team meetings of the projects that were successfully screened and claimed under the blanket concurrence since the previous Level 1 meeting.

This programmatic concurrence applies to qualified projects for so long as the concurrence remains in effect. Projects for which a biological assessment leads to anything other than a not likely to adversely affect determination or those that do not fully meet all of the above conditions shall be handled according to individual project level section 7 formal or informal consultation procedures.

The Service may review the appropriateness of this programmatic concurrence at any time. The Service will keep informed of the latest information and science related to the species, and will recommend Level 1 team reviews, edits or revisions of the lynx screen as needed. Concurrence with specific projects may be invalidated as a consequence of any changes to the basis for which concurrence was issued, any problems of implementation that may be identified, changed assumptions or protocols, or when accountability measures within the programmatic concurrence process fail to be completed. In the event that a project or action proceeds under this programmatic concurrence and later a) results in "take" of listed species, or b) exceeds the conditions of this programmatic concurrence (e.g., does not adhere to conditions in the screen), the appropriate USFS management unit must initiate formal consultation or request reaffirmation of concurrence as appropriate for that project or action.

We look forward to a continued cooperative relationship between our two staffs and agencies. For any questions and other needs regarding this programmatic concurrence, Colorado specific issues, or section 7 consultation issues in general, please contact Kurt Broderdorp at (970) 243-2778, extension 24 (Grand Junction), Leslie Ellwood at (303) 236-4747 (Lakewood) or myself at (970) 243-2778, extension 29. For issues specific to Wyoming please contact Scott Hicks at (307) 772-2374, extension 231.

Sincerely,



Allan R. Pfister

cc: FWS, CO Field Office (Susan C. Linner)
FWS, WY Field Office (Scott Hicks)

**Programmatic Consultation Agreement
Between
U.S. Forest Service and U.S. Fish and Wildlife Service
For the
Southern Rockies Lynx Project Screens**

The purpose of this programmatic agreement is to establish the parameters under which both agencies agree to streamline the Section 7 consultation process under the Endangered Species Act (ESA). This Agreement, herein called the USFS/USFWS Programmatic Consultation Agreement for Canada lynx in Colorado, further defines agency responsibilities and agreement in sufficient detail so that section 7 consultations in Colorado and southern Wyoming for U.S. Forest Service (USFS) actions can be handled efficiently and consistently executed for the benefit of the lynx and people affected by section 7 procedures. The parties to this Agreement are the Colorado and Wyoming Field Offices of the U.S. Fish and Wildlife Service (USFWS) and the Rocky Mountain Region of USFS on behalf of the National Forests in the Southern Rockies. The National Forests covered under this Agreement are the Routt; Arapaho-Roosevelt; White River; Pike-San Isabel; Rio Grande; San Juan; Grand Mesa-Uncompahgre-Gunnison; and Medicine Bow National Forest.

Shortly after the Canada lynx was listed in 2000, the USFS and USFWS jointly reviewed programs and projects on the National Forests for their effects to the lynx. The agencies segregated out the activities and actions they agreed were No Effect (NE), Not Likely to Adversely Affect (NLAA), or Likely to Adversely Affect (LAA) the Canada lynx, as well as those that had higher levels of uncertainty about effects suggesting a need for traditional, separate consultation on these proposals. From that exercise, the two agencies among other things jointly developed a set of project decision trees that are known as the "Colorado lynx screens." The screens incorporated the agreements reached during the programmatic review by the agencies and conservation recommendations from the Lynx Conservation Assessment and Strategy (LCAS) (Ruediger et al. 2000) to assist the field units in rapidly identifying those actions that are clearly insignificant or are discountable to individual lynx, thereby accommodating a programmatic streamlined approach to ESA Section 7 compliance. As long as a proposed action is consistent with the NE or NLAA actions identified in the screens, that proposal qualifies for concurrence under the programmatic consultation agreement signed by the agencies in 2001. Each qualifying project is recorded on the Forest tracking spreadsheet and submitted annually to the USFWS. No further action in the form of a letter of concurrence from the USFWS to the USFS is needed. The programmatic consultation agreement and the Colorado lynx screens were updated and renewed in 2004.

Several important developments prompted another review and update of the screens and agreement. First, the USFS had accumulated the recommendations for improvement of the screens as an outcome of several annual audits. Second, the BLM and National Park Service expressed interest in joining the process, in order to help foster consistency and efficiency. Finally, in October 2008 the USFS completed the Southern Rockies Lynx Amendment (SRLA). The SRLA amended all Forest Plans in Colorado and southern Wyoming in response to the listing decision to provide forest management direction for conserving the Canada lynx. The SRLA incorporated most of the conservation provisions of the LCAS, as well as new science

emerging since the LCAS. This management direction was also reviewed to determine whether changes are needed to the screens.

This jointly-developed project evaluation process provides for efficient and consistent assessment of projects and activities in a manner that is legally and biologically defensible and streamlines the ESA Section 7 process for qualifying project proposals. The Southern Rockies project Decision Screens (Attachment 1) provide a tool to assist biologists and inform managers in sorting projects that may or may not qualify for the programmatic concurrence. It does not substitute for an appropriate effects analysis prior to screening.

Possible outcomes identified in the screens are:

- NE "No effect" determination. The project screen process can assist the biologist in identifying projects that are believed to have "no effect" on Canada lynx and do not require a written concurrence from the USFWS.
- NLAA "Not likely to adversely affect" determination that is covered under the programmatic ("blanket") concurrence agreement. Projects are "not likely to adversely affect" the Canada lynx based on the effects analysis and review of the appropriate project pre-screens and decision screens. Upon meeting all conditions for application of this screen, the USFWS has provided advance concurrence for the NLAA determinations. These projects are covered under the USFWS's programmatic concurrence letter as long as all USFWS conditions and criteria are met in full (Attachment B). Programmatic concurrence from the USFWS only applies to actions that have insignificant or discountable impacts to lynx (as defined in the USFWS' Section 7 Consultation Handbook).
- OBCC Project does not meet USFWS conditions for coverage under the programmatic concurrence agreement and therefore the agency biologist concludes the action is "outside blanket concurrence criteria". This category of project requires further analysis and consultation with the USFWS. Projects or activities that screen into the "outside blanket concurrence criteria" category will require submission of a biological assessment to the USFWS for review, either individually or as part of a batched consultation. These projects may result in either informal or formal consultations.

For projects with potential adverse impacts to lynx, the USFS may choose to modify the action to lessen the impact on lynx or lynx habitat to get to the insignificant or discountable effects standard of a "not likely to adversely affect" determination and process the project under category 2.

Accountability measures to ensure that the USFS is meeting its obligation for this process are as follows:

1. The USFS will continue to conduct annual audits of a sample of projects screened for the current year to verify that procedures established under this agreement are being

Southern Rockies Lynx Screens and Programmatic Consultation Agreement

Conditions and Criteria and Operating Instructions

This project screening process was originally jointly developed by the U.S. Forest Service, Rocky Mountain Region (USFS), and the U.S. Fish and Wildlife Service's Colorado Field Office (USFWS), to facilitate and streamline section 7 consultations for projects and activities the agencies agree are Not Likely to Adversely Affect (NLAA) the Canada lynx on National Forests in the Colorado. With the signing of the programmatic agreement by the USFWS Wyoming Field Supervisor, the screens and blanket concurrence on qualifying projects are now eligible for use on all National Forests in the Southern Rockies (Colorado and Medicine Bow NF in Wyoming). These screens will also be used by the National Park Service Intermountain Region (National Parks in the Southern Rockies, as appropriate) and the relevant Bureau of Land Management Field Offices under separate agreements between those agencies and the USFWS. This process is intended to assist in the consistent application of information and effects determinations, and to provide efficient section 7 consultations for NLAA projects.

The project screening process is designed to assist field units by providing a streamlined consultation process under section 7 of the Endangered Species Act in the Southern Rockies. Administrative units within the Southern Rockies that are covered under the consultation provisions under the programmatic consultation agreement for the Southern Rockies lynx screens are the Routt; Arapaho-Roosevelt; White River; Pike-San Isabel; Rio Grande; San Juan; Grande Mesa, Uncompahgre and Gunnison; and Medicine Bow national forests. Formal agreement was originally reached between the USFWS and the USFS on this 'lynx programmatic consultation process' in June 2001. One of the requirements was for the USFS to conduct an annual audit of a sample of projects claimed by the National Forests under the programmatic agreement for the year. In 2004, the agencies updated the screens and renewed the agreement, which are again being updated in 2010.

The annual auditing process is an integral part of the programmatic agreement and its successful implementation. The USFS will conduct an annual audit of a random sample of projects using the screen. Upon completion of the audit, a report will be generated that summarizes the results of the annual audit, and makes recommendations for potential changes to the screens or the overall process. The annual report of the audit of the previous year's projects shall be submitted to the USFWS by March 1 each year.

The Lynx Conservation Assessment and Strategy (LCAS) (Ruediger et al. 2000) provided the foundation for effects determinations. Lynx habitat, LAUs, and linkage areas were identified in accordance with the national USFS/USFWS Canada Lynx Conservation Agreement, and will continue to be refined and updated as needed in coordination with USFWS. The Southern Rockies Lynx Amendment (SRLA) signed in October 2008 incorporates much of the LCAS guidance plus the best available information and science that has emerged in the intervening years. The SRLA decision now takes precedence for the USFS in guiding management of the National Forests in the Southern Rockies relative to lynx conservation. The SRLA and biological opinion were considered and addressed in review of the existing screens and some changes made for the revised screens. A cornerstone of an effective screening process is the careful delineation of the areas and activities to which the screen applies, and in this case, how those activities, actions or projects may affect lynx and lynx habitat.

The Southern Rockies Lynx Project Decision Screens are jointly adopted by the USFS and USFWS as an acceptable tool to expedite project compliance with ESA Section 7, based on current knowledge. For projects where a qualified biologist reaches a “No effect” determination, consultation is not required by the Act. Projects for which a determination of “Not Likely to Adversely Affect” is made, fall within the “blanket concurrence” provided by the USFWS under the programmatic agreement as long as all conditions and criteria listed below are met. If a project does not appear to be properly covered by the screen, fails to meet any of the conditions and criteria for coverage under the blanket concurrence, or the project biologist determines that local conditions warrant a different determination than indicated by the screen (contact the Threatened and Endangered Species Program Leader Nancy Warren or Assistant Program Leader, Peter McDonald), the project is not eligible for the blanket concurrence. The options then are to re-design the project and screen again, or submit the project for individual consultation.

For all projects claimed under the programmatic agreement, application of the screens and associated analyses and other supporting documentation should be kept with the project file and be readily retrievable by the project biologist in the event the project is selected for audit. The activities addressed in the Southern Rockies lynx screens have been determined by the agencies to represent those with inconsequential or unlikely effects to the Canada lynx, based on the original joint review of activities and effects in 2000-2001 leading to the original screens, nine years of experience implementing the screens and programmatic concurrence process by the agencies, and several years of annual audits and associated close review of use of the screens by the National Forests in the Southern Rockies. The agencies agree that some level of effects analysis in association with consulting the screens for guidance is important for proper implementation of the programmatic agreement. A qualified biologist will ensure the proposal is consistent with the screens and applicable conditions and criteria for their use, and will document this by completing the consultation summary sheet. Alternatively, if a BA/BE has been prepared that includes documentation of how the project meets the lynx screening criteria, that report can substitute for the consultation summary sheet.

Use of these screens should be considered a tool and does not substitute for the application of sound science, biological reasoning and judgment by the qualified biologist using the screens. Be aware that through use of these screens and acquisition of new information, changes to both the screen and conditions of the USFWS’s blanket concurrence are foreseeable. The outcome of individual consultations could lead to a revision of any or all of the screens, or to the limits and conditions of the USFWS’s blanket concurrence criteria. Similarly, results of annual audits may prompt further revision of the screens, the agreement, or the programmatic process. Either agency has the latitude to request of the other changes to these documents.

The criteria and conditions under which the programmatic section 7 concurrence from the USFWS applies are:

1. This programmatic concurrence is expressly limited to those actions with effects to listed species that are insignificant or discountable as defined in the Service’s Section 7 Consultation Handbook, based on site specific information and analysis. This programmatic concurrence applies to USFS projects or actions for which the project as proposed clearly leads a qualified biologist to a determination of “not likely to adversely

affect.” More complex projects, which do not clearly lead to a “not likely to adversely affect” determination, or those for which the project biologist determines there may be effects not accounted for in the screen, do not qualify for this programmatic concurrence. Such projects must be evaluated and submitted to USFWS for traditional individual or batched concurrence, or formal consultation as appropriate.

2. Application of the screens and determination of project effects on lynx, for compliance with section 7, must be approved by a qualified wildlife biologist assigned by the USFS.
3. In the event that a project or action proceeds under this programmatic concurrence and later results in any "take" of lynx or exceeds the conditions of this programmatic concurrence, the USFS must reinitiate consultation for that project or action with the USFWS.
4. This programmatic concurrence *does not* apply to management activities, individually or cumulatively, where the effects of the action exceed screen criteria for habitat that currently provides winter foraging opportunity for lynx or habitats that are currently regenerating to such conditions. This programmatic concurrence *does not* apply to management activities that are of a nature or magnitude, individually or cumulatively, that could compromise the function of a lynx analysis unit (LAU) (Ruediger et al.2000), as that may constitute "take" under section 9 of the Endangered Species Act and an adverse effect under section 7, requiring individual consultation.
5. Regardless of whether the project or action meets other criteria, this programmatic concurrence does not apply to any projects or activities that would result in long-term habitat loss in designated or identified landscape linkages, unless the proposed activity is consistent with a management plan for that linkage area that has been jointly agreed to by the USFWS and USFS.
6. The USFS shall submit in writing annual spreadsheets by September 15 (or other appropriate date as agreed upon) of each year summarizing by Forest the projects that were successfully screened and claimed under the blanket concurrence for the year. These spreadsheets shall be submitted by each Forest to the USFWS (Lakewood and Grand Junction) and Rocky Mountain Region Regional Office, Threatened and Endangered Species Program Leader. The USFS will also continue to conduct annual audits of a sample of projects screened by a date mutually agreed-upon by the USFWS and USFS.
7. For projects in Wyoming, USFS staff will provide updates on the use of the screens to the Level 1 Interagency Consultation Streamlining team for southern Wyoming. Updates should include a brief discussion at the Southern Level 1 Team meetings of the projects that were successfully screened and claimed under the blanket concurrence since the previous Level 1 meeting.

Documentation of the Use of the Screens

There is a two-step process for documenting the application of the screens and for tracking USFS projects or activities that used the blanket concurrence. Whenever a project biologist determines that an action qualifies for coverage under the blanket concurrence, a consultation summary sheet (Appendix 1) must be completed, signed by a qualified wildlife biologist and placed in the

project file as documentation of the correct application of the blanket concurrence to that action. The project also must be recorded on the annual project spreadsheet, for all projects and actions for which the blanket concurrence was used.

APPENDIX 1

CONSULTATION SUMMARY SHEET TO DOCUMENT CONSISTENCY WITH THE SOUTHERN ROCKIES LYNX SCREENS & PROGRAMMATIC CONCURRENCE

Instructions

Project Biologists must complete a brief summary of the proposal and its effects in sufficient detail to support the project being successfully screened and claimed under the programmatic concurrence. This sheet is part of the project record and placed in the project file. USFS biologists must meet Region 2 qualifications for conducting and documenting biological evaluations, in order to complete screening without further review by the Forest Biologist. Those that do not meet the qualifications must submit this form to the Forest Biologist for review and concurrence with the findings prior to claiming the project qualifies under the blanket concurrence. Qualified biologists may proceed with the certification and place the documents in their project folder without further review by the Forest Biologist. Forest Biologists will submit a spreadsheet of all projects on the Forest for the Fiscal Year claimed under the blanket concurrence to USFWS by September 15 each year in time to meet agency end-of-fiscal-year reporting deadlines. The USFS will also submit to USFWS on request any summary forms for screened projects. The USFS will continue to conduct an annual audit of a sample of projects each year to insure compliance and effectiveness of the screens and reporting requirements.

Page ___ of ___ Administrative Unit: _____				
Completed by: _____ <i>(Project Biologist)</i>				
Reviewed by: _____ <i>(Forest Biologist, if different)</i>				
Date: _____				
Project Name and Description	Effects of Action on Canada Lynx	Cumulative Effects (ESA)	How does the project meet screening criteria?	Determination of Effects on Canada Lynx
<i>Project description should provide pertinent information including all aspects of the project that potentially affect lynx. This includes but is not limited to: project name, project location including management unit if applicable, timing of implementation and details of project activities.</i>	<i>Briefly describe the overall effect for the entire project on the species and base it on the screening criteria.¹</i>	<i>Briefly describe the effects of future, non-federal actions that are reasonably likely to occur in the action area (this is the area where the effects of the project may be felt).</i>	<i>Specifically identify the screens used, applicable screening criteria and describe how the project meets these specific criteria.</i>	<input type="checkbox"/> <i>No Effect</i> <input type="checkbox"/> <i>May Affect, Not Likely to Adversely Affect</i>

¹ Description should include the direct and indirect effects of the action (i.e. traffic generated, even short-term, that could affect lynx (must be discountable)). It should also include the effects of any interrelated/interdependent actions associated with the proposed action.

Photo: Norbert Rosing
National Geographic Society



Inter-Agency Southern Rockies Lynx Project Decision Screens



U.S. Fish and Wildlife Service
Colorado Field Office, Lakewood, CO

Bureau of Land Management
Colorado State Office, Lakewood, CO



U.S. Forest Service
Rocky Mountain Regional Office
Lakewood, CO

National Park Service
Intermountain Regional Office
Lakewood, CO



June 2010

Explanatory Notes for Project Decision Screens

The Project Decision Screens are governed by the 2010 Southern Rockies Lynx Consultation Agreement, to provide rapid processing under ESA Section 7 consultation for certain projects that are “not likely to adversely affect” (NLAA) lynx. The screens provide a process efficiency and streamlining tool, but do not substitute for sound biological analysis and judgment by qualified wildlife biologists. Each project must be evaluated by a qualified biologist to ascertain whether the assumptions and criteria upon which the screens are based are fully met. If the effects of the proposed action may result in a “likely to adversely affect” (LAA) determination by compromising the function of a theoretical home range of one or more lynx or of a landscape linkage, the screens are not applicable.

The screens will not cover all NLAA projects; rather they are intended to expedite simple, straightforward actions that clearly will have insignificant and discountable effects that most frequently occur.

Lynx habitat descriptions for Southern Rockies public lands can be found in the Implementation Guide for the Southern Rockies Lynx Amendment (SRLA) or the Southern Rocky Mountain Geographic Area section of the Lynx Conservation Assessment and Strategy (LCAS).

Lynx Habitat Currently in Unsuitable Condition: Areas within mapped lynx habitat in an LAU that are in early successional stages (stand initiation structural stage) as a result of recent fire, insect/disease-caused tree mortality, or vegetation management, in which the vegetation has not developed sufficiently to support snowshoe hare populations during all seasons.

Lynx Analysis Unit (LAU): A project analysis unit that approximates the home range size of a female lynx. Mapping lynx habitat and delineating LAUs involves consideration of the amount and arrangement of primary and secondary vegetation, elevation, land ownership pattern, snow depth, and lynx occurrence records. BLM and NPS LAUs have been edge-matched, and where appropriate, combined with Forest Service LAUs. The LAU is named by the agency that has the majority of federal lands.

HOW TO USE THE SCREENS

Begin the screening process by looking at Prescreens 1 and 2. If the proposed project or action does not fit into prescreened activities, go next to Screen 1. Screen 1 may then direct you to subsequent screens. Multiple project actions may result in different pathways through Screen 1 and the use of several subsequent screens.

****See acronyms at the end of this document****

Pre-Screened Activities and Effects Determinations

The following activities are not covered in individual screens, but in general are expected by themselves to have the stated level of effect on lynx.

Travel and Road Management

- Brushing (roadside brushing within 25 feet of road edge and adjacent drainage) – NLAA
- Removal of hazard trees within campgrounds and within 200 feet of the campground boundary – NLAA
- Removal of hazard trees within 200 feet from the edges of roads and trails – NLAA (This applies to small scale projects treating individual trees and/or small groups of trees only, for ¼ mile or less for non-contiguous projects). Larger scale hazard tree removal projects are considered Vegetation Management in Screen 1.)
- Blading as part of maintaining open roads– NE
- Road obliteration or placement of physical barriers – NLAA
- Travel Management Plan decisions – OBCC
- Culvert replacement – NE

Administrative Work (e.g. inventory and monitoring, field inspection, routine maintenance and repairs of buildings, facilities, signs, fences, etc.)

- Winter (short term) – NLAA
- Summer – NE

Special Forest Products

- Personal use for firewood, posts, or poles (where forest floor complex is not depleted affecting the lynx prey base) – NLAA
- Personal use live transplants – NE
- Personal use forest products (berries, mushrooms, etc) – NE
- Dispersed personal use Christmas tree cutting – NLAA (Designated Christmas tree cutting areas are considered Vegetation Management in Screen 1.)
- Other personal use products that are not related to trees or snowshoe hare habitat – NE

Pre-Screened Activities and Effects Determinations, cont.

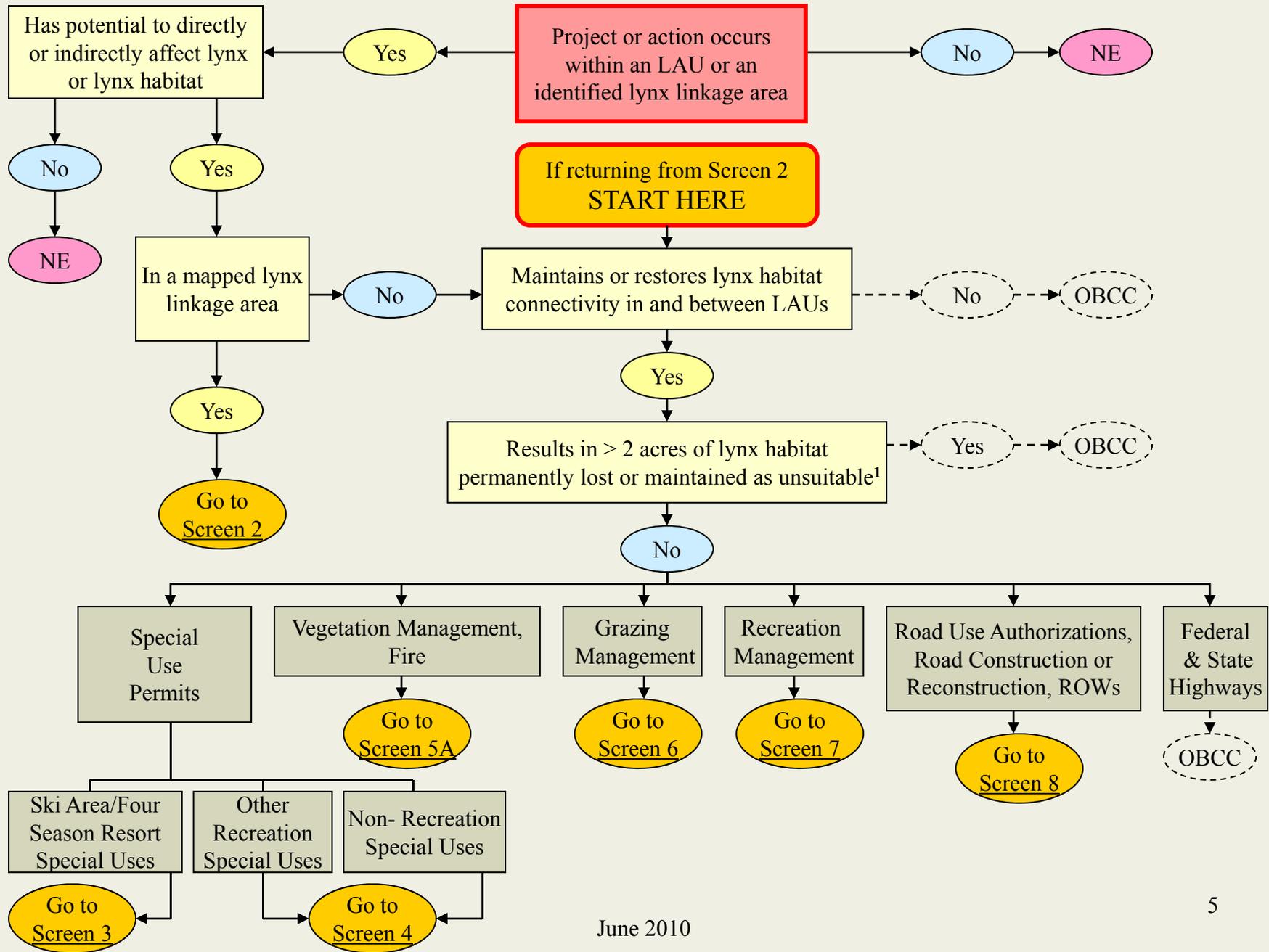
Minerals Management

- Quarries, ongoing use within existing footprint – NE
- Quarries, expansion of footprint ≤ 2 acres – NLAA
- Small scale plan of operations and test trenches in existing mine sites – NE
- Abandoned mine closures with no surface disturbance– NE
- Recreational mining (i.e., does not require a SUP)– NE

Other Programs/Activities

- Noxious Weed Treatments – NE
- Preventative spraying to protect trees – NE
- Fuels reduction treatments within 200 feet of structures (administrative sites, dwellings, outbuildings, recreation sites, and special use permit improvements, including infrastructure within permitted ski area boundaries) – NLAA (Forest Service projects that use exceptions or exemptions under the SRLA BO are subject to annual reporting requirements. All other SRLA requirements still apply.)
- Tree planting (no road plowing involved) – NE
- Maintenance of existing ditches and diversions – NE
- Utility corridor maintenance consistent with operation and maintenance plan or other document describing maintenance activities, including removal of imminent hazard trees and small groups of trees - NLAA (Summer and Winter)
- New utility corridors - OBCC
- Use of existing watchable wildlife sites – NE
- Wildlife and fisheries habitat improvements with no tree removal (seeding/girdling/nest boxes, fences/exclosures, spring development, guzzlers, etc.) – NE
- Wildlife and fisheries habitat improvements with tree removal ≤ 2 acres – NLAA
- Buck and rail fence construction – NE
- Small Tracts Act projects and comparably-sized land exchanges (≤ 10 acres) with net benefit to lynx (if unclear about net benefit to lynx when considering qualitative and quantitative factors, contact USFWS) – NLAA

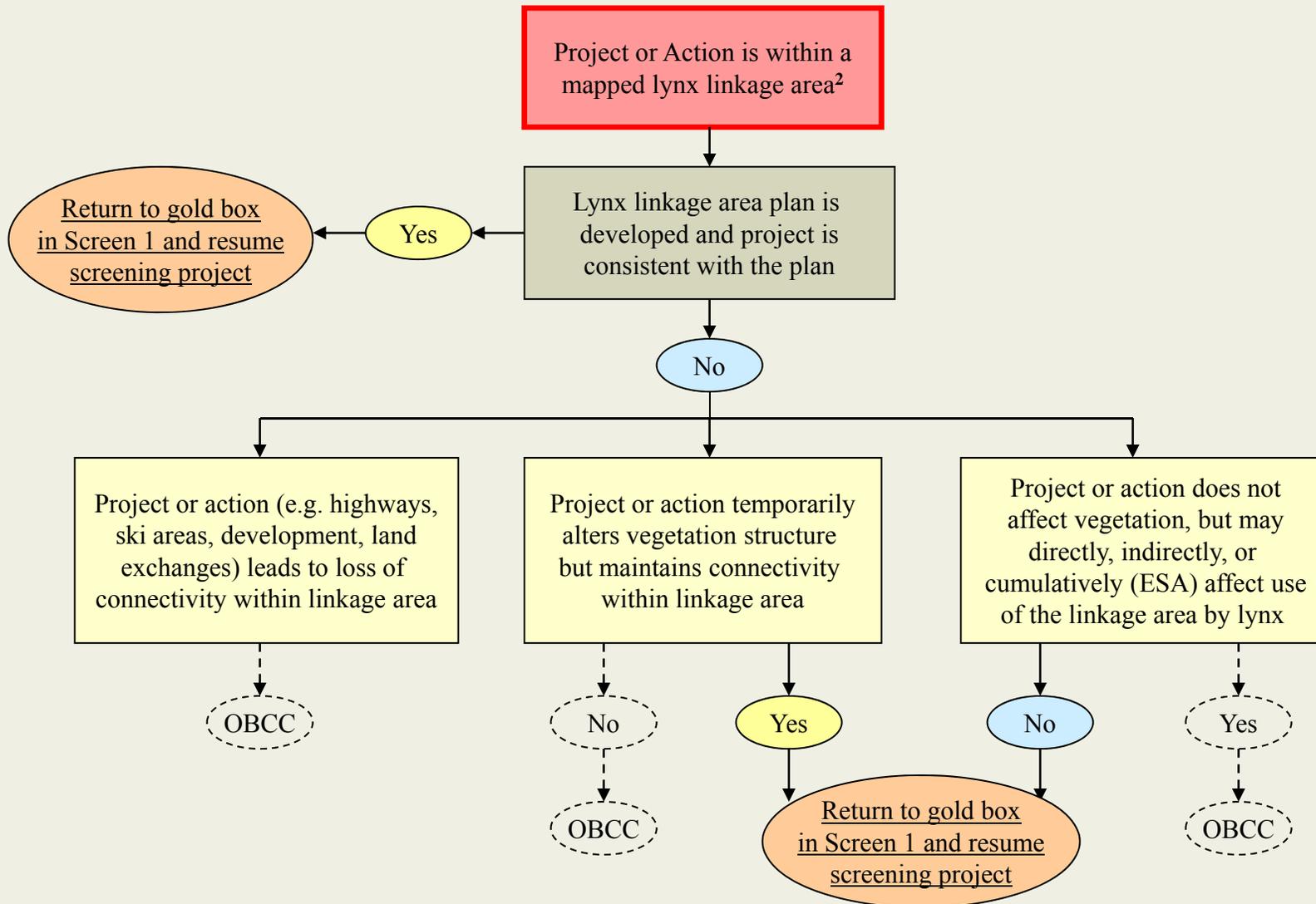
Proposed Project or Action



Explanatory Notes for Screen 1

- ¹ **Permanent loss of lynx habitat** includes projects such as development of reservoirs, well pads, roads, parking areas, buildings, ski runs, chairlift corridors, or recreational facilities, that permanently remove or perpetuate lynx habitat in an unsuitable condition to meet project objectives (such as fuel breaks, long term utility line vegetation clearance, etc.) .

Lynx Linkage Area



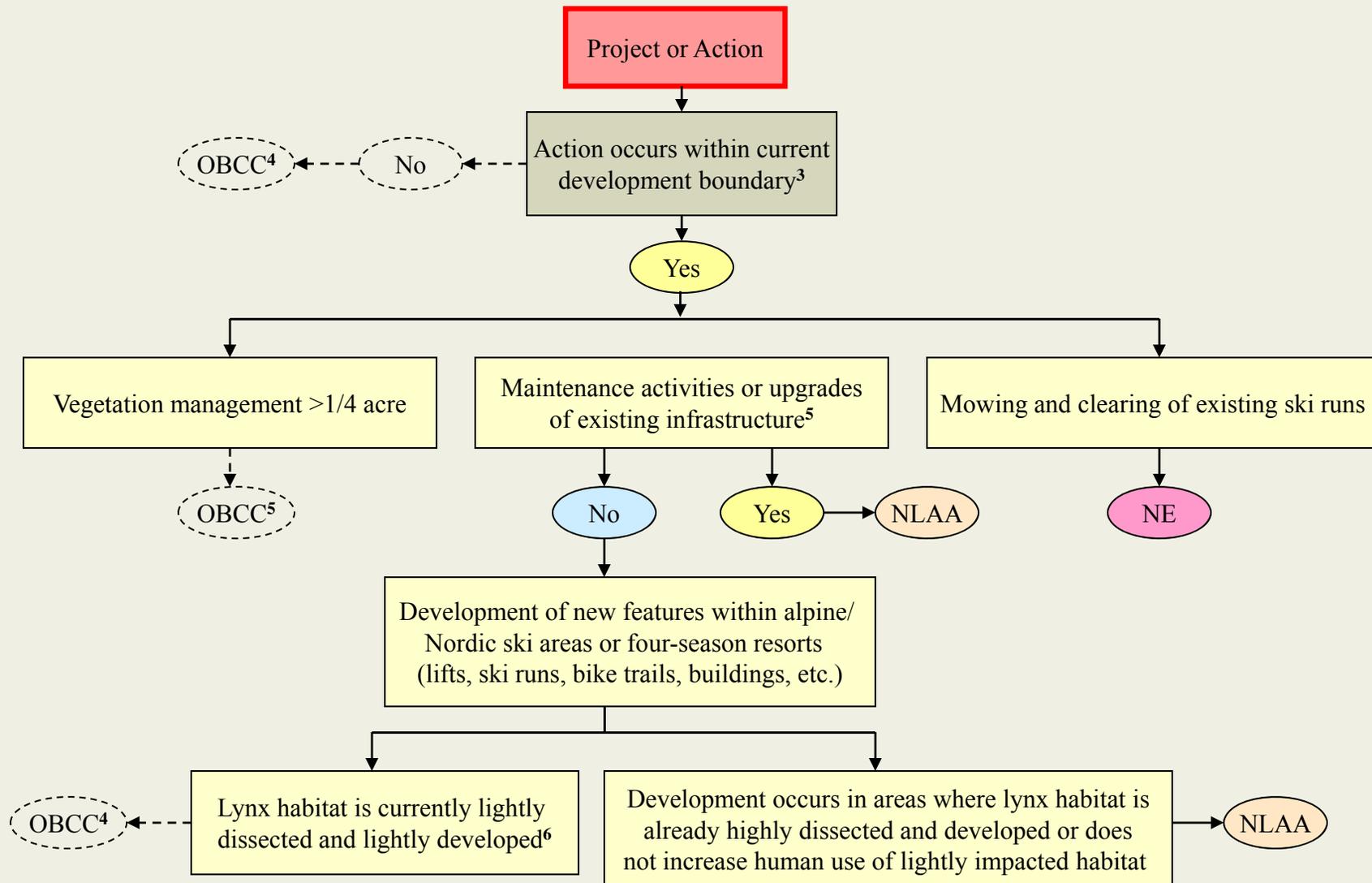
Explanatory Notes for Screen 2

² This is not a standalone screen. Usually a project or action will include one of the other activities on Screen 1. If the project is located within a lynx linkage area, the conditions of Screen 2 must be met before proceeding on to the specific activity screen. For example, a timber sale might be located within a landscape linkage. If the conditions of Screen 2 are met by the proposed action, then return to the gold box of Screen 1 and proceed through Screen 1 until it guides you to Screen 5A to address the vegetation management aspect of the project. More detailed descriptions of the linkages are at <http://www.fs.fed.us/r2/projects/lynx/documents/deis/D-SouthernRockiesLynxLinkageAreas.pdf> and maps are at http://www.fs.fed.us/r1/wildlife/carnivore/Lynx/S_Rockies_Linkage.pdf

Lynx Linkage Areas

Battlement Mesa	Egeria	Loveland Pass	Silverton-Lake City
Berthoud Pass	Fraser Valley	McClure Pass	Slumgullion Pass
Black Mountain	Georgia Pass	Molas-Coalbank Pass	Snowy Range
Bull Mountain	Glenwood	Muddy Pass	State Bridge
Castle Peak	Gould	Northgate	Tennessee Pass
Clear Creek	Guanella Pass	North La Plata	Trinchera
Cochetopa Hills/North Pass	Herman Gulch	Officer's Gulch	Vail Pass
Cottonwood Pass	Kenosha Pass	Poncha Pass	Wolf Creek Pass
Dallas Divide	LaVeta	Red Mountain Pass	
Dowd Junction	Lizard Head Pass	Sierra Madre	

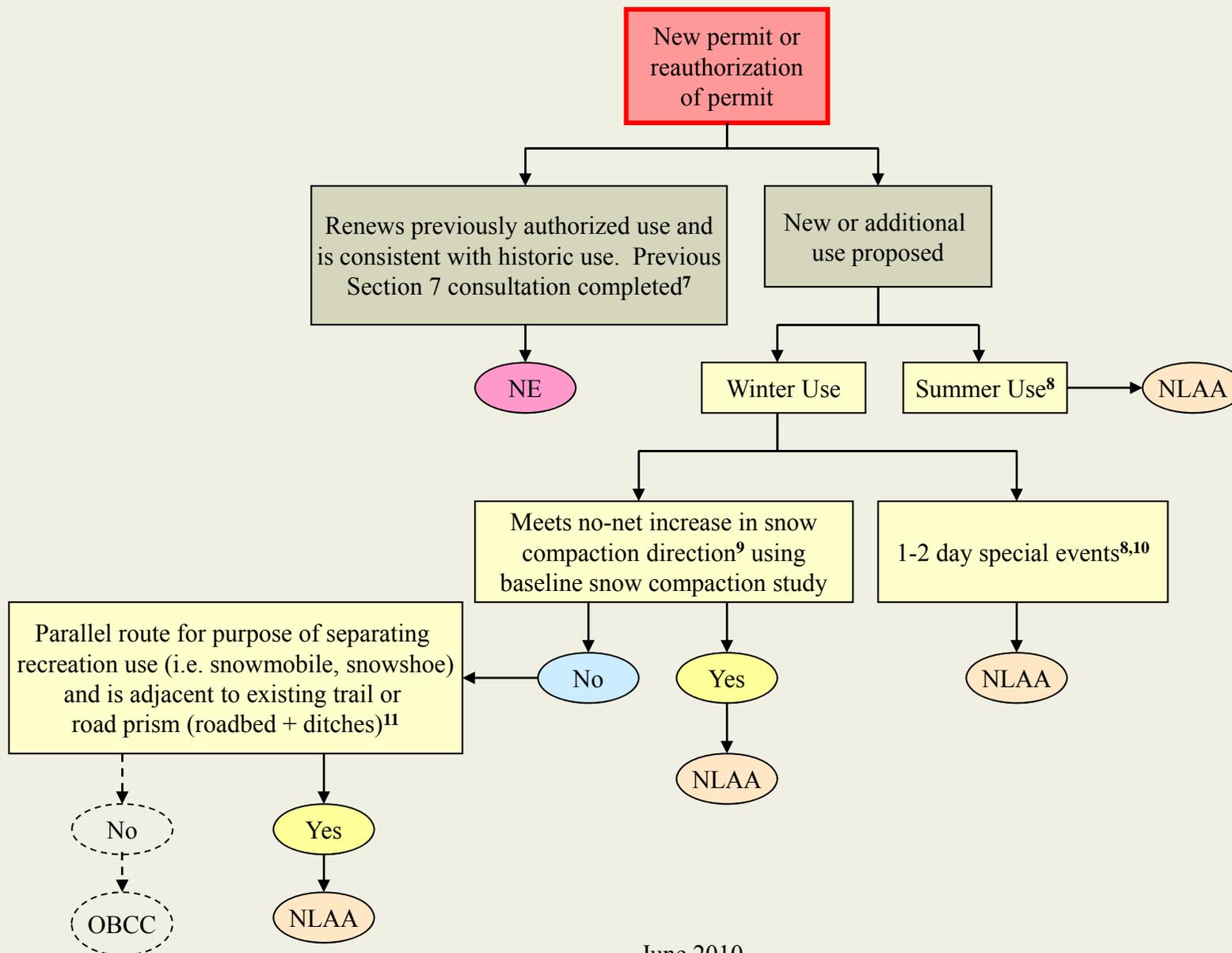
Ski Areas and/or Four-Season Resorts



Explanatory Notes for Screen 3

- ³ The development boundary may not be the same as the permit boundary. In many ski areas or four-season resorts, the permit boundary may be larger than the development boundary.
- ⁴ Most ski area or four-season resort expansions or developments of new ski areas/resorts will require formal consultation, but USFWS requests early discussion of project components, and interrelated and interdependent actions.
- ⁵ Summer maintenance of runs or infrastructure that involve $\leq 1/4$ acres of tree clearing and felling of individual hazard trees within inter-trail islands that provide diurnal security or lynx foraging habitat, and replacement/upgrades of existing infrastructure that occurs within same footprint. Larger scale hazard tree removal projects are considered OBCC.
- ⁶ A lightly dissected area is where there are still large inter-trail islands that may serve as diurnal security or lynx foraging habitat (snowshoe hare habitat).

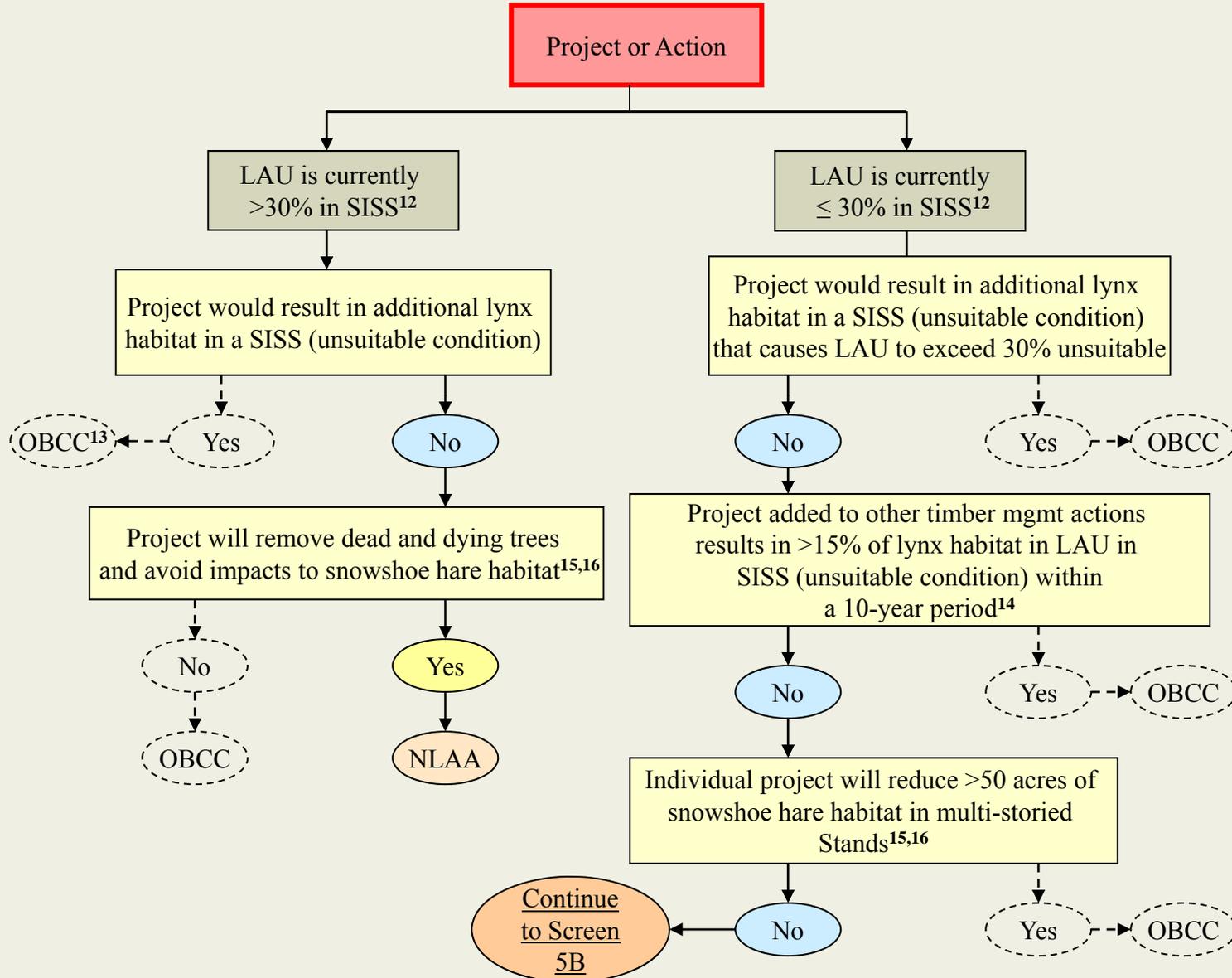
Special Use Permits (Other than ski areas/four-season resorts)



Explanatory Notes for Screen 4

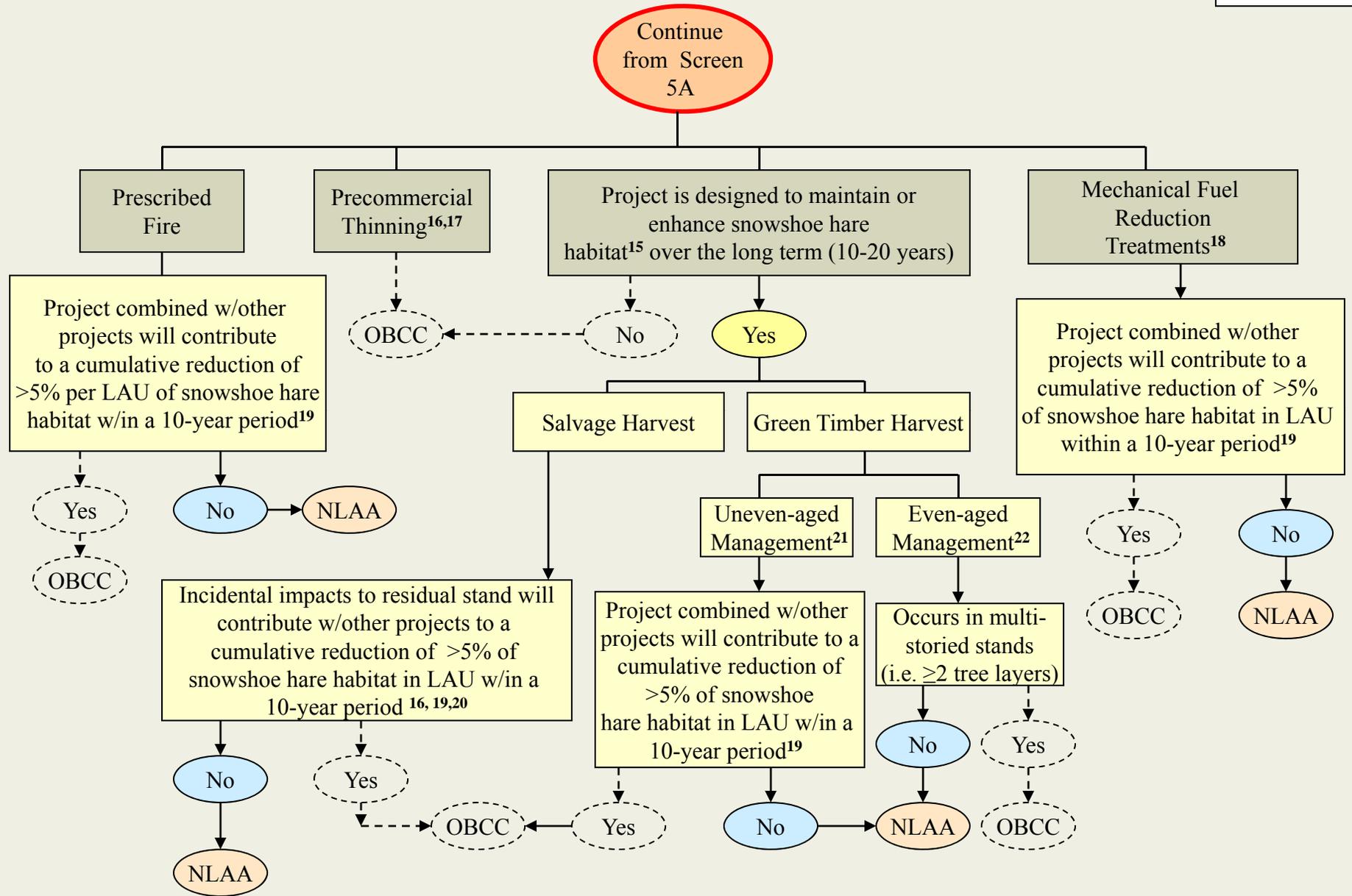
- 7 If new information (i.e. effects not previously considered) has become available since the previous consultation that would lead to a re-evaluation of effects to lynx, a new determination may be necessary.
- 8 Does not involve habitat manipulation.
- 9 Must meet the no-net increase in designated routes guideline from the SRLA (FS) or standard from the LCAS (BLM, NPS). Any new route must be offset with closure of equivalent distance of already designated routes from the baseline areas of consistent snow compaction study unless it serves to consolidate use and improve lynx habitat. This may be calculated on an LAU basis, or on a combination of immediately adjacent LAUs. If a route is included on the baseline areas of consistent snow compaction map, proposed changes in frequency of use or levels of compaction on that route are not considered a net increase in snow compaction. The no net increase in snow compaction guideline/standard does not apply to winter logging or within permitted ski area boundaries. Winter access for non-recreation special uses and mineral and energy development should be limited to designated routes or designated over-the-snow routes.
- 10 If the event will occur using an area that is not previously compacted, the compaction will only occur during the event and will not continue to be compacted in the future.
- 11 Actions that separate winter recreation uses must remain adjacent to existing road or trail prism and be parallel to each other. The intent is that the action should not result in additional effects to lynx.

Vegetation Management

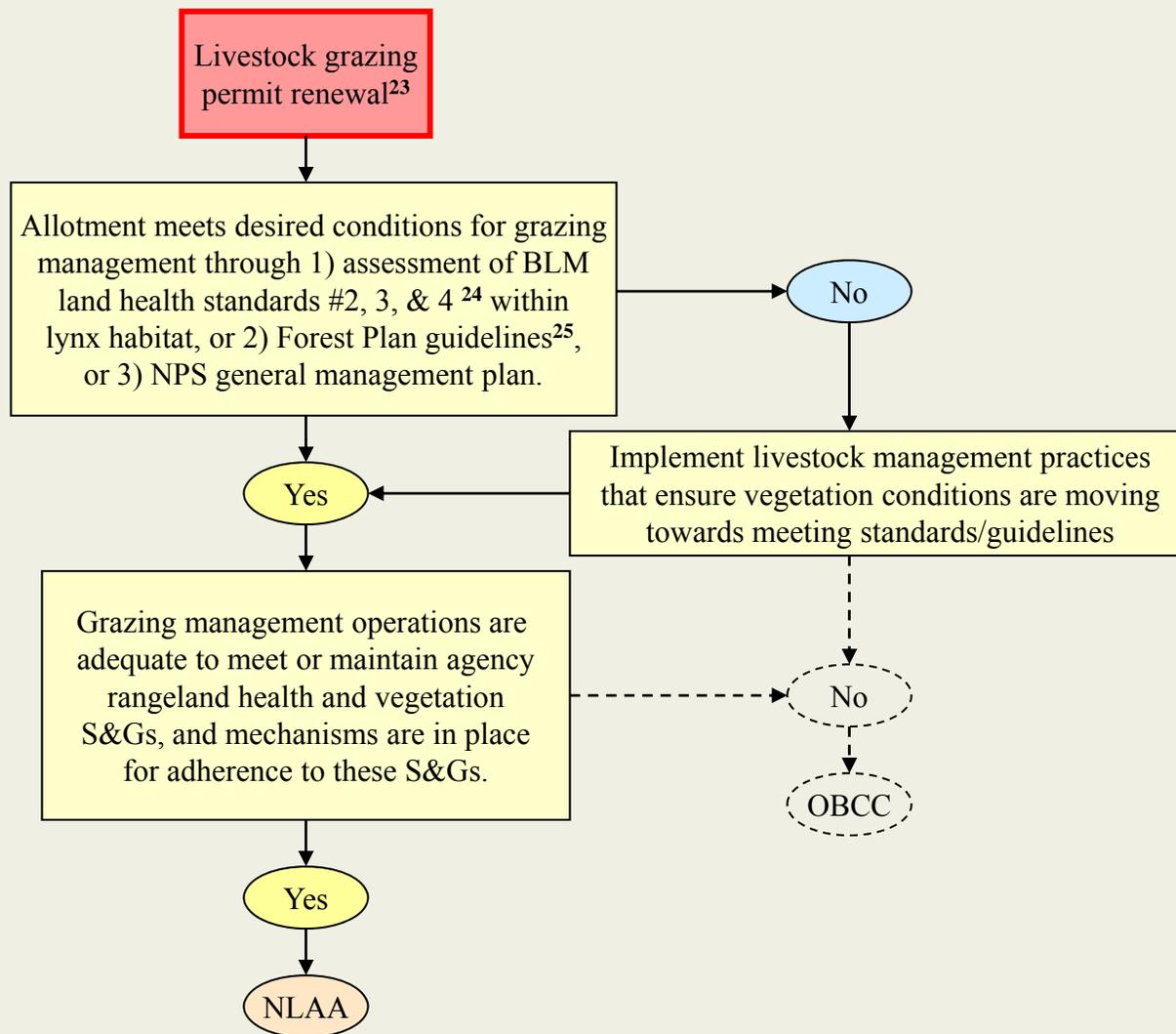


Explanatory Notes for Screens 5A and 5B

- 12 Lynx habitat in a stand initiation structural stage (SISS) is synonymous with currently unsuitable to support snowshoe hares during all seasons. **Use the following formula to determine whether a LAU is under or over the 30% unsuitable/SISS criteria:** % in unsuitable condition = [Acres of currently unsuitable lynx habitat] divided by [total lynx habitat].
- 13 Due to current conditions in the LAU, projects that further reduce suitable lynx habitat are too complex to meet the “simple, straight forward” conditions of the programmatic concurrence and need individual consultation to consider project specific details.
- 14 **To determine whether the 15% standard is met, consider the following :** Assess actions that are currently taking place, and those actions that have occurred in the preceding 10 years, to the date of the final project BA completion. This information is part of the environmental baseline condition.
- 15 Refers to all snowshoe habitat. There are no snowshoe hare habitat thresholds or minimum height requirements of vegetation associated with this screen. Reduce snowshoe hare habitat = reduction in the vegetative components supporting hares (i.e. horizontal cover)
- 16 Forest Service projects that use exceptions or exemptions under the SRLA Biological Opinion are subject to annual reporting requirements. All other SRLA requirements still apply.
- 17 Includes similar activities intended to reduce seedling/sapling density. Forest Service projects that use exceptions or exemptions under the SRLA Biological Opinion are subject to annual reporting requirements. All other SRLA requirements still apply. For BLM and NPS, precommercial thinning is only allowed in stands that no longer provide snowshoe hare habitat, as per LCAS direction.
- 18 Please note that defensible space fuels reduction projects within 200 feet of structures are covered in Prescreen 2.
- 19 **To determine whether the 5% limitation is met, consider the following :** Assess actions that are currently taking place, and those actions that have occurred in the preceding 10 years, to the date of the final project BA completion. Multiple treatment projects are limited to 5% of an LAU, they are not additive.
- 20 Incidental impacts include skid trails, temporary roads, landings, hazard tree removal, trees damaged from felling other trees.
- 21 Uneven-aged timber management develops a stand with trees of three or more distinct ages classes, either intimately mixed or in small groups of 2 acres or less. Group openings do not exceed 20% of the stand in a single treatment entry, but individual tree selection /removal can occur throughout an entire stand or between the groups, if understory is depauperate.
- 22 Even-aged timber management regenerates and maintains a forest stand with predominantly one age class. Clearcutting or shelterwood harvests are two examples of even-aged management.



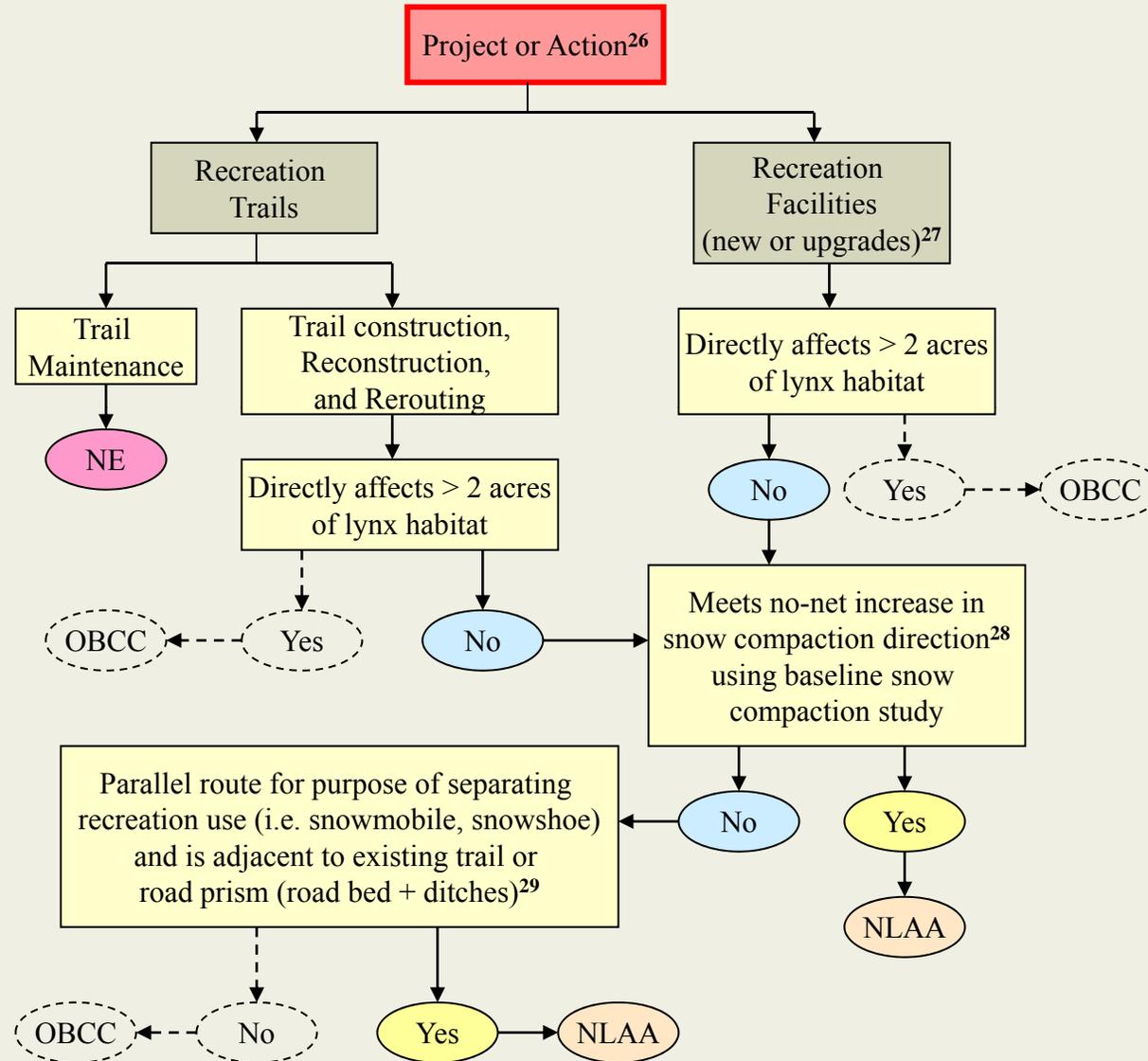
Grazing Management



Explanatory Notes for Screen 6

- ²³ Agency rangeland health standards and guidelines are adequate to maintain the health, productivity and diversity of native vegetation communities that may have importance to lynx or lynx prey. If standards and guidelines are not being met or maintained through existing grazing management, or are not moving towards desired conditions, grazing permit renewal is OBCC.
- ²⁴ BLM standards and guidelines are described in the document titled “Colorado Public Land Health Standards”, published by the Colorado State Office, Bureau of Land Management, Finding of No Significant Impact and Environmental Assessment for Standards for Public Land Health and Guidelines for Livestock Grazing Management, March 1997.
- ²⁵ Forest Service Forest Plan livestock management guidelines are described in the Southern Rockies Lynx Amendment, USDA Forest Service, Rocky Mountain Region, October 2008.

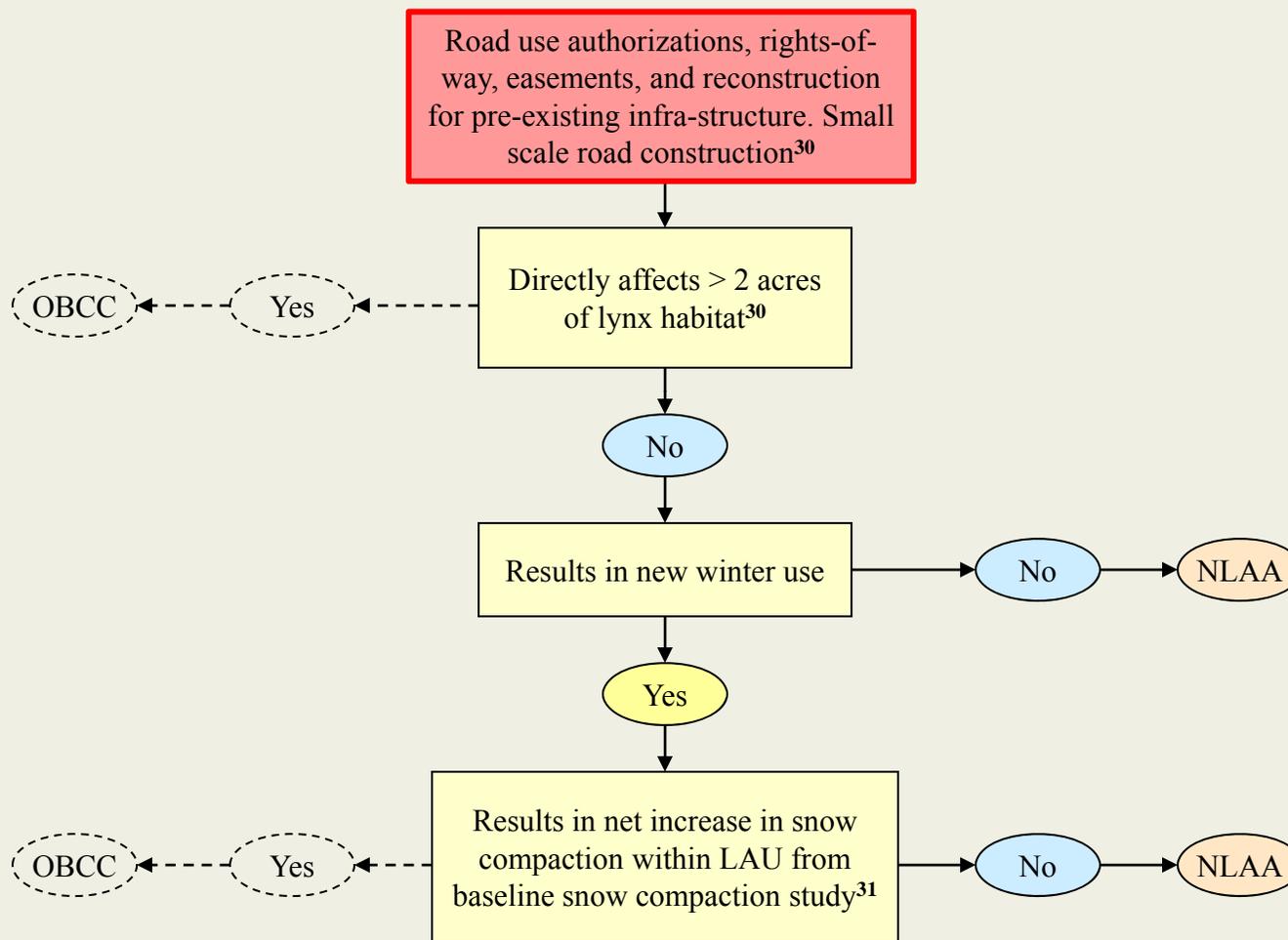
Recreation Management



Explanatory Notes for Screen 7

- ²⁶ Consider the quantity and distribution of habitat within the LAU in site-specific evaluation of effects. In evaluating projects that involve permanent loss of habitat, consider the location in the LAU, and cumulative effects within the LAU.
- ²⁷ Does not apply to facilities within developed Nordic and alpine ski areas or four season resorts (go to Screen 3).
- ²⁸ Must meet the no-net increase in designated routes guideline from the SRLA (FS) or standard from the LCAS (BLM, NPS). Any new route must be offset with closure of equivalent distance of already designated routes from the baseline areas of consistent snow compaction study unless it serves to consolidate use and improve lynx habitat. This may be calculated on an LAU basis, or on a combination of immediately adjacent LAUs. If a route is included on the baseline areas of consistent snow compaction map, proposed changes in frequency of use or levels of compaction on that route are not considered a net increase in snow compaction.
- ²⁹ Actions that separate winter recreation uses must remain adjacent to existing road or trail prism and be parallel to each other. The intent is that the action should not result in additional effects to lynx.

Roads and Rights-of-Way



Explanatory Notes for Screen 8

- ³⁰ The intent of this screen is for permitted use of existing roads, re-authorization of easements and rights-of-ways for pipelines, powerlines, and other utility lines requiring a special use authorization under the jurisdiction of the land managing agency (not county, state, or federal highways). Road construction (< 2 ac) is permissible for access to one SINGLE family summer residence; all others are OBCC.
- Does not include road widening, straightening or paving in a manner that would likely lead to substantial increases in traffic volume or speed, or would foreseeably contribute to development or increases in human activity in lynx habitat. All projects must consider the effects of any interrelated/interdependent or connected actions to lynx or lynx habitat. This may include increases in traffic volume on adjacent roads that result from development of private lands. The threshold of adverse effects is very low in these circumstances and you should contact USFWS for guidance.
- ³¹ Must meet the no-net increase in designated routes guideline from the SRLA (FS) or standard from the LCAS (BLM, NPS). Any new route must be offset with closure of equivalent distance of already designated routes from the baseline areas of consistent snow compaction study unless it serves to consolidate use and improve lynx habitat. This may be calculated on an LAU basis, or on a combination of immediately adjacent LAUs. If a route is included on the baseline areas of consistent snow compaction map, proposed changes in frequency of use or levels of compaction on that route are not considered a net increase in snow compaction. The no net increase in snow compaction guideline/standard does not apply to winter logging or within permitted ski area boundaries. Winter access for non-recreation special uses and mineral and energy development should be limited to designated routes or designated over-the-snow routes.

Acronyms

Acronyms for Determinations of Effect:

NE = No Effect

LAA = Likely to Adversely Affect

NLAA = Not Likely to Adversely Affect

OBCC = Outside Blanket Concurrence Criteria and therefore the proposal does not qualify for the programmatic concurrence and must undergo a separate, traditional section 7 consultation.

DHC = Dense Horizontal Cover

ESA = Endangered Species Act

FHWA = Federal Highway Administration

LAU = Lynx Analysis Unit

LCAS = Lynx Conservation Assessment and Strategy

ROWs = Rights-of-ways

S & Gs = Standards and Guidelines

SISS = Stand Initiation Structural Stage - The stand initiation stage generally develops after a stand-replacing disturbance by fire, insects or regeneration timber harvest. A new single-story layer of shrubs, tree seedlings, and saplings establish and develop, reoccupying the site. Trees that need full sun are likely to dominate these even-aged stands.

SRLA = Southern Rockies Lynx Amendment (USFS)

SUP = Special Use Permit