

Level 1 meeting notes for February 2, 2009

Teleconference: Maura Laverty, Mary Faurot, Caleb Zurstadt, Ally Turner, Rick Edwards, Ana Egnew

Council and Indian Mtn. Allotment Terms and Conditions for Bull Trout

Mary or Ana will ask Bob Giles how the Forest should respond to the permittees. Should the response be a letter signed by Suzanne, or will a meeting with the permittees and formal notes be sufficient? Some sort of documentation of the response needs to be put in the consultation record.

Letter from Roy Mink:

Roy Mink's comments are general opinion statements regarding ESA, bull trout, and impacts to ranching families. The comments were not specific to the Terms and Conditions or other aspects of the BO.

Letters from Justin Mink and Weldon Branch:

There were several questions about how "take" of a redd will be determined, who will make the determination, and if the permittees will be involved.

The process of determining redd "take" will likely go something like this:

1. FS personnel observe livestock in an enclosure and the permittees are notified.
2. Within in one week of the time livestock are observed in the enclosure (likely the same day) FS personnel will look for evidence that a bull trout redd has been trampled by livestock.
3. If FS personnel find evidence that a redd was trampled by livestock than USFWS law enforcement and the permittees will be notified.
4. Proof of "take" would require observing crushed eggs.

AOI will address process for involving permittee in "take" determination process.

If fences are moved the USFWS will be notified, but reinitiating of consultation is not necessary unless the expected effects to bull trout changes.

Ally commented she removed the bull trout redd trampling study from the Term and Condition and put it in the Conservation Measures because it did not reduce the take of bull trout from the action.

There was a comment regarding the Travel Plan, and the permittees are not applicants for this action. They should use another mechanism to comment on this action- i.e., public comment period.

Travel plan closes roads to motorized travel, but permittees could potentially use for administrative use if all other BA mitigations are met.

Most recent version of grazing AOIs will be provided to Ally.

The administrative process that outlines how permittee non-compliance would be triggered will remain in the AOIs and not be added formally to the BO.

Discussed Travel Plan T&Cs for NIDGS.

Ana had proposed some revisions to the T&C descriptions to better fit FS terminology. Allie agreed with the proposed changes. Ana had added a statement that the Technical Team be involved in identifying how to best comply with the T&Cs. L1 Team agreed that they should be involved, but decided not to make that a formal requirement in the T&C.

Ana clarified that the FS had committed to placing information signs on roads through NIDGS sites as a PDF/mitigation measure in lieu of speed limits. Now that the FWS has required that we post advisory speed signs, Ana asked if the FS still needed to post the information signs. It seems redundant and may not be as beneficial to the squirrel. Team decided the advisory speed signs supersede the information sign requirement. FS may still post a few signs for I&E.

Warren Wagon Road Widening Project

Rick would like a clause included in the Federal Action that indicates: "Should 10% or more of base slope disturbance be encountered past that described in the BA, consultation would be reinitiated". Rick says this is a similar clause in other BAs for similar actions. Rick thinks that there will be much more disturbance to the base slope necessary for the project than that described and analyzed by the BA (authored and analyzed by a contractor). Rick will get some sample language to Mary ASAP so she can share it with the FS liaison for the project (Lisa? Dan? Engineering?). Another alternative would be for Rick to include the clause as a Term and Condition in the BO. This option would allow Mary to submit the BA sooner, as it would not have to under go any rewriting.

Mackey Bar diversion

Rick would like to know how many acres are irrigated by the diversion. Mary will try to get that figure to him

Rick would like a description of the effects of the diversion construction – new sill, new intake, new pipes, new screen. What will it look like, what size the screen will be, and an assurance that 10-12 cm of water will remain over the downstream end of the screen to pass fish, and that flow is maintained downstream. Rick is skeptical that with the size of screen he thinks they are going to install, the 10-12 cm and the flow downstream will be maintained. (Low flow of Smith is 4.1 cfs). FERC application indicates a 3x5' bar, Rick thinks their contractor (Holubetz) indicated they would need a 3x8' to get their flow. (Ally gave this a NLAA because there are no bull trout in Smith Creek). We need to determine if a pre-cast trough is going to be used, which will have negligible effects, or if green concrete will be cast into the stream (this is toxic to fish. Rick will send Mary mitigation measures for this but it isn't recommended).

Parks Creek diversion (Eiguren)

The regulatory agencies need to know where the point of diversion will be, since the stream has been rerouted. The action already has a LAA based on potential flow removal – these other requests would add further depth to an already LAA but would not change the determination.

Payette needs to provide an engineering design to NOAA and FWS.. It needs a screen and a metering device. Payette needs to provide a similar description of effects of construction of apparatus to NOAA and FWS. Mary will attempt to get a design from Eiguren/NRCS. If we cannot get the design in a timely manner, we will have to pull this action from the Ongoing and start fresh. The FWS has issued a Draft Biological Opinion on the South Fork Salmon River and this action has been omitted.

Could this be covered under the Emergency Consultation for the EFSFSR? FWS's initial thoughts are that it could not because it is not an imminent threat to life or property.

Next meeting

March 3 and 4 in McCall. Mary is scheduled to be off her detail Feb. 17.

Tentative topics from fisheries:

Cabin Creek Fire emergency consultation wrapup (Rodger)

SFSR /EFSFSR emergency consultation wrapup (Rodger/Mary)

Bear Basin veg (Mary/Rodger)

Final 2/10/09

Nez Perce Tribe road decommission (Mary)
Brundage Placer (Rodger/Mary)
New amended consultation process (all)
Secesh toilet (Rodger/Mary)
Walla Walla Mine (Rodger/Mary)
Patrick Butte fuels (Dale)
Rec Dredging (guest Jim Egnew/Rodger)
Big Creek ford (guest Erin Rohlman/Mary)
Range Monitoring/Weeds (Pete Grinde) (request Weds March 4 in afternoon)