



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Idaho Fish and Wildlife Office – Coeur d’Alene  
3232 West Nursery Road  
Coeur d’Alene, Idaho 83815  
[www.fws.gov/Idaho](http://www.fws.gov/Idaho)



In Reply Refer To:

FWS/IR9/ES/IFWO/2022-E-00420

January 18, 2022

Carl Petrick, Forest Supervisor  
Idaho Panhandle National Forests  
3232 West Nursery Road  
Coeur d’Alene, Idaho 83815

Subject: Amended Biological Opinion addressing the Idaho Panhandle National Forests’  
Land and Resource Management Plan Secure Habitat Correction

Dear Mr. Petrick:

This letter responds to the Idaho Panhandle National Forests’ (Forest) letter dated July 23, 2021, and associated Selkirk / Cabinet-Yaak Grizzly Bear Recovery Zones, 2020 Bear Year Annual Monitoring Summary Report for Colville, Idaho Panhandle, Kootenai, and Lolo National Forests dated July 20, 2021, which were both received by the Service on July 29, 2021. The *2020 Bear Year Annual Monitoring Summary Report* (2020 Annual Report) identified corrections to secure habitat (i.e., the surrogate measure of incidental take). Secure habitat was established in the Biological Opinion (2020 Opinion; Reference No.: 01EIFW00-2020-F-0869; Amended 2020 Opinion: Reference No.: 01EIFW00-2021-F-0068) on the Forest’s *Biological Assessment for the Consultation on the Idaho Panhandle National Forest Land and Resource Management Plan for Grizzly Bears* (LRMP Grizzly Bear Assessment) (USFS 2020). The Forest’s 2020 Annual Report describes the mapping error and the need to correct the environmental baseline condition to secure habitat (p. 35, Table 21). The U.S. Fish and Wildlife Service (Service) has determined that the proposed corrections will not jeopardize the continued existence of the grizzly bear (*Ursus arctos horribilis*) but does require an administrative amendment to the Incidental Take Statement (ITS) included in the Amended 2020 Opinion. We present our rationale below.

A secure habitat mapping error was found in the Mission-Moyie Bears Outside Recovery Zone (BORZ) while initiating consultation on the *Batch Consultation on Bears Outside Recovery Zone Ongoing Projects* (Reference No.: 01EIFW00-2021-I-0652). The Forest buffers roads by 500 meters and assumes that grizzly bears within this buffer zone or “zone of influence” will avoid and/or be displaced from this area. The zone of influence was not applied to two permanent roads (i.e., 2491 (0.8 mile) and 2941UD (0.7 mile)). The areas within the buffer zones of these two permanent roads do not meet the definition of secure habitat in BORZ. This mapping error results in a 61-acre reduction in secure habitat in the Mission-Moyie BORZ that is inappropriate to include in the environmental baseline condition of available secure habitat and requires the Service to correct the Amended 2020 Opinion ITS.

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During consultation on the *Westside Restoration Project*, a typographical error was found in the Pack River BORZ secure habitat baseline percentage (Reference No.: 01EIFW00-2021-F-1462). The secure habitat baseline percentage changed from 37.6 to 35. This error requires the Service to correct the Amended 2020 Opinion ITS to reflect the accurate baseline conditions. The reported linear miles of open and total motorized routes were accurately reported in the 2020 Opinion. Therefore, no correction is needed for open and total linear miles of motorized route baseline conditions. The change in secure habitat baseline conditions only applies to the Mission-Moyie BORZ and Pack River BORZ.

These errors do not cause any changes on the ground nor do they change our effects analysis or biological conclusion. The attached amended Biological Opinion reflects the changes in order to accurately track incidental take and are strictly administrative. Reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if one or more of the below reinitiation criteria are triggered (50 CFR §402.16). We describe briefly why the mapping updates do not trigger reinitiation in the four reinitiation criteria bullets below:

(1) *The amount or extent of incidental take is exceeded.* The amount and extent of incidental take in the Amended 2020 Opinion is changing due to the mapping error that occurred in the Mission-Moyie BORZ associated with the two roads described above; and a typographical error that was discovered in the Pack River BORZ; the nature of these changes is not an exceedance but a correction. These roads were already present on the landscape when the BORZ was created, and bears expanded to this BORZ under existing conditions. Database corrections are one of the exceptions allowed under the 2020 Opinion (p. 79). “The Service anticipates there will be no additional effect to grizzly bears as a result of these baseline corrections because these corrections represent improved information and do not represent any increase in miles of motorized routes beyond those already present on the landscape at the time of BORZ delineation (2020 Opinion, p. 77)”. These database corrections help to offer a more accurate description of the landscape and its current conditions without changing the amount of available secure habitat on the ground. However, it is still important to correct these mapping errors, issue an amended ITS, and amend the Amended 2020 Opinion to replace the previous version. Table 1 and 2 below summarizes the corrections to the Amended 2020 Opinion and the ITS resulting in slight changes to the secure habitat baseline percentage and secure habitat acres.

Table 1. Mission-Moyie BORZ Comparison of Corrections to the Amended 2020 Opinion and Incidental Take

|                                                                            | Amended 2020 Opinion | 2022 Correction Action |
|----------------------------------------------------------------------------|----------------------|------------------------|
| Mission-Moyie Combined Secure Habitat (Acres)<br>(Table 10, p. 54)         | 12,370               | 12,309                 |
| Mission-Moyie Combined Secure Habitat (Percent)<br>(Table 10, p. 54)       | 13.6                 | 13.6                   |
| Mission-Moyie Combined Baseline Condition, 2019 (acres) (Table 14, p. 127) | 12,370               | 12,309                 |

|                                                                                                      |             |                    |             |                    |
|------------------------------------------------------------------------------------------------------|-------------|--------------------|-------------|--------------------|
| Mission-Moyie Combined 2 Percent Exempted Loss of Secure Habitat ( <i>Table 14, p. 127</i> ) (acres) | 247.4       |                    | 246.2       |                    |
| Secure Habitat (Acres) ( <i>Appendix B, p. 155</i> )                                                 | 12,370      |                    | 12,309      |                    |
|                                                                                                      | # of Blocks | Acres <sup>1</sup> | # of Blocks | Acres <sup>1</sup> |
| Block Size Range (Acres) from 1 to 53 acres ( <i>Appendix B, p. 155</i> )                            | 32          | 409                | 33          | 454                |
| Block Size Range (Acres) from 110 to 445 acres ( <i>Appendix B, p. 155</i> )                         | 9           | 2,113              | 10          | 2,558              |
| Block Size Range (Acres) from 596 to 998 acres ( <i>Appendix B, p. 155</i> )                         | 7           | 5,188              | 6           | 4,637              |
| Block Size Range (Acres) from 1303 to 1760 acres ( <i>Appendix B, p. 155</i> )                       | 3           | 4,658              | 3           | 4,658              |

<sup>1</sup>When secure habitat in the Mission-Moyie BORZ is broken down to only the number of acres in block sizes ranging from 1 to 1,760, the calculated acres are rounded. This variation in rounding when block sizes are broken down explains why the acres are not 12,370 and 12,309, or just 61 acres less than previously reported.

Table 2. Pack River BORZ Comparison of Corrections to the Amended 2020 Opinion and Incidental Take

|                                                                                                   | Amended 2020 Opinion |                    | 2022 Correction Action |                    |
|---------------------------------------------------------------------------------------------------|----------------------|--------------------|------------------------|--------------------|
| Pack River Combined Secure Habitat (Acres) ( <i>Table 10, p. 54</i> )                             | 13,546               |                    | 13,546                 |                    |
| Pack River Combined Secure Habitat (Percent) ( <i>Table 10, p. 54</i> )                           | 37.6                 |                    | 35                     |                    |
| Pack River Combined Baseline Condition, 2019 (acres) ( <i>Table 14, p. 127</i> )                  | 13,546               |                    | 13,546                 |                    |
| Pack River Combined 2 Percent Exempted Loss of Secure Habitat ( <i>Table 14, p. 127</i> ) (acres) | 270.9                |                    | 270.9                  |                    |
| Secure Habitat (Acres) ( <i>Appendix B, p. 154</i> )                                              | 13,546               |                    | 13,546                 |                    |
|                                                                                                   | # of Blocks          | Acres <sup>1</sup> | # of Blocks            | Acres <sup>1</sup> |
| Block Size Range (Acres) from 1 to 52 acres ( <i>Appendix B, p. 154</i> )                         | 14                   | 279                | 14                     | 279                |
| Block Size Range (Acres) from 98 to 551 acres ( <i>Appendix B, p. 154</i> )                       | 4                    | 935                | 4                      | 935                |
| Block Size Range (Acres) from 1,747 to 4,382 acres ( <i>Appendix B, p. 154</i> )                  | 4                    | 12,331             | 4                      | 12,331             |

(2) *New information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion.* We published a Species Status Assessment (SSA) for the grizzly bear and an updated 5-year status review this past year (USFWS 2021a and 2021b). These documents do not include new information that will trigger reinitiation, as the relevant information contained therein was also included in our analysis. For example, the SSA discusses stressors relating to motorized access, which was included extensively in our 2020 Opinion analysis. The SSA analysis used a condition category table with possible resiliency results of high, moderate, low, very low, and functionally extirpated (USFWS 2021a, p. 13). The analysis included Bear Management Unit occupancy within recovery zones, habitat, and demographic factors across the ecosystem. The Service concluded that the Selkirk Ecosystem is in moderate current condition and the Cabinet-Yaak Ecosystem (CYE) is in low current condition (USFWS 2021a, pp. 220-222). Current condition in these two recovery units were influenced by lower levels of large intact blocks of habitat as a result of not yet meeting the motorized access standards. Our 2020 Opinion identified that achieving motorized access standards will improve habitat security and related demographics for grizzly bears. The CYE future condition will improve from low to moderate when it meets the standards and will improve resiliency for the species (USFWS 2021a, pp. 237-238). In other words, the SSA incorporates the same information available to us during our issuance of the 2020 Opinion and arrives at the same conclusions presented in a different framework. The updated 5-year status review relies on and incorporates the SSA stressors within the five-factor analysis framework. Our recommendations in the 5-year review that the grizzly bear in the lower-48 States retains its status as a threatened species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; [Act]) did not change from our 2011 review. These new documents do not provide new information that reveals effects of the action in a manner or extent not previously considered.

(3) *The agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion.* The Forest's action is not changing.

(4) *A new species is listed or critical habitat designated that may be affected by the action.* No new species have been listed or critical habitat designated in the action area since the 2020 Opinion.

The Service has determined that the proposed corrections will not jeopardize the continued existence of the grizzly bear. Our findings in the August 13, 2020 transmittal letter for the 2020 Opinion for species other than grizzly bear remain unchanged. The attached amended 2022 Opinion supersedes and replaces all previous biological opinions on the LRMP with respect to the grizzly bear.

Thank you for your continued interest in the conservation of threatened and endangered species. Please contact Shannon Brinkman of this office at [shannon\\_brinkman@fws.gov](mailto:shannon_brinkman@fws.gov) if you have any questions regarding this consultation.

Sincerely,

*Patricia C. Johnson-Hughes*

for Christopher Swanson  
State Supervisor

Enclosures

- (1) The original August 13, 2020 transmittal letter for the 2020 Opinion.
- (2) The updated October 27, 2020 transmittal letter for the Amended 2020 Opinion.
- (3) The 2022 amended version of the Opinion to replace previous version.

cc: IDFG, Panhandle (Horsmon)