Appendix H: Biological Assessment

H.1 INRODUCTION

The following is the biological assessment (BA), and cover letter to the USDI Fish and Wildlife Service, for Terrestrial Wildlife Species for the Custer National Forest Ashland Travel Management Final Environmental Impact Statement.

United States Department of Agriculture | Forest Service | Custer National Forest | 1310 Main Street Billings, MT 59105

File Code: 2670

Date: SEP - 9 2008

Mark Wilson
USFWS – Montana Field Office
585 Shepard Way
Helena, MT 59601

Dear Mr. Wilson:

Attached are the biological assessments (BAs) for the Ashland and Sioux Ranger Districts Travel Management Environmental Impact Statements for your review. Thomas Whitford, Forest Wildlife Biologist, has previously discussed these projects with Lou Hanebury from the US Fish, Wildlife Service, Billings Field Sub-Office. Lou verbally concurred with the BA effects determinations on July 24, 2008.

If you have questions or comments please contact Thomas Whitford at (406) 657-6205 ext 202. A written letter from your office for our project file would be appreciated.

Sincerely,

STEVE E. WILLIAMS
Forest Supervisor

Enclosure

BIOLOGICAL ASSESSMENT

FOR

TERRESTRIAL WILDLIFE SPECIES

Ashland Travel Management

Ashland Ranger District
Custer National Forest

Prepared By:

/s/ Thomas Whitford — 8/28/2008
Thomas Whitford – Forest Biologist — Date

Reviewed By:

/s/ Mark Slacks — 8/29/2008
Mark Slacks – Environmental Coordinator — Date

SUMMARY

Determination of Effects

Implementation of the proposed Federal action would be a ***may affect but is not likely to adversely affect*** the Black-footed Ferret.

Consultation Requirements

In accordance with the Endangered Species Act (ESA), its implementation regulations, and FSM 2671.4, the Custer National Forest is required to request written concurrence from the United States Fish and Wildlife Service (FWS) with respect to determinations of potential effects on Black-footed Ferrets on this area of the Forest.

Need For Re-Assessment Based on Changed Conditions

The Biological Assessment findings are based on best available data and scientific information available. A revised Biological Assessment must be prepared if: (1) new information reveals affects which may impact threatened, endangered, and proposed species or their habitats in a manner or to an extent not considered in this assessment; (2) the proposed action is subsequently modified in a manner that causes an affect which was not considered in this assessment; or (3) a new species is listed or habitat identified which may be affected by this action.

INTRODUCTION

The purpose of this Biological Assessment is to review the possible effects of the proposed federal action on threatened, endangered, and proposed species and their habitats. Threatened, endangered, and proposed species are managed under the authority of the Federal Endangered Species Act (PL 93-205, as amended) and the National Forest Management Act (PL 94-588). Under provisions of the Endangered Species Act (ESA), Federal agencies shall use their authorities to carry out programs for the conservation of listed species, and shall insure any action authorized, funded, or implemented by the agency is not likely to: (1) adversely affect listed species or designated critical habitat; (2) jeopardize the continued existence of proposed species; or (3) adversely modify proposed critical habitat (16 USC 1536).

This biological assessment analyses the potential effects of the proposed action on all threatened, endangered, and proposed species known or suspected to occur in the proposed action influence area (Table 1). This species list was verified in March 2008 (US Fish and Wildlife Service 2008).

Table 1. Threatened, Endangered, and Proposed Species Known or Suspected to Occur Within the Influence Area of the Proposed Action.

Species	Status	Occurrence
Black-footed Ferret *(Mustela nigripes)*	Endangered	Not Present

The bald eagle was determined to be recovered and was delisted effective August 8, 2007. Consultation on effects of proposed Federal actions on this species is therefore no longer required. Verbal concurrence with the effects determination for Black-footed Ferret was received from Lou Hanebury of the U.S. Fish and Wildlife Service on July 24, 2008. A copy of this BA will be sent to the USFWS Montana State Office for written concurrence.

PROPOSED PROJECT

The Ashland Ranger District of the Custer National Forest proposes to designate a system of roads and trails on the District for motorized public use. The Proposed Action consists of designating a system of motorized routes that provides the public with motorized recreation opportunities, while addressing resource concerns, recreation opportunity concerns, and/or reducing the potential for vandalism of improvements. Each system and non-system route was evaluated based on administrative, utilization (including recreation), resource, and protection needs and concerns to determine the disposition of the route. In compliance with the 2005 Motorized Travel Rule guidance, this alternative does not include designation of any routes for which the Forest Service does not have a legal right-of-way for public use.

In general, primary travelways included in this alternative would be designated as roads, or where appropriate, as mixed motorized use roads, and all other routes would be designated as motorized trails or mixed motorized use roads.

A season of use would be designated on certain routes to provide increased opportunities for, and quality of, non-motorized hunting experiences.

Designation of motorized trails under this alternative is intended to: 1) expand opportunities for motorized recreation opportunities, and 2) more accurately describe the characteristics and nature of these routes. In other words, these routes do not display characteristics associated with roads, such as surfacing, engineering, and prescribed clearing widths. They are in many cases very primitive.

All routes currently exist on the ground and are either currently in the National Forest System or are unauthorized (non-system) routes. A total of 883 miles of routes were considered by the analysis. A total of 543 miles of routes would be designated for public motorized use. Another 175 miles would remain available for administrative use only. No cross-country travel areas or construction of new routes is proposed. The proposed action does not include winter over-the-snow activity.

SPECIES ASSESSMENT

Regulatory Framework – Black-footed Ferret

The black-footed ferret was listed as a federally endangered species under the Endangered Species Act (ESA) in March 1967. The recovery plan for the black-footed ferret (USFWS 1988) established the national recovery objectives which are to: increase the captive population of ferrets to 200 breeding adults by 1991; establish a prebreeding census population of 1,500 free-ranging breeding adults in 10 or more different populations with no fewer than 30 breeding adults in each population by the year 2010; and encourage the widest possible distribution of reintroduced animals throughout their historic range (Federal Register 1996). So far, reintroduction attempts have occurred in Wyoming, Montana, South Dakota, Colorado, and Utah. In January 2002, the Conservation Plan for Black-tailed and White-tailed Prairie Dogs in Montana was approved and implemented in Montana (MTFWP 2002). The overall goal of the plan is to "provide for management of prairie dogs populations and habitats to ensure long-term viability of prairie dogs and associated species" which included black-footed ferrets (MTFWP 2002). In 2002 an annual rule regulating prairie dog shooting on public lands was implemented by the State where prairie dogs could not be shot on public lands from March 1 thru May 31. The no shooting rule was permanently remanded in 2007 so prairie dog shooting on most

public land remains open. On January 24, 2008, the U.S. Fish and Wildlife Service reintroduced 8 black-footed ferrets on the Northern Cheyenne Indian Reservation. The nearest release site was about seven miles from the Ashland Ranger District. More ferret releases are scheduled on Tribal lands in Fall 2008 or Winter 2009.

Affected Environment – Black-footed ferret

Black-footed ferrets are intimately tied to prairie dog colonies throughout their range. Research from ferret-occupied prairie dog colonies indicates that the most important attribute of ferret habitat is the distribution and abundance of prairie dogs. Ferrets are therefore limited to the same open habitat used by prairie dogs: grasslands, steppe, and shrub steppe (MTNHP 2008). To support a viable population of ferrets, a prairie dog colony complex of 2500-3000 ha (6,200-7,400 acres) composed of individual colonies at least 12 ha (30 acres) in size, with the majority 50 ha (125 acres) or larger, is needed (Forrest et al., 1985, p. 28). Miller et. al. (1996) found that females with young have never been found on prairie dog colonies less than 49 ha (121 acres). No black-footed ferrets have been documented on the Ranger District since 1936.

Currently there are about 1,088 acres of active black-tailed prairie dog (*Cynomys ludovicianus*) colonies on NFS lands which occupy 0.3% of the 435,822 acres on the Ashland Ranger District. Of the 1,088 acres of colonies, no prairie dog colonies are greater than or equal to 120 acres which is the size required to support one female ferret with young. The four largest colonies range from75 to 114 acres with an average of 19 acres.

The colony acreage on NFS lands and the distribution pattern of towns is currently inadequate to support black-footed ferrets. As of August 12, 2004 the USFWS removed the black-tailed prairie dog as a candidate for listing under the Endangered Species Act. The black-tailed prairie dog is considered as a USFS Northern Region Sensitive species. Approximately 504 acres (46%) of occupied prairie dog habitat falls within 100 feet of an open motorized route for each alternative. This portion of the total acres of available prey for black-footed ferrets may be more vulnerable to recreational shooting. However since 2003 when black-tailed prairie dogs were first monitored in the project area, the amount of occupied habitat has increased approximately 50 to 100 acres per year.

Environmental Consequences – Threatened And Endangered Species: Black-footed Ferret

Direct and Indirect Effects – Black-footed Ferret

The presence of roads and trails represents a direct loss of habitat that has already occurred, and their use can pose a direct threat of black-footed ferret mortality from vehicles. However, black-footed ferrets are not known to occur in the area and the project area does not support an adequate preybase of prairie dogs to support ferrets. Indirectly, the impacts of roads include increased access for prairie dog shooters that could have a negative impact on prey density. However since 2003 when black-tailed prairie dogs were first monitored in the project area, the amount of occupied habitat has increased approximately 50 to 100 acres per year.

Effects Common to All Alternatives. Direct habitat loss would not increase under any alternative because construction of new routes is not proposed. None of the alternatives analyzed in detail propose increased access to black-footed ferret or black-tailed prairie dog habitat. All of the alternatives provide the same amount of access to prairie dog colonies.

Vehicle-related black-footed ferret mortality is unlikely given the relatively low speeds and traffic volumes on National Forest system roads and the lack of ferrets and adequate habitat.

No vegetation treatment is proposed with this analysis and the components of available habitat would not change.

Alternative A, Alternative B and No Action Alternative. The availability of black-footed ferret habitat would be effectively the same under Alternatives A, B, and the No Action.

Cumulative Effects – Black-footed Ferret

Based on the past and current vegetation management on the District, including timber harvest, livestock grazing, prescribed fire, the invasive species program, and other vegetation projects, grassland/shrub steppe vegetation conditions provide some habitat for black-footed ferret and their preferred prey species, black-tailed prairie dogs. The impacts of different types of dispersed recreation including the outfitter/guide program; hunting; recreational shooting; fire suppression; and the lands, minerals, and non-recreation special use programs on the District have been minor. Given that anticipated direct and indirect effects to black-footed ferrets and habitats from any of the alternatives is small, cumulative effects of past, present, and reasonably foreseeable future activities is also expected to be small.

Consistency with Laws, Regulations, and Policy

All alternatives are consistent with the laws, regulations, policy, and Federal, Regional, and State direction, the Custer National Forest Land and Resource Management Plan, and the conservation Plan for Black-tailed and White-tailed Prairie dogs in Montana (2002).

Determination of Effects – Black-footed Ferret

I have determined implementation of the proposed Federal Action **MAY AFFECT, BUT IS NOT LIKELY TO ADVERSELY AFFECT THE BLACK-FOOTED FERRET OR THEIR HABITAT.** My determination is based on the following rationale: 1) black-footed ferrets are not known to occur in the area; 2) the project area does not support an adequate preybase to support ferrets; 3) the amount of occupied black-tailed prairie dog habitat continues to increase each year; 4) direct habitat loss would not increase under any alternative because construction of new routes is not proposed; and 5) none of the alternatives propose increased access to black-footed ferret or black-tailed prairie dog habitat. I have also determined implementation of the proposed Federal Action **MAY IMPACT INDIVIDUALS OR HABITAT BUT IS NOT LIKELY TO CAUSE A TREND TO FEDERAL LISTING OR LOSS OF VIABILITY FOR BLACK-TAILED PRAIRIE DOGS.** My determination is based on the above rationale for ferrets along with the fact that prairie dogs will continue to be killed by recreational shooting until the State imposes an anti-shooting rule.

Recommendations for Removing, Avoiding, or Compensating Adverse Effects

None necessary.

REFERENCES

Federal Register, Volume 61, Number 55, March 20, 1996. 50 CFR Part 17, Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of Black-footed Ferrets in Aubrey Valley, Arizona.

Forrest, S.C., D.E. Biggins, L. Richardson, T.W Clark, T.M. Campbell III, K.A. Fagerstone, and E.T. Thorne. 1988. Population attributes for the black-footed ferret (*Mustela nigripes*) at Meeteetse, Wyoming, 1981-1985. J. Mamm. 69(2):261-273.

Miller, B., R.P. Reading, and S. Forrest. 1996. Prairie Night. Smithsonian Institute Press. Washington D.C. 320 pp. Cited in Montana Field Guide. (http://fieldguide.mt.gov/detail_AMAJF02040.aspx)

MTFWP. 2002. Conservation Plan for Black-tailed and White-tailed Prairie Dogs in Montana. Montana Prairie Dog Working Group. 51 pp.

MTNHP. 2008. Species of Concern Report. Montana Natural Heritage Program website. (http://nhp.nris.state.mt.us/SpeciesOfConcern/Default.aspx)

USFWS. 1988. Black-footed Ferret Recovery Plan. U.S. Fish and Wildlife Service, Denver, CO. 154 pp.

U.S. Fish and Wildlife Service. March 2008. http://www.fws.gov/montanafieldoffice/Endangered_Species/Listed_Species.html

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