



United States Department of the Interior

Fish and Wildlife Service
Montana Ecological Services Office
585 Shephard Way, Suite 1
Helena, Montana 59601-6287



In reply refer to:

File: M19 Bitterroot National Forest (I)
06E11000-2020-F-0024 Piquett Creek

February 20, 2020

Seth Carbonari, West Fork District Ranger
Bitterroot National Forest
6735 West Fork Rd
Darby, Montana 59829

Dear Mr. Carbonari:

Thank you for your February, 18, 2020, request for U.S. Fish and Wildlife Service (Service) review and consultation on the Piquett Creek Project (Project). Effects of the Project were analyzed for federally listed grizzly bears (*Ursus arctos horribilis*) and Canada lynx (*Lynx canadensis*). The Bitterroot National Forest (Forest) determined that the Project *may affect but is not likely to adversely affect* grizzly bears. The proposed action is located south of Darby Montana, on the West Fork Ranger District, in Ravalli County, Montana. A thorough description of the project, which is designed to treat forested vegetation and fuels with a combination of commercial and non-commercial thinning plus prescribed fire, was provided in the biological assessments provided by the Forest, and is incorporated by reference.

We note that bull trout consultation has already occurred for this project. The Forest initially requested formal consultation for the project on September 5, 2019, and we issued a biological opinion for bull trout and concurrence for bull trout critical habitat on December 10, 2019. The Forest did not initially request consultation for grizzly bears. However, the Service updated maps in late 2019 to indicate grizzly bears “may be present” on the Bitterroot National Forest west of Highway 93, including in the project area. Furthermore, a letter from the Service to the Forest on January 21, 2020, confirmed that the current Endangered Species Act (ESA) section 10j rule for grizzly bears in the Bitterroot Grizzly Bear Experimental Population Area (BGBEPA), 50 CFR § 17.84(1), does not apply to grizzly bears that have dispersed into the BGBEPA on their own. Thus, the Forest needed to consider the effects of the proposed action for the Piquett Creek Project on grizzly bears.

Grizzly Bears

The action area lies completely outside of the grizzly bear recovery zones although grizzly bear populations in both the Yellowstone Grizzly Bear Ecosystem (YGBE) and the Northern Continental Divide Ecosystem (NCDE) continue to expand their range. While grizzly bears have not been confirmed within the action area recently, a few grizzly bears have been confirmed passing through areas north of the action area on the Bitterroot National Forest. Thus, it is possible that grizzly bears may be present and may travel through the action area as transients at some time during the life of the Project. Due to the very low number of confirmed bear occurrences surrounding the action area, the potential for disturbance from the Project is unlikely and discountable. However, if a grizzly bear were to occur in the immediate vicinity of the proposed activity, localized disturbance effects that would be temporary and insignificant may occur. Any such disturbance is not expected to reduce an individual grizzly bear's ability to move through the area.

A temporary reduction in cover will occur on approximately 3% of the action area. While the amount of cover may decrease temporarily, it is expected that the remaining habitat within the action area would continue to provide an adequate amount of cover (approximately 55 percent of the action area) for grizzly bears that may move through the area. Where a reduction in forested cover will occur, forage availability is likely to increase within treatment areas as opening the canopies would stimulate the understory growth of grasses, forbs, and shrubs, thus enhancing the forage value for grizzly bears and grizzly bear prey. The project would have negligible effects to typical grizzly bear food sources such as big game animals and would not affect whitebark pine. Cover and forage availability, as well as grizzly bear use, will vary over time and by site, however adverse effects are not anticipated. In summary, the effects of the proposed action on grizzly bear cover and forage would be insignificant. No project implementation activities would occur within denning habitat. Thus, no effects to denning habitat are expected. All activities associated with the Project would be subject to the project's food storage requirements, thus reducing the potential for human/grizzly bear conflicts. With such measures taken to minimize the potential for grizzly bear-human conflicts, the effects of such conflicts are expected to be discountable.

The effects of displacement and under-use of habitat related to access management are tempered by local resource availability, resource condition, seasonal use, and the number of grizzly bears using an area. Currently, the number of grizzly bears using the action area is very low to none and numbers will increase relatively slowly over time. This is especially true for female grizzly bears. As described in Proctor et al. (2012), males typically move more frequently and over longer distances than females. Males have large home ranges and establish home ranges nearly three times further away from their mother's home ranges than do female offspring. Females usually establish smaller home ranges than males that overlap with their mother's home range (Waser and Jones 1983; Schwartz et al. 2003). In doing so, they generally disperse over much shorter distances than male grizzly bears (McLellan and Hovey 2001; Proctor et al. 2004). Therefore, female dispersal is a multi-generational process where females must live year-round in an area, successfully reproduce, and offspring disperse into adjacent, unoccupied habitat. Thus, female grizzly bear presence in the action area is likely to increase only slowly, as population pressure from the NCDE and/or the YGBE continues to grow. The earliest detections

of grizzly bears from the NCDE found in the intervening area between the NCDE and the YBGE were male, and males make up most of the known occurrences in this region (Mace and Roberts 2012, Peck et al. 2017). Male grizzly bears have larger home ranges than females, and males and subadults are independent, more mobile, and do not have the same energetic needs as adult females. In general, while displacement from roads may affect behavioral patterns of males and subadults, such as feeding or sheltering, we do not anticipate such effects to be significant to subadult or male grizzly bears.

Under-use of habitat in proximity to Forest roads by grizzly bears does not necessarily preclude use or form a barrier to dispersal and movement across the landscape. Until numbers substantially increase, grizzly bears that may be present and/or moving into the action area in the near future would not likely face significant competition for habitat and resources from other grizzly bears. Thus, displacement from quality habitat is not likely to result in adverse effects to individuals, as they are likely to have options to move to other areas to find resources. Based on the low to no use of the action area by grizzly bears and considering the low levels of intra-specific competition, if a grizzly bear were to be using the action area, we do not expect effects to rise to levels of injury (through displacement) by high road densities at this time. Thus, the existing access condition and proposed temporary road construction and use within the action area are not likely to result in adverse effects to grizzly bears. Adverse effects to grizzly bears related to access management would only be expected if, and when, female grizzly bears begin using the action area.

The biological opinion and incidental take statement for the Bitterroot Forest Plan (U.S. Fish and Wildlife Service 2019) does not cover the action area for the Piquett Creek Project, and thus if female grizzly bears begin using the action area while the Project is still being implemented, the Forest will need to reinitiate consultation and request a biological opinion and incidental take statement, if needed.

In summary, as described in the biological assessment for the Project, it is extremely unlikely that a grizzly bear would be in the action area, and even less likely to be in the smaller project implementation area. If a grizzly bear were to be present within the project or action area during implementation, any effects are expected to be insignificant and/or discountable. The biological assessment provides further discussion on the effects of the proposed action.

Canada lynx

The proposed action is located within unoccupied, secondary Canada lynx habitat or a 'secondary area' as defined in the Canada Lynx Recovery Outline (U.S. Fish and Wildlife Service 2005) and Revised Canada Lynx Conservation Assessment and Strategy (Interagency Lynx Biology Team 2013). Secondary areas only support lynx intermittently and any lynx use of the action area would be considered transient. Verified observations of lynx within the action area have not occurred in over 35 years and lynx are not likely to be found in the action area during proposed activities. Therefore, the likelihood of disturbance to transient lynx is discountable. If transient lynx were to be in a project area during implementation, the potential

disturbance is not expected to result in significant effects or reduce an individual's ability to move through the area. In addition, the Project occurs mostly outside of mapped lynx habitat.

The Piquett Project intersects two Lynx Analysis Units (LAUs), the Rock-Ward LAU and the Piquett-Black LAU. Some small areas of mapped lynx habitat may be treated, none of which current provides snowshoe hare habitat (i.e. no treatments in stand initiation hare habitat or in multi-storied hare habitat). The effects to lynx habitat would be very minimal and would not significantly affect how transient lynx would use the habitat. The Northern Rockies Lynx Management Direction was considered for the proposed action and applicable standards and guidelines will be met. The proposed action would not impede lynx movement and does not reduce habitat connectivity. Treatments are not expected to preclude any future use of the area by transient lynx. Consequently, effects to lynx would be discountable and/or insignificant.

Conclusion

Upon review of the biological assessment, the Service concurs with the Forest's determinations that the Project *may affect, but is not likely to adversely affect* the threatened grizzly bear or threatened Canada lynx. The Service bases its concurrence on the information and analysis in the biological assessment prepared by Justin Martens, Wildlife Biologist, and information in our files.

This Project should be re-analyzed if new information reveals effects of the action that may affect listed or proposed species or designated or proposed critical habitat in a manner or to an extent not considered in this consultation; if the action is subsequently modified in a manner that causes an effect to a listed or proposed species or designated or proposed critical habitat that was not considered in this consultation; and/or, if a new species is proposed or listed or critical habitat is proposed or designated that may be affected by this project.

This concludes informal consultation pursuant to the regulations implementing section 7(a) (2) of the Endangered Species Act, 50 C.F.R. 402.13. We appreciate your efforts to ensure the conservation of threatened and endangered species as part of our joint responsibilities under the Act. If you have questions or comments related to this consultation, please contact Carly Lewis (USFS/USFWS Liaison) at carly_lewis@fws.gov or (406) 329-3091. Otherwise, please coordinate with the Montana Ecological Services Office.

Sincerely,



for Jodi L. Bush
Office Supervisor

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