# United States Department of the Interior

## U.S. Fish and Wildlife Service

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Keith B. Lannom, Forest Supervisor
Payette National Forest
500 North Mission Street
McCall, Idaho 83683

DEC 0 4 2017

Subject: Middle Fork Weiser River Landscape Restoration Project on the Payette National Forest—Adams County, Idaho—Concurrence
In Reply Refer To: 01EIFW00-2018-I-0146

Dear Mr. Lannom:

This letter transmits the U.S. Fish and Wildlife Service's (Service) concurrence on the effects to species listed under the Endangered Species Act (Act) of 1973 (amended) for the Middle Fork Weiser River Landscape Restoration Project (Project) on the Payette National Forest (Forest), Idaho. In a letter dated November 15, 2017 and received by the Service on November 16, the Forest requested concurrence with the determinations, documented in your Biological Assessment (Assessment), that the proposed action is not likely to adversely affect the bull trout (*Salvelinus confluentus*), its designated critical habitat, the northern Idaho ground squirrel (*Urocitellus brunneus*), or the Canada lynx (*Lynx canadensis*). Concurrence with your determinations is detailed below. You also determined that the project is not likely to jeopardize the continued existence of the wolverine (*Gulo gulo luscus*), and the Service acknowledges this determination.

**Description of the Proposed Action**

The Project area is located approximately six miles outside of Council, Idaho in Adams County and encompasses multiple land ownerships. The Project area is 49,276 acres within the Weiser River drainage. The Project has multiple components including vegetation treatments, noncommercial thinning, prescribed fire, restoration of burned areas, watershed improvements, and recreation improvements. These activities are explained in detail on pages 5 to 28 in the Assessment.

The majority of the project will occur in the Middle Fork Weiser River (MFWR) subwatershed, but one recreation improvement will occur in the East Fork Weiser River (EFWR) subwatershed where bull trout occupancy is confirmed and bull trout critical habitat is designated. This portion of the project, on Trails #202 and #212, involves installing trail signs and information at the trailhead, rerouting approximately 500 feet of trail to improve water movement, and hardening trail approaches to a trail ford of the East Fork Weiser River.

The remainder of the project occurs in the Middle Fork Weiser River subwatershed and involves a substantial amount of activities in designated riparian conservation areas (e.g., vegetation treatments and aquatic organism passage improvements). This area was modelled as suitable habitat for bull trout and was considered occupied through 1998. After 1998, the Forest did extensive surveying for bull trout and did not have positive detections of the species. Therefore, this subwatershed was considered unoccupied and bull trout critical habitat is not designated. In July 2016, the Payette Forest Coalition and the Idaho Conservation League contributed to the Rangewide Bull Trout eDNA Project (a partnership with the Forest Service Rocky Mountain Research Center) by collecting about 19 eDNA samples throughout the MFWR drainage. Results were obtained in February 2017 and showed one positive sample for bull trout in No Business Creek. An adaptive management approach was developed during the National Environmental Policy Act process because of the positive eDNA sample for bull trout in No Business Creek. Ten eDNA samples and five electrofishing surveys were completed in No Business Creek in summer 2017. All of the surveys were negative for bull trout. Additional sampling and surveying may occur in in the near-term, but the Middle Fork Weiser River is believed to have extremely low numbers of bull trout, and it is possible that they have been extirpated from this subwatershed. Effects to wildlife species from the vegetation treatments and recreation improvements are possible in both of the subwatersheds.

**Concurrence Determination**

The Service's concurrence that the proposed project is not likely to adversely affect the bull trout or its designated critical habitat is based on the following findings. Potential effects to bull trout and its designated critical habitat are possible from the trail work in the EFWR and also from the vegetation treatments and watershed improvements in the MFWR subwatershed.

1. The vegetation treatments, watershed improvements, road work, and recreation improvements in the MFWR subwatershed are expected to have discountable effects on bull trout because of the low likelihood that the species is present. These activities will have no effect on designated critical habitat for bull trout because none is present in the subwatershed.
2. No direct effects of the trail reroute in the East Fork Weiser River will occur because the closest known occurrence of bull trout is greater than 800 feet downstream (below a natural barrier).
3. Project implementation in the EFWR subwatershed will have no significant effects on any of the Primary Biological Features of bull trout critical habitat. Similarly, the baseline condition of all habitat indicators will be maintained. The project will not affect the functionality of the critical habitat in providing for the conservation of bull trout.

The Service's concurrence that the proposed project is not likely to adversely affect the northern Idaho ground squirrel (NIDGS) is based on the following findings.

1. The nearest known NIDGS habitat is over 20 miles away from the project area; therefore, direct and indirect effects are not expected.

2. Thinning and reducing canopy closure in specific stands adjacent to open sites with the correct vegetative structure to support NIDGS would improve potential habitat for NIDGS.
3. NIDGS could be identified in the Project area while conducting field surveys. If NIDGS are identified, Project Design Features and Mitigation Measures would be followed to ensure protection of the species.

The Service's concurrence that the proposed project is not likely to adversely affect the Canada lynx is based on the following findings.

1. Lynx are unlikely to be present in the project area. Currently, there are only five records of lynx from 1957 through 2016 on the Forest and only one of those is near the action area. Anecdotal sightings and trapping records suggest that transient lynx are occasionally present on the Forest. These lynx are thought to be animals dispersing from Canada during cyclic high population levels. Furthermore, lynx are considered to be generally tolerant of human presence and activities (Ruediger et al. 2000, p. 1-13).[1] Given these considerations, the risk of direct effects to lynx from project implementation is discountable.
2. Some beneficial effects to lynx foraging habitat are expected to occur through the vegetation management activities.
3. Although displacement of individuals resulting from project activities (forest thinning, burning) may occur, these effects are expected to be insignificant and discountable.

Clean Water Act Requirement Language:

Because the action will involve construction at road-stream crossings, it is likely that the Forest will need to obtain Clean Water Act section 404 permits from the U.S. Army Corps of Engineers (Corps). Therefore, the Corps is included as a second action agency for this consultation; the Forest is the lead action agency.

Use of this letter, and associated Opinion, to document that the Corps has fulfilled its responsibilities under section 7 of the Act is contingent upon the following conditions:

1. The action considered by the Corps in their 404 permitting process must be consistent with the proposed project as described in the Assessment such that no detectable difference in the effects of the action on listed species will occur.
2. Any terms applied to the 404 permit must also be consistent with conservation measures as described in the Assessment and addressed in this letter of concurrence.

[1] Ruediger, B., J. Claar, S. Gniadek, B. Holt, L. Lewis, S. Mighton, B. Naney, G. Patton, T. Rinaldi, J. Trick, A. Vandehey, F. Wahl, N. Warren, D. Wenger, and A. Williamson. 2000. Canada Lynx Conservation Assessment and Strategy. USDA Forest Service, USDI Fish and Wildlife Service, USDI Bureau of Land Management, and USDI National Park Service. Forest Service Publication #R1-00-53, Missoula, MT. 142 pp.

**Conclusion**

This concludes informal consultation on the proposed action under section 7 of the Act. If the proposal addressed in this letter is modified, environmental conditions change, or additional information becomes available regarding potential effects on listed species, you should verify that your conclusions are still valid. Thank you for your continued interest in the conservation of threatened and endangered species. Please contact Allyson Turner at (208) 685-6952 if you have questions concerning this letter.

Sincerely,

for Gregory M. Hughes
State Supervisor

cc: USFS, McCall (Nalder, Galloway)
USFS, Council (Lesch, Giambra, Almack)
USACE, Boise (Martinez)
NPT, Lapway (Rogerson)