

Appendix I: Biological Assessment

I.1 INTRODUCTION

The following is the biological assessment (BA) for Terrestrial Wildlife Species for the Custer National Forest Beartooth Travel Management Final Environmental Impact Statement preferred alternative (Alternative B Modified).

BIOLOGICAL ASSESSMENT
FOR
TERRESTRIAL WILDLIFE SPECIES

Beartooth Travel Management

Beartooth Ranger District
Custer National Forest

Prepared By:

_____/S/ Barbara A. Pitman_____
Barbara A. Pitman – Wildlife Biologist

_____3/28/2008_____
Date

Reviewed By:

_____/S/ Thomas Whitford_____
Thomas Whitford – Forest Biologist

_____3/26/2008_____
Date

SUMMARY

Determination of Effects

Implementation of the proposed Federal action *would not jeopardize the continued existence* of gray wolves and is *not likely to adversely affect* Canada lynx.

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 Gray Wolves and Canada Lynx.

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). Life history information on these species can be found in the reference document “The Distribution, Life History, and Recovery Objectives For Region One Threatened, Endangered, and Proposed Terrestrial Wildlife Species (2001) and is incorporated by reference in this Biological Assessment.

Appendix I: Biological Assessment

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

Species	Status	Occurrence
Gray Wolf (<i>Canis lupus</i>)	Nonessential Experimental	Present
Canada Lynx (<i>Lynx canadensis</i>)	Threatened	Present

The Yellowstone grizzly bear population was determined to be recovered and was delisted effective April 30, 2007 (USDI 2007). The bald eagle was determined to be recovered and was delisted effective August 8, 2007. Consultation on effects of proposed Federal actions on these species is therefore no longer required. Verbal concurrence with effects determinations for Gray wolf and Canada lynx was received from Lou Hanebury of the U.S. Fish and Wildlife Service on March 18, 2008.

PROPOSED PROJECT

The Beartooth Ranger District of the Custer National Forest proposes to designate a system of roads and trails on the District for motorized public use. Designation would include the type of vehicle and season of use for each road and motorized trail. In addition, dispersed vehicle camping could occur within 300 feet of motorized routes except along approximately 8 ½ miles of road along the Main Fork of Rock Creek south of Red Lodge, MT. Where dispersed vehicle camping would be allowed, measures would be used to limit the expansion of existing sites and the creation of new sites to minimize resource impacts.

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 267 miles of routes would be designated for public motorized use. Seasons of use would be applied to 90 miles of routes to minimize resource damage. Ninety-seven miles of motorized routes currently in the National Forest System and 57 miles of non-system routes would not be designated for public motorized use. Of these, 53 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 for over-the-snow activity.

SPECIES ASSESSMENT

Gray Wolf (*Canis lupus*)

Regulatory Framework

The northern Rocky Mountain wolf was listed as an endangered species under the Endangered Species Act in the lower 48 states in 1974. The U.S. Fish and Wildlife Service (FWS) approved a recovery plan for the gray wolf in the northern Rocky Mountains in 1980 and a revised plan in 1987. To further the recovery of gray wolves in the northern U.S. Rocky Mountains, the FWS in 1994 declared wolves in the Yellowstone and Central Idaho areas as experimental/nonessential. This designation facilitated the reintroduction of wolves into Yellowstone National Park and central Idaho in 1995 and 1996. All recovery criteria for wolves in the Greater Yellowstone Recovery

Area were met in 2002. Unless the U.S. Fish and Wildlife Service is challenged on the final rule for removing the Northern Rocky Mountain gray wolf population from the Federal List of Endangered and Threatened Wildlife, delisting will become effective March 28, 2008.

Population and Habitat Status

Table 2. Gray Wolf: Population and Habitat Status

Wolf Activity	Den Site	Rendezvous Site
Two packs known to utilize the Beartooth Mountains and adjacent areas, plus sightings of individuals, are occasionally reported.	None known	None known

As shown in Table 2, wolves have been reported sporadically on and adjacent to the District. At least two packs, the Rosebud and Moccasin Lake packs, utilize the Beartooth Mountains portion of the District (Trapp 2007). Occasional wolves that are probably not associated with these packs have also been reported on the Beartooth Unit.

Direct, Indirect, and Cumulative Effects Analysis

The action of motorized route designation in and of itself would not cause direct impacts. However, public use of the designated routes has potential to cause indirect effects, mainly through temporary disturbance and displacement of individual wolves. Off-highway vehicle use on the District is projected to increase 8% from 2008 to 2018, which may lead to increased potential for indirect effects in the future. Housing developments are undergoing construction on private lands adjacent to the Forest boundary. Development is reasonably likely to continue in the future and could contribute to cumulative effects.

Determination of Effects

The determination of effects for implementation of the proposed action is: **not likely to jeopardize the continued existence of the species or result in destruction or adverse modification of proposed critical habitat** for gray wolves. The determination is based on the following rationale:

- Wolves in the action area are designated a nonessential experimental population.

Canada Lynx (*Lynx canadensis*)

Regulatory Framework

The Canada lynx was listed as a federally threatened species under the Endangered Species Act (ESA) of 1973 in March 2000. At that time, the Forest Service signed a Lynx Conservation Agreement (CA) with the U.S. Fish and Wildlife Service. Under the

Appendix I: Biological Assessment

CA, the Forest Service agreed to consider the Canada Lynx Conservation Assessment and Strategy (LCAS) (Ruediger et al 2000) during project analysis. The CA was renewed in 2005 and the concept of occupied mapped lynx habitat was added. In 2006, the CA was amended to define occupied habitat and list the National Forests that were occupied. It was also extended until 2011 or until all relevant forest plans were revised to provide guidance necessary to conserve lynx. The Northern Rockies Lynx Management Direction (LMD), released in March 2007, was developed to fulfill the Forest Service’s agreement to amend the plans. The purpose of the Direction is to “incorporate management direction in land management plans that conserves and promotes recovery of Canada lynx, by reducing or eliminating adverse effects from land management activities on National Forest System lands, while preserving the overall multiple-use direction in existing plans” (USDA Forest Service 2007).

Population and Habitat Status

Canada Lynx Activity	Project Within Lynx Elevation Zone	Foraging Habitat	Denning Habitat
Occasional reported sightings	Yes	Yes	Yes

Four lynx sightings were documented on or adjacent to the Beartooth District between 1994 and 2007. Foraging and denning habitat are present, but denning has not been documented on the District. The action area is not within designated critical habitat.

Management direction in the LMD applies to occupied lynx habitat in Lynx Analysis Units (LAUs) on National Forest system lands and is recommended for application to unoccupied habitat. The Beartooth District contains four LAUs. The Rock Creek, Rosebud, and Stillwater LAUs encompass the Beartooth Mountains Unit, and the Pryor Mountains LAU encompasses the Pryor Mountains Unit. The LMD classifies the Beartooth Unit as occupied lynx habitat and the Pryors Unit as unoccupied habitat. The LMD does not have objectives, standards, or guidelines that apply to the scope of this analysis. However, the Lynx Conservation Assessment and Strategy has guidelines relative to Forest/backcountry roads and trails. The guidelines state “Determine where high total road densities (>2 miles per square mile) coincide with lynx habitat, and prioritize roads for seasonal restrictions or reclamation for those areas.” Under the proposed action, total road density in lynx habitat on the District would be 0.2 mi/sq mi.

Direct, Indirect, and Cumulative Effects Analysis

As mentioned above for wolves, the proposed action would not cause direct impacts. However, public use of the designated routes has potential to cause indirect effects, mainly through temporary disturbance and displacement of individual lynx. Off-highway vehicle use on the District is projected to increase 8% from 2008 to 2018. However, given the low road density and the rarity of documented lynx sightings, potential for encounters with lynx is small. Housing developments are undergoing construction on private lands adjacent to the Forest boundary. Development is reasonably likely to continue in the future. However, since there would be no direct effects and the potential

for indirect effects would be small, the potential for cumulative effects would also be small.

Determination of Effects

The determination of effects for implementation of the proposed action is: **may affect, not likely to adversely affect** Canada lynx. The determination is based on the following rationale:

- Direct effects would not result from the proposed action.
- Motorized route density in lynx habitat would be 10% of the maximum road density guideline.
- Potential for encounters with individual lynx would be small
- Potential indirect effects would be negligible and discountable.
- The potential for cumulative effects would be small.

REFERENCES

Ruediger, Bill, et al. August 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.

Trapp, Jon. July 2007. MT. Dept. Fish, Wildlife and Parks. Personal communication.

U.S. Fish and Wildlife Service. March 2008.

http://www.fws.gov/montanafieldoffice/Endangered_Species/Listed_Species.html

USDA Forest Service. 2007. Northern Rockies Lynx Management Direction Record of Decision. March 2007. National Forests of Montana, and parts of Idaho, Wyoming, and Utah.

Appendix I: Biological Assessment

- End of Appendix I -