

Appendix J: USDI Fish and Wildlife Service Concurrence

J.1 INTRODUCTION

The following letter is from the USDI Fish and Wildlife Service and provides concurrence on the determination of effects for listed species in the biological assessment (BA) for the Custer National Forest's Beartooth Travel Management Final Environmental Impact Statement preferred alternative (Alternative B Modified).



United States Department of the Interior

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ES-61130 – Billings
M.19 - Custer National Forest
Travel Management Plan

May 2, 2008

Traute Parrie, District Ranger
Custer National Forest
Beartooth Ranger District
HC 49, Box 3420
Red Lodge, MT 59068

Dear Ms. Parrie:

This document transmits the U.S. Fish and Wildlife Service's (Service) concurrence on your determination of effects for listed species in your biological assessment (BA) for the proposed Custer National Forest's Beartooth Travel Management Final Environmental Impact Statement preferred alternative (Alternative B - Modified). The travel management plan addresses designation of roads and trails for motorized use. Activities would occur on the Beartooth Ranger District of the Custer National Forest (Forest Service) in Park, Sweet Grass, Stillwater, and Carbon Counties, Montana. Your BA was received in the Billings Sub Office via email on March 31, 2008. This response is provided by the Service under the authority of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.).

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 8½ miles of road along the Main Fork of Rock Creek south of Red Lodge, Montana. 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.

The Forest Service has determined the proposed action may affect, but is not likely to adversely affect Canada Lynx (*Lynx Canadensis*), and is also not likely to jeopardize the continued existence of the non-essential experimental population of gray wolf (*Canis lupus*). The Northern Rocky Mountain gray wolf population was removed from the Federal List of Endangered and Threatened Wildlife on March 28, 2008. A concurrence is provided in the event delisting is voided by litigation.

The Yellowstone grizzly bear population was determined to be recovered and was delisted effective April 30, 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.


The Service concurs with your determination of effects of your project on listed species and formal consultation is not required. The Service bases its concurrence on the fact that there will be no new habitat modifications and the implementation of species specific Strategy Standards and conservation measures stated in the BA.

The action area is not within currently designated Lynx critical habitat. However, recently proposed Lynx critical habitat (40 FR 10860-10896) does occur in parts, within the Beartooth District. Therefore, due to the Forest Service's adherence to the Canada Lynx Conservation Assessment and Strategy and The Northern Rockies Lynx Management Direction, this action will not adversely modify proposed Lynx critical habitat.

This concludes informal consultation and conference pursuant to regulations in 50 CFR 402.13 implementing the ESA of 1973, as amended. Should there be species in the affected areas that become newly listed, proposed, or otherwise not considered in this assessment; the Forest Service should reinitiate informal consultation with the Service. This project should be re-analyzed if new information reveals effects of the action that may affect threatened, endangered or proposed species, if the project is modified in a manner that causes an effect not considered in this consultation, or if the monitoring requirements, timing, and spatial restrictions listed in the protective measures will not be implemented.

The Service appreciates efforts by Custer National Forest to minimize negative impacts to listed species in Montana. We also support your efforts to minimize impacts on sensitive and management indicator species. For further questions, please call Lou Hanebury at the Billings Sub Office at 406-247-7367.

Sincerely,


for R. Mark Wilson
Field Supervisor

cc: FWS/ES, Billings, MT (Attn: Lou Hanebury)
USFS/Custer National Forest, Billings, MT. (Attn: Tom Whitford)

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- End of Appendix J -