

## CHAPTER I: INTRODUCTION

**A. Background** – The Fish and Wildlife Service (Service) has prepared this Biological Opinion (Opinion) on the effects of the USDA Forest Service (USFS) Modified Idaho Roadless Rule (MIRR) on eight listed species (see Table 1), as well as a Conference Opinion addressing proposed critical habitat for Canada lynx. On August 27, 2008, the USFS submitted a Biological Assessment (Assessment) documenting that the MIRR is likely to adversely affect eight listed species, and is likely to adversely affect, but is not likely to result in the destruction or adverse modification of proposed revised designated critical habitat for the contiguous United States distinct population segment of the Canada lynx. The Assessment and letter requesting formal consultation under section 7 of the Endangered Species Act (Act) was received by the Service on August 28, 2008. The Assessment was revised and re-submitted to the Service on September 12, 2008. As described in this Opinion, and based on the Assessment and other information, the Service has concluded that the MIRR, as proposed, is not likely to jeopardize the continued existence of these species. In the Conference Opinion addressing proposed critical habitat for Canada lynx, the Service has concluded that the MIRR, as proposed, is not likely to result in the destruction or adverse modification of proposed revised designated critical habitat for the contiguous United States distinct population segment of the Canada lynx. Table 1 lists the threatened and endangered species and proposed and designated critical habitat that are addressed in this Opinion regarding the MIRR.

**B. Previous Consultations Involving Idaho Roadless Areas** – Many broad-scale consultations have occurred across the National Forests encompassing the Idaho Roadless Areas (IRAs) prior to development of the MIRR. Seven National Forest Plans in Idaho were consulted upon individually and the years in which the consultations took place were Clearwater (1987); Idaho Panhandle (1987); Nez Perce (1987); Salmon-Challis (1987); Wallowa-Whitman (1990); Targhee (1997); and Caribou (2003). All of these plans anticipated some adverse impacts to listed species and were conducted formally with the Service. All of these plans were modified to include the Interim Strategy for Managing Fish-Producing Watersheds in Eastern Oregon, Washington, Idaho, Western Montana, and portions of Nevada (INFISH) and/or the Interim Strategy for Managing Anadromous Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California (PACFISH) in 1998. A biological opinion was issued by the Service in 1998 regarding PACFISH and INFISH, which concluded that continued implementation of land and resource management plans (LRMPs) as amended by INFISH, would not jeopardize the continued existence of bull trout, and provided non-discretionary Terms and Conditions. The consultation resulted in the same outcome for anadromous species addressed by PACFISH. In 2003, the Southwest Idaho Ecogroup (SWIE), which includes the Boise, Payette, and Sawtooth National Forests, consulted on Forest Plans with a new Aquatic Conservation Strategy (ACS) that replaced PACFISH on those forests, and on May 30, 2003, the Service issued a biological opinion for their revised LRMPs.

The Idaho Panhandle National Forest (IPNF) Management Plan (USFS 1987) was developed after the final listing package for the Selkirk Mountains woodland caribou was published in 1984. The original section 7 consultation was conducted as part of the forest planning and environmental compliance process in 1986. An Amended Biological Opinion for

Table 1. List of Threatened, Endangered, Proposed, and Candidate (TEPC) Species and Proposed Critical Habitat Considered in this Biological Opinion; including their Listing Status, Critical Habitat Status, and Effects Determination.

Common and Scientific Name	Status	Designated Critical Habitat?	Determination of Effects and Rationales from Assessment*
<b>Terrestrial Wildlife</b>			
Woodland Caribou ( <i>Rangifer tarandus</i> )	Endangered	No	LAA – Potential for new roads & tree cutting to cause short-term habitat degradation & exposure of individuals to disturbance & mortality.
Grizzly Bear ( <i>Ursus arctos horribilis</i> )	Threatened	No	LAA – Potential for new roads & tree cutting to cause short-term habitat degradation & exposure of individuals to disturbance & mortality.
Canada lynx ( <i>Lynx canadensis</i> )	Threatened	Proposed	LAA – Potential for new roads & tree cutting to cause short-term habitat degradation & exposure of individuals to disturbance & mortality. NAM – Extremely limited (5,668 acres or .08%) amount of Canada lynx critical habitat overlap with MIRR activities.
Gray Wolf ( <i>Canis lupus</i> ) – North of I-90 in Idaho	Endangered	No	LAA – Potential for new roads & tree cutting to cause short-term habitat degradation & exposure of individuals to disturbance & mortality.
Northern Idaho ground squirrel ( <i>Spermophilus brunneus brunneus</i> )	Threatened	No	LAA – Potential for new roads & tree cutting to cause short-term habitat degradation & exposure of individuals to disturbance & mortality.
<b>Fish</b>			
Bull trout ( <i>Salvelinus confluentus</i> )	Threatened	Yes	LAA – Potential for new roads & tree cutting to cause short-term habitat degradation & exposure of individuals to disturbance & mortality; NLAA – Critical habitat.
<b>Plants</b>			
MacFarlane's four-o'clock ( <i>Mirabilis macfarlanei</i> )	Threatened	No	LAA – Effects from new roads & tree cutting may cause short-term habitat degradation & exposure of individuals to adverse effects resulting in mortality of individuals.
Ute ladies'-tresses ( <i>Spiranthes diluvialis</i> )	Threatened	No	LAA – Effects from new roads & tree cutting may cause short-term habitat degradation & exposure of individuals to adverse effects resulting in mortality of individuals.

\*Definitions: NLAA = *May affect, not likely to adversely affect*, LAA = *May affect, likely to adversely affect*, NAM = *No adverse modification* (of proposed critical habitat).

the IPNF Forest Plan (Service 2001) was developed to specifically address updated information regarding the woodland caribou and grizzly bear. This formal consultation includes mandatory Terms and Conditions intended to minimize harm and harassment of woodland caribou and grizzly bear within the IPNF.

Following the listing of Canada lynx in March 2000, the USFS signed a Lynx Conservation Agreement (LCA) with the Service in 2001 agreeing to consider the Lynx Conservation Assessment and Strategy (LCAS) during project analysis and the USFS agreed not to proceed with projects that would be likely to adversely affect lynx until their plans were amended. The SWIE completed revising their Forest Plans in 2003 and incorporated all necessary provisions of the LCAS to protect lynx and lynx habitat which was confirmed in the 2003 Biological Opinion issued by the Service for these revised plans (Service 2003). The Caribou National Forest also completed a LRMP revision in 2003. The LCA was renewed in 2005 and added the concept of occupied mapped lynx habitat. In 2006 the LCA was amended to define occupied habitat and to list those National Forests that were occupied. In 2006 it was also extended for 5 years (until 2011), or until all relevant Forest Plans were revised to provide guidance necessary to conserve lynx (USFS and Service 2000, 2005, 2006a, 2006b). The Wallowa-Whitman NF remains subject to the conditions of the LCA, pending revision of its LRMP.

The 2007 decision documented in the Northern Rockies Lynx Management Direction Final Environmental Impact Statement, commonly referred to as the Northern Rockies Lynx Amendment (NRLA), fulfilled the agreement to amend the plans for all National Forests in the Northern Rockies Lynx Planning Area (see Table 30), with exception of the SWIE (Payette, Boise, and Sawtooth National Forests) which had completed revising their Forest Plans in 2003. The NRLA incorporated the goals, objectives, standards and guidelines of the selected alternative (Alternative F, Scenario 2) to manage and conserve lynx and lynx habitat. If a conflict exists between the NRLA management direction and an existing Forest Plan, the more restrictive direction will apply. Appendix B of the Assessment for the MIRR provides a description of the standards and guidelines relevant to management of lynx habitat in the LCAS, LRMPs for the SWIE, and the NRLA. On March 16, 2007, the Service issued its Biological Opinion on the NRLA and determined that the management direction would not jeopardize the continued existence of lynx. The extent of take and up to 6 percent of mapped lynx habitat associated with fuel management projects were exempt through that Opinion. The Service also provided non-discretionary terms and conditions and reasonable and prudent measures in the Opinion, and these are incorporated into the NRLA Record of Decision (ROD).

**C. Consultation History** – Following is a summary of meetings and correspondence primarily between the USFS, the Service, and National Marine Fisheries Service (NMFS) in the course of this formal consultation for the MIRR. A complete record of this consultation is on file at the Service's Snake River Fish and Wildlife Office in Boise.

In addition and separate from this formal consultation, the USFS determined that implementing the MIRR is *not likely to adversely affect* Kootenai River white sturgeon (*Acipenser transmontanus*), Kootenai River white sturgeon designated critical habitat, bull trout (*Salvelinus confluentus*) designated critical habitat, and the candidate plant species Christ's Indian paintbrush (*Castilleja christii*). A separate letter dated September 26, 2008 acknowledges receipt

of the USFS's Assessment and addresses the informal consultations for the MIRR by providing the Service's concurrence with the USFS's *not likely to adversely affect* determinations. The USFS also determined that the MIRR will have *no effect* on the threatened water howellia (*Howellia aquatilis*), threatened Spalding's catchfly (*Silene spaldingii*), threatened slickspot peppergrass (*Lepidium papilliferum*), and candidate southern Idaho ground squirrel (*Spermophilus brunneus endemicus*). The USFS also determined the MIRR *may affect, and is likely to adversely affect but not likely to result in jeopardy* for the gray wolf (*Canis lupus*) non-essential experimental population south of Interstate 90 and the candidate yellow-billed cuckoo (*Coccyzus americanus*). The Service also acknowledged these determinations in the September 26, 2008 letter.

- June 21, 2007 Conference call with USFS, Service, and NMFS to discuss the Idaho Roadless Rule alternatives and possible approaches to consultation. Participants included: David Mabe, NMFS (Boise, Idaho); Bill Lind, NMFS (Boise, Idaho); Ted Koch, Service (Boise, Idaho); Danielle Chi, USFS (Ogden, Utah); and Ann Carlson, USFS (Missoula, Montana).
- February 7, 2008 Conference call with USFS, Service, and NMFS to discuss the upcoming changes to the Idaho Roadless Rule preferred alternative including the bifurcation of the Backcountry Restoration (BCR) theme into BCR, and Backcountry Community Protection Zone (BC-CPZ). Participants included: Bill Lind, NMFS; Dale Brege, NMFS (Grangeville, Idaho); Michael Morse, Service (Boise, Idaho); Johnna Roy, Service (Boise, Idaho); Brad Gilbert, USFS (Coeur d'Alene, Idaho); Joan Dickerson, USFS (Missoula, Montana); Danielle Chi, USFS; Teresa Prendusi, USFS (Ogden, Utah); Ann Carlson, USFS; and Shanda Dekome, USFS (Coeur d'Alene, Idaho).
- May 5-8, 2008 Meeting in Ogden, Utah with the Idaho Roadless Interdisciplinary Team (IDT) and representatives from the regulatory agencies. Discussed the MIRR, assumptions, projections and possible avenues for consultation. Reviewed current species information and information/data needs for the Assessment for the Final Environmental Impact Statement (FEIS). Participants included: Dale Brege, NMFS; Johnna Roy, Service; Paul Moroz, contractor and Retired USFS; Brad Gilbert, USFS; Joan Dickerson, USFS; Ken Karkula, USFS (Washington, D.C.); Danielle Chi, USFS; Teresa Prendusi, USFS; and Ann Carlson, USFS.
- May 9, 2008 Conference call to discuss level of analysis needed for the Assessment and what Service and NOAA-Fisheries needs for a biological opinion, if one is needed. Follow-up on data needs and map requests, including municipal water sources map. Participants included: Dale Brege, NMFS; Johnna Roy, Service; Paul Moroz, contractor; Danielle Chi, USFS; Teresa Prendusi, USFS; and Ann Carlson, USFS.

- May 16, 2008 Meeting in Orofino, Idaho to discuss the Idaho Roadless Rule preferred alternative, options for consultation, and suggested analysis. The focus of this meeting was listed anadromous fish. Participants included: Dale Brege, NMFS; Paul Moroz, contractor; Dave Schoen, USFS; and Ann Carlson, USFS. And by phone: Johnna Roy, Service; Danielle Chi, USFS; and Shanda Dekome, USFS.
- May 20-21, 2008 Meeting in Boise, Idaho to discuss approaches to consultation and analysis of effects to terrestrial listed species. Participants included: Johnna Roy, Service; Suzanne Audet, Service (Spokane, Washington); Bryon Holt, Service (Spokane, Washington); Michael Morse, Service; Danielle Chi, USFS; Paul Moroz, contractor. And by phone: Larry Salata, Service (Portland, Oregon); Mark Wilson, Service (Spokane, Washington); Dale Brege, NMFS; and Ann Carlson, USFS.
- May 22, 2008 Internal Service (Snake River Fish and Wildlife Office only) meeting to update Jeff Foss on individual species determinations and overall status of MIRR section 7 consultation. Participants included: Jeff Foss, Service; Johnna Roy, Service; Paul Moroz, contractor.
- May 23, 2008 Letter from the USFS to the Service Boise and Spokane Offices requesting species lists for the Idaho Roadless Rule project.
- May 23, 2008 Meeting in Coeur d' Alene between Brad Gilbert, Paul Moroz and Joan Dickerson (by phone) regarding individual species determinations and overall status of MIRR section 7 consultation to date. Paul received lap-top computer, other hardware and printed documents as requested. Participants included: Brad Gilbert, USFS; Joan Dickerson, USFS; Paul Moroz, contractor.
- June 3, 2008 Conference call regarding regulatory agencies considerations for conducting MIRR section 7 consultation. Participants included: Larry Salata, Service; Bryon Holt, Service; Michael Morse, Service; Johnna Roy, Service; Dale Brege, NMFS; and Paul Moroz, contractor.
- June 4, 2008 Technical assistance letter (14420-2008-TA-0416) and species lists (14420-2008-SL-0356 and 14420-2008-SL-0357) from the Service Office (Boise) to the USFS Regional Office (Missoula) for the proposed MIRR.
- June 5, 2008 Conference call regarding draft biological assessment determinations of effects for listed species and considerations of options for MIRR section 7 consultation. Participants included: Brad Gilbert, USFS; Joan Dickerson, USFS; Vince deWitt (Office of General Counsel, Washington, D.C.); Eric Nagle (Service, Solicitor's Office, Portland, Oregon); Johnna Roy, Service; Suzanne Audet, Service; Bryon Holt, Service; Danielle Chi, USFS; Paul Moroz, contractor; Larry Salata, Service; Rich Torquemada, Service (Spokane, Washington); Jeff Foss, Service; Dale Brege, NMFS; and Ann Carlson, USFS.
- June 11, 2008 Species list (SP #1-9-08-SP-0067) for the FEIS for the Idaho Roadless Rule was received from the Service Office, Spokane, Washington.

- June 23, 2008 Meeting in Boise for agency managers and biologists to reach shared understanding of the MIRR proposed action and preliminary effect determinations for listed species. Also discussed section 7 consultation pathways and time lines. Participants included: Tom Tidwell, USFS (Missoula, Montana); Johnna Roy, Service; Mark Robertson Service; Rich Torquemada, Service; Bryon Holt, Service; Jeff Foss, Service; Tom Perry, Idaho Governor’s Office of Species Conservation (OSC, Boise, Idaho); Danielle Chi, USFS; Paul Moroz, contractor; Larry Salata, Service; Dave Mabe, NMFS; Dale Brege, NMFS; Ann Carlson, USFS; Doug Laye, Service (Chubbuck, Idaho); Sandi Arena, Service (Chubbuck, Idaho).
- July 18, 2008 USFS Regions 1 & 4 receive separate Semi-annual Species List Update Addendums (14420-2008-SL-0448 & 14420-2008-SL-0449 respectively) from the Service adding slickspot peppergrass as a species proposed for listing as endangered to each Region’s species list.
- July 18, 2008 United States (U.S.) Federal District Court in Missoula, Montana issued a preliminary injunction that immediately reinstated the Act protections for gray wolves in Montana, Idaho, Wyoming, the eastern-third of Washington and Oregon and portions of north-central Utah.
- July 21-22, 2008 The Service informs the USFS of the preliminary injunction that immediately reinstated the Act protections for gray wolves in Idaho and several other states.
- July 22, 2008 Conference call to discuss the following: 1) implications of the July 18th, 2008 court injunction on the delisting of the northern Rocky Mountain Distinct Population Segment (DPS) of the gray wolf; 2) potential approaches for ensuring no adverse effects to grizzly bears on the IPNF; 3) scope of analysis for caribou; and 4) Service review timeline for the draft Assessment to be submitted electronically by the USFS to the Service. Participants included: Johnna Roy, Service; Bryon Holt, Service; Paul Moroz, contractor; Suzanne Audet, Service; and Danielle Chi, USFS.
- July 30, 2008 Conference call to provide MIRR agency managers with a status check on the section 7 consultation, including unresolved issues, consultation time lines and potential obstacles to completion. Conference call participants included: Ann Carlson, USFS; Danielle Chi, USFS; Teresa Prendusi, USFS; Jeff Foss, Service; Rich Torquemada, Service; Johnna Roy, Service; Suzanne Audet, Service; Eric Nagle, Service; Dave Mabe, NMFS; Dale Brege, NOAA-Fisheries; Brad Gilbert, USFS; Tom Perry, OSC; Joan Dickerson, USFS; Shanda Dekome, USFS; and Paul Moroz, contractor.
- August 4, 2008 Internal Service conference call held to discuss citing existing Forest Plan standards and guides applicable to MIRR and consultation options for candidate species. Conference call participants included: Johnna Roy, Service; Larry Salata, Service; and Paul Moroz, contractor.

- August 5, 2008 Conference call to provide Consultation Technical Team (Tech Team) update and discussion on status of grizzly bear environmental baseline letter for IPNF. Participants included: Danielle Chi, USFS; Jeff Foss, Service; Rich Torquemada, Service; Johnna Roy, Service; Suzanne Audet, Service; Brad Gilbert, USFS; Joan Dickerson, USFS; Shanda Dekome, USFS; Larry Salata, Service; and Paul Moroz, contractor.
- August 7, 2008 IPNF issues letter to clarify the environmental baseline for grizzly bear management in Idaho Roadless Areas (Panhandle & Kootenai National Forests) for MIRR. Letter received by Service on August 11, 2008.
- August 11, 2008 Tech Team conference call held to discuss Service comments on second draft MIRR Assessment, conference/consultation for candidate species and grizzly bear letter from IPNF. Conference call participants included: Danielle Chi, USFS; Ann Carlson, USFS; Teresa Prendusi, USFS; Johnna Roy, Service; Suzanne Audet, Service; and Paul Moroz, contractor.
- August 18, 2008 USFS Regions 1 & 4 receive separate Semi-annual Species List Update Addendums (14420-2008-SL-0523 & 14420-2008-SL-0528, respectively) from the Service confirming reinstatement of protections for gray wolves under the Act. Gray wolves south of I-90 will be managed as experimental nonessential population, and gray wolves north of I-90 are listed as endangered under the Act.
- August 20, 2008 Email exchanges occur between Paul Moroz, contractor; Suzanne Audet, Service; and Danielle Chi, USFS regarding increased concerns on effects of proposed MIRR to woodland caribou, particularly in Selkirk and Salmo-Priest Inventoried Roadless Areas (IRA's).
- August 21, 2008 Conference call between agency managers and Tech Team to discuss major tasks remaining and timeline for completion of the Assessment and Opinions. Final Assessment to be signed next week (8/27/2008). Service (Boise) developed a work schedule to get the Opinion work done. Conference call participants included: Johnna Roy, Service; Jeff Foss, Service; Mark Robertson, Service; Sandra Brewer, Service; Rich Torquemada, Service; Suzanne Audet, Service; Bryon Holt, Service; Larry Salata, Service; Paul Moroz, contractor; Dale Brege, NOAA-Fisheries; David Mabe, NOAA-Fisheries; Danielle Chi, USFS; Bradley Gilbert, USFS; Ann Carlson, USFS; and Teresa Prendusi, USFS.
- August 22, 2008 Project Assignment Description (PAD) developed by Jeff Foss and agreed to by agency managers and Tech Team. Tech Team is expanded to include additional Service members including Clay Fletcher, Service (Boise, Idaho); Ben Matibag, Service (Boise, Idaho); Ray Vizgirdas, Service (Boise, Idaho); and Shanda Dekome, USFS.
- August 22, 2008 Conference call regarding lack of documented amendments to IPNF 1987 Forest Plan that afford greater protection to woodland caribou. Existing Standards and Guidelines remain in place, informally updated by new scientific information project by project. Conference call participants included: Brad Gilbert, USFS; Shanda Dekome, USFS; Danielle Chi, USFS; and Paul Moroz, contractor.

- August 25, 2008 Conference call among Service Tech. Team members included discussion of species/chapter assignments to each biologist. Concerns shared over lack of specificity of proposed action hampering analysis of effects upon species, particularly woodland caribou. Participants included Mark Robertson, Johnna Roy, Larry Salata, Clay Fletcher, Suzanne Audet, Bryon Holt, Ray Vizgirdas; and Paul Moroz, contractor.
- August 27, 2008 USFS transmits letter requesting initiation of formal consultation with Service on eight listed species, plus formal conference on proposed revised critical habitat for lynx.
- August 28, 2008 Service (Boise office) receives USFS August 27, 2008 letter requesting initiation of formal consultation.
- September 2, 2008 Meeting/conference call among Service biologists regarding status of draft Opinion and analysis for each of eight species plus proposed critical habitat for lynx. Discussion on specific tasks, time frames and challenges to complete Opinion. Service participants included Mark Robertson, Johnna Roy, Ray Vizgirdas, Suzanne Audet, Bryon Holt; and Paul Moroz, contractor.
- September 3, 2008 [0900-1030 MST] Conference call involving expanded Tech Team, Danielle Chi and Joan Dickerson to share status of Opinion, and to discuss uncertainty over which Forest Plan components are “not inconsistent” with MIRR, and which might be. Participants included: Johnna Roy, Service; Joan Dickerson, USFS; Danielle Chi, USFS; Ray Vizgirdas, Service; Paul Moroz, Service; Mark Robertson, Service; Suzanne Audet, Service; and Bryon Holt, Service.
- September 3, 2008 [1640-1730 MST] Conference call regarding Larry Salata’s review of draft woodland caribou analysis in MIRR Opinion discusses factors considered in jeopardy analysis. Participants included: Larry Salata, Service; Johnna Roy, Service; Joan Dickerson, USFS; Danielle Chi, USFS; Paul Moroz, contractor; Suzanne Aude, Service; and Bryon Holt, Service.
- September 4, 2008 Conference call between agency managers and Tech Team to discuss major tasks remaining and timeline for completion of the Opinion. Discussion on Larry Salata’s review of caribou analysis in draft Opinion, factors considered in jeopardy analysis, Service data needs to support analysis, and relationship of MIRR themes to existing Forest Plan direction. USFS also relayed need to do Assessment addendum due to errors in 8/27/08 document. Participants included: Johnna Roy, Service; Jeff Foss, Service; Mark Robertson, Service; Suzanne Audet, Service; David Mabe, NMFS; Danielle Chi, USFS; Bradley Gilbert, USFS; Joan Dickerson, USFS.
- September 5, 2008 [1100-1200 MST] Conference call with Boise and Spokane Service managers and Tech Team to brief Service Regional managers regarding status of MIRR consultation and of caribou Opinion. Process check for timeline and review/signature procedures. Service participants included Jeff Foss, Mike Roy, Larry Salata, Terry Rabot, Mark Wilson, Suzanne Audet, Mark Robertson, Johnna Roy; and Paul Moroz, contractor.

- September 5, 2008  
[1600-1730 MST] Conference call with Tech Team to discuss caribou Opinion and additional data received from IPNF per Service request. Continued discussion to clarify MIRR language and existing management guidance for caribou in relation to biological data. Discussion on proposed language to clarify relationship of MIRR to existing Forest Plan standards and guidelines. Participants included: Brad Gilbert, USFS; Jeff Foss, Service; Suzanne Audet, Service; Mark Robertson, Service; Johnna Roy, Service; Danielle Chi, USFS; Shanda Dekome, USFS; Paul Moroz, contractor.
- September 8, 2008 Conference call with Tech Team to discuss status of caribou Opinion, language to clarify relationship of MIRR to existing Forest Plan standards and guidelines, Assessment addendum needs, and consultation timeline. Participants included: Brad Gilbert, USFS; Jeff Foss, Service; Suzanne Audet, Service; Mark Robertson, Service; Johnna Roy, Service; Danielle Chi, USFS; Shanda Dekome, USFS; Paul Moroz, contractor; Dale Brege, NOAA-Fisheries; Rich Torquemada, Service; Joan Dickerson, USFS.
- September 11, 2008 Draft Opinion transmitted to the Service Regional Office and Solicitor for internal Service review.
- September 15, 2008 Conference call with Service Regional Office reviewers to discuss questions/comments on the draft Opinion. Participants include Larry Salata, Johnna Roy, Eric Nagle.
- September 16, 2008  
[0930-1000 MST] Internal Service conference call with Service Regional Office reviewers and Boise and Spokane staff to discuss questions on draft Opinion and additional information needs from USFS for Opinion. Participants included: Jeff Foss, Service; Bryon Holt, Service; Mark Robertson, Service; Johnna Roy, Service; Rich Torquemada, Service; Mark Miller, Service; Larry Salata, Service; Eric Nagle, Solicitor.
- September 16, 2008  
[1000-1100 MST] Conference call with Service Regional Office reviewers, Tech Team, and agency managers to discuss questions from Service review of draft Opinion and to request additional information from USFS related to the proposed action and caribou analysis. Participants included: Brad Gilbert, USFS; Jeff Foss, Service; Mark Robertson, Service; Johnna Roy, Service; Danielle Chi, USFS; Shanda Dekome, USFS; Ranotta McNair, USFS; Chuck Mark, USFS; Rich Torquemada, Service; Joan Dickerson, USFS; Bryon Holt, Service; Mark Miller, Service; Larry Salata, Service; Eric Nagle, Solicitor.
- September 17, 2008 Brad Gilbert transmits e-mail to Service stating that he assures the Service that the updated Assessment submitted to the Service on 9/12/08 under Tom Tidwell's signature accurately reflects the Idaho Roadless Rule as it currently stands and as it has been submitted for clearance in Washington, D.C..

- September 17, 2008 [2:30 – 3:00 MST] Internal Service conference call with Service Regional Office reviewers and Boise and Spokane staff to discuss USFS comments/edits to caribou analysis and additional information needs from USFS for Opinion. Participants included: Suzanne Audet, Service; Bryon Holt, Service; Mark Robertson, Service; Johnna Roy, Service; Sandra Brewer, Service; Larry Salata, Service; Eric Nagle, Solicitor.
- September 17, 2008 [3:00 – 4:00 MST] Conference call with Service Regional Office reviewers and Tech Team, to discuss USFS comments/edits to caribou analysis and additional information needs from USFS for Opinion. Decision to pursue a USFS letter from IPNF Forest Supervisor regarding caribou management under MIRR. Participants included: Brad Gilbert, USFS; Mark Robertson, Service; Johnna Roy, Service; Danielle Chi, USFS; Shanda Dekome, USFS; Joan Dickerson, USFS; Bryon Holt, Service; Mark Miller, Service; Larry Salata, Service; Eric Nagle, Solicitor.
- September 18, 2008 Meeting at Spokane Service Office to negotiate and draft the USFS letter to the Service regarding caribou management under the MIRR. Participants included Suzanne Audet, Service; Bryon Holt, Service; Brad Gilbert, USFS; Shanda Dekome, USFS. Letter signed by Ranotta McNair, USFS and transmitted to Service at 1:45 MST.
- September 19, 2008 Service transmits Draft Opinion to USFS for review.
- September 24, 2008 USFS transmits comments on the Draft Opinion to the Service.
- September 24, 2008 Conference call with Service and USFS to discuss comments/edits to draft Opinion. Agreement reached in how to address the comments. Participants included: Mark Robertson, Service; Johnna Roy, Service; Danielle Chi, USFS; Joan Dickerson, USFS; Bryon Holt, Service; Larry Salata, Service; Ray Vizgirdas, Service; Sandra Brewer, Service; Paul Moroz, contractor.
- September 26, 2008 Service signs the Letter of Concurrence.
- September 29, 2008 Service transmits the Letter of Concurrence to USFS.
- September 30, 2008 Service signs and transmits the Final Opinion to the USFS.

**D. Purpose and Organization of this Biological Opinion** – Because the USFS has determined activities may occur pursuant to the MIRR that are *likely to adversely affect* eight listed species, the USFS requested formal consultation with the Service. Formal consultation culminates in the Service issuing a Biological Opinion as to whether the proposed action is likely to jeopardize the continued existence of the listed species. The requirement for all Federal actions to avoid jeopardy is described in section 7(a)(2) of the Act. The regulatory definition of jeopardy and a description of the formal consultation process are provided at 50 CFR 402.02 and 402.14, respectively.

The jeopardy analysis relies on the following four components: (1) the Status of the Species, which evaluates the species range-wide condition, the factors responsible for that condition, and its survival and recovery needs; (2) the Environmental Baseline, which evaluates the condition of the species in the action area, the factors responsible for that condition, and the role of the action area in the species survival and recovery; (3) the Effects of the Action, which determines the direct and indirect impacts of the proposed Federal action and the effects of any interrelated or

interdependent activities on the species; and (4) Cumulative Effects, which evaluates the effects of future, non-Federal activities in the action area on the listed species.

In accordance with the implementing regulations for section 7 and Service policy, the jeopardy determination is made in the following manner: the effects of the proposed Federal action are evaluated with the aggregate effects of everything that has led to the species current status and, for non-Federal activities in the action area, those actions likely to affect the species in the future, to determine if, given the aggregate of all these effects, implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both survival and recovery of the species in the wild.

#### Formal Conference for Proposed Critical Habitat for Canada Lynx –

In the Assessment addressing the MIRR, the USFS has determined that the proposed action *is likely to adversely affect, but is not likely to result in the destruction or adverse modification* of proposed revised designated critical habitat for the contiguous United States distinct population segment of the Canada lynx. Federal action agencies may request a conference with the Service on any proposed action that may affect proposed critical habitat. This biological/conference opinion does not rely on the regulatory definition of “destruction or adverse modification” of critical habitat at 50 C.F.R. 402.02. Instead, we have relied upon the statutory provisions of the ESA to complete the following analysis with respect to critical habitat. If the proposed critical habitat becomes designated, the Service may adopt the conference opinion as the biological opinion issued through this formal consultation if no significant changes have occurred in the proposed action or the information used in this formal Conference Opinion.

Critical habitat includes those physical and biological features essential to the conservation of listed species that may require special management considerations or protection. If an action affects proposed critical habitat, but does not appreciably diminish the value of constituent elements essential to the species’ conservation, the adverse modification threshold is not exceeded. For conference purposes, constituent elements described in the proposed critical habitat rule are used to determine likely jeopardy or adverse modification. This Conference Opinion addressing proposed revised designated critical habitat for the contiguous United States distinct population segment of the Canada lynx considers the entire proposed critical habitat area, not just the IRAs or even just the Idaho portion. The following framework is applied to help determine if a proposed action is likely to destroy or adversely modify proposed critical habitat:

1. The “Status of the Species/Critical Habitat” analysis in the biological opinion discusses the entire designated critical habitat area in terms of the biological and physical features that are essential to the conservation (discussion of “survival” in this and other sections of the adverse modification analysis is not appropriate) of the species.
2. The “Environmental Baseline” analysis discusses the current condition of the critical habitat unit(s) in the action area, the factors responsible for that condition, and the conservation roles of the unit(s) with appropriate supporting documentation.
3. The “Effects of the Action” analysis characterizes the direct and indirect effects of the action and those of interrelated and interdependent actions on the proposed or designated critical habitat.
4. The “Cumulative Effects” analysis characterizes the effects of future, non-Federal actions reasonably certain to occur in the action area in terms of how the primary constituent

elements or habitat qualities essential to the conservation of the species are likely to be affected and, in turn, how that will influence the function and conservation role of the affected critical habitat unit(s).

5. The “Conclusion” section presents the reasons for reaching the 7(a)(2) conclusion.

#### Table of Contents –

Portions of this Opinion are excerpted in whole or in part from the Assessment, and have been coordinated between the Service and USFS. These excerpts are not identified by quotations in this Opinion.

While most of the headings comprising the Table of Contents of this Opinion are self-explanatory, several section headings are highlighted with a brief explanation of their content below:

*Introduction* – provides the background and purpose of the Opinion, species being addressed and consultation history.

*Description of the Proposed Action* – describes what action(s) the Federal agency proposes to undertake.

*Status of the Species* – describes the legal status and general information about the species condition at the range-wide and local scale.

*Environmental Baseline* – describes the environmental setting, historical impact of past actions and condition of the species at the action area scale.

*Effects of the Proposed Action* – describes how the proposed action is likely to impact the species.

*Conclusion* – contains the Service’s conclusion as to whether the effects of the proposed Federal action, taken together with any cumulative effects, is likely to jeopardize the species (or adversely modify or destroy critical habitat).

*Incidental Take Statement* – discusses the amount or extent of any anticipated incidental take of the species likely to be caused by the proposed action and any non-discretionary reasonable and prudent measures that may be necessary to minimize the impacts of that taking on the species.

*Conservation Recommendations* – identifies the Services’ non-binding suggestions to minimize or avoid adverse effects of the proposed action, develop new information on listed or proposed species or how the action agency can assist species conservation.

*Reinitiation - Closing Statement* – outlines four general conditions that can trigger the need for the action agency to re-consult on the action considered in the biological opinion.

*Literature Cited* – identifies the scientific or commercial data used in the development of the biological opinion.