

**Appendix C: Guidance for Jeopardy Determinations under Section 7 of the
Endangered Species Act for the Bull Trout**



United States Department of the Interior



FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181

FWS/R1/AES-TE

Memorandum

APR 20 2006

To: Ecological Services Project Leaders
Idaho, Oregon, Washington

From: Assistant Regional Director-Ecological Services, Region 1
Portland, Oregon

Subject: Jeopardy Determinations under Section 7 of the Endangered Species Act for the
Bull Trout

The purpose of this memorandum is to affirm that jeopardy determinations are made at the scale of the listed entity. In the case of the bull trout, the listed entity is the coterminous United States population (64 FR 58910). The preamble to the final listing rule for the bull trout at 64 FR 58930 further discusses application of the jeopardy standard relative to this species:

Although this rule consolidates the five bull trout DPSs into one listed taxon, based on conformance with the DPS policy for purposes of consultation under section 7 of the Act, we intend to retain recognition of each DPS in light of available scientific information relating to their uniqueness and significance. Under this approach, these DPSs will be treated as interim recovery units with respect to application of the jeopardy standard until an approved recovery plan is developed. Formal establishment of bull trout recovery units will occur during the recovery planning process.

National policy, via the Director's March 6, 2006, memorandum on "Recovery Units and Jeopardy Determinations under Section 7 of the Endangered Species Act" and page 4-38 of the *Endangered Species Consultation Handbook*, establishes that:

When an action impairs or precludes the capacity of a recovery unit from providing both the survival and recovery function assigned to it, that action may represent jeopardy to the species. When using this type of analysis, include in the biological opinion a description of how the action affects not only the recovery unit's capability, but the relationship of the recovery unit to both the survival and recovery of the listed species as a whole.

Based on the above, use the following analytical framework to make jeopardy determinations for Federal actions affecting the bull trout:

TAKE PRIDE[®]
IN AMERICA 

1. In the *Status of the Species* section acknowledge that the bull trout is listed as threatened in the coterminous United States, cite the final listing rule and include the text quoted above, and concisely discuss the relationship between each of the interim recovery units and the survival and recovery of the coterminous United States population of the bull trout.
2. In the *Environmental Baseline* section concisely discuss the relationship between the action area and the survival and recovery function assigned to the affected interim recovery unit(s). Currently, the draft *Bull Trout Recovery Plan* recognizes the importance of viable bull trout core area populations in the conservation of the bull trout within the interim recovery units.
3. In the *Effects of the Action* section concisely discuss the significance of adverse and beneficial effects in relation to the role of the action area in the conservation of the bull trout at the interim recovery unit scale.
4. In the *Cumulative Effects* section concisely discuss the significance of adverse and beneficial effects in relation to the role of the action area in the conservation of the bull trout at the interim recovery unit scale.
5. In the *Conclusion* section concisely discuss how the effects of the action, taking into account any cumulative effects, are likely to influence the survival and recovery function assigned to the affected interim recovery unit(s) as the basis for determining if the proposed action is likely to appreciably reduce both the survival and recovery of the coterminous United States population of the bull trout in the wild.

If you have any questions regarding this guidance, please contact Larry Salata at (503) 231-2350.

cc: ARD-ES, CNO
ARD-ES, Region 6