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JUL 0 2 2007

Gregory Martinez
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Boise, Idaho 83702-5833

Subject: Excavation of Accumulated Sediments at the Homedale Boat Landing Facility—Owyhee County, Idaho—Biological Opinion
File #352.3250 2007-F-0557

Dear Mr. Martinez:

This letter transmits the Fish and Wildlife Service's (Service) Biological Opinion (Opinion) on your proposal to issue a Clean Water Act section 404 permit authorizing the city of Homedale to excavate accumulated sediments at the Homedale boat landing facility, on the Snake River, near Homedale, Owyhee County, Idaho. In a letter dated May 29, 2007, and received by the Service on May 30, the Corps of Engineers (Corps) requested formal consultation under section 7 of the Endangered Species Act (Act) of 1973, as amended. In your letter, you determined that the project is likely to adversely affect the Idaho springsnail (*Pyrgulopsis idahoensis*). We based our Opinion on the section 404 permit application provided with your letter, as well as discussions during a May 18, 2007 site visit.

The enclosed Opinion, prepared in accordance with section 7 of the Act, documents potential effects of the action on the Idaho springsnail, and concludes that the project will not jeopardize the continued existence of this species. Incidental take for the springsnail is exempted in the action area. Non-discretionary Terms and Conditions, outlined in our Opinion, require that the Corps take steps to minimize project-related impacts, thus minimizing the level of incidental take. A complete record of this consultation is on file at this office.

Thank you for your continued interest in the conservation of threatened and endangered species. If you have questions regarding this Opinion, or if we can be of further assistance, please contact Mark Robertson at (208) 378-5287.

Sincerely,

Jeffery L. Foss, Field Supervisor
Snake River Fish and Wildlife Office

cc: IDWR, Boise (Ballou)
City of Homedale, Homedale (Bauer)

BIOLOGICAL OPINION

EXCAVATION OF ACCUMULATED SEDIMENTS AT THE HOMEDALE BOAT LANDING FACILITY
NWW-2006-768-B01
Owyhee County, Idaho
2007-F-0557

Boise Regulatory Office
Walla Walla District, Corps of Engineers

June 2007

FISH AND WILDLIFE SERVICE
SNAKE RIVER FISH AND WILDIFE OFFICE
BOISE, IDAHO

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INTRODUCTION

This document transmits the Fish and Wildlife Service's (Service) Biological Opinion (Opinion) for the Corps of Engineers' (Corps) proposal to authorize the excavation of accumulated sediment that has minimized the utility of an existing recessed boat dock facility along the Snake River near Homedale, Owyhee County, Idaho. Our Opinion on the proposed action, as it relates to the Idaho springsnail (*Pyrgulopsis idahoensis*), is provided in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended. The Corps' proposal is in response to a Clean Water Act section 404 application from the City of Homedale. Your May 29, 2007, letter requesting formal consultation was received by the Service on May 30.

It is the Service's opinion that the project, as proposed, may have adverse affects on the Idaho springsnail, but that the species will not be jeopardized if the action is implemented as described. This Opinion is based on information provided in the 404 permit application and on observations and discussions during a May 18, 2007, site visit. A complete record of this consultation is on file at this office.

CONSULTATION HISTORY

December 6, 2006	The Service received a copy of a letter from the Corps to the City of Homedale outlining the applicant's request for a Clean Water Act section 404 permit, and their need to address Endangered Species Act issues related to the Idaho springsnail.
March 20, 2007	The Service received a copy of a letter from the Corps to the City of Homedale noting the Corps' withdrawal of the application due to a lack of progress in addressing springsnail issues.
May 14, 2007	The Service responded to a phone call from Larry Bauer of the City of Homedale, acknowledging their request for technical assistance to help address springsnail issues and to expedite movement through the consultation and permitting processes with the Corps.
May 15, 2007	The Service initiated a phone call with Greg Martinez of the Corps regarding information needs to complete section 7 consultation, and established an action plan to address the City of Homedale's 404 permit application.
May 18, 2007	Representatives of the Service, the Corps, the City of Homedale, and congressional aides participated in a field review of the proposed action.
May 30, 2007	The Service received the Corps' request for formal consultation.

BIOLOGICAL OPINION

Description of the Proposed Action

A. Action Area

The action area is defined as all areas to be affected directly or indirectly by the proposed Federal action. The project is located on the Snake River (approximate river mile 414) adjacent to the City of Homedale in Owyhee County, Idaho. This river reach is characterized as a broad, relatively slow flowing section, lacking rapids or falls. The recessed boat dock and its associated river substrate occupy an area measuring 30 feet (open water) by 50 feet (shoreline distance). The action area is comprised of the footprint of the area to be excavated, the area immediately adjacent to the boat dock from which equipment will be operated, and the downstream extent (approximately 300 feet) to which sediment may be mobilized. In addition, dredged material will be deposited at an upland site operated by Owyhee County; this area is also considered to be part of the action area.

B. Background

The existing boat dock was excavated into the bank of the Snake River. This recessed area created an eddy effect with the river, slowing water velocities and allowing suspended sediment in the river to fall out within the boat dock basin. Time and periodic episodes of high water have ultimately settled sufficient amounts of sediment such that approximately 75 percent of the boat dock is unusable. Sediment has accumulated to the extent that much of the dock area can not be accessed by boats, and wetland vegetation is becoming established within the basin area.

C. Description of the Proposed Action

The Corps proposes to issue a Clean Water Act section 404 permit authorizing the applicant to remove accumulated sediment from the Snake River within the basin created by the recessed boat dock. Approximately 266 cubic yards of material will be removed from the 30 feet by 50 feet basin. A long-armed excavator will be operated from the uplands at the top of the bank to remove accumulated sediment; excavated material will be placed directly in dump trucks and hauled to the designated waste site.

To minimize sediment mobilization in the river from the excavation activities, a silt curtain will be installed across the mouth of the basin to contain as much mobilized sediment as possible within the footprint of the action. The silt curtain will remain in place after excavation activities are completed until sediment has settled in the basin and in the river downstream. In addition, a water bladder will be installed along the top of the bank between the river and the construction equipment to reduce the potential for

sediment-laden run-off, created by the transport of excavated material from the river to the dump trucks, to enter the river. Sediment captured behind the bladders will be removed and hauled to the designated waste site prior to the disassembly of water bladders.

II. Status of the Species

A. Species Description

The Idaho springsnail, also known as the Homedale Creek springsnail, was listed as endangered on December 12, 1992 (57 FR 59244). A recovery plan that included this snail was prepared in 1995 (Service 1995) and is still being used as a recovery guidance document. Critical habitat for this species has not been designated. Since October 2002, the Service has received two petitions to delist this species on behalf of the State of Idaho's Office of Species Conservation and the Idaho Power Company (Company) (IOSC 2002, 2004). The earlier of those petitions was withdrawn; evidence collected subsequent to the December 14, 1992 listing of the Idaho springsnail indicates it no longer constitutes a distinct species (Hershler and Liu 2004). It is now described as the Jackson Lake springsnail (*Pyrgulopsis robusta*), a single taxon, composed of four previously distinct springsnail species (Idaho, Jackson Lake, Harney Lake, and Columbia springsnails). A status review was completed of the species on May 25, 2006. The status of the species at present remains unchanged; however, the Service published a Federal Register Notice proposing delisting of the Idaho Springsnail, on September 28, 2006.

The Idaho springsnail has a narrowly elongated shell reaching a height of 0.2 to 0.25 inches, with up to 6 whorls. The empty shell has a pale, olive-tan color that can appear white at the apex. The body of live snails is pale with areas of grey to black with a reddish-brown operculum. When properly preserved the body and snout are typically light to moderate brown, the foot being pale with a brown anterior margin and the visceral coil being black. Unlike most other molluscs, individuals are not hermaphroditic, but instead are either male or female (dioecious). This species is a Blancan (Pliocene-Pleistocene) Lake Idaho relict.

B. Life History

Species in the genus *Pyrulopsis* require permanent fresh water (Taylor 1985, Hershler 1998, Hershler and Sada 2002). *P. robusta* has been documented to utilize a wide range of flow conditions and habitats. For example, it has been found in the mainstem Snake River, Idaho, in various habitats; C.J. Strike and Swan Falls Reservoirs, Idaho (Clark 2005); and in two springs that flow through Yellowstone National Park and John D. Rockefeller National Parkway in Wyoming; Marmot Spring a relatively stable groundwater-fed spring, and Polecat Creek, a geothermal spring (Riley 2005). The species presently occurs more frequently and abundantly in river habitat than in lake or reservoir habitat (Clark 2005). In the Snake River, *P. robusta* achieves highest density on gravel to cobble substrates (Stephenson et al. 2004).

Researchers conclude that on average, the Idaho springsnail lives for about a year, with females laying eggs between February and May, but the number of eggs produced per female is not known. Juvenile snails appear in the population between March and July. Laboratory studies have shown that Idaho springsnails are active in water temperatures ranging from 48.5° to 92.7° F (Lysne 2003), but that snails died within one week if temperatures exceeded 87° F. The Idaho springsnail has been found in lake habitats where summer temperatures are believed to exceed 71.6° F. It is not known how such elevated temperatures or other eutrophic conditions might affect this species numbers, reproduction, or survival. Although their presence in warmer waters is noteworthy, this does not indicate that they can persist as viable populations under such conditions (Frest, in litt. 2002).

C. Status and Distribution

In the Snake River, *Pyrgulopsis robusta* is known to occur at numerous locations along a stretch of 214 river miles between river mile 240 and river mile 554. There have been at least 174 collections from this reach of the river and the extent of *P. robusta* is believed to be well defined and the species relatively abundant. The greatest number of live collections and the highest percentages of P. robusta occurrence are generally found in flowing waters influenced by reservoirs (Clark 2005).

At the upstream end of the range in C.J. Strike Reservoir, abundant numbers of springsnails are located at the mount of a small tributary (i.e. main pool) and on the gravel shores of the Bruneau River Arm, where comparatively cool and flowing water (i.e. relative to the Snake river) of the Bruneau River run into C.J. Strike Reservoir (Stephenson et al. 2004). In Swan Fall Reservoir, P. robusta are found in the headwaters of the reservoir, but only one snail has been collected in the main pool from the dam to 7 miles upstream of the dam (Clark 2005). At the downstream end of *Pyrgulopsis robusta*'s range in Idaho, the species known distribution ends immediately above the Hells Canyon Complex at the headwaters of Brownlee Reservoir. Surveys below Hell Canyon Complex have not yielded p. robusta (Finni 2003), Meyers and Foster 2003, Richards et al 2005).

III. Environmental Baseline

Regulations implementing the Act (50 CFR 402.02) define the environmental baseline as the past and present impacts of all Federal, State, or private actions and other human activities in the action area. Also included in the environmental baseline are the anticipated impacts of all proposed Federal projects in the action area which have undergone formal section 7 consultation, and the impacts of State, tribal, local, and/or private actions that are reasonably certain to occur and are contemporaneous with the consultation in progress. Such actions include, but are not limited to, previous hydropower licenses and other water resource activities. The following environmental baseline information was gleaned from the permit application and other existing sources.

A. Status of the Idaho Springsnail in the Action Area

There have been no surveys for the Idaho springsnail in the action area (RM 414) for the specific purpose of assessing project-related effects. Thus, it can not be concluded definitively whether or not Idaho springsnails occur in the action area. Snail surveys conducted by the Company in the general vicinity of the proposed action have occurred (Table 1.), and although results are preliminary and numerous questions remain regarding sampling methodology and taxonomic identity, it appears that Idaho springsnails could be found in the action area.

Although many sites surveyed by the Company yielded positive results, other sampling sites resulted in no snails being observed. Given the variability and patchy distribution exhibited by this snail, density calculations cannot be regarded as precise, but they do support an informed and acceptable estimate for the assessment of project-related impacts. Where the species is present, we estimate an average density at the project site of 240 Idaho springsnails per m^2. Considering all samples taken during the Company's survey effort in the project vicinity, densities could range from 0 to 960 snails per m^2.

Table 1. Idaho Power Company snail survey data 1998-2001: Surveyed sites containing Idaho springsnails in the vicinity of the proposed action.

Sample Site	River Mile	Calculated Density of Snails per m^2
8042	412.8	960.0
8043	412.8	102.0
8044	412.8	384.0
8047	411.1	307.2
8048	411.1	162.0
8049	411.1	246.0
8050	411.1	176.0
8054	410.1	24.0
8055	410.1	20.0
8056	410.1	16.0

B. Factors Affecting the Idaho Springsnail in the Action Area

1. Water Quality and Quantity

Water quality within the action area can be very poor seasonally. During the irrigation season, runoff from agriculture and other sources introduces pollutants (agrochemicals, pesticides, sediments) at multiple points along the Snake River. Seasonal changes in water use and ambient temperatures also cause significant warming of the river as well as greatly diminished dissolved oxygen (Clark et al. 1998; EPA 2002). Urban sewage releases into the Snake River also contribute to poor water quality, and the Service assumes this is true at the Homedale boat landing facility, though no site-specific data has been provided in the context of this consultation. It is not known at what point these water quality parameters become critical to the Idaho springsnail, but the species is regarded as water quality-reliant.

2. Introduced Species

The New Zealand mudsnail (*Potamopyrgus antipodarum*) is common throughout the action area. Although we do not possess quantified estimates of this species' densities in the action area, individuals have been identified at the boat landing facility. In areas more intensively surveyed, mudsnail numberss likely exceed the densities and/or biomass of other native snails, including the Idaho springsnail. A sister species of the Idaho springsnail, the Jackson Lake springsnail (*P. robusta*), has been documented to have greatly declined in its habitats where the New Zealand mudsnail has undergone population irruptions. We do not possess data that shows an inverse relationship of the Idaho springsnail with the mudsnail generally or at the project site, but based on observations of the mudsnail with other snail species, it appears that native species may decline in the presence of the mudsnail under certain conditions.

3. Recreational Impacts

The action area is used for a number of recreational water uses, including fishing and boating. These activities may impact Idaho springsnails and their habitat where people enter or pollute the river (e.g., trampling, fuel spills). While these types of activities may lead to death or injury of individual Idaho springsnail, such effects are likely to be highly localized and will not have a significant or lasting impact on the species or colonies as a whole.

4. Habitat Fragmentation

Human use of the Snake River has changed it substantially since large scale agriculture and settlement occurred in southern Idaho. At least two dams, C.J. Strike and Swan Falls, occur in the range of the Idaho springsnail and may serve, to some degree, as a barrier to their movement in the Snake River. Possibly of equal importance, changes in water quality due to human activities may also serve as a barrier to colonies or populations of the springsnail. This could affect the species in the action area by limiting potential for recruitment and genetic exchange from other colonies.

IV. Effects of the Proposed Action

Regulations implementing section 7 of the Act define effects of the action as "the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated and interdependent with the action, that will be added to the environmental baseline (50 CFR 402.02)." The following analysis was developed in accordance with the above guidance.

A. Direct and Indirect Effects

Direct effects are defined as the direct or immediate effects of the action on the species or its habitat. Direct effects result from the agency action and include the effects of interrelated and interdependent actions. Indirect effects are caused by or result from the

agency action, are later in time, and are reasonably certain to occur. Indirect effects may occur outside of the immediate footprint of the project area, but would occur within the action area as defined.

The project, as proposed, will adversely affect any Idaho springsnails present in the action area over the duration of the excavation activities, estimated at 2 days, and for a limited time following the completion of work activities. Excavation may involve direct impacts to snails present within the recessed area of the boat dock basin. Death, injury, and disturbance will be highly localized, primarily occurring in the 30 feet by 50 feet area within the foot print of the project where potential snail substrate will be excavated and hauled to an upland site. Snails using the sediment will desiccate and die in an upland disposal site. Snails occupying areas immediately downstream of the boat dock may be adversely affected as sediment mobilization may interfere with foraging and other behaviors, and may bury or otherwise disturb eggs and food resources, both of which may reduce the reproductive potential of the Idaho springsnail for some period after project completion as mobilized sediment settles and some level of equilibrium with the river is attained.

Indirect effects that may result from the project include elevated sediment deposition on and disturbance to benthic habitats/substrates. This will occur mainly downstream during the actual period of excavation, and for a limited time after work activities have ceased while sediments settle and benthic flora recolonize the area. The negative impacts of these factors may affect listed snails by covering and/or retarding periphyton (food) growth and may negatively affect the springsnails' eggs deposited on hard substrates.

Following project completion, the action area is expected to return to pre-excavation conditions and habitat quality will be similar to baseline conditions. Idaho springsnails will not be permanently precluded from the area as a result of project implementation. Recolonization of all benthic habitats disturbed during project activities should occur relatively quickly after completion, given the proximity of adjacent undisturbed habitat. For this reason, the Service anticipates that Idaho springsnail densities in the area prior to the project will recover within a couple of generations (years) after project completion.

B. Effects of Interrelated or Interdependent Actions

Interrelated actions are those that are a part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration.

Recreational boating use levels will increase following project implementation compared to levels seen today. Use levels will likely be similar to those observed prior to the boat dock's loss of function, but no additional use is expected as no increase in recreation facilities has occurred, and populations in the Homedale area remain relatively static.

V. Cumulative Effects

Cumulative effects include the effects of future State, tribal, local, or private actions that are reasonably certain to occur in the action area considered in this Opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Throughout its range, habitats of the Idaho springsnails are likely to be negatively affected by State, local, and private activities. Within the action area, the Service expects that factors described in section III.B. of this Opinion will continue into the future, including degraded water quality, competition with the non-native New Zealand mudsnail, recreation impacts including trampling and fuel spills, and limited recruitment due to upstream habitat fragmentation.

VI. Conclusion

After reviewing the current status of the Idaho springsnail, the environmental baseline for the action area, the effects of the proposed action, including the cumulative effects, it is the Service's opinion that the project, as proposed is not likely to jeopardize the continued existence of the Idaho springsnail. No critical habitat for this species has been designated; therefore, none will be affected.

The Service concludes that the excavation of accumulated sediment in the recessed area of the boat dock will have only limited and temporary impacts on any Idaho springsnail colony present. Some Idaho springsnails are likely to be killed, disturbed, injured, or affected by habitat alteration during project implementation if present. Mortality will largely be confined to benthic habitats that will be excavated within the footprint of the action.

Indirect effects from increased sedimentation and benthic disturbance will be minimized with the proposed use of silt curtains within the river and sediment containment devices in the upland areas. Little or no mortality of adult springsnails is anticipated to result from indirect effects, though disturbance of individuals downstream is possible as sediment is mobilized.

Because of the limited area affected by the action, and the short period of time in which activities will be occurring, it is unlikely that the project will result in permanent loss or damage to springsnail habitat. It is anticipated that habitat will recover to pre-project conditions over a relatively short period due to natural river processes and the methods proposed for project implementation. Recolonization of all benthic habitats disturbed

during project activities should occur relatively quickly after completion, given the proximity of adjacent undisturbed habitat. For this reason, the Service anticipates that Idaho springsnail densities in the area prior to the project will recover within a couple of generations (years) after project completion. Relative to the population as a whole, number and spatial extent of Idaho springsnails killed or disturbed due to the action will be minor. Therefore, the Service concludes that adverse effects to Idaho springsnails associated with this proposal will not jeopardize their continued existence or diminish their potential for recovery in the future.

VII. Incidental Take Statement

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, kill, trap, capture, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are non-discretionary, and must be undertaken by the Corps so that they become binding conditions of any permit issued to the applicant, as appropriate, for the exemption in section 7(o)(2) to apply. The Corps has a continuing duty to regulate the activity covered by the Incidental Take Statement. If the Corps (1) fails to assume and implement the terms and conditions or (2) fails to require the applicant to adhere to the terms and conditions of the Incidental Take Statement through enforceable terms that are added to the permit document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the Corps must report the progress of the action and its impact on the species to the Service as specified in the Incidental Take Statement [50 CFR §402.14(i) (3)].

A. Amount and Extent of Take Anticipated

The Service anticipates incidental take of Idaho springsnails in the Snake River in the action area as a result of the proposed action. Incidental take in the form of mortality, harm, and harassment to Idaho springsnails may occur when accumulated sediment is

excavated from the river and deposited in an upland site. Springsnails may also be harmed and harassed from silt and sediments released or mobilized into the river as a result of this activity. Sediments will indirectly affect Idaho springsnails, their eggs, and periphyton (food).

Density estimates of Idaho springsnails vary widely in the Snake River. Considering samples taken in the project vicinity where snails were observed (see Table 1), the mean density of snails in the action area could be assumed to equal about 240 snails per m^2. Given that the estimated footprint of the boat facility basin is 138 m^2, total snails subject to lethal take would be approximately 33,120. However, if densities were based on all samples taken in the project vicinity (0 to 960 per $m^{2)}$, numbers subject to lethal take could range from 0 to 132,480 snails. Given the variability in snail densities in the entire Snake River (and corroborated by surveys in the project vicinity), and based on the lack of action area specific survey information, we believe it is not prudent to express take in terms of the number of snails taken. Rather, anticipated take is best expressed in terms of the spatial extent of the impacts, and therefore assume lethal take of all snails within the 138 m^2 area of the recessed boat dock basin. An additional number will undergo some degree of disturbance (harassment) resulting from downstream sediment effects. Harm will occur in the form of alteration of habitats adjacent to the area of excavation, but the number snails impacted can not be reliably estimated since we do not know how project-related effects diminish with distance downstream of the footprint.

B. Effect of the Take

The projected numbers of Idaho springsnail to be killed (33,120) and the total number to undergo some degree of harm or harassment are large, but when placed in the context of the entire population within this reach of river, it is a very small proportion of the total. The actual area to be affected by the project is small relative to the entire Snake River in the Homedale area alone, and if similar densities are found in adjacent habitats, then those snails affected by this project do not represent a significant number of individuals relative to the population as a whole. In addition, it is very plausible that the densities of snails in this area are lower than reported since we used numbers based on an average density from sites known to harbor snail populations.

C. Reasonable and Prudent Measures

The Service believes that the following reasonable and prudent measure is necessary and appropriate to minimize take of Idaho springsnails in the Snake River at the Project site.

- Minimize harassment and mortality to Idaho springsnails and minimize harm to their habitat during sediment excavation activities.

D. Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the Act, the Corps must comply with the following terms and conditions, which implement the reasonable and prudent measure described above. These terms and conditions are non-discretionary.

- Perform excavation activities outside of periods of high water and when precipitation events are not expected. Higher river flows or overland flow of precipitation will likely mobilize sediment above that expected.
- Remove the silt curtain only after mobilized sediment has settled into the boat dock basin and turbidity within and outside of the basin appear equal. In addition, remove the upland water bladders only after captured sediment is removed and hauled to an upland site. These efforts will minimize the potential for sediment to become mobilized in the river.

If, during the course of the action, this level of incidental take is exceeded, either in total area or duration, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measure provided. The Corps must immediately provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measure. Also, if during the course of this action the project is not implemented in a fashion consistent with that proposed, the Corps must reinitiate consultation with the Service to assess any unforeseen effects to the species covered in this Opinion.

E. Reporting Requirements

The Corps shall notify the Service within one month of completing the project activities, and provide confirmation that the project has been implemented as proposed and was consistent with the terms and conditions outlined in this Opinion. Notification may occur informally via email. If any significant project activities occur that are not addressed in this Opinion, the Corps will contact the Service immediately.

VIII. Conservation Recommendations

Section 7(a)(1) of the Act directs Federal agencies to utilize their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery programs or to develop information. Conservation Recommendations may also be made regarding nonlisted species pursuant to the Fish and Wildlife Coordination Act when projects propose to impound, divert, channelize, or otherwise alter a body of water.

- The Corps should engage as a partner in investigations on the distribution and biology of listed snails and other sensitive aquatic organisms in the State of Idaho. Such collaborative efforts are essential in gathering information on the distribution and status of these species and may provide information critical to their recovery or conservation.
- The Corps should investigate, and when determined feasible, implement in-water riverine construction activities in a manner that will minimize impacts to aquatic species and their habitats.

IX. Reinitiation Notice

This concludes formal consultation for the Corps's issuance of a Clean Water Act 404 permit authorizing the excavation and removal of accumulated sediments at the Homedale boat dock. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. Reinitiation of section 7 consultation may be necessary for such events. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

X. Literature Cited

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