

Decision Memo

Special Use Authorization to Idaho Fish and Game For Helicopter Landings and Aerial Darting To Support Gray Wolf Capture and Collaring In the Frank Church-River of No Return Wilderness

USDA Forest Service
Intermountain Region
Payette and Salmon-Challis National Forests
Idaho, Custer, Lemhi and Valley Counties, State of Idaho
Various locations in the Frank Church-River of No Return Wilderness

Background

In 1995, gray wolves were re-introduced to the Frank Church-River of No Return Wilderness (FC-RONRW). Since then, the US Fish and Wildlife Service (USFWS), the Nez Perce Tribe, and the State of Idaho have managed them under various rules of the Endangered Species Act. In 2009, the USFWS delisted the gray wolf in Idaho and turned over wolf management to the State of Idaho. The gray wolf is currently managed under the Idaho Wolf Conservation and Management Plan of 2002.

In 2008, the State of Idaho adopted the Idaho Wolf Population Management Plan. The Idaho Department of Fish and Game (IDFG) is the responsible agency for management of gray wolves within the State of Idaho. IDFG monitors gray wolf packs and keeps records of wolf population data in order to support wolf recovery. As part of their ongoing research and study of gray wolves in Idaho, IDFG have requested permission to land a helicopter on National Forest System (NFS) land. The helicopter would be used as the platform to dart and capture an anticipated 12 gray wolves during their upcoming big game ungulate survey in Big Game units 20A, 26, and 27 (commonly known as the Middle Fork zone), which is within the FC-RONRW.

Purpose and Need

The purpose of the project is to issue an authorization to IDFG for the landing of a helicopter and associated aerial darting to collar gray wolves. The authorization will allow IDFG the ability to place radio collars on these wolves in order to monitor their movements and add to our mutual understanding of wolf movement, distribution, behaviors, and rendezvous and denning sites with the FC-RONRW, where this information has not been previously available and other methods have proved unsuccessful in acquiring the needed data. The information gathered from the collared animals will help identify denning and rendezvous sites, which will help IDFG localize

pack boundaries and use sites to aid in future leg-hold trapping efforts to further study wolf movements, and other future data collection activities. Information gained will contribute to Forest Service efforts to manage the wilderness resource.

The proposed action is designed to minimize the impact on the wilderness resource by authorizing the use of a helicopter during the season of lowest use (winter) coincident to the big game aerial survey flights that will be conducted during the winter of 2010. The surveys take about 2 weeks to perform and are currently scheduled for late March 2010.

The IDFG needs adequate wolf data to meet the management requirements of the State Wolf Conservation and Management Plan and the USFWS Wolf Recovery Plan. According to the Endangered Species Act and the Plan wolves need to be monitored for 5 years following delisting in order to ensure the effectiveness of the program. There are currently 8-10 uncollared wolf packs in the FC-RONRW for which there is little available information. Past efforts to acquire this information in the wilderness have only proven partially successful. This collaring effort will allow the IDFG and the Forest Service to focus attention on the remaining packs in the FC-RONRW where information is not currently available on wolf behavior, movement patterns, distribution, and range within the wilderness.

Information gathered will be utilized by the Forest Service to further efforts to manage and protect the wilderness character of the area represented by the presence of natural predators and predator-prey relationships, and study of wildlife population dynamics in the wilderness setting. In addition, as more is known about the gray wolf, the Forest Service may need to take actions to address visitor – wolf conflicts. The location information will be useful for making decisions about outfitter camp locations and trail routings, and for use in visitor education efforts.

Decision

As the federal land management agency the Forest Service decision is whether to approve the use of motorized equipment and mechanical transport in the FC-RONRW. Decisions on collaring and wolf management are the prerogative of the State of Idaho.

I have decided to authorize the helicopter landings and aerial darting necessary to support IDFG's wolf collaring efforts in the FC-RONRW. I will implement the decision by issuing a special use authorization to IDFG for the necessary helicopter landings and aerial darting to collar wolves during the big game aerial survey planned during the winter of 2010, most likely occurring in late March. I have fully reviewed the findings of the minimum requirements analysis and concluded that there is minimal potential for effects to the wilderness character of the Frank Church-River of No Return Wilderness from this action. The minimum requirements analysis has documented a full examination of the proposal and its effects on the wilderness. It examined reasonable alternatives, including the use of leg-hold traps with no accompanying motorized equipment use. I fully considered the minimum requirements analysis in my decision and have determined the landings and darting are minimum requirements for the management of the FC-

RONRW. Maps of the project area are included within the minimum requirements analysis. (Appendix 1 -Minimum Requirements Decision Guide, dated 12/10/2009)

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because it qualifies under 7 CFR 1b.3(a)(3) "Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity." The purpose of the Forest Service authorization is to facilitate research activities and studies that will benefit programs of the State and the Forest Service, and management and protection of the wilderness area and its resources. The "context and intensity" of these research activities should be evaluated in light of the categorical exclusion under 36 CFR 220.6(e)(3) for "Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land," which also applies to this proposal. The helicopter landings and darting that would be authorized by this decision requires substantially less than five contiguous acres of land. Because the authorized activity occurs in a designated wilderness area, I must consider the potential effect to this extraordinary circumstance that would preclude the use of these categorical exclusions. 36 CFR 220.6(b).

The use of the categorical exclusions is appropriate because the degree of potential adverse effects on resource conditions delineated under 36 CFR 220.6(b) related to the proposed action is minimal. The determination of whether or not there are extraordinary circumstances that would preclude the use of the categorical exclusion is made based on the degree of the potential effect on resource conditions identified under 36 CFR 220.6(b)(1). I have concluded that there is minimal intrusion on wilderness character due to noise. Further, I believe there will be no adverse effect to the physical and biological characteristics of the wilderness area.

Federal regulations clearly require a special use authorization for any party to land helicopters in the FC-RONRW outside of designated airstrips, with limited exceptions that do not apply to the IDFG proposal being considered here. Forest Service policy provides for this use and the capturing, marking and radio telemetry of animals within wilderness, through application of the "Policies and Guidelines for Fish and Wildlife Management in Wilderness and Primitive Areas," developed jointly by the Forest Service, Bureau of Land Management and the Association of Fish and Wildlife Agencies. These policies were developed from Congressional Guidance in House Report 101-405, published February 21, 1990. As indicated in this decision memo and the attached Minimum Requirements Analysis, these actions are appropriate in wilderness in some situations, and can be accommodated under current laws and regulations.

I considered the potential for biological and physical effects to the wilderness resource. Helicopter landings during the winter will occur on frozen or snow covered ground. The helicopter landing skids would normally not make a lasting impression during this time of year. Plants are dormant and would not be affected by the touch of a landing skid. Helicopters would only land in safe locations where they can land and take-off free from

obstacles and hazards. There would be no discernable evidence of a helicopter landing shortly after the activity.

There will be a combination of landings at established airfields and at various capture sites. I expect there to be fewer than 20 landings away from existing airstrips that require Forest Service authorization. These landings are very short duration, normally less than 1 minute long, typically lasting less than 15 seconds. Each capture event may have between 2 and 3 landings to drop-off and pick-up passengers. Longer landings may be necessary in some locations but would not have any adverse effect. The landings will occur on snow or frozen ground and will have no lasting effect on the wilderness resource. In addition, the helicopter landings will take place in the winter when recreation use is minimal. It would be highly unusual for there to be people recreating in the area during this time of year and in the proposed locations for the capture operations. The darting poses no threat to human life or the environment. Therefore, there is no potential for significant effects to wilderness from the landings or darting.

A part of my consideration is the role of aviation within the Frank Church-River of No Return Wilderness. Aircraft traffic is common during most of the year, even during the winter months. The aerial big game surveys will occur regardless of whether the landings are authorized by the Forest Service. The small additional increment of noise from helicopter landings to collar wolves will have no appreciable additional effect to the wilderness. Based on the analysis of potential scenarios the expected amount of additional helicopter activity time due to the captures is less than 2 hours, spread over a two-week aerial survey window, currently scheduled in late March. The open terrain of the Middle Fork Zone is one feature that makes this proposal feasible. Wolves are visible on the open slopes and aerial capture is possible because the helicopter can maneuver close to the ground.

Some public comments indicated a belief that the Wilderness Act, Forest Service policy, or the Frank Church-River of No Return Management Plan prohibited this activity. However, this proposal is fully within the authority granted to me by the Secretary of Agriculture to consider and authorize motorized equipment or mechanical transport uses that are necessary to meet minimum requirements for the administration of the area for the purposes of the Wilderness Act. I have completed the minimum requirements analysis required for motorized equipment use for research in wilderness (FCRONRW Plan - Standard #6. The use of helicopters and fixed-wing aircraft for research purposes outside of public airstrips will be analyzed through the Minimum Requirements Analysis process. (S)) The minimum requirements analysis indicated there would be minimal effect the wilderness.

Other comments suggest that this action violated congressional direction. On the contrary congressional direction as provided for in the "Policies and Guidelines for Management of Fish and Wildlife in National Forest and Bureau of Land Management Wilderness" (AFWA, June, 2006) provides for the occasional use of motorized equipment as well as for the capturing, marking and radio telemetry of animals within wilderness. As noted above, the activity will occur during winter when use is minimal

and the helicopter landings will not harm or effect the wilderness environment. This meets the guidelines.

Other comments received indicated that there was no established need for the wolf information for wilderness management. They argued that the helicopter landings were not necessary for wilderness management. I disagree. The State of Idaho is a long-standing cooperator in wilderness management. The Wilderness Act and Central Idaho Wilderness Act both recognize the role of the State in management of fish and wildlife on the National Forests. As a cooperator, the State has made a compelling case to me that they need information on wolves in the wilderness in order to meet their obligations under the Endangered Species Act and the State Wolf Conservation Plan. Currently, there are 8-10 wolf packs within the FC-RONRW without collars. This missing information will help the IDFG make better decisions on wolf management, not only in the wilderness but throughout the State. Wolves and other wildlife are an important component of the wilderness resource, and the State's efforts to monitor and manage wolf populations are necessary for management and protection of this resource. The missing information will also help the IDFG make better decisions on wildlife management more broadly that have implications for the character and condition of the Frank Church-River of No Return Wilderness. Application of this information will help IDFG be more successful in the future with leg-hold trapping and other non-motorized means of data collection.

The information gained will help the Forest Service meet its minimum requirements for administration of the FC-RONRW. Very little is known about the use of the wilderness by the gray wolves. Understanding their movement patterns, habitat preferences, distributions, and local use sites will aid the Forest Service in making management decisions that will help in the recovery of the wolf and management of this wilderness area. Some possible uses of the information include placing outfitter camps in areas to avoid potential wolf conflicts, trail location decisions, and visitor education (e.g. to decrease potential interaction between wolves and visitors with dogs.). Insight into the wolf predator-prey relationships will help us understand the natural ecosystem of the FC-RONRW better.

In addition, some comments said the Forest Service had no need for the information and therefore there was no basis for a minimum requirement need for motorized equipment use in wilderness. This is too narrow of an interpretation of the Wilderness Act, and also fails to understand that as the land manager we benefit from a full understanding of the dynamics of the natural world within wilderness. The Forest Service can make use of the increased scientific knowledge about wolf presence, behaviors, and movement patterns to add to our understanding of natural processes, predator/prey relationships, and the interaction of wolves in the environment. Just as has been shown in other areas, like the Yellowstone and Montana populations, the new presence of wolves in the environment causes changes that are sometimes difficult to observe as a snapshot in time, but that if looked at over a period of time show profound effects. Just as we have visitor controls in place for bear management, we may need to put in place management controls related to

the wolf population in the future. Having access to this information will be useful for our future management of the FC-RONRW.

A similar proposal was made in 2006, and at that time the Forest Service asked the State to try other methods first. In response, the IDFG tried for two years to leg-hold trap gray wolves within the Selway-Bitterroot Wilderness area without success. They spent considerable time and money trying to meet their information needs. The likelihood of capture success is much higher using the helicopter because there is a visual sighting of the animals prior to the capture operation. With aerial darting, the IDFG can select the alpha pair in a pack for darting, which will provide them with the best information possible on pack range and distribution, rendezvous and denning sites, and movement patterns within the pack's range. Leg-hold trapping requires a much more extensive field effort which has potential adverse effects to the wilderness resource, non-target animals, and the public. Also, with leg-hold trapping, there is no way to select the desired animals to be trapped. Aerial darting is the more humane method of capturing animals and has fewer impacts to the wilderness resource, including minimal impact on visitors, less opportunity for effects to non-target animals and pets, and less impact from camping and travel effects associated with leg-hold trapping. Aerial pursuit and capture have been shown to not disrupt their natural behaviors and not have adverse effects on wolves. The risk of injury is also lower with aerial capture than leg-hold trapping.

Several public comments suggested that retrieval of the collars would create other impacts on the wilderness. IDFG will walk or ride to the last known location of nonresponsive collars to retrieve them. IDFG does not need special authorization for collecting used collars.

Some comments also asked what had changed in the proposal such that it could now be authorized under a CE rather than an Environmental Assessment, as had been indicated in scoping during 2006. The earlier proposal was much broader in scope and scale than the current proposed activity. In 2006 IDFG had essentially asked for permission to land anywhere within the FC-RONRW during the aerial survey activities over a four month period. This current proposal is limited in scale and intensity to a two-week window in a discrete portion of the FC-RONRW. I am also placing an upper limit of 20 landings as part of the authorization. This will ensure that the activity fits within the appropriate use of a CE.

The minimum requirements analysis identified a set of standard operating procedures which will be utilized for this authorization. Implementing these actions will ensure that the effect on the wilderness is truly minimal. These procedures include:

- Minimize wilderness impacts by using designated airstrips for landings to the greatest extent possible.
- Utilize existing airstrips for preparation landings when the airstrip is within 10 minutes flight time of the capture area.
- Use safe landing zones to deploy and pick up personnel.
- Plan capture activities during the week to avoid any conflict with weekend visitor use.
- Avoid captures in areas of high visitor frequency, which the Forest Service will identify

- Use only existing openings for landings; no cutting of vegetation for landing sites is authorized.
- Avoid landings on brush or shrubby vegetation; choose natural grass openings, like river benches or ridgelines. Land on snow whenever possible.
- Utilize flight following contacts with local dispatch centers when capture activities are in progress.
- Report the number of landings and capture success on a daily basis during the period of use.

As part of the analysis I looked at other alternatives to landing a helicopter. Specifically, I analyzed the effects of leg-hold trapping, which has not been sufficiently successful to provide the needed information. Other alternatives that were reviewed but not studied in detail because they are not effective methods to gather the needed information include capture by net gunning and other data collection methods like hair traps, scat samples, and cameras. In addition, the No Action Alternative is not appropriate as the State and the Forest Service need the information to successfully meet their management requirements, both for and the information will be useful to the Forest Service in management of the wolf population by the state and management of the wilderness resource by the Forest Service. Finally, an alternative that utilized a separate helicopter for aerial capture activity was discarded as having more effect to the wilderness resource than tying the captures to the existing aerial big game surveys.

I utilized a group of specialists in the Regional Office, with review by the affected National Forests, to analyze the effects of the proposal to the project area and to document their findings in specialist reports and biological assessments/evaluations (BAs/BEs). The reports and BA/BEs are in the project file located at Intermountain Regional Office, in Ogden Utah. The Fish and Wildlife Service concurred with a finding of May Affect – Not Likely to Affect - Canadian Lynx, which is the only threatened and endangered terrestrial species potentially affected by the project. Input from the specialists and comments from the public were incorporated into the final design and mitigations for the project.

Scoping and Public Involvement

A proposal to issue an authorization to IDFG for landing of a helicopter to capture wolves was listed in the Schedule of Proposed Actions on October 1, 2009 on the Salmon-Challis National Forest website. The proposal was provided to the public and other agencies for comment during scoping from September 14 through October 18, 2009. A mailing list of over 300 individuals, groups, and agencies was developed using the Salmon-Challis and Payette National Forest NEPA mailing lists. Major groups contacted included Wilderness Watch, the Idaho Conservation League, Western Watershed Project, Alliance for the Rockies, Idaho Sporting Congress, Center for Biological Diversity, National Wildlife Federation, and the Wilderness Society. Copies of the announcement were also sent to all the County Commission offices within the affected area. In addition, the agency met with the Nez Perce, Shoshone-Paiute and Shoshone Bannock Tribes to consult on this project. The Nez Perce and Shoshone Bannock tribes did not express major concerns. The Shoshone Paiute tribe indicated that

helicopter use was not appropriate in the wilderness for this activity. The Shoshone Bannock and Shoshone Paiute tribes were concerned that this action might set a precedent for future management of the wolf. The Shoshone Bannock wanted the information gathered on wolves to be readily available to the public.

Hard copies of the Scoping Announcement were also sent to a variety of newspapers within the area, including the Idaho Statesman, Salmon Recorder Herald, Challis Messenger, Emmett Messenger Index, and the McCall Star News,

Two hundred and seventy three letters of comment and e-mails were received in response to the scoping announcement; 146 of the responses were e-mails generated by a Sierra Club outreach. These comments were grouped into 35 different categories that formed 8 comment themes. All the comments were considered as I was reviewing the proposal and making my decision.

Collectively, external and internal comments were reviewed and evaluated to determine the degree of potential effect to resource conditions listed under 36 CFR 220.6(b), which include designated wilderness. While there is definite disagreement among the respondents on the benefits and detriments of this proposal, and widely divergent positions on whether the proposal supported or violated the law, none of the comments or concerns raised significant issues or extraordinary circumstances that I did not consider and evaluate. It is my judgment that this proposal fits the categorical exclusions for research, inventories and studies, and short-term authorizations, and there are no effects to extraordinary circumstances that would preclude the use of this categorical exclusion.

Reasons for a Categorical Exclusion

I have determined that this is a routine action with no extraordinary circumstances that falls within a category established by the Secretary of Agriculture “Inventories, research activities, and studies, such as resource inventories and routine data collection, when such actions are clearly limited in context and intensity. 7 CFR 1b.3(a)(4). This action also fits a CE category established by the Chief for the Forest Service for “Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.” 36 CFR 220.6(e)(3))

Aerial capture of wolves is a common method for subduing and collaring gray wolves. The time period for the capture operations is limited in duration and extent. Tying the captures to the aerial big game survey will minimize any overall effect to the wilderness. While some may say the use of a helicopter in wilderness triggers extraordinary circumstances, I have determined through a minimum requirements analysis that there will be minimal effect to the FC-RONRW.

In addition, I reviewed several other projects involving helicopters in wilderness that were approved under a Categorical Exclusion. These include bighorn sheep capture and Rocky Mountain goat transplants in the FC-RONRW, bighorn sheep transplants in Nevada and mountain goat captures in Utah. These actions were also found to be of

limited scope and effect through a minimum requirements analysis. The use of a helicopter for wolf capture is similar to these other activities.

This project does not individually or cumulatively have a significant effect (40 CFR 1508.27) on the quality of the human environment and, therefore, has been categorically excluded from documentation in an EIS or an EA. Because of the interest in this proposal I have developed this decision memo to share with interested parties and completed a minimum requirements analysis to assure myself that there are no potential adverse effects to resource conditions to the FC-RONRW.

This decision only applies to this proposal and situation. Future requests will need to be considered and evaluated on their own merits. The type of analysis and decision documentation will depend on each proposal.

Test for Extraordinary Circumstances

There are no extraordinary circumstances related to the decision as documented below.

- a) *Threatened, endangered, or their critical habitat, and Regional Forester Sensitive species:* Authorizing the helicopter landings will have no effect on five threatened or endangered terrestrial species. A May Affect – Not Likely to Adversely Affect determination was made for Canadian Lynx and concurred with by the USFWS. 21 sensitive plant species, 1 fish species, and 3 wildlife species were reviewed and it was determined there would be no impact on these species from the project. For sensitive species, the project may impact individuals but is not likely to trend the species towards federal listing for 8 terrestrial wildlife species. Biological Assessments and Biological Evaluations have been completed for fish, terrestrial animals and plants, and are part of the Project File.
- b) *Flood plains, wetland, or municipal watersheds:* No helicopter landings will occur in any flood plains, wetlands, or municipal watersheds. Helicopter landings can clearly avoid these areas and landings in the winter will be on snow or frozen ground.
- c) *Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation areas:* This project is within the FC-RONRW, but I have determined that because the helicopter landings are limited in number and duration and occur during the winter there is minimal effect to the wilderness. Aircraft use in the FC-RONRW is common, there are 13 airstrips within the Middle Fork Zone that are used for landings, and the added increment of potential disturbance from these helicopter landings is nominal. No other congressionally designated areas are affected.
- d) *Inventoried roadless areas:* The project area is not located within any inventoried roadless area.
- e) *Research Natural Areas:* The area where the project activities will occur is not part of any Research Natural Area.
- f) *American Indians and Alaska Native religious or cultural sites:* Consultation meetings were held with representatives of the Nez Perce, Shoshone-Paiute and Shoshone-Bannock Tribes. No significant concerns were raised.

- g) *Archeological sites, or historic properties or areas:* The project proposal was evaluated by a cultural resource specialist and was determined that the project will have no adverse effect on archaeological resources. The helicopter landings will be able to avoid any sites of concern. Informal consultation with the Idaho State Historic Preservation Officer did not raise any concerns. Any unknown sites discovered during project activities will be avoided and promptly reported to a Forest Service archaeologist.

Monitoring

As part of the special use requirements, certain monitoring will be incorporated into the authorization. Prior to the aerial survey activity IDFG will be asked to meet with local Forest Service officials (District Ranger level) to identify working areas, base camps, emergency procedures, and communications strategies. A flight following plan will be developed to provide notice to Forest Service dispatch centers of the flight activity.

Following capture activity events, a daily summary report of the capture will be required, including the hour of activity, the number of landings that occurred, the number of darts shot and recovered, the approximate location of landings, and any items of significant interest. This information will be used to evaluate the project activities for future reference.

At the end of the project, a final report summarizing the capture activities and its successes will be required from IDFG. This report will be made available to the public.

Findings Required by Other Laws and Regulations

This decision is consistent with the Frank Church River of No Return Wilderness Plan as required by the National Forest Management Act. The project was designed in conformance with its decisions for fish and wildlife management and research. The proposal is consistent with Fish and Wildlife Goals #1, 2, and 3, and Objective #1 and #2. No Fish and Wildlife standards or guidelines apply. Research guidelines #3 and #7 apply and the proposal has been analyzed with these in mind. A minimum requirements analysis has been completed to comply with standard # 6.

National Environmental Policy Act (NEPA): Use of a Categorical Exclusion and Decision Memo document is in compliance with NEPA and the Council on Environmental Quality regulations (40 CFR 1500-1508) for implementing NEPA.

Clean Water Act, Executive Order 11990 (wetlands) and 11988 (floodplains): There are no wetlands, floodplains or Riparian Habitat Conservation Areas that will be affected by the proposal. No 303d (water quality impaired) listed stream segments will be affected, and beneficial water uses will be maintained.

Clean Air Act: Air quality will not be affected because of the need to comply with guideline directions and constraints, and because of the very limited extent of the project.

Migratory Bird Treaty Act: The environmental effects associated with the proposed action would not measurably affect habitat availability for migratory bird species nor would it measurably affect migratory bird populations associated with the FC-RONRW. This project meets the requirement to design activities in order to avoid or minimize, to the extent practicable, adverse impacts on migratory bird resources. The wildlife analysis report is included in the project file.

National Forest Management Act (NFMA): This action is consistent with the NFMA and the Salmon, Challis and Payette National Forest Land and Resource Management Plans, that strive to improve forest health, watershed, fish, and wildlife habitat conditions. Specific management area direction requires the same. Consistent with regulations at 36 CFR 219.19, the project was evaluated for impacts to habitats for Management Indicator Species (MIS). No MIS species are affected. A wildlife analysis report is included in the project file.

Executive Order 12898 (Environmental Justice): In accordance with Title VI of the Civil Rights Act of 1964, this action does not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. No disproportionately high and adverse environmental or human health effects on an identifiable low-income or minority population were discovered.

National Historic Preservation Act: The project has been reviewed by a regional and forest archaeologist and has been determined to have no adverse affect to any known or listed historic properties. Idaho State Historic Preservation Officer (SHPO) informally concurred with this finding. It will proceed with the understanding that if heritage resources are discovered during the course of the activities, a Forest Service archaeologist will be immediately contacted for additional project review prior to implementation in that area.

Endangered Species Act (ESA): This decision is consistent with the ESA. A wildlife Biological Assessment and Biological Evaluation for this project was completed on November 6, 2009. There was a finding of “May Affect – Not Likely to Adversely Affect” for Canadian Lynx. No other Federally-listed wildlife species were affected. The project will have no effect on 3 sensitive species and may impact individuals, but is not likely to trend the species towards federal listing, for 8 terrestrial sensitive wildlife in the project area. Even though the wolf has been de-listed for the Idaho population, ESA still requires that this population be monitored for five years to ensure effectiveness of the State’s management plan at ensuring wolf recovery.

An aquatic species Biological Assessment and Biological Evaluation for this project was completed December 1, 2009, and determined a “No Effect” to Chinook salmon, sockeye salmon, steelhead trout, and bull trout, with a “No Impact” determination for westslope cutthroat trout, a sensitive species.

A Biological Evaluation of 21 plant species designated as sensitive by the Forest Service Regional Forester was completed December 4, 2009. No Threatened or Endangered plants or their habitat were determined to be in the project area. A determination was made that the project will have no impact on Sensitive plant individuals or their habitat, nor contribute to a trend towards federal listing or cause a loss of viability to populations.

No National Oceanic and Atmospheric Administration (NOAA) Fisheries concurrence with these determinations was necessary. The USFWS concurred with the determination of “May Effect, Not Likely to Adversely Affect” for Canadian Lynx on November 30, 2009.

Contact Person

For additional information concerning this decision or the Forest Service appeal process, contact Randy Welsh, Wilderness Specialist, Regional Office, 324 25th Street, Ogden, Utah 84401, 801-625-5250.

Administrative Review and Implementation Date

This project will be implemented on or after January 15, 2010. Idaho Fish and Game will be issued a special use permit authorizing the landing of a helicopter outside of established airstrips for up to 20 landings and the associated aerial darting to support aerial wolf capture and collaring. The special use permit will establish operating procedures and mitigation measures sufficient to keep effects to the wilderness minimal.

This decision is not subject to administrative appeal.

/s/ Harvey L. Forsgren

Regional Forester

12/22/2009

Date

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