

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
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EMS
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To: District and Field Office Managers

From: State Director

Subject: Proposed Critical Habitat and Draft Recovery Plan for Bull Trout

DD: 01/15/03

On November 14, 2002, the U.S. Fish and Wildlife Service released copies of its draft recovery plan, and proposed rule to designate critical habitat for bull trout. These documents and related information are located on the following URL on the WEB: <http://pacific.fws.gov/bulltrout/>. The recovery plan is advisory only and carries no regulatory authority. It represents the U.S. Fish and Wildlife Service's estimation of what is necessary to recover the species. Critical habitat includes waters that are essential for the conservation of bull trout and which may require special management considerations. Critical habitat designation requires the Bureau of Land Management (BLM) to ensure that any activity we "fund, carry out, or authorize" is not likely to destroy or adversely modify the critical habitat. Only waterways are included in the proposed critical habitat designations; adjacent lands are excluded. This has been an enormous task in which the Service and partners, including BLM, have been involved for a number of years, and now represents an opportunity for all involved to move forward and actively assist with recovery leading toward eventual de-listing. Authors of the recovery plan have estimated that if it is fully implemented, de-listing could be achieved in 15 to 25 years.

Implications of the Draft Bull Trout Recovery Plan

In addition to general goals and objectives, the draft Plan contains some very specific recovery actions for each of the geographic units (basins). Cost estimates, and a 5-year schedule of implementation are included. Agencies, including BLM are assigned responsibility for carrying out these recovery actions. Examples include: 1) "Evaluate natural 'semi-permanent' fish passage barriers and determine if removal may be needed, then implement if necessary."; 2) "Conduct implementation and effectiveness monitoring of livestock grazing impacts on Federal managed lands."; and 3) Inventory

and provide fish passage around stream diversions. For this action, the draft Plan contains a list of “disconnected” stream segments in the Lemhi, Pahsimeroi, and East Fork Salmon sub-basins. Though not legally binding, these Unit Recovery Plans have significant implications for the upcoming RMP revisions and for guiding our bull trout conservation priorities in Idaho, Montana, Washington, and Oregon. They would represent the best that is currently available on the subject of bull trout recovery. Thus the Plan would partially guide our implementation of Threatened & Endangered policy, including obligations under Section 7 (a)(1) and 7(a)(2).

Implications of Proposed Critical Habitat: In effect, designation of proposed critical habitat has little or no additional impact on our analyses of project compliance under Section 7 of the Endangered Species Act. This is because our assessment of potential adverse effects to the species would include effects to habitat. However, designation of proposed critical habitat may have significant implications for which specific projects need to be assessed. Critical habitat is proposed where there is: 1) spawning, rearing, foraging, or overwintering habitat essential to existing bull trout; 2) corridors and connections needed by migratory bull trout; and 3) habitats where bull trout numbers are small or even absent but are needed to achieve recovery of the local population. In the latter case, expansion of an existing, weak population may be needed in order for it to become viable in the long term. Where populations are strong, proposed designations may be limited to just those habitats already occupied, and not include those where occupancy is questionable. Thus future consultations should focus on activities that have the potential to affect proposed critical habitat. All other habitats, not deemed necessary to recover the species, would not need to be assessed for effects. However, before final designation of critical habitat, those not included in the proposed listing, but that may be included in the final listing based on local biologists’ knowledge of bull trout presence/absence and connectivity, should continue to be assessed under Section 7.

Prior to designation of proposed critical habitat, biologists have used one of the following in the effects determination for bull trout:

*may affect - not likely to adversely affect bull trout; or
may affect – likely to adversely affect bull trout.*

In the future, this language will be replaced with one of the following:

may affect - not likely to adversely affect bull trout, and not likely to adversely modify proposed critical habitat for bull trout; or

may affect - likely to adversely affect bull trout, and likely to adversely modify proposed critical habitat for bull trout; or

may affect - likely to adversely affect bull trout, but not likely to adversely modify proposed critical habitat for bull trout.

Review and Comment

The Service plans to conduct public hearings and informational sessions in January at the following locations:

January 7	Salmon (Salmon Valley Center meeting room) Polson, Montana (KwaTaqNuq Resort)
January 9	Lewiston (Red Lion Hotel) Spokane (West Coast Grand Hotel)
January 14	Boise (AmeriTel Inn/Boise Spectrum)

On these days, informational meetings will take place between 10am and 3pm and public hearings from 6-8pm. BLM will not officially testify at the public hearings. BLM's comments on proposed critical habitat are due January 28 and comments on the draft recovery plan are due February 27, 2003. Official comments will be compiled in the State Office, coordinated with surrounding State Offices and the Forest Service, and then submitted in writing prior to these deadlines. Field Offices need to provide review comments on these proposals, and specifically:

1. Determine if the locations of proposed critical habitat designations are accurate.
2. Provide comments on the anticipated workload effect of implementing the proposals.
3. Identify any new information that would be helpful in refining critical habitat designations or the recovery activity schedules.
4. Any other comments or suggestions that would be helpful to the Service.

Please submit comments or direct any questions to the State Office (ID-931), attention Jon Foster or Tim Burton by January 15, 2003.

Signed
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State Director

Authenticated
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cc:
BLM Montana State Office
BLM Missoula Field Office
BLM Oregon State Office