

Threatened and Endangered Species and Critical Habitat Compliance and Effect Determinations

- Endangered Species Act
- 50 CFR 402
- ER 1130-2-540
- EP 1130-2-540, EP 1165-2-1

Table 1. Threatened and Endangered Species Determinations

Consultation Code: 01EIFW00-2018-SLI-0144 Pierce Section 595 Wastewater Improvements Project

Listed Species Common Name	Listed Species Scientific Name	Species Status	Species Affected? Why? (Notes)	Critical Habitat Designated?	Critical Habitat Adversely Affected? Why?(Notes)
North American Wolverine	<i>Gulo gulo luscus</i>	Proposed Threatened	No; Note A	No	N/A
Bull Trout	<i>Salvelinus confluentus</i>	Threatened	No; Note A	Final Designated	No; Note 1
<p>A. The proposed action will not result in stressors that would be expected to act directly on listed individuals to have any direct or indirect consequences (positive or negative) on the environment, and would therefore have 'no effect' on listed species. Explain: There would be no effect to Wolverine as the species occurs at higher elevations. There would be no effect to Bull Trout as survey data has not documented the species in the project area and there is no in water work in either Canal Creek or Orofino Creek, BMPs will be in place to minimize or eliminate construction impacts to the water.</p>					
<p>CH Effect Determinations</p> <p>1. The proposed action would not occur in or near to, and thus would have no effect on, designated or proposed CH. The IPAC is attached.</p>					

Essential Fish Habitat Compliance and Effect Determination

- Magnuson–Stevens Fishery Conservation and Management Act

The proposed action would not adversely affect EFH and the DEQ has provided an EFH Assessment for consultation with NMFS. DEQ did not receive a response from NMFS during the 30 day comment period. Consultation is complete and documentation is attached. Conservation Recommendations developed by DEQ are accepted by the Corps and include:

- Implement BMPs to avoid and minimize the introduction of sediment into the river, including the following list:
 - Erosion control wattles, sediment drift fences, or other barriers to sediment traveling off the project area
 - Equipment staging areas must be slanted away from the creeks to minimize sediment delivery to each creek
 - Any other practices that would minimize the possibility of sedimentation to avoid the possibility of adverse effects to chinook salmon and coho salmon
- Equipment and material staging areas should be located in areas requiring the least amount of new soil disturbance and outside topographic lows where water may concentrate during snowmelt or storm events.
- Equipment should be cleaned of all dirt, mud, seeds, and vegetative matter prior to arriving on site to reduce the risk of invasive species introduction. The same equipment should be cleaned again prior to leaving, if warranted.
- Fuel storage should only occur within staging areas, and refueling shall not occur within 150 feet of creeks. If fueling must occur within 150 feet, it will occur inside an impervious containment structure with a volumetric holding capacity equal to at least 110 percent of the fueling tank. Engine and hydraulic fluids will be monitored for leaks. Spill packs must be on hand for minor leaks/spills.
- Washing of tools and equipment will occur only within staging areas where there is no potential for rinsate to reach surface waters.
- Materials resulting from demolition or site preparation should be removed to an appropriate disposal site.
- If poured in place concrete is used ensure that measures are taken to prevent green concrete from entering either creek.



United States Department of the Interior



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In Reply Refer To:

November 15, 2017

Consultation Code: 01EIFW00-2018-SLI-0144

Event Code: 01EIFW00-2018-E-00319

Project Name: Pierce Section 595

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

Please note: The IPaC module for producing a list of proposed and designated critical habitat is currently incomplete. At this time, we ask that you use the information given below to determine whether your action area falls within a county containing proposed/designated critical habitat for a specific species. If you find that your action falls within a listed county, use the associated links for that species to determine if your action area actually overlaps with the proposed or designated critical habitat.

Canada Lynx (*Lynx canadensis*) - Designated February 24, 2009.
Counties: Boundary County.

Federal Register Notice:

<http://www.gpo.gov/fdsys/pkg/FR-2009-02-25/pdf/E9-3512.pdf#page=1>

Printable Maps:

http://www.fws.gov/mountain-prairie/species/mammals/lynx/criticalhabitat_files/20081222_fedre

GIS Data: http://criticalhabitat.fws.gov/docs/crithab/zip/lynx_ch.zip

KML for Google Earth: (None Currently Available)

Selkirk Mountains Woodland Caribou (*Rangifer tarandus Caribou*) - Proposed November 30, 2011.

Counties: Bonner and Boundary Counties.

Federal Register Notice: <http://www.fws.gov/idaho/home/2011-30451FINALR.pdf>

Printable Maps: http://www.fws.gov/idaho/home/Map1_sub1_150.pdf

GIS Data: (None Currently Available)

KML for Google Earth: (None Currently Available)

Bull Trout (*Salvelinus confluentus*) - Designated September 30, 2010.

Counties: Adams, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Clearwater, Custer, Elmore, Gem, Idaho, Kootenai, Lemhi, Lewis, Nez Perce, Owyhee, Shoshone, Valley, and Washington Counties.

Federal Register Notice:

<http://www.gpo.gov/fdsys/pkg/FR-2010-10-18/pdf/2010-25028.pdf#page=2>

Printable Maps: http://www.fws.gov/pacific/bulltrout/CH2010_Maps.cfm#CHMaps

GIS Data: <http://criticalhabitat.fws.gov/docs/crithab/zip/bulltrout.zip>

KML for Google Earth:

http://www.fws.gov/pacific/bulltrout/finalcrithab/BT_FCH_2010_KML.zip

Kootenai River White Sturgeon (*Acipenser transmontanus*) - Designated July 9, 2008.

Counties: Boundary County.

Federal Register Notice:

<http://www.gpo.gov/fdsys/pkg/FR-2008-07-09/pdf/E8-15134.pdf#page=1>

Printable Maps: (None Currently Available)

GIS Data: http://criticalhabitat.fws.gov/docs/crithab/zip/fch_73fr39506_acit_2009.zip

KML for Google Earth: (None Currently Available)

Slickspot Peppergrass (*Lepidium papilliferum*) - Proposed May 10, 2011. Counties: Ada, Canyon, Elmore, Gem, Owyhee, and Payette Counties.

Federal Register Notice: <http://www.gpo.gov/fdsys/pkg/FR-2011-10-26/pdf/2011-27727.pdf>

Printable Maps: <http://www.fws.gov/idaho/Lepidium.html>

GIS Data: (None Currently Available)

KML for Google Earth: (None Currently Available)

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Idaho Fish And Wildlife Office

1387 South Vinnell Way, Suite 368

Boise, ID 83709-1657

(208) 378-5243

Project Summary

Consultation Code: 01EIFW00-2018-SLI-0144

Event Code: 01EIFW00-2018-E-00319

Project Name: Pierce Section 595

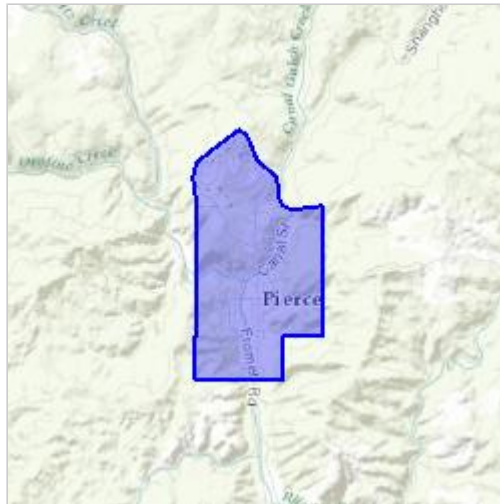
Project Type: WASTEWATER FACILITY

Project Description: Wastewater Improvements in the City of Pierce Idaho

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/46.49455063121104N115.79871647377672W>



Counties: Clearwater, ID

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
North American Wolverine <i>Gulo gulo luscus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5123	Proposed Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.
