

**Threatened and Endangered Species and Critical Habitat Compliance and Effect Determinations**

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

**Table 1. Threatened and Endangered Species Determinations**

Consultation Code: 01EIFW00-2018-SLI-0052 Driggs Section 595 Water Improvement Project

Listed Species Common Name	Listed Species Scientific Name	Species Status	Species Affected? Why? (Notes)	Critical Habitat Designated?	Critical Habitat Adversely Affected? Why?(Notes)
Grizzly Bear	<i>Ursus acrtos horribilis</i>	Delisted	No; Note A	Proposed	No; Note 1
North American Wolverine	<i>Gulo gulo luscus</i>	Proposed Threatened	No; Note A	No	N/A
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened	No; Note A	No	N/A
<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. Grizzly Bear has been delisted in the Greater Yellowstone DPS. North American Wolverine distribution is high elevation with deep persistent snow cover, project areas is in a residential developed area surrounded by farmland. Ute Ladies'-tresses is found in moist wetland habitat, the project area would not impact wetland areas.</p>					
<p><b>CH Effect Determinations</b></p> <p>1. The proposed action would occur in or near to designated or proposed CH but would not affect the habitat. Grizzly Bear CH was proposed in 1976 exclusive of man-made structures or settlements which are not necessary to the normal needs or survival of the species. The project is completely inside the settlement area of Driggs and would not impact nearby CH.</p>					

**Essential Fish Habitat Compliance and Effect Determination**

- o Magnuson–Stevens Fishery Conservation and Management Act

The proposed action would not adversely affect EFH. No EFH consultation is required.



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Idaho Fish And Wildlife Office  
1387 South Vinnell Way, Suite 368  
Boise, ID 83709-1657  
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In Reply Refer To:

October 19, 2017

Consultation Code: 01EIFW00-2018-SLI-0052

Event Code: 01EIFW00-2018-E-00119

Project Name: City of Driggs Water system improvement project

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](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](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](http://criticalhabitat.fws.gov/docs/crithab/zip/lynx_ch.zip)

KML for Google Earth: (None Currently Available)

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**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](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](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](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](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):

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- 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

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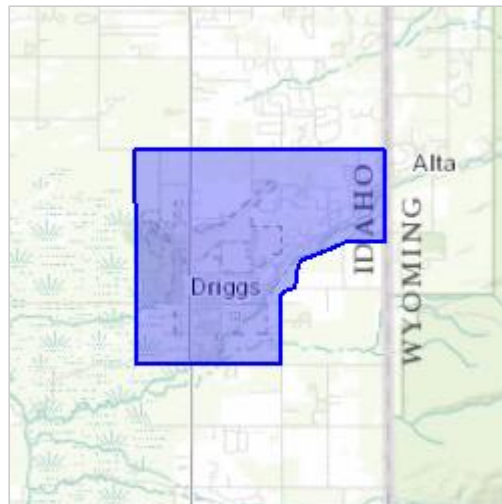
## Project Summary

Consultation Code: 01EIFW00-2018-SLI-0052  
Event Code: 01EIFW00-2018-E-00119  
Project Name: City of Driggs Water system improvement project  
Project Type: WATER SUPPLY / DELIVERY  
Project Description: water system upgrades

### Project Location:

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

<https://www.google.com/maps/place/43.73395139172115N111.10031658360485W>



Counties: Teton, ID

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## Endangered Species Act Species

There is a total of 3 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
<p>Grizzly Bear <i>Ursus arctos horribilis</i></p> <p>Population: U.S.A., conterminous (lower 48) States, except where listed as an experimental population or delisted</p> <p>There is <b>proposed</b> critical habitat for this species. The location of the critical habitat is not available.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/7642">https://ecos.fws.gov/ecp/species/7642</a></p>	Threatened
<p>North American Wolverine <i>Gulo gulo luscus</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/5123">https://ecos.fws.gov/ecp/species/5123</a></p>	Proposed Threatened

### Flowering Plants

NAME	STATUS
<p>Ute Ladies'-tresses <i>Spiranthes diluvialis</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/2159">https://ecos.fws.gov/ecp/species/2159</a></p>	Threatened

### Critical habitats

There are no critical habitats within your project area under this office's jurisdiction.

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