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United States Department of the Interior
FISH AND WILDLIFE SERVICE

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Chief of Environmental Compliance Section
Army Corps of Engineers
201 North Third Avenue
Walla Walla, Washington 99362

Subject: Carmen Levee Rehabilitation, Lemhi County, Idaho (01EIFW00-2018-I-1315)

This letter responds to the Army Corps of Engineers' (Corps) request for the U.S. Fish and Wildlife Service's (Service) concurrence on effects of the subject action to species and habitats listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; [Act]). The Corps' request dated May 8, 2018, and received by the Service May 15, 2018, included a biological assessment entitled *Carmen Levee Rehabilitation Project* (Assessment) dated May 2018. Information contained in the Assessment is incorporated here by reference.

Through the Assessment, the Corps determined the subject action may affect, but is not likely to adversely affect bull trout (*Salvelinus confluentus*) and its designated critical habitat. The Service concurs with the Corps' determination and presents our rationale below.

The Corps also determined the subject action would have no effect to yellow-billed cuckoo (*Coccyzus americanus*), Canada lynx (*Lynx Canadensis*), North American wolverine (*Gulo gulo luscus*), and whitebark pine (*Pinus albicaulis*). The regulations implementing section 7 of the Act do not require the Service to review or concur with no effect determinations. However, the Service does appreciate being informed of your determination for these species.

PROPOSED ACTION

The Corps proposes to authorize the placement of 1,900 cubic yards of riprap and 415 cubic yards of quarry spalls along approximately 1,000 feet of riverbank on the Salmon River in the City of Carmen. The proposed action would place rock both below and above the ordinary high water mark (OHWM) to repair the levee toe. Neither the existing footprint of rock bank nor height would be increased. Rock would be placed with an excavator from the top of the levee. Rock used would be clean and free of fine materials. During rock placement, the excavator arm would extend over the Salmon River, but only the bucket is expected to touch live water. All equipment will be inspected daily for fluid leaks; any leaks detected will be repaired before operations are resumed. The proposed action is estimated to be completed within 28 days. Work would occur within the in-water work window (July 7 to March 14). More specifically, the

proposed action would be completed between July 7 and August 14, 2018. A complete description of the proposed action, including conservation measures, is detailed in the Assessment (pp. 1-6).

SPECIES AND HABITAT PRESENCE IN THE ACTION AREA

Bull Trout and its Designated Critical Habitat

The action area occurs along the Salmon River within the Middle Salmon River-Panther Core Area, but the mainstem Salmon River is not included in any of the 19 local populations. Bull trout occupy the Salmon River and move into nearby tributaries in the spring and spend the summer in colder waters close to fall spawning habitat (Assessment, p. 12). During winter, bull trout may be encountered within the action area; however, icing is expected to prevent them from occurring in high densities (Assessment, p. 12). The Salmon River within the action area is designated critical habitat for bull trout. Critical habitat is designated in those areas the Service determines to have habitat components necessary for the conservation of species. The Salmon River provides foraging, migrating, and overwintering habitat for bull trout.

POTENTIAL IMPACTS AND EFFECTS FROM THE PROPOSED ACTION

Bull Trout and its Designated Critical Habitat

Bull trout could be affected by the proposed action through sedimentation as a result of the placement of the riprap below the OHWM. Increased turbidity is expected to be short term, localized, and occur when higher flows rewater the riprap. Sedimentation is anticipated to be minimal and is not expected to span the width of the Salmon River. As such, any bull trout present at the time of effects are expected to move to less turbid waters, similar to avoidance behavior expressed during any natural disturbance. As a result of the project design features, conservation measures, and bull trout behavior, the Service anticipates effects to bull trout and its designated critical habitat from the minimal amount of sediment entering the stream to be insignificant.

The proposed action includes the use of an excavator, which has the potential to introduce contaminants below the OHWM. The proposed action includes conservation measures and requires compliance with the Corps 2017 Nationwide Permit General Conditions, Nationwide Permit Regional Conditions, and Idaho Department of Environmental Quality's 401 Water Quality Certification Conditions, which reduce the likelihood of contaminant spills. Consequently, when considered with the project design features, bull trout behavior, and our knowledge of bull trout densities in the action area, the Service expects effects to bull trout and its designated critical habitat from the proposed action to be discountable and insignificant.

CONCURRENCE

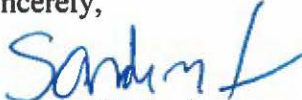
Based on the Service's review of the Assessment, we concur with the Corps' determination that the proposed action outlined in the Assessment may affect, but is not likely to adversely affect bull trout and its designated critical habitat. These concurrences are based on the project design

features, conservation measures, compliance with the Nationwide Permits and Idaho's 401 Water Quality Certification Conditions, and species occurrence and behavior in the action area, which reduce the potential impacts to insignificant and discountable levels.

This concludes informal consultation. Further consultation pursuant to section 7(a)(2) of the Act is not required. Reinitiation of consultation on this action may be necessary if new information reveals effects of the action that may affect a listed species or designated critical habitat in a manner or to an extent not considered in the Assessment, the action is subsequently modified in a manner that causes an effect to a listed species that was not considered in the analysis, or a new species is listed or critical habitat is designated that may be affected by the proposed action.

Thank you for your continued interest in endangered species conservation. If you have any questions regarding this consultation, please contact Evan Ohr of this office at Evan_Ohr@fws.gov or (208) 237-6975 ext. 115.

Sincerely,


for Gregory M. Hughes
State Supervisor

cc: ACOE, Walla Walla (Tice)
USFWS, Boise (Holder)