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FISH AND WILDLIFE SERVICE

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Subject: Galena Summit Slide, Blaine and Custer Counties, Idaho (01EIFW00-2018-I-0237)

This letter responds to the Idaho Transportation Department's (ITD) request for the U.S. Fish and Wildlife Service's (Service) concurrence on effects of the subject project to species and habitats listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; [Act]). The Federal Highways Administration (FHWA) is the lead Federal agency for this project; ITD is the designated non-Federal representative for this consultation. ITD will construct a hillside support system along State Highway (SH) 75, near Galena Summit, to lessen the impact of an active landslide. The ITD's request dated and received by the Service on November 29, 2017, included a biological assessment entitled *Biological Assessment for Idaho Transportation Department District 4 Galena Summit Slide, SH-75, Milepost 156.70* (Assessment) dated November 17, 2017. Information contained in the Assessment is incorporated here by reference.

Through the Assessment, the ITD determined the project may affect, but is not likely to adversely affect Canada lynx (*Lynx canadensis*). The Service concurs with the ITD's determinations for Canada lynx, and presents our rationale below. ITD also determined the project would have no effect to Canada lynx designated critical habitat because there is none in the action area. 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.

Additionally, ITD determined the proposed project would not jeopardize the continued existence of the North American wolverine (*Gulo gulo luscus*) and whitebark pine (*Pinus albicaulis*), species proposed for listing or candidate for listing under the Act. Pursuant to the requirements of 7(a)(4) of the Act and CFR 402.10, ITD assessed the effects of their proposed action and made a no jeopardy determination for the proposed action. Though Service concurrence is not required by 7(a)(4) or CFR 402.10, the inclusion of the determination in the Assessment creates a need under CFR 402.12(k) for the Service's concurrence with your determination. After

reviewing your Assessment, we concur with your determination, and pursuant to language at CFR 402.12(k), a conference is not required.

Proposed Action

The proposed project would stabilize the active landslide at Galena Summit by buttressing the slope toe to prevent further hillside movement. The active slide is approximately 300 to 400 feet long, 300 to 400 feet wide, and 30 to 40 feet deep. The action area extends for approximately 8 miles and approximately 66 feet on each side of SH-75, (Mile Post (MP) 153.65 to 161.00). The action area encompasses approximately 182 acres, including adjacent Forest lands such as Galena Summit, the slide zone, several material source locations, and several staging areas. The schedule for construction is dependent on funding and the timeframe needed to complete the project's two phases. At this time, it is anticipated that Phase 1 (slide stabilization) construction will begin in 2019. Work will begin following snowmelt (early spring/June) and continue 24 hours per day, 7 days per week, until winter weather intervenes (late fall/November). It is anticipated that Phase 2 will occur three years following completion of Phase 1 when roadway repairs to SH-75 in the slide zone will be necessary. Phase 2 work will take place on the existing alignment within ITD's existing 132-foot easement on U.S. Forest Service lands.

The hillside support system involves the placement of approximately 80,000 to 100,000 cubic yards of rock and soil at the toe of the slide, buttressed against the opposing hillside. Material for the toe berm buttress will be removed from selected locations adjacent to and bordering SH-75. Rock and soil will be removed by drilling, blasting, and excavating at the selected rock-cut locations near Galena Summit. An estimated 15,000 cubic yards will be removed at approximately MP 157.90 and an estimated 75,000 cubic yards will be removed at the Camp Creek through-cut at MP 159.30. Selected materials from the State-controlled mineral materials source site Cu-83s (MP 174.50) will be used to reclaim the slide buttress area and slide face.

Improvements will be made to the Sawtooth Park Highway/Old US-93 located adjacent to and on the landslide in order to access the landslide zone during construction of the buttress, and for long-term monitoring of the slide. A permanent gate system will be installed to restrict vehicle access. A second access road will be constructed from the utility access road (MP 158.15) and connect to the Sawtooth Park Highway/Old US-93.

A culvert/drain pipe will be placed through the toe berm buttress to accommodate intermittent water draining off the landslide during spring snow-melt. No in-water work is proposed. Approximately 3,300 square feet of wetlands will be impacted by the fill of the buttress materials. All other wetlands will be avoided; however, water will be withdrawn from the south side of Galena Summit for dust control, other construction needs, and for the consolidation of fill materials. An average of five truckloads of water per day (in total, an estimated 1.5 million gallons) will be used. The specific water withdrawal location and techniques are the Contractor's responsibility, and FHWA will require that it be completed in a manner that avoids harm to listed species and be consistent with NOAA Fisheries screening criteria.

Clearing/grubbing/tree and shrub removal will occur in the fall (outside the June 1 to August 15 bird breeding and nesting season) prior to the first year of construction. Approximately 542 trees will need to be removed prior to construction.

The proposed action is fully described in the Assessment, and includes project design criteria to ensure all applicable management direction has been met (Assessment, pp. 3-19).

Species and Habitat Presence in the Project Area

Between 1896 and 1998 there have been 5 recorded Canada lynx occurrences within a 5-mile radius of the Galena Summit Slide project area. There are no recorded Canada lynx occurrences within a 5-mile radius of Cu-83s. Canada lynx habitat (including preferred prey habitat) exists throughout the project area. There are three lynx analysis units (LAUs) within the project area and connectivity with surrounding LAUs is good (Assessment, pp. 22, 28).

There are 4 recorded North American wolverine occurrences within a 5-mile radius of the Galena Summit Slide Project Area, dated 1976 and 1990. There are 4 recorded North American wolverine occurrences within a 5-mile radius of mineral material source site Cu-83s between 1989 and 1993. Suitable habitat exists throughout the project area. Occurrence records indicate a year-round presence of North American wolverine on Galena Summit (Assessment, pp. 24, 28).

Much of the work area is already part of the existing transportation facility and is sparsely vegetated. There are a few whitebark pines found in the project area.

Potential Impacts and Effects from the Proposed Action

Although the footprint of the project is 182 acres, most of the project area is already within the existing transportation facility or other disturbed areas; therefore, no measurable change in habitat is expected. The Service expects effects to Canada lynx and North American wolverine from habitat impacts to be insignificant. The noise and light levels from 24 hours per day, 7 day per week construction schedule may disturb Canada lynx and North American wolverine; however, project timing will avoid Canada lynx reproductive period and North American wolverine denning and birthing season. The project area already has high human disturbance, and appears to receive relatively low levels of use by Canada lynx and North American wolverine. Habitat connectivity outside of the project area is good. Canada lynx and North American wolverine could easily avoid the project area. The Service expects effects to Canada lynx or North American wolverine from disturbance to be insignificant. ITD would plant and reseed the project area using native species approved by the Sawtooth National Forest, which will allow native trees such as whitebark pine to recolonize the area. Since there will be no measurable change in habitat and a limited number of whitebark pine were observed in the tree removal areas, the proposed action would not jeopardize the continued existence of whitebark pine.

Concurrence

Based on the Service's review of the Assessment, we concur with the ITD's determination that the project outlined in the Assessment and this letter, may affect, but is not likely to adversely affect Canada lynx. This concurrence is based on the connectivity between the project area and other suitable habitat, the limited use of the project area by Canada lynx, and project design criteria that make impacts to Canada lynx insignificant.

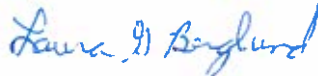
This concludes informal consultation. Further consultation pursuant to section 7(a)(2) of the Act is not required. Reinitiation of consultation on this action may be necessary if new information

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reveals effects of the action that may affect the 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 the 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 the conservation of threatened and endangered species. If you have any questions regarding this consultation, please contact Lisa Dlugolecki of this office at (208) 237-6975 extension 114.

Sincerely,



Gregory M. Hughes
State Supervisor

cc: ACOE, Idaho Falls (Brochu)
DOT, Boise (Applebee and Austin)
ITD, Boise (Fikel), Shoshone (Jones and White)
SNF, Stanley (Flannigan), Ketchum (Garwood)
USFWS, Boise (Holder and Schmidt)