

APPENDIX C

Organic Act (Substantial Impairment) Analysis for Gray Wolf on eight Livestock Grazing Allotments on the Sawtooth National Recreation Area

On August 22, 1972, Congress passed Public Law 92-400 (PL 92-400) establishing the Sawtooth National Recreation Area (SNRA). The intent of establishing the SNRA was to protect the scenic, natural, historic, pastoral, and fish and wildlife resources, and to provide for the enhancement of the recreation attributes. Under PL 92-400, livestock grazing is recognized as a valid use on the SNRA so long as it does not cause substantial impairment of the SNRA key values.

In a ruling issued on June 11, 2002, the U.S. District Court for the District of Idaho determined that “[t]he Forest Service has violated the Organic Act by failing to consider whether grazing is ‘substantially impairing’ the wolf populations in the SNRA.”

The Court also stated “[f]or those allotments that have had a NEPA analysis, the Forest Service must go back and conduct an analysis under the Organic Act.”

Direction for evaluating substantial impairment of the key SNRA values is found in 36 CFR Part 292:

36 CFR 292.17 (b) (10) “Substantial impairment means that level of disturbance of the values of the SNRA which is incompatible with the standards of the General Management Plan.”

The General Management Plan is defined as “the document setting forth the land allocation and resource decisions for management of the SNRA.” As per the Sawtooth Forest Land & Resource Management Plan (FLRMP), the direction contained in the Sawtooth Forest Plan represents the General Management Plan as required by PL 92-400.

Desired Condition for Wolves

A Record of Decision to re-introduce the gray wolf into central Idaho, which includes the SNRA, was signed in July, 1994. The Final Rule was published in the Federal Register in November, 1994. It reiterated the desired recovery goals from the Gray Wolf Recovery Plan and established an experimental population with the ultimate goal of de-listing the gray wolf.

In pursuit of de-listing goal, the Nonessential Experimental Population Rule permits lethal control of wolves that depredate on livestock when six or more breeding pairs exist in the central Idaho Experimental Population Area. When de-listing occurs, the desired condition will be to provide the habitat and to design management activities to support the reproduction and survival of wolves in order to contribute to the maintenance of viable and sustainable populations.

Direction from the 2003 Revised Sawtooth Forest Land & Resource Management Plan (FLRMP) for Threatened, Endangered Proposed, and Candidate species states:

“Work with the USFWS, the Nez Perce Tribe, and when appropriate, the State to meet the experimental/non-essential population rules if wolf breeding pair populations’ drop below six pairs in the Central Idaho Recovery Area (from the approved FEIS for Gray Wolf Reintroduction; USDI US Fish and Wildlife Service, 1994). [TEOB17, page 111-9].

And;

“Mitigate through avoidance or minimization, management actions within known nest or denning sites of TEPC species if those actions would disrupt reproductive success during the nesting or denning period. During project planning determine sites, periods, and appropriate mitigation measures to avoid or minimize effects”. [TEST12, page 111-12].

Additional direction from the Revised Forest Plan is found in Appendix I, “Guidance for Determining Substantial Impairment” and, applies to Gray Wolf recovery on the SNRA:

“...The desired condition includes providing conditions that maintain populations within the SNRA, recognizing that for many species the SNRA is too small to provide enough resources for an entire population. For these wide-ranging species, habitats within the SNRA contribute to population and metapopulation viability. Therefore the desired condition includes providing the habitat and conditions necessary for species to contribute to these larger populations”. [App I, page I-24].

And,

“In pursuit of the de-listing goal, the Nonessential Experimental Population Rule permits lethal control of wolves that depredate on livestock when six or more breeding pairs exist in central Idaho”. [App I, page I-24].

By working with the USFWS, the Nez Perce Tribe, and the State of Idaho on the recovery plan for the gray wolf the goals of the Central Idaho Wolf Recovery Area are expected to be achieved, Substantial Impairment of Gray Wolf will be avoided, and Sawtooth FLRMP standards are met.

“Working with” the USFWS, etc. means the Forest Service will be informed about the locations of established packs on and adjacent to the SNRA, and the status of wolf populations in central Idaho so that the mitigation measures described above (TEST12) can be invoked if the breeding pair population drops below six pairs, within the central Idaho recovery area.

Rationale

The Forest Service does not intend to establish a minimum number of wolves that must be present at any given time within the boundaries of the SNRA in order to comply with the Substantial Impairment goals of PL 92-400.

Wolves are wide-ranging animals with large home ranges, (ranges in central Idaho have been between 50 to 360 square miles – USDI FWS 2000), and their numbers have been increasing and dispersing rapidly since they were re-introduced to central Idaho in 1995 and 1996. It appears that the recovery goal is being achieved at a faster rate than had been expected. The six breeding pair criterion was first achieved in 1997 and has been exceeded every year since then. It is not reasonable to expect that a landscape on the scale of the SNRA can contain or sustain a population of wolves on its own. Once established, a wolf pack home range will usually continue to be occupied as long as the breeding adults are living and prey is available. If, however, one or both of the breeding pair is lost the pack may disperse to other areas. Habitat quality does not appear to be a limiting factor for wolves or their prey occupying the SNRA; as the recent history of control actions on the SNRA has so far borne out, wolves will rapidly (within a year) reoccupy vacated habitat in the SNRA and its immediate surroundings. In recognition of these wolf population dynamics, the desired condition for wolves on the SNRA involves providing habitat on the SNRA that contribute to population and metapopulation viability within the central Idaho wolf recovery area. A viable sub-population in central Idaho will, in turn, result in a reasonable expectation that wolves will be present on the SNRA and that recreationists will have an opportunity to see or hear wolves, and the experience of knowing that wolves may be present on the SNRA, providing a greater sense of wildness and enhancing backcountry experiences.

Gray Wolf Habitat Factors

Habitat for the wolf has been defined as any place with an adequate supply of ungulate prey and freedom from excessive human persecution (Fritts et al. 1993). Wolves prey mainly on ungulates year-round (Mech 1970). The basis of a wolf population is the pack, which Mech (1970) defined as a cohesive group of two or more individual wolves traveling, hunting, and resting together throughout the year. Packs generally consist of two breeding adults, pups, yearlings, and/or extra adults. Wolf packs generally require large home ranges. Actual size of a pack's home range depends mainly on pack size, weather, and prey abundance and distribution. Territories of 80 square miles have been reported in Minnesota to over 660 square miles in Alberta (USDI Fish and Wildlife Service 1994). Spring, summer, and fall range for mule deer and year round range for elk occurs on the SNRA. Both elk and deer provide a food source for wolves.

Reintroduction and Pack History

In January of 1995, the U.S. Fish and Wildlife Service reintroduced 15 wolves into Central Idaho. An additional 20 wolves were released in January of 1996. Subsequent to the releases, two packs, Stanley and White Clouds, established with all or part of their territories on the Sawtooth National Recreation Area (SNRA). The White Clouds pack concentrated their use in the East Fork of the Salmon River, and was frequently located within the East Fork Allotments. This pack denned within the Upper East Fork Salmon River area. The Stanley Pack commonly used areas within Stanley Basin and Sawtooth Valley and denned on the east side of the Sawtooth Valley. Another pack established in Copper Basin to the northeast on the Salmon-Challis National Forest. During the spring and summer of 2000, control action was taken on both the Stanley and White Clouds packs because of livestock depredation, and the integrity of the packs was destroyed. During the winter and spring of 2001 another pack, the Whitehawk Pack, moved into and established territory on the SNRA. This pack denned within the Sawtooth

Valley. Control action was taken on this pack during the summer of 2001 and again during winter and spring of 2002. All members of this pack were killed. In May of 2003 two new packs were observed within the SNRA. The Galena Pack denned in the west side of the White Cloud Mountains and the Castle Pack denned in Big Lake Creek in the East Fork of the Salmon River. Population data indicates that the wolf population in the SNRA area has fluctuated since re-establishment efforts began in 1995.

Livestock Depredations and Lethal Control of Wolves on the SNRA Since Wolf Reintroduction

Livestock depredations by wolves were first confirmed on the SNRA in 1998 when 5 sheep were killed by the White Cloud Pack. The following year, 15 sheep total were killed by the Stanley and White Cloud packs. As a result of those depredations, as well as some depredations on private land, one member of the Stanley Pack was killed on the SNRA in 1999. In 2000, 27 sheep were killed by the Stanley Pack on the SNRA. The alpha male was then relocated and the pack broke up. The Whitehawk Pack killed 16 sheep on the SNRA in 2001. As a result of those depredations, as well as some on private land, all 12 members of the pack were killed on the SNRA in 2001 and 2002. There has been no depredation reported in as of September 2003.

It should be noted that all depredation of cattle from wolves within the SNRA has, to date, occurred on private land. There has been some loss of sheep on National Forest System lands, but there is no history of cattle being taken by wolves on National Forest System Lands. Subsequently no lethal control of wolves has been the result of cattle depredation on National Forest System Lands.

Current Wolf Activity

The Galena Pack denned within the SNRA during 2003 and used much of the west side of the White Clouds Mountains from Horton Peak to Warm Springs Meadow and also Sawtooth Valley. The Castle Pack denned within the SNRA in 2003 and mainly used Big Lake Creek and the upper parts of Sullivan Creek. The Landmark Pack currently uses part of the SNRA, mainly the Stanley Basin area, though its core range is thought to be to the northwest of the SNRA. Recently members of the Buffalo Ridge Pack have been observed in the northeast portion of the SNRA.

Allotments

Stanley Basin C&H Allotment

The Stanley Basin Cattle and Horse (C&H) Allotment is located in Central Idaho at the headwaters of tributaries to the Middle Fork and Upper Salmon Rivers. The 50,485 acre allotment encompasses most of the Valley Creek drainage. Approximately 8,200 acres are not within the boundary of the SNRA. Since 1993 the portion of the allotment north of Stanley Lake and west of State Highway 21 has been closed to livestock grazing. Approximately 700 cow/calf pairs from June 11 through September 30 currently use the allotment in a basic pasture rotation system from east to west. There are 7 permittees, all based in Challis, ID. The total average head months grazed is 2,570 annually. An Environmental Impact Statement and Decision Notice were completed for this allotment in April, 1993.

This allotment in its entirety is considered wolf habitat. The entire SNRA is also considered wolf habitat therefore an estimated 5% of wolf habitat within the SNRA occurs on the allotment. Livestock grazing occurs on areas adjacent to the allotment on the Salmon-Challis National Forest and private lands. Depredation by wolves on livestock has not occurred within the allotment. The closest depredation has occurred within approximately 2 miles of the allotment on private land. No lethal control actions have taken place within this allotment.

Presence of cattle in the allotment would maintain the current risk for mortality of wolves from predator control efforts. The current risk of mortality appears to be low based on the lack of past wolf depredation of cattle on the SNRA. It is reasonably foreseeable that depredations might occur in the area surrounding the allotment. Depredations may occur on the allotment as well with the continued implementation of the AOI, but more likely would occur on private lands based on past incidences of wolf depredations on cattle. Direct mortality to wolves could continue to occur from lethal control actions, which could take place on the allotment or off the allotment. Assuming livestock grazing remains on the Salmon-Challis National Forest and private lands in the area, the risk of mortality to wolves from predator control would remain without livestock grazing within the Stanley Basin Allotment.

By working with the USFWS on the recovery plan for the gray wolf, Sawtooth FLRMP standards are met.

Salmon River Spring Unit C&H Allotment

The Salmon River Spring Cattle and Horse (C&H) Allotment is located in Central Idaho, 22 miles east of Stanley, along the Salmon River at the lower drainages of Burnt, Badger, Mill and Holman Creeks. The 6,126 acre allotment encompasses the lower drainages of Burnt, Badger, Mill and Holman Creek drainages along the Salmon River. Approximately 3,700 acres are not within the boundary of the SNRA. The allotment is currently used by approximately 130 cow/calf pairs from June 1 -10 in the spring only. There is one permittee, based in Challis, Idaho. The total average head months grazed is 43 annually. An Environmental Assessment and Decision Notice were completed for this allotment in May, 1996.

This allotment in its entirety is considered wolf habitat. The entire SNRA is also considered wolf habitat therefore an estimated 0.3% of wolf habitat within the SNRA occurs on the allotment. Livestock grazing occurs on areas adjacent to the allotment on the Salmon-Challis National Forest, BLM, and private lands. Depredation by wolves on livestock has not occurred within the allotment. The closest depredation has occurred within approximately 10 miles of the allotment on private land. No lethal control actions have taken place within this allotment.

Presence of cattle in the allotment would maintain the current risk for mortality of wolves from predator control efforts. The current risk of mortality appears to be low based on the lack of past wolf depredation of cattle on the SNRA. It is reasonably foreseeable that depredations might occur in the area surrounding the allotment. Depredations may occur on the allotment as well with the continued implementation of the AOI, but more likely would occur on private lands based on past incidences of wolf depredations on cattle. Direct mortality to wolves could continue to occur from lethal control actions, which could take place on the allotment or off the allotment. Assuming livestock grazing remains on the Salmon-Challis National Forest, BLM,

and private lands in the area, the risk of mortality to wolves from predator control would remain without livestock grazing within the Salmon River Spring Unit or the SNRA.

By working with the USFWS on the recovery plan for the gray wolf, Sawtooth FLRMP standards are met.

Blechmann On-Off C&H Allotment

The Blechmann Cattle and Horse (C&H) Allotment is located in Central Idaho, 15 miles south of Stanley. The allotment is composed of several small parcels adjacent to the Upper Salmon River at Mays Creek. There are 85 acres of Forest land grazed in association with 280 adjacent acres of private land. The allotment is currently used by approximately 112 yearling cows, of which the 'On' portion (based on Forest land capacity) is 28 yearlings, from June 5 to September 30. There is one permittee, based in Challis, Idaho. The total average head months grazed are 107 annually for the 'On' portion, in a season-long grazing system. An Environmental Assessment and Decision Notice were completed for this allotment in May, 1996.

This allotment in its entirety is considered wolf habitat. The entire SNRA is also considered wolf habitat therefore an estimated 0.02% of wolf habitat within the SNRA occurs on the allotment. Livestock grazing occurs on areas adjacent to the allotment on state and private lands. Depredation by wolves on livestock has not occurred within the allotment. The closest depredation has occurred within approximately 2 miles of the allotment on private land. No lethal control actions have taken place within this allotment.

Presence of cattle in the allotment would maintain the current risk for mortality of wolves from predator control efforts. The current risk of mortality appears to be low based on the lack of past wolf depredation of cattle on the SNRA. It is reasonably foreseeable that depredations might occur in the area surrounding the allotment. Depredations may occur on the allotment as well with the continued implementation of the AOI, but more likely would occur on private lands based on past incidences of wolf depredations on cattle. Direct mortality to wolves could continue to occur from lethal control actions, which could take place on the allotment or off the allotment. Assuming livestock grazing remains on the state and private lands in the area, the risk of mortality to wolves from predator control would remain without livestock grazing within the Blechmann Allotment or the SNRA.

By working with the USFWS on the recovery plan for the gray wolf, Sawtooth FLRMP standards are met.

Clark Miller On-Off C&H Allotment

The Clark/Miller Cattle and Horse (C&H) Allotment is located in Central Idaho, 16 miles south of Stanley. The allotment is composed of one parcel adjacent to the Upper Salmon River at Yellow Belly Creek. There are 120 acres of Forest land grazed in association with 227 adjacent acres of private land. The allotment is currently used by approximately 40 cow/calf pairs, of which the 'On' portion (based on Forest land capacity) is 5 pairs, from June 16 to October 15. There is one permittee, based in Challis, Idaho. The total average head months grazed are 20 annually for the 'On' portion, in a season-long grazing system. An Environmental Assessment and Decision Notice were completed for this allotment in May, 1996.

This allotment in its entirety is considered wolf habitat. The entire SNRA is also considered wolf habitat therefore an estimated 0.01% of wolf habitat within the SNRA occurs on the allotment. Livestock grazing occurs on areas adjacent to the allotment on state and private lands. Depredation by wolves on livestock has not occurred within the allotment. The closest depredation has occurred within approximately 2 miles of the allotment on private land. No lethal control actions have taken place within this allotment.

Presence of cattle in the allotment would maintain the current risk for mortality of wolves from predator control efforts. The current risk of mortality appears to be low based on the lack of past wolf depredation of cattle on the SNRA. It is reasonably foreseeable that depredations might occur in the area surrounding the allotment. Depredations may occur on the allotment as well with the continued implementation of the AOI, but more likely would occur on private lands based on past incidences of wolf depredations on cattle. Direct mortality to wolves could continue to occur from lethal control actions, which could take place on the allotment or off the allotment. Assuming livestock grazing remains on the state and private lands in the area, the risk of mortality to wolves from predator control would remain without livestock grazing within the Clark Miller Allotment or the SNRA.

By working with the USFWS on the recovery plan for the gray wolf, Sawtooth FLRMP standards are met.

Goat Creek On-Off C&H Allotment

The Goat Creek Cattle and Horse (C&H) Allotment is located in Central Idaho, 3 miles west of Stanley. The allotment is composed of several small parcels within Stanley Basin near Valley Creek. There are 380 acres of Forest land grazed in association with 566 adjacent acres of private land. The allotment is currently used by approximately 136 cow/calf pairs, of which the 'On' portion (based on Forest land capacity) is 18 pairs, from June 11 to September 30. There is one permittee, based in Stanley, Idaho. The total average head months grazed are 64 annually for the 'On' portion, in a season-long grazing system. An Environmental Assessment and Decision Notice were completed for this allotment in May, 1996.

This allotment in its entirety is considered wolf habitat. The entire SNRA is also considered wolf habitat therefore an estimated 0.03% of wolf habitat within the SNRA occurs on the allotment. Livestock grazing occurs on areas adjacent to the allotment on private lands. Depredation by wolves on livestock has not occurred within the allotment. The closest depredation has occurred within approximately 1 mile of the allotment on private land. No lethal control actions have taken place within this allotment.

Presence of cattle in the allotment would maintain the current risk for mortality of wolves from predator control efforts. The current risk of mortality appears to be based on the lack of past wolf depredation of cattle on the SNRA. It is reasonably foreseeable that depredations might occur in the area surrounding the allotment. Depredations may occur on the allotment as well with the continued implementation of the AOI, but more likely would occur on private lands based on past incidences of wolf depredations on cattle. Direct mortality to wolves could continue to occur from lethal control actions, which could take place on the allotment or off the

allotment. Assuming livestock grazing remains on the state and private lands in the area, the risk of mortality to wolves from predator control would remain without livestock grazing within the Goat Creek Allotment or the SNRA.

By working with the USFWS on the recovery plan for the gray wolf, Sawtooth FLRMP standards are met.

Alpine Way On-Off C&H Allotment

The Alpine Way Cattle and Horse (C&H) Allotment is located in Central Idaho, near Stanley. The allotment is composed of several small parcels within Stanley Basin and along Anderson Creek to the west. There are 1,211 acres of Forest land grazed in association with 2,194 adjacent acres of private land. The allotment is currently used by approximately 351 cow/calf pairs, of which the 'On' portion (based on Forest land capacity) is 48 pairs, from June 11 to October 30. There are 3 permittees, based in Challis, Idaho. The total average head months grazed are 203 annually for the 'On' portion, in a season-long grazing system. An Environmental Assessment and Decision Notice were completed for this allotment in May, 1996.

This allotment in its entirety is considered wolf habitat. The entire SNRA is also considered wolf habitat therefore an estimated 0.1% of wolf habitat within the SNRA occurs on the allotment. Livestock grazing occurs on areas adjacent to the allotment on private lands. Depredation by wolves on livestock has not occurred within the allotment. The closest depredation has occurred within approximately 1 mile of the allotment on private land. No lethal control actions have taken place within this allotment.

Presence of cattle in the allotment would maintain the current risk for mortality of wolves from predator control efforts. The current risk of mortality appears to be low based on the lack of past wolf depredation of cattle on the SNRA. It is reasonably foreseeable that depredations might occur in the area surrounding the allotment. Depredations may occur on the allotment as well with the continued implementation of the AOI, but more likely would occur on private lands based on past incidences of wolf depredations on cattle. Direct mortality to wolves could continue to occur from lethal control actions, which could take place on the allotment or off the allotment. Assuming livestock grazing remains on the state and private lands in the area, the risk of mortality to wolves from predator control would remain without livestock grazing within the Alpine Way Allotment or the SNRA.

By working with the USFWS on the recovery plan for the gray wolf, Sawtooth FLRMP standards are met.

Salmon/Pole/Champion S&G Allotments

The Salmon /Pole/Champion Sheep and Goat (S&G) Allotment is located in Central Idaho at the headwaters of tributaries to the Salmon River, 22 miles south of Stanley. The 52,267 acre allotment encompasses the Upper Salmon River, Pole Creek, Taylor Creek, Champion Creek and Fourth of July Creek drainages. It represents a combination of the former Salmon River, Pole Creek, and Champion Creek S&G allotments. The allotment is currently used by one band of 850 and one band of 950 ewe/lambs from June 11 to August 20, and two bands of 1,725 dry ewes each from August 21 to October 20. One ewe/lamb band is trucked in from the south, the

other is trailed in from the Owl Creek allotment. All dry ewes are trailed out over Galena Summit through Wood River Valley in October. The grazing strategy is a deferred pasture rotation system. There is one permittee, based in Hagerman, Idaho. The total average head months grazed is 8,100 annually. An Environmental Assessment and Decision Notice were completed for this allotment in May, 1996.

These allotments in their entirety are considered wolf habitat. The entire SNRA is also considered wolf habitat therefore an estimated 6% of wolf habitat within the SNRA occurs on the allotments. Cattle and sheep grazing occurs on areas adjacent or near to the allotments on state and private lands. Sheep grazing also occurs on adjacent Fairfield Ranger District administered lands. Eight depredation incidences on domestic sheep have occurred within the allotments. No lethal control actions have taken place within these allotments.

Presence of sheep in the allotments would maintain the current risk for mortality of wolves from predator control efforts. It is reasonably foreseeable that depredations might occur within the allotments with the continued implementation of the AOI, based on past incidences of wolf depredations in the area on sheep. Direct mortality to wolves could continue to occur from lethal control actions, which could take place on the allotments or off the allotments. Assuming livestock grazing remains on the state and private lands in the area and on the adjacent allotments within the Fairfield Ranger District, risk of mortality to wolves from predator control would remain without livestock grazing within the Salmon/Pole/Champion allotments or the SNRA. However, due to the history of wolf pack use of this area and the high number of past depredation incidences within these allotments, the risk of depredations to livestock and the risk of mortality to wolves would likely be lower without sheep grazing in these allotments.

By working with the USFWS on the recovery plan for the gray wolf, Sawtooth FLRMP standards are met.

Owl Creek S&G Allotment

The Owl Creek Sheep and Goat (S&G) Allotment is located in Central Idaho 17 miles northwest of Ketchum. The 52,267 acre allotment encompasses the Upper Big Wood River drainage to Prairie Creek. It includes a portion of the Stanley-Ketchum sheep driveway. The allotment is currently used by one band of 850 ewe/lambs from July 6 to July 30, which then moves to the Salmon/Pole Champion Creek Allotment. From October 6 to October 20, the sheep driveway portion of this allotment, parallel to Highway 75, is used by 3 bands of 1,200, 3,460 and 2,100 dry ewes each, from Sawtooth Valley southward. There is one permittee, based in Hagerman, Idaho. The total average head months grazed is 1,241 annually. An Environmental Assessment and Decision Notice were completed for this allotment in May, 1996.

This allotment in its entirety is considered wolf habitat. The entire SNRA is also considered wolf habitat therefore an estimated 2% of wolf habitat within the SNRA occurs on the allotment. Sheep grazing occurs on the adjacent Fairfield Ranger District administered lands, though most of this allotment is bordered by other SNRA administered allotments. Depredation by wolves on livestock has not occurred within the allotment. The closest depredation has occurred within approximately three miles of the allotment within the Salmon/Pole/Champion Allotment. No lethal control actions have taken place within this allotment.

Presence of sheep in the allotments would maintain the current risk for mortality of wolves from predator control efforts. It is reasonably foreseeable that depredations might occur within the allotment or in the area surrounding the allotment, based on past incidences of wolf depredations in the area on sheep. Direct mortality to wolves could continue to occur from lethal control actions, which could take place on the allotment or off the allotment. Assuming livestock grazing remains on the adjacent allotments on the Fairfield Ranger District, risk of mortality to wolves from predator control would remain without livestock grazing within the Owl Creek Allotment or the SNRA. However, this allotment is surrounded mainly by other SNRA administered allotments, therefore if livestock grazing were to cease within these surrounding allotments, the risk of depredations to livestock and the risk of mortality to wolves would likely be lower.

By working with the USFWS on the recovery plan for the gray wolf, Sawtooth FLRMP standards are met.