

APPENDIX F:

ISSUES NOT ADDRESSED IN DETAIL

1. Some people wondered if the Monongahela National Forest (MNF) violated procedure or policies by initiating the National Environmental Policy Act (NEPA) process for the *Proposed Forest Plan Amendment for Threatened & Endangered Species* before the U.S. Fish and Wildlife Service's (USFWS) *Biological Opinion on the Impacts of Forest Management and Other Activities to the Indiana Bat on the MNF (Biological Opinion)* was completed and available for public review. They believe rules or policies were broken to expedite the NEPA process.
 - **Response:** The public involvement process used by the Forest was consistent with USFWS policy and did not violate NEPA, CFR 217 Forest Planning Regulations (the appropriate regulation for plan amendments initiated before May 2001), or the Forest Service's planning handbook and manual. Consistent with USFWS policy, MNF personnel began in the spring of 2000 to consult informally with the USFWS about the prospect of amending the *MNF Land and Resource Management Plan (Forest Plan)* to modify standards relevant to threatened and endangered species management. (For an explanation of the consultation process, please see the USFWS's "Frequently Asked Questions Regarding Consultations with Federal Agencies" at http://endangered.fws.gov/consultations/sec7_faq.html).

During the informal process, the Forest collaborated with the USFWS and sought advice from other federal and State agencies and members of the scientific community. Using scientific information gathered from these dialogues, the Forest issued the *December 2000 Biological Assessment for Threatened and Endangered Species on the MNF (Biological Assessment)*, and on February 1, 2001, released a Proposed Action to the public for a 30-day comment period.

As described in the preface of Chapter I of the EA, the December 2000 *Biological Assessment* was revised. The *Revised Biological Assessment for Threatened and Endangered Species on the MNF (Revised Biological Assessment)* was finalized in September 2001 and sent to USFWS for review. In November 2001, USFWS informed the Forest that formal consultation was only required for the Indiana bat. USFWS stated that further consultation was not required for the remaining eight MNF threatened and endangered species because they concurred with the Forest's determination of "May effect, not likely to adversely effect" for the bald eagle, Cheat Mountain salamander, VA big-eared bat, WV northern flying squirrel, running buffalo clover, shale barren rock cress, small-whorled pogonia, and VA spiraea (*Revised Biological Assessment*, pp. 2-4 and 10/2001 correspondence from USFWS). Formal consultation with the USFWS was entered on October 9, 2001; it ended in March 2002 when the USFWS issued its *Biological Opinion* for the Indiana bat.

The USFWS' *Biological Opinion* and public and internal comments collected during the scoping period for the Proposed Action were used to draft alternatives and/or analyze potential effects. Because the MNF had worked closely with USFWS via informal consultation and sought technical advice throughout this process, the language in the USFWS's *Biological Opinion* was consistent with proposed Indiana bat standards released for public review in February 2001.
2. During scoping for the Proposed Action, the Forest was asked how the 2000 Planning Regulations regarding public participation would be implemented to ensure the MNF works collaboratively with the public, Federal agencies, and State agencies, adjacent landowners, and tribal leaders.
 - **Response:** The proposed Threatened and Endangered Species Amendment was initiated under 1982 Planning Regulations. The 1982 regulations do not have the same requirements for collaboration as the 2000 Planning Regulations, but the Forest's process for this proposed

amendment was similar in that the Forest has worked closely with other agencies and interested parties since Spring 2000. For more information, see the “U.S. Fish & Wildlife Service Consultation and Biological Opinion” and “Public Involvement” sections of this EA.

3. Some in the public thought the proposed amendment would allow for increased logging, road building, gas well development, and/or herbicide use.
 - **Response:** The proposed amendment would not increase timber harvest levels, road building, herbicide use, mineral development, or any other resource outputs beyond what is currently allowed by the 1986 *Forest Plan*. Some confusion may have arisen from the description in the December 2000 *Biological Assessment* concerning the range of outputs and management activities projected to occur under each resource program area. These potential outputs (described on pages 12-14 and Appendix 5 of the *Revised Biological Assessment*) are within the range of outputs already identified, analyzed, and authorized by the 1986 *Forest Plan* (*Forest Plan*, pp. 41 and Appendix O-2). The description in the *Biological Assessment* was provided to identify potential effects of continued implementation of permitted activities on threatened and endangered species.
4. There seemed to be some misunderstanding regarding informal and formal consultation with the USFWS. People wanted the Forest to initiate formal consultation with USFWS concerning all threatened and endangered species, not just Indiana bat. A few people specifically asked if the Forest Service initiated formal consultation for species that at one time inhabited the Forest and for which the Forest currently provides habitat suitable for their reintroduction and recovery (e.g. eastern cougar).
 - **Response:** On October 9, 2001, the MNF initiated formal consultation with the USFWS on the Indiana bat, the only species for which formal consultation was required. Formal consultation is not required for the remaining eight threatened and endangered species of the MNF because the USFWS concurred with the Forest’s determination of “May effect, not likely to adversely effect” for the bald eagle, Cheat Mountain salamander, VA big-eared bat, WV northern flying squirrel, running buffalo clover, shale barren rock cress, small-whorled pogonia, and VA spiraea (*Revised Biological Assessment*, pp. 2-4 and 11/2001 letter from USFWS). For detailed information about the USFWS consultation process, please see Forest Service Handbook 2670 at www.fs.fed.us or the USFWS website http://endangered.fws.gov/consultations/sec7_fa.html.

As explained on page 8 of the *Revised Biological Assessment*, the Forest will not initiate formal consultation with USFWS nor add species to the amendment that are (a) no longer listed as federally protected under the Endangered Species Act; for example, American peregrine falcon populations improved to the point that they were removed from the Endangered Species List. They are no longer considered endangered or threatened under section 4 of the ESA [50 CFR §402.02]. (b) Considered to be extirpated; for example, West Virginia Division of Natural Resources (WVDNR) records indicate that the last confirmed occurrence of the eastern cougar was 1887. WVDNR and USFWS consider this species extirpated from West Virginia (WV). Although there are a few reports of cougar on the MNF, these sightings are believed to be either misidentification or captive animals that have escaped or have been released (Personal communication, Stihler and Tolin, 2000). (c) Considered accidental in WV (e.g. gray bat). (d) Not being considered for reintroduction.

5. Some commenters seemed to have mistaken the amendment being proposed by the MNF with the recovery plan process coordinated by the USFWS. They asked how the public could comment on changes proposed for all species recovery plans.
 - **Response:** Recovery plans, unlike the proposed Threatened and Endangered Species *Forest Plan* Amendment, are administered by the USFWS. They describe information about the species habitat needs and identify specific tasks to be implemented to recover listed species.

The participation policy for a recovery plan is described on the USFWS website at <http://endangered.fws.gov/policy/pol002.html>. NEPA requirements apply to USFWS recovery plans, but they vary depending on the proposal. For example, USFWS invites the public to comment on draft recovery plans and on amendments to existing species recovery plans that would revise recovery goals. For these types of proposals, the public is encouraged to supply information about an affected community and to help reduce or eliminate conflicts with listed species and their habitats. All comments are reviewed and addressed in the final plan. However, public participation is not required for making minor adjustment to an existing plan, like the September 2001 *Appalachian Northern Flying Squirrels' Recovery Plan (Updated)*. If interested in learning more about participation opportunities specific to species of the MNF, contact Shane Jones of the USFWS in Elkins, WV, 304-636-6586.

6. Several individuals asked if recovery plans apply to both public and private land and whether the amendment proposed by the Forest Service applies to private land.
 - **Response:** The Proposed *Forest Plan* Amendment for Threatened & Endangered Species is not a recovery plan. The proposed amendment is directed at management of MNF lands; they would not apply to private lands. Recovery plans (plans administered by the USFWS) apply to both public and private land, but to differing degrees. For example, the changes made in the *Appalachian Northern Flying Squirrels' Recovery Plan (Updated)* would be required only on public lands; but they are recommended to apply on private lands. See the USFWS website (recovery plan) for more information about recovery plans.
7. Individuals and groups requested that the Forest withdraw the February 1, 2001, scoping letter until USFWS issued its *Biological Opinion*, or extend the comment period. They felt this action was necessary to allow the public time to review the USFWS' *Biological Opinion* before commenting on the Forest Service's proposed amendment.
 - **Response:** The comment period for the February 2001 Proposed Action was not formally extended nor was the Proposed Action withdrawn. The public was given an opportunity during the scoping period for the Proposed Action to review standards for the Indiana bat that were similar to the standards identified in the USFWS's March 2002 *Biological Opinion* (the USFWS's opinion did not address standards for any other species). In addition, the public was given an opportunity in 2002 to review the USFWS's *Biological Opinion* prior to the release of the EA. Over a year has passed since the Proposed Action was sent to the public, and over eight months have passed since the *Biological Opinion* was available for review. Even though both of these documents remain available for review on the MNF website, to date, no public comments have been received that identify inconsistencies between the Proposed Action and *Biological Opinion*.

The MNF worked closely with the USFWS, other Federal and State agencies, and members of the scientific community to develop the December 2000 *Biological Assessment* that was used to draft the Proposed Action. Because of this extensive collaboration, the Forest had a reasonable concept of the language that was issued in the USFWS's *Biological Opinion* and incorporated such language into the *Biological Assessment*, the *Revised Biological Assessment*, and Proposed Action.

The MNF is providing a 30-day, public comment period for the EA, even though CFR 217 Planning Regulations do not require it. During this comment period, the public will have at least another 30 days to compare the USFWS's *Biological Opinion* with all the alternatives before a decision is made on the proposed amendment.
8. Several people suggested that Forest Service assumptions were not backed by common sense and the best science. They asked if the Forest's *Biological Assessment*, which is the basis for the proposed amendment, was based on sufficient research. They described examples of adequate research.

- **Response:** As previously mentioned, the Forest worked closely with the USFWS, other Federal and State agencies, and members of the scientific community to develop the *Biological Assessment* that was used to draft the Proposed Action. The best available science (e.g. results of published and unpublished studies done on the species, surveys, information contained in status reports and listing rules, including recovery plans, etc.) was used to develop these documents.

Knowledge of the habitat needs and life histories of threatened and endangered species is continually evolving; it is unlikely that such knowledge will ever be perfected. It is always possible that new information will surface that may influence management strategies for threatened and endangered species. However, it is not practical to delay amending the *Forest Plan* until more studies are completed. If future studies indicate that threatened and endangered species management authorized by the proposed amendment is no longer in the best interest of the species, another amendment can be initiated.

9. Commenters asked when the USFWS would issue their *Biological Opinion* on the MNF's *Biological Assessment* and how they could get a copy of it.
 - **Response:** The MNF entered into formal consultation with the USFWS on October 9, 2001, and the USFWS completed the *Biological Opinion* in March 2002. For detailed information about the USFWS consultation process, please see Forest Service Handbook 2670 at www.fs.fed.us or the USFWS website http://endangered.fws.gov/consultations/sec7_faq.html. The USFWS's *Biological Opinion* was posted on the Monongahela website in April 2002 (www.fs.fed.us/r9/mnf) and interested parties were notified of its availability (see mailing list in the project file).
10. Some people suggested that the *Proposed Forest Plan Amendment for Threatened & Endangered Species* is a significant amendment, which would require an Environmental Impact Statement. They do not agree with the Forest's opinion that changing the *Forest Plan* as proposed would lead to a non-significant amendment.
 - **Response:** The proposed amendment is not expected to result in significant effects; therefore, an environmental impact statement is not needed (see "Relationship to Other Laws," on pages 4-7 of Chapter I).
11. Questions arose as to how the Forest would use and respond to public comments. They requested that their comments be made a part of the official project file and that all those who commented during this process be sent all future information regarding this proposal.
 - **Response:** All comments regarding the proposed amendment have been made a part of the official project file. Comments from the public were addressed in one or more of the following ways. (1) Comments were used to identify issues, such as those summarized in this appendix and in Chapter II. (2) They were used to generate alternatives to the Proposed Action (Chapter II, pp. 1-2 and 21-22). (3) They were used to analyze the environmental effects of the alternatives (Chapter III). (4) They were dismissed from detailed discussion if they were outside the scope of the analysis, or not applicable to the decision being made. All who commented on the Proposed Action have been notified of additional opportunities to provide input to this process. They were notified when the *Revised Biological Assessment* and USFWS's *Biological Opinion* became available for review. They either will be sent a hardcopy of the EA or notified electronically of their opportunity to review the EA from the MNF website. The Forest will provide a 30-day comment period for the EA. Those who comment on the EA or otherwise continue to express an interest will be notified of the Forest's decision.
12. A few asked if the Forest would address steps and levels of monitoring, protection, and enhancement activities. They believe specific, time-based, and quantifiable monitoring requirements should be identified and that the timely evaluation of the resulting data be stressed.

- **Response:** The Forest is proposing programmatic changes to standards that identify the desired outcome of Forest management and changes to the monitoring section of the *Forest Plan* (Appendix A, pp. 14-15 and 42-43). The specific methods for achieving the desired outcome would be determined on a case-by-case basis. Taking a strategic approach, rather than identifying specific methods of monitoring, will help ensure that the *Forest Plan* remains adaptable and allows new and better science relevant to endangered and threatened species management to be integrated in project implementation over time.
13. Someone stated, “Just not allowing roading and logging in occupied or high potential CMS habitat does not address the issues of fragmentation of populations (e.g. increased edge predators). Degradation of their entire habitat area and metapopulations is not being addressed. Strict road density standards, as well as limitations on other disturbance, need to be implemented for the Salamanders’ entire limited range, including road decommissioning and obliteration.”
- **Response:** The Forest determined, and USFWS concurred, that existing *Forest Plan* standards are adequate to manage populations of Cheat Mountain salamanders (*Revised Biological Assessment*, p. 2 and 11/2001 correspondence with USFWS). Also, see description of effects to Cheat Mountain salamanders on pages 10, 12-14, and 83 of Chapter III.
14. There was a concern that restricting management activity from November 16 to April 1 could impact people with prior rights to use NFS lands. In particular, the proposed standard for the protection of Indiana bat that only would allow tree felling between November 16 and April 1 on NFS land within five-mile radii of hibernacula poses potential conflict for people who have the right to remove private minerals from under NFS lands.
- **Response:** None of the alternatives would change private rights or prevent private rights from being exercised. Legal rights of others to use NFS lands will be granted consistent with deed and law (Chapter III, pp. 82 and 93).
15. Some individuals asked that the selected alternative for the proposed amendment be based on the USFWS’s *Biological Opinion*, including all reasonable and prudent measures necessary for recovery of threatened and endangered species.
- **Response:** All action alternatives would adopt USFWS’s mandatory “Terms and Conditions” that implement “Reasonable and Prudent Measures” for Indiana bat (USFWS’s March 2002 *Biological Opinion*; EA, Chapter I, page 3; Chapter II, pages 3-5 and 9-10; and Appendix A, pp. 7-10).
16. Some asked what costs would result from changing existing standards.
- **Response:** As various sections of the EA point out, there may be some additional costs incurred to implement new standards; but, such costs are not expected to be so great as to prevent the goods and services identified in the *Forest Plan* from being provided in the manner they are currently provided (Chapter III, pp. 103). None of the action alternatives would prevent the Forest from achieving existing Forest goals or substantially change the existing relationship of outputs provided by the Forest, so a detailed cost analysis did not seem essential for the Responsible Official to make an informed decision about the proposed amendment.
17. “In addition, the Forest should strive to maintain a mosaic of forested and field (old field, hayfield) habitats around the maternity colony caves [of VA big-eared bats].”
- **Response:** Such conditions would be maintained under all alternatives. Page 6 of Chapter III states, “The habitat surrounding the VA big-eared bat caves on the MNF is very diverse - the majority is in private ownership and agricultural use. Other known land uses in this area are timber harvesting, strip mining, limestone/rock quarries, two commercial caves, as well as Canaan Valley State Park, Blackwater Falls State Park, Canaan Valley Wildlife Refuge. The National Forest land around VA big-eared bat caves is all forested with the exception of a very small

percentage of wildlife openings and several range allotments. The majority of the forested acres are over 60 years old.” Page 19 indicates that continued implementation of the *Forest Plan* would result in a May Effect, Not Likely to Adversely Effect to VA big-eared bat. Implementation of changes proposed for VA big-eared bat would not change the determination nor the effects to these species as discussed in the *Revised Biological Assessment* with the following exception. Standards added give clarity to normal procedural actions, which should result in a slight beneficial effect to VA big-eared bat.

18. “I have a concern about the proposed changes regarding the ‘West Virginia Northern Flying Squirrel’...the changes are extremely vague. What is meant by “rescind or modify”? It appears to me that there is excellent protection provided in the protection provided in the Appendix X of the forest plan. So what is driving the need to change?”
- **Response:** Page 2 of Chapter I explains why changes are needed in WV northern flying squirrel standards. Currently, Appendix X of the *Forest Plan* provides guidance on where areas of influence for WV northern flying squirrels may be found and how to manage such areas. New information obtained since the *Forest Plan* was last amended indicates Appendix X is no longer the best way of identifying and managing WV northern flying squirrel habitat. The September 2001 *Appalachian Flying Squirrels’ Recovery Plan (Updated)* contains the latest information regarding this subject. All the action alternatives would delete Appendix X and modify or add to Forest-wide and Zoological Area standards for WV northern flying squirrel to make them consistent with the *Appalachian Flying Squirrels’ Recovery Plan (Updated)*.
19. “What is the estimated population of WV northern flying squirrels on the MNF?”
- **Response:** Population estimates for WV northern flying squirrel are presently undeterminable. Past survey design has focused on project clearance, thus, it has not provided the necessary information to estimate population size. However, information gained from these surveys provides an indication of population trend. When the WV northern flying squirrel was first listed as endangered in 1985 only ten specimens were known from WV. Currently over 1,000 WV northern flying squirrels have been captured, including a small number of recaptures. Consequently, we now have a much better understanding of the WV northern flying squirrel habitat and distribution (*Appalachian Northern Flying Squirrels’ Recovery Plan (Updated)* September 2001).
20. “Regarding the Indiana Bat: this section of the BA is rife with contradiction, ill-logic, and obfuscation. It is not clear how it is that killing their prey (lepidopterans) with nonspecific gypsy moth poisons is ‘not likely to adversely affect’ them.”
- **Response:** Forest biologists determined gypsy moth spraying may affect, but is not likely to adversely affect Indiana bats (*Revised Biological Assessment*, p. 60 and 11/2001 correspondence with USFWS). This determination is based on information supplied on pages 55-56 of the *Revised Biological Assessment* and the scale and scope of this activity on the Forest. This determination was peer reviewed by biologists with WVDNR and by members of the Indiana bat Recovery Team. In their *Biological Opinion*, USFWS considered this management activity as part of the proposed action of continued implementation of the plan. USFWS did not conclude that gypsy moth control would result in “take”—only those activities involving tree harvest and prescribed burning.
21. “Why isn’t it possible to gate every known hibernaculum on the Forest? If they were receiving the requisite top priority, this would be done (unless doing so would alter airflow or microclimate).”
- **Response:** There are several reasons why not all hibernacula on the MNF have been gated. (1) The Forest does not control all the entrances to hibernacula; many entrances exist on private lands. (2) It is not always necessary to expend the funds for cave gating because some hibernacula are

very inaccessible to the public, the level of use is low, and monitoring has not indicated that adverse effects are occurring. (3) In some situations, gating can adversely affect endangered bats by changing airflows, temperatures, or other cave characteristics needed for their survival.

22. “At least 35 snags per acre are optimal (BA-41); so why only retain a minimum of 6/acre in cutting units?”
- **Response:** The standard that calls for six snags per acre to be retained in cutting units was identified as a “Term and Condition” in the USFWS’s *Biological Opinion*. It would be implemented as a Forest-wide standard (Appendix A, p. 7) to ensure six snags/acre are retained in all cutting units, regardless of their proximity to Indiana bat hibernacula. However, to address this concern, another standard was created for the Proposed Action and Alternative 1 that would require all snags to be retained in cutting units located within the primary range, key areas, or within two-mile radii of maternity colonies of Indiana bat hibernacula--unless they create a safety hazard (Appendix A, p. 16). A specific snag standard was not identified for Alternative 2 because commercial timber harvests would be prohibited within five-mile radii of Indiana bat hibernacula and any vegetation management generally would not remove snags (Appendix A, p. 32 and Chapter III).
These proposed standards, in conjunction with existing and proposed standards for cull and snag retention, would meet the needs of endangered bats (Appendix G). Additional snag retention may be desirable to serve as roost trees, but it would be undesirable in regards to forage habitat because retaining too many snags can reduce suitability for forage habitat.
23. “In addition, actual protection of riparian areas (by not cutting them) would no doubt benefit this species more than the present weak riparian strictures.”
- **Response:** Existing riparian direction (in conjunction with other proposed changes to threatened and endangered species standards) is adequate to protect threatened and endangered species (see determination of effects in the *Revised Biological Assessment* and the recent biological evaluation for the proposed amendment). When appropriate, site-specific mitigations can be implemented.
24. “Running Buffalo Clover, etc. – Area of influence should include all appropriate habitat into which these populations may spread.”
- **Response:** The intent of “Areas of Influence” is to provide direct protection to the population and that area into which the population may reasonably disperse. For the purpose of this analysis, identified buffers were considered reasonable, but the appropriate size of these “Areas of Influence” is assessed after site-specific analyses (see determination of effects in the *Revised Biological Assessment* and the recent biological evaluation for the proposed amendment).
25. It is not clear what you are proposing for the WV northern flying squirrel. “Are all “299,400 non-Wilderness acres” (BA-79) where “vegetation management activities would not be allowed” (BA-94)?”
- **Response:** No. Based on the definition provided in the *Appalachian Northern Flying Squirrels’ Recovery Plan (Updated)*, only ~150,000 acres of the MNF are currently considered suitable habitat for WV northern flying squirrels. Vegetation management would not normally be allowed within these ~150,000 acres. Other acres on the MNF would not need to be managed or protected for the recovery of the WV northern flying squirrel because they do not provide the habitat elements that would make them suitable for WV northern flying squirrels.
26. “In addition, DNR biologists have been working with the U.S. Forest Service and the U.S. Fish and Wildlife Service on the portion dealing with the northern flying squirrel. Several details need to be worked out by the recovery team on this portion of the plan before it is included into the MNF Plan.”
- **Response:** Since receiving this comment, details have been worked out in collaboration with the Forest Service, USFWS, WVDNR, and the Northern Flying Squirrel Recovery Team and incorporated into the *Appalachian Northern Flying Squirrels’ Recovery Plan (Updated)*. The

December 2000 *Biological Assessment* was revised to reflect changes to the squirrel's recovery plan (see the *Revised Biological Assessment*). The proposed amendment would identify what changes are needed in the current *Forest Plan* to address the changes made in the squirrels' recovery plan. All the action alternatives propose to delete Appendix X of the *Forest Plan* (interim standards for the squirrel's management) and add standards that would comply with the squirrel's recently amended recovery plan (Appendix A, pp. 11, 39-41, and 44).

27. "Are you using 'Areas of Influence' as a substitute for 'critical habitat'? What is the legal relationship of 'Areas of Influence' with 'critical habitat'? Do 'Areas of Influence' carry the weight of law or regulation, or is this just a discretionary term used by FS planners that has no enforcement capability?"

- **Response:** "Areas of Influence" are not being used as a substitute for "Critical Habitat." There is no legal relationship between "Areas of Influence" and "Critical Habitat." Critical habitat is designated under authorities found in the Endangered Species Act. Critical habitat - for listed species consists of: (1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Act, on which are found those physical or biological features (constituent elements) (a) essential to the conservation of the species and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species. [ESA §3 (5)(A)] Designated critical habitats are described in 50 CFR §17 and 226. Areas of influence, on the other hand, have no legal significance in ESA. It is a discretionary term used in this analysis to describe the land that is occupied by, or most likely to be used by threatened and endangered species. The protection of "Areas of Influence" would be followed just as any other Forest standard would be.

28. "The current S&G in the Plan (pg. 84) refers to 'habitat critical to endangered and threatened...species...and critical habitat areas.' Precisely what (acreage figures and location) 'critical habitat' has been identified and designated on MNF lands for each of the T&E species? Please send me copies of the documents and maps defining and describing these areas. If critical habitat has not been designated for any of these species, why not and when will it be? This identification is required to be done as part of any on-going Plan revision or amendment (see 36 CFR 219.19(a)(7))."

- **Response:** Critical habitat (as defined by the ESA) has been designated for Indiana bat and VA big-eared bat (*Revised Biological Assessment*, pp. 43 and 65). ESA defines "critical habitat" as specific areas within a species' occupied geographic area, at the time it is listed, which are essential to its conservation and which may require special management considerations or protection. Critical habitat also covers specific areas outside the geographic area occupied at the time of listing, which the Secretary of Interior determines essential for conservation of the species. When "critical habitat" is used in the *Biological Assessment*, it carries the ESA definition. The language in the *Forest Plan* speaks not only to "critical habitat" as defined by the ESA but also generically to areas that have not officially been designated but are important for the species use and survival. Size and distribution of these areas are discussed in the EA.

29. "It is important that in the analysis that "Conservation of Endangered Species" be used consistently with its definition found in 2670.5(6) which requires recovery towards delisting."

- **Response:** FSM 2670.5(6) defines the conservation of endangered species as efforts undertaken to bring a species to the point at which listing is no longer required. Proposed changes to the *Forest Plan* are consistent with this definition. The measures the MNF takes to aid in the recovery of threatened and endangered species are described in Appendix E of this EA, "*Conservation Plan for Federally Listed Threatened and Endangered Species*."

30. It was suggested that all spring, summer, and fall habitat on the MNF within five miles of winter hibernacula should be protected “by designating a special management area designation (e.g. Special Biological Area) with minimal disturbance allowed. This would do much to recover their numbers and secure the species future. The current state of scientific information on this species makes it clear that their life history requirements are best met by old growth forest conditions.”
- **Response:** Under all action alternatives, MNF lands within five-mile radii of Indiana bat hibernacula would be designated specifically for the management of Indiana bats. Four distinct biologically based areas (hibernacula, key areas, maternity colonies, and primary range) would be recognized (Chapter II, pp. 3-5, and 21-22). Under the Proposed Action and Alternative 1, hibernacula, key areas, and lands within two-mile radii of maternity colonies would be protected by expanding existing Zoological Area boundaries beyond 200 feet of known hibernacula. The primary range of Indiana bats would be perpetuated by creating MP 6.3 areas that would provide specific standards for the management of these lands. Alternative 2 would protect all these areas (hibernacula, key areas, lands within two-mile radii of maternity colonies, and primary range) as Zoological Areas. Stricter limits would be placed on management by prohibiting all commercial timber-harvesting activities within five-mile radii of Indiana bat hibernacula. The concern about maintaining old growth is addressed in all the action alternatives by establishing Zoological Area standards for “key areas.” Effects of such changes on Indiana bat are described in Chapter III, especially pages 12-14 and 17-18.
31. Someone suggested, “rather than retaining all hickory, only shagbark hickory needs to be considered.” They stated-- “The forest wide standards are inadequate. With the exception of maintaining 6 snags per acre in cutting units, none of the other standards and guidelines include quantifiable objectives. For example, the proposed standards and guidelines include “retain hickory trees in all cutting units.” Does this mean that only 2 hickory trees will be retained in all cutting units? Or that the Forest Service will retain all hickory trees, and thus stop making hickory timber available on the Forest? As written, both interpretations are legitimate. My concern can be addressed by quantifying exactly how many or what proportion of hickory trees will be maintained...”
- **Response:** These were addressed by slightly modifying the Proposed Action to specify that all shagbark hickory trees would be retained in cutting units (Appendix A, Forest-wide standard, p. 7 and MP 6.3 standard, p. 16). Alternative 1 and Alternative 2 propose the same standards.
32. It was stated that-- “Roost trees should be protected as well as the habitat in a buffer zone around the roost trees.” The standard that requires the Forest “to ‘protect any roost trees that are discovered’ is inadequate. A roost tree can be protected by not cutting it down (but cutting everything else around it), or making it the center of an “Area of Influence” can protect it. My concern can be addressed by making this standard and guideline more explicit.” “My concern can be addressed by quantifying...how many or what proportion of suitable roosting trees will be maintained.”
- **Response:** Standards have been modified to address this concern. Page 20 of Appendix A explains how the Proposed Action and Alternative 1 would preserve a buffer of live trees around known roost trees, culls, and snags. Alternative 2 would not implement such a standard because no commercial timber harvests would be authorized (Appendix A, p. 32).
33. Someone suggested improving protection for VA big-eared bats: “Caves that are serving as hibernacula or maternity colonies [for VA big-eared bat] need to be protected. This goes much beyond not permitting commercial cave operations.”
- **Response:** Zoological Area standards for endangered bats currently provide protection for hibernacula and maternity colonies of VA big-eared bats (*Forest Plan*, pp. 230-234). Pages 23, and 26-28 of Appendix A describe the standards that would be modified to clarify the MNF’s existing practices for protecting VA big-eared bat hibernacula and maternity colonies. Alternative

1 and 2 would adopt the same standards. Chapter III of the EA describes effects of proposed changes.

34. Someone recommended: “Activities should be avoided in known populations and in a buffer zone around the population (probably 100 meters)” [about 300 feet].” “ I suggest a specific buffer be designated around known populations so they might expand without interference from compacted soil or other effects of management activities.”
- **Response:** Standards were added to the Proposed Action to reflect the MNF’s current policy of avoiding known populations of threatened, endangered, and proposed species. Also, a standard was added requiring a 300-foot buffer around known Cheat Mountain salamander populations, another of the Forest’s existing practices. This was carried through all action alternatives.
35. Expand the *Forest Plan’s* monitoring section to address all threatened and endangered species.
- **Response:** All action alternatives propose changes to the *Forest Plan’s* monitoring section (Appendix A, pp. 42-43 and Threatened and Endangered Species effects section).
36. Some commenters are concerned that the amendment would not change standards for sensitive species. They feel the Proposed Action or its alternatives may result in adverse effects to sensitive species and species being considered for federal listing (e.g. those on the Regional Forester’s Sensitive Species list and those proposed for listing such as Neotropical migratory birds).
- **Response:** The impact that changes to threatened, endangered, and proposed species standards may have on species of the Regional Forester’s Sensitive Species List are summarized in Chapter III, pp. 23-28 and documented in Appendix G. Based on the analysis of effects contained in *Biological Evaluation*, implementation of all of the alternatives proposed, including the No Action, has some potential, however minor, to impact individuals of any given Regional Forester’s Sensitive Species. However, this would not lead to loss of viability or trend towards federal listing. It is the nature of the *Forest Plan* and the agency’s multiple use mission, to balance the benefits derived from the Forest; it is also agency policy to avoid or minimize impacts to Regional Forester’s Sensitive Species, and where impacts cannot be avoided, they may be allowed so long as such impacts do not contribute to a loss of viability or result in the need for federal listing of species (Forest Service Manual 2670.32). It is also a goal of the current *Forest Plan*, as amended, to “Protect sensitive and unique species until their populations are viable” (*Forest Plan*, p. 37). “None of the action alternatives change that goal, and nothing proposed here serves to diminish this goal – in fact, the proposed amendment and other action alternatives will indirectly strengthen our protection for most Regional Forester’s Sensitive Species.
37. Some people wondered what proportion of National Forest System lands (NFS) currently relegated to active vegetation management for timber and wildlife purposes (MP 2.0, 3.0, 4.0, and 6.1 areas) would not be available for active vegetation management if protection for Indiana bats and WV northern flying squirrels were changed. They indicated proposed changes would reduce the land base that the *Forest Plan* projected would be available for resource management, especially for timber.
- **Response:** The effects would vary by alternative and are explained on pages 53-54 and 74-80 of Chapter III.
38. Some commented that proposed standards are too vague to protect threatened, endangered, and proposed species. They asked that standards be more defined to ensure not only the protection but also the enhancement of these species and their habitat.
- **Response:** This issue was addressed by adding standards to the Proposed Action that would articulate the Forest’s commitment to the management, protection, and recovery of threatened, endangered, and proposed species (see description of the Proposed Action in Chapter II and the list of Proposed Action standards in Appendix A). Most of the standards added to the Proposed Action would also be implemented if Alternative 1 or Alternative 2 were selected (see Chapter II and Appendix A).