

CHAPTER I

TABLE OF CONTENTS

PREFACE	ii
Purpose of this Document	ii
Forest Location and Description	ii
U.S. Fish & Wildlife Service Consultation and Biological Opinion	ii
Organization of this Document	iv
CHAPTER I: PURPOSE OF AND NEED FOR ACTION	1
Decision To Be Made	1
Purpose and Need for Action	2
Proposed Action	3
Relationship to Other Laws and Documents.....	4
Public Involvement	7
Issue Identification.....	8

PREFACE

PURPOSE OF THIS DOCUMENT

The Monongahela National Forest (MNF) is proposing to amend the 1986 *MNF Land and Resource Management Plan (Forest Plan)* (which has been amended five other times) to enhance the protection and recovery of threatened, endangered, and proposed species of the MNF (see proposed changes listed in Appendix A and maps in Appendix B). This environmental assessment has been prepared in compliance with the National Environmental Policy Act and other relevant Federal and State laws and regulations to disclose the direct, indirect, and cumulative impacts that may result from adding, deleting, revising, and/or retaining *Forest Plan* threatened and endangered species' standards and monitoring requirements.

FOREST LOCATION AND DESCRIPTION

The MNF consists of ~910,100 acres of land and water in the following 10 eastern West Virginia (WV) counties: Barbour, Grant, Greenbrier, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, and Webster Counties. It comprises less than 6% of the land in the State. The counties within the MNF are mostly rural, but large metropolitan areas (such as Washington, D.C.; Pittsburgh, PA; Richmond, VA; and Charleston, WV) are within a half-a-day's drive.

Historic logging practices of the late 1800's and early 1900's removed the majority of the original forest on what is now the MNF. Devastating floods and fires followed. In 1915, Congress responded to the devastation that occurred in the watersheds of the Allegheny and Monongahela Rivers by establishing the MNF. As forest re-growth has occurred over the years, the MNF has undertaken active management to improve forest quality and diversity. Today, 97% of the MNF is forested. About 81% of the Forest is over 60 years old. A wide variety of wildlife, fish, invertebrate, and vascular plant species inhabit the MNF, including nine federally listed threatened or endangered species.

It is the Forest's responsibility to manage MNF lands for the protection and recovery of threatened, endangered, and proposed species. The Forest must also ensure management of other resources does not (1) adversely affect federally listed species or designated critical habitat; (2) jeopardize the continued existence of species that are proposed for listing; or (3) adversely modify proposed critical habitat. (Note: there are no species of the MNF currently proposed for addition to the Federal Threatened and Endangered Species List and no additional critical habitat is currently proposed).

U.S. FISH & WILDLIFE SERVICE CONSULTATION AND BIOLOGICAL OPINION

During the development of the *Forest Plan*, the MNF consulted with the U.S. Fish and Wildlife Service (USFWS) regarding the effects *Forest Plan* implementation could have on the six threatened and endangered species that were known to occur on the MNF at the time. The USFWS' opinion indicated that *Forest Plan* implementation likely would not jeopardize continued existence of eastern cougar (*Felis concolor cougar*), Virginia (VA) big-eared bat (*Corynorhinus townsendii virginianus*), and Indiana bat (*Myotis sodalis*). Their opinion for peregrine falcon (*Falco peregrinus anatum*), and bald eagle (*Haliaeetus leucocephalus*) was that *Forest Plan* implementation would promote their conservation. Similarly, for WV northern flying squirrel (*Glaucomys sabrinus fuscus*)¹ their opinion was that implementation likely would not jeopardize its continued existence, and it may promote its conservation. (Note: Cheat Mountain salamander (*Plethodon nettingi nettingi*), shale barren rock cress (*Arabis serotina*), Virginia (VA) spirea (*Spiraea virginiana*), running buffalo clover (*Trifolium stoloniferum*), and small-whorled pogonia (*Isotria medeoloides*) were not included in this consultation because they were not federally listed at that time or known to occur on the MNF).

¹In recent years, *Glaucomys sabrinus fuscus* has begun to be referred to as the WV northern flying squirrel because it has been found more often in West Virginia than in Virginia.

As new information regarding threatened and endangered species has been obtained over time, the Forest has evaluated the relationship of the new information with the existing *Forest Plan*, and if needed, amended the *Forest Plan* to keep it consistent with applicable laws like the Endangered Species Act (ESA) of 1973, as amended. The MNF has worked closely with the USFWS, other Federal and State agencies, and members of the scientific community, to initiate surveys, supplement biological evaluations or environmental assessments (EA), and, as appropriate, apply project-specific mitigations to make sure threatened, endangered, and proposed species are protected and their recovery is promoted.

October 1992 was the last time the MNF updated *Forest Plan* standards for threatened and endangered species (USFS, *Oil and Gas Leasing and Development Decision Notice, 9/30/91*). New threatened and endangered species information obtained since then has been addressed at the project-level.

In 1999, the MNF initiated a detailed evaluation of the effects current and projected management activities have on threatened and endangered species of the MNF. This was prompted primarily by new Indiana bat and WV northern flying squirrel information. Research and data acquired since the last amendment was reviewed, and determinations were made as to whether *Forest Plan* standards need to be adjusted to comply with management and protection requirements of the ESA and to move federally listed species towards recovery.

In 2000, the Forest's analysis was documented in the *Biological Assessment for Threatened and Endangered Species on the MNF (Biological Assessment)*. In compliance with provisions of the ESA, the MNF submitted the *Biological Assessment* to the USFWS and consulted with them about the prospect of amending *Forest Plan* threatened and endangered species standards to address the MNF's determinations.

In spring 2001, the USFWS reviewed the *Biological Assessment* and identified several issues that needed resolution before they could issue a biological opinion. The primary issue to be resolved was new WV northern flying squirrel management direction being considered for inclusion in the *1990 Appalachian Northern Flying Squirrels' (Glaucomys sabrinus fuscus, Glaucomys sabrinus coloratus) Recovery Plan*. The MNF agreed to revise the *Biological Assessment* to address the USFWS' concerns.

On October 5, 2001, the resulting *Revised Biological Assessment* was finalized (after the WV northern flying squirrel's recovery plan was updated) and forwarded to USFWS for consultation.

In a letter dated November 9, 2001, the USFWS stated they believe the *Revised Biological Assessment* adequately evaluated the results of continued implementation of the *Forest Plan*, as amended, on the nine federally listed species that occur on the MNF (USFWS, 11/09/2001, p. 1). The USFWS concurred with the MNF's determinations that continued implementation of the *Forest Plan* will not negatively impact the WV northern flying squirrels, bald eagle, VA big-eared bat, Cheat Mountain salamander, running buffalo clover, shale barren rock cress, small whorled pogonia, and VA spiraea. Their concurrence concluded ESA Section 7 consultation for these species at the programmatic level.

As to Indiana bats, the USFWS concurred with the Forest's determination that continued implementation of the *Forest Plan* will result in a "May Affect, Is Likely to Adversely Affect" determination (USFWS, 11/09/2001, p. 2). Existing standards are adequate to manage and protect Indiana bat habitat, but they are not adequate to prevent the incidental taking of individual Indiana bats that may be roosting in a tree during the otherwise lawful implementation of MNF management activities. As stated on pages 2-3 of the *Revised Biological Assessment*, the chances of harming an Indiana bat during MNF tree cutting activities or prescribed fire in the general forest area is relatively small. However, it is not discountable. Formal consultation on the Indiana bat was entered into as of October 9, 2001.

On March 26, 2002, the USFWS issued their *Biological Opinion on the Impacts of Forest Management and Other Activities to the Indiana Bat on the MNF (Biological Opinion)*. The *Biological Opinion* listed 11 specific Terms and Conditions the MNF is required to implement to minimize the level of incidental take of Indiana bats (see Appendix C for definitions of unfamiliar terms and see Appendix D for a copy of the *Biological Opinion*). The *Biological Opinion* also identified two optional Conservation Recommendations that could further conservation of this species. The issuance of the *Biological Opinion* concluded the formal consultation process for Indiana bats. Additional consultation or review of site-specific projects with the USFWS may continue as needed when new projects have the potential to affect federally listed or proposed species.

ORGANIZATION OF THIS DOCUMENT

This EA is organized into the following parts:

- *Chapter I: Purpose and Need for Action* - This chapter includes the decision to be made, the purpose of and need for action, and a brief description of the agency's Proposed Action for achieving the purpose and need. The remainder of the chapter summarizes the results of the Forest Supervisor's review for NFMA, NEPA, and ESA consistency, describes how the Forest Service informed the public of the proposal, and how the public responded.
- *Chapter II: Comparison of the Alternatives* - This chapter provides a detailed description of the Proposed Action as well as alternative methods for achieving the stated purpose. These alternatives were developed from significant issues raised by the public and other agencies. At the end of Chapter II is a comparison table and comparison of the alternatives' effects.
- *Chapter III: Environmental Consequences* – This chapter describes in more detail the environmental effects of implementing the Proposed Action and other alternatives. The analysis is organized by resource area. Within each section, the affected environment is described first, followed by the effects of the No Action Alternative, which provides a baseline for evaluating and comparing all the other alternatives.
- *Chapter IV: Agencies and Persons Consulted* – This chapter provides a list of preparers and agencies consulted during the development of this environmental assessment. It also identifies the individuals and organizations that provided comments during the analysis process.
- *Appendices* - The appendices provide information to support analyses presented in this environmental assessment.

Additional documentation, including thorough analyses of resources, may be found in the administrative record for the *Proposed Threatened and Endangered Species Amendment to the Forest Plan*. The administrative record is located at the Supervisor's Office in Elkins, WV.

CHAPTER I:

PURPOSE OF AND NEED FOR ACTION

In recent years, new threatened and endangered species information has emerged that is not specifically addressed in the 1986 *Monongahela National Forest Land and Resource Management Plan (Forest Plan)* or is inconsistent with existing *Forest Plan* standards (see Purpose and Need section later in this chapter). The Monongahela National Forest (MNF) is considering amending the *Forest Plan* to ensure that pertinent and up-to-date information for threatened, endangered, and proposed species is incorporated into existing *Forest Plan* direction, standards, and monitoring requirements. Amending the *Forest Plan* would allow such information to be consistently applied across the MNF during Forest management activities.

DECISION TO BE MADE

The decision to be made is what *Forest Plan* directions, standards, and monitoring requirements will be changed, if any, to address new information about federally listed threatened and endangered species of the MNF, especially new Indiana bat and West Virginia (WV)¹ northern flying squirrel information.

The scope of the decision is confined to a reasonable range of alternatives that would respond to the purpose and need described in this chapter. Possible choices for addressing new information include amending the *Forest Plan* as shown in the Proposed Action; amending it as described for the action alternatives; or not amending it at all. Four alternatives were considered in detail: the Proposed Action, No Action, Alternative 1, and Alternative 2.

1. The Proposed Action is summarized on pages 3-4 of this chapter. Proposed changes are identified in Appendix A and changes in land allocations are displayed on maps in Appendix B.
2. The No Action Alternative is continued implementation of the 1986 *Forest Plan*, as amended to date.
3. Alternative 1 is the same as the Proposed Action but (a) without a seasonal restriction on tree felling activities within five-mile radii of Indiana bat hibernacula, and (b) with implementation of the two conservation recommendations identified in 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) (see Appendix C for a glossary of unfamiliar terms and Appendix D for the Biological Opinion).
4. Alternative 2 is the same as the Proposed Action but (a) without a seasonal restriction on tree felling activities within five-mile radii of Indiana bat hibernacula; (b) with five-mile radii of Indiana bat hibernacula being designated as Zoological Areas where commercial tree felling activities would be prohibited; and (c) with implementation of USFWS' two conservation recommendations.

The MNF Forest Supervisor is the Responsible Official for this decision. To comply with the National Forest Management Act (NFMA): he must decide whether the selected alternative meets the following definitions for NFMA significance. (1) Will the selected alternative substantially alter the long-term relationship between the outputs of multiple-use goods and services originally projected (e.g. wildlife habitat, recreational opportunities, timber products, etc.)? (2) Will it have an important effect on the entire *Forest Plan* or affect land and resources throughout a large portion of the planning area during the planning period?

¹In recent years, *Glaucomys sabrinus fuscus* has begun to be referred to as the WV northern flying squirrel because it has been found more often in West Virginia than in Virginia.

The MNF Forest Supervisor must also decide, in accordance with the National Environmental Policy Act (NEPA), whether the selected alternative would (1) have significant impacts on the quality of the human environment and an Environmental Impact Statement (EIS) needs to be prepared (NEPA 1501.4(c) and (e)); or (2) whether no significant impacts are expected, and a “Finding of No Significant Impact” needs to be prepared (NEPA 1508.13). The Forest Supervisor’s decision will be distributed to individuals and groups that have demonstrated a continued interest in this analysis.

PURPOSE AND NEED FOR ACTION

The purpose of the proposed amendment is to ensure the *Forest Plan* meets Forest Service responsibilities for threatened, endangered, and proposed species of the MNF consistent with the (1) Endangered Species Act (ESA) of 1973, as amended, and (2) approved recovery plans of each threatened and endangered species of the MNF. To accomplish these purposes, the *Forest Plan* needs to be amended to incorporate:

1. **Mandatory Terms and Conditions that were identified in the USFWS March 2002 *Biological Opinion*.** Existing *Forest Plan* standards are not adequate to prevent the incidental taking of an individual bat during the otherwise lawful implementation of MNF activities (*Revised Biological Assessment*, p. 4). The USFWS’s issued a *Biological Opinion* in March 2002 that identified 11 Terms and Conditions that the MNF must implement to obtain an incidental take permit and remain compliant with the ESA. The measures are intended to (a) minimize the level of incidental take of Indiana bats on the MNF; (b) encourage the perpetuation of Indiana bat hibernating, roosting, foraging, and swarming habitat on the MNF; and (c) clarify monitoring and reporting procedures.
2. **The *Guidelines for the Identification and Management of WV Northern Flying Squirrels that were made part of the Appalachian Northern Flying Squirrels’ Recovery Plan (Updated)*** in September 2001. Existing *Forest Plan* standards are inconsistent with the WV northern flying squirrels’ recovery plan. The existing *Forest Plan* and the 1990 *Appalachian Northern Flying Squirrels’ Recovery Plan* described “occupied” habitat as any area where the WV northern flying squirrel is known to exist through positive identification (such as through trapping). The size of the “occupied,” and thus protected, area was defined as all lands within ½ mile of the trapping or identification site--regardless of the habitat characteristics of the surrounding area and its suitability for the squirrel. Research and survey data obtained over the past 10 years have refined the USFWS’s and the MNF’s understanding of the WV northern flying squirrel’s habitat, distribution, and the habitat that should be managed and protected for the squirrels’ recovery. In 2001, the USFWS incorporated the new information into the *Appalachian Northern Flying Squirrels’ Recovery Plan* so that (a) suitable habitat (even if not known to be presently occupied) would be protected for the WV northern flying squirrel’s recovery; and (2) to provide relief from protection lands within ½ mile of a capture site that are not suitable habitat for the squirrel (*Appalachian Northern Flying Squirrels’ Recovery Plan (Updated)* 2001).
3. **Revisions to *Forest Plan* standards and monitoring requirements that would better articulate the MNF’s on-going efforts to manage, protect, and recover threatened and endangered species.** As the *Forest Plan* has been implemented over time, the MNF has recognized that some Forest-wide threatened and endangered species standards and Chapter V monitoring requirements are poorly worded or so broad that they do not provide clear direction to land managers. These standards could be revised and additional standards adopted to specify common MNF practices that are implemented under the broad direction of existing threatened and endangered species’ standards. Examples of changes that could be made are identified in the “Minimize Potential for Adverse Effects” sections of the *Revised Biological Assessment* (Cheat Mountain salamander, p. 39; Indiana bat, p. 61; Virginia (VA) big-eared bat, p. 76; WV northern flying squirrels, p. 92; running buffalo clover, p. 98; shale barren rock cress, p. 104; small whorled pogonia, p. 109; Virginia (VA) spiraea, p. 113).

Incorporating the above measures would be consistent with MNF Goal #IV, which is to manage MNF lands to help recovery of threatened and endangered species of the MNF (*Forest Plan*, p. 37).

PROPOSED ACTION

The following paragraphs summarize changes that would be made to the *Forest Plan* if the Proposed Action were implemented (for a detailed description of the Proposed Action, see Chapter II). The specific standards and monitoring requirements that the Proposed Action would change are listed in Appendix A. Maps in Appendix B display how land allocations would change. Appendix C provides definitions of terms (such as Zoological Area, MP 6.3, and Forest-wide standards; key areas; swarming habitat, etc.).

Amending the *Forest Plan* as proposed would not constitute a reauthorization of the entire *Forest Plan*. Overall, goals, objectives, and direction of the *Forest Plan* would remain unchanged. The **proposed amendment** is directed at management of MNF lands; it **would not apply to private lands**.

Indiana bat

Mandatory Terms and Conditions on pages 22-24 of the USFWS' *Biological Opinion* would be adopted.

Term and Condition #1 would be addressed by designating ~158,000 acres specifically for management, protection, and recovery of Indiana bat -- more acres than is required by existing *Forest Plan* standards.

- Protection and management of habitat near Indiana bat hibernacula would be expanded from ~30 acres to over 2,000 acres. Currently, Indiana bat hibernacula and “an area at least 200 feet in radius from the entrances of inhabited caves” are protected via existing Zoological Area standards (*Forest Plan*, p. 230). Under the Proposed Action, Zoological Area standards would be changed so that existing areas of protection and at least another 150 acres adjacent to or near each hibernaculum would be protected (Appendix A, p. 29, 1900 (2) (a); p. 30, 1900(2) (c); and p. 34, 2670 (3) (a) and (3) (b)). (Note: the proximity of key areas to hibernacula is based on proximity of MNF mature stands to hibernacula).
- The area protected around maternity colonies would increase from a 200-foot radius (*Forest Plan*, p. 230) to a two-mile radius (Appendix A, p. 8, Forest-wide standard #13 (c) (6) and (7); p. 29, Zoological Area standard 1900(2) (b); and p. 30, Zoological Area standard 1900(2) (d)).
- Management Prescription (MP) 6.3 areas would be created for management and protection of ~156,000 acres of Indiana bat summer roosting and foraging habitat (referred to as “primary range”) (Appendix A, p. 13). These ~156,000 acres would be within five-mile radii of Indiana bat hibernacula but outside the boundaries of the over ~2,000 acres of Indiana bat Zoological Areas.
- Standards would be established to emphasize Indiana bat and allow for activities compatible with Indiana bat management (Appendix A, pp. 7-10, 13-22 and 29-38). New standards would specify the number, type, and/or location of snags, culls, leave trees, old growth, etc. that must be perpetuated for Indiana bat swarming, roosting, and foraging habitat (such standards would also meet Terms and Conditions #3, #4, and #6). Restrictions would be placed on vegetation and timber management within the ~158,000 acres of Indiana bat MP 6.3 and Zoological Areas. Management of mineral resources, recreation, special uses, transportation, etc. would be allowed as long as it is compatible with Indiana bat management. Management activities would tend to be more restricted within Zoological Areas than within MP 6.3 areas.

Terms and Conditions #2, #5, #7, #8, #9, #10, and #11 would be addressed by creating additional Forest-wide Indiana bat standards (Appendix A, pp. 7-10). Such standards would provide guidance for (1) reporting and documenting Indiana bat information (proposed Forest-wide standard #13 (c) (2) and (11)); (2) consulting with the USFWS (proposed Forest-wide standard #13 (c) (9) and (10)); and (3) monitoring and developing appropriate protection plans (proposed Forest-wide standard #13(c) (4), (6), (7), and (8)).

Unique to the Proposed Action are standards that would prohibit tree felling and associated activities within five-mile radii of Indiana bat hibernacula from April 1st through November 15th (1900 standards in Appendix A, pp. 15 and 32). Such standards would minimize the potential for “incidental take” of Indiana bats beyond what is required by USFWS' Terms and Conditions.

WV northern flying squirrel

The *Guidelines for the Identification and Management of WV Northern Flying Squirrels* that were made part of the *Appalachian Northern Flying Squirrels Recovery Plan (Updated)* would be incorporated by reference into the *Forest Plan* (Appendix A, p. 11, Forest-wide standard 13 (g) and p. 39, Zoological Area standard 1950, #1). Appendix X “Interim Guidelines” for WV northern flying squirrel management would be deleted from the *Forest Plan* (Appendix A, p. 11, Forest-wide standard, 13 (g); p. 40, Zoological Area standard, 2000; and p. 44). All “suitable” rather than “occupied” WV northern flying squirrel habitats would be protected. The net increase of acres receiving additional, immediate protection via standards for WV northern flying squirrel would be approximately 51,000.

Various threatened and endangered species

As appropriate, standards would be revised or added to explain existing Forest practices and demonstrate the MNF’s continued commitment to managing, protecting, and aiding in the recovery of threatened and endangered species. For example, an existing Forest-wide standard would be edited to specify that the MNF protects habitat for all threatened and endangered species, not just fish and wildlife (Appendix A, p. 2, Forest-wide standard #2). Forest-wide standards would be created to explain the Forest’s existing practice of managing and protecting “areas of influence” for threatened and endangered species (Appendix A, pp. 3-5, proposed Forest-wide standards #7, 9, 10, and 11). Other Forest-wide standards would be created to describe the steps taken to avoid adverse effects to threatened, endangered, and proposed species during project implementation (Appendix A, pp. 4, proposed Forest-wide standard #8 and #12). A Forest-wide VA big-eared bat standard would be added to ensure VA big-eared bats using old buildings within six-mile radii of VA big-eared bat caves would not be adversely affected (Appendix A, p. 6, proposed Forest-wide standard #13 (b) (2)). An existing Zoological Area standard for VA big-eared bats would be changed to a Forest-wide standard to ensure prescribed fire effects to VA big-eared bat are considered at a larger scale (Appendix A, p. 6, #13 (b) (4)). Changes in Cheat Mountain salamander standards would be revised to reflect current knowledge regarding relocating, mapping, and protecting their populations (Appendix A, pp. 10-11, Forest-wide standard #13 (e) (1) and (2)).

Chapter III of this EA describes the environmental consequences of the Proposed Action.

RELATIONSHIP TO OTHER LAWS AND DOCUMENTS

The legal background and authority for amending forest plans comes from (1) the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) as amended by the NFMA of 1976 and the 1982 implementing regulations found in 36 Code of Federal Regulations (CFR) Part 219.10 (f); and (2) the NEPA and implementing regulations in 40 CFR 1500-1508. Direction specific to who is responsible and why and how to amend a *Forest Plan* is described in Forest Service Manual (FSM) 1922 and Forest Service Handbook (FSH) 1909.12, Chapter 5. Proposed changes to the *Forest Plan* must be consistent with these and other pertinent laws and regulations. In this case, the ESA of 1973, as amended, is of particular importance since it provides the legal background and authority for federal agency requirements related to endangered and threatened species. The following pages summarize the results of the Forest Supervisor’s review for NFMA and NEPA consistency and ESA compliance.

NFMA Consistency

The Forest Supervisor is the authority for determining whether an amendment to a forest plan is significant or not significant. This determination is made under the direction found in 16 U.S.C. 1604(f) (4), 36 CFR 219.10(f), and FSM 1922. The Forest Supervisor has followed these procedures and determined that proposed changes would not result in a significant amendment to the *Forest Plan*--the reasons for which are described in Chapter III and summarized below.

The term “significant,” as it pertains to a forest plan amendment, is not the same as “significant” in the context of addressing environmental impacts of the Proposed Action as defined by Council on Environmental Quality regulations found at 40 CFR 1500 to 1508. “Significant,” as it pertains to a forest plan amendment, gauges the impact of a proposed change to a forest plan. To meet the definition of significant, an amendment must meet both of the following criteria found in FSM 1922.5. (1) It must substantially alter the long-term relationship between the outputs of multiple-use goods and services (i.e., wildlife habitat, recreational opportunities, timber products) originally projected (36 CFR 219.10(e)). (2) It must have an important effect on the entire forest plan or affect the land and resources throughout a large portion of the planning area during the planning period.

None of the alternatives would meet both the criteria for NFMA significance in items (1) and (2):

- None of the alternatives being analyzed in detail would substantially alter the long-term relationship between the outputs of multiple-use goods and services originally projected, as documented in the effects analysis of this EA and summarized on pages 29-34 of Chapter II. Chapter III discloses that none of the alternatives would cause outputs to differ substantially from those currently being provided, and which are within the range of outputs projected by the *Forest Plan* (pp. 50-51, 54, 72, 74, 79-80, 86, 89, 91, 93-95, and 102-103). None of the alternatives would permanently forego an opportunity to achieve an output in later years.
- The actual effect that the alternatives would have on the entire *Forest Plan* would be minimal. While the proposed amendment is important, its effects are primarily limited to the threatened and endangered species addressed (Threatened and Endangered Species effects in Chapter III, pp.1-20). For the most part, all proposed alternatives would be consistent with existing management goals of the *Forest Plan*, existing MP directions, and those standards that are not proposed for change (*Forest Plan*, Chapter IV, pages 36-234). However, the No Action Alternative and the Proposed Action would be inconsistent with certain parts of the *Forest Plan*. The No Action Alternative would be inconsistent with the *Forest Plan* goal, direction, and standards for Indiana bat and WV northern flying squirrel management because it would violate the ESA and be inconsistent with the *Appalachian Northern Flying Squirrels Recovery Plan (Updated)* (Chapter II, pp. 1, and Chapter III, pp. 10-11). The Proposed Action has the potential to be inconsistent with forest-wide direction for soil and water (*Forest Plan*, p 79, 2500 A.) because it could pose some risk for instances of non-compliance with WV water resource rules under the Clean Water Act (Chapter III, p. 63).
- The proposed amendment would be implemented in the last few years of the current *Forest Plan*. *Forest Plan* revision was initiated in 2002 and is anticipated to end within the next four years or less.

As defined in FSM 1922.5, non-significant amendments can result from: (a) activities that do not significantly alter the multiple-use goals and objectives in the long-term; (b) adjustments to management area boundaries and prescriptions based on further on-site analysis; (c) minor changes to standards and guidelines; (d) incorporating opportunities for additional management practices that will contribute to achievement of MPs. All the alternatives would meet the criteria for a non-significant amendment:

- (a) Multiple-use goals and objectives stated on pages 37-42 of the *Forest Plan* would not be altered and could still be achieved (Chapter III, pages 13, 15-16, 18, 23- 25, 28, 45, 50-51, 53-54, 60, 66-68, 86, 89, 91, 93, 95-96, and 101-103). In fact, changes proposed to *Forest Plan* standards would improve the Forest’s ability to achieve Goal #IV by ensuring *Forest Plan* standards promote the management and protection of MNF habitat for threatened and endangered species (*Forest Plan*, p. 37).
- (c) The action alternatives propose several changes to standards, but changes are considered minor for two reasons. First, the changes would not substantially alter the outputs as stated in the *Forest Plan* (Chapter III, pp. 50-51, 54, 72, 74, 79-80, 86, 89, 91, 93-95, and 102-103). Second, they would not substantially change how existing *Forest Plan* standards are being implemented, as shown in the following examples:

- Under the action alternatives, some acres currently assigned to MP 2.0, 3.0, 4.0, 6.1, and 7.0 would be reassigned for the management of Indiana bat and WV northern flying squirrels (Appendix A, pp. 13, 30, and 40). The effect of these changes on outputs would not be substantially different from the No Action Alternative. Consistent with the ESA of 1973, the *Forest Plan* already recognizes protection of threatened and endangered species as the first management priority, regardless of what MP they occupy. Goods and services produced under implementation of the action alternatives would not differ substantially from what is currently being provided under implementation of the existing *Forest Plan*.
 - The proposed standard requiring old growth to be designated around occupied Indiana bat caves is not expected to substantially change the amount of old growth that would be retained as a result of implementing existing *Forest Plan* standards (Chapter III, pp. 36, 40, 46, 48, and 56). It would merely change the spatial distribution of old growth that already results from implementing existing *Forest Plan* standards.
 - The proposed standard to identify areas of influence for threatened and endangered species (Appendix A, p. 4, Forest-wide standard #4) would clarify the Forest's existing practice; this action is already allowed by the general guidance of existing standards. None of the alternatives would change the area that would be protected for bald eagle, Cheat Mountain salamander, or the four threatened or endangered plants. Only Indiana bats and WV northern flying squirrels' protection would change; under all action alternatives, the area protected for the Indiana bat and WV northern flying squirrel would immediately be expanded (Appendix A, pp. 5, 7-8, 11, 13-14, 29-30, and 39; Chapter II, pp. 4, 13, 16, and 22; and Chapter III, pp. 1, 11, 13, and 14).
 - Proposed standards outline steps that may be taken to avoid adverse impacts to endangered and threatened species when ground or vegetation disturbing projects are proposed (Appendix A, pp. 3-4, Forest-wide standard #7 and 8). Under the broad direction of existing standards, such steps are already allowed and have been implemented; therefore, action alternative effects would be the same as No Action effects (Chapter III, pp. 15-16).
 - The proposed standard to consider ways of minimizing or eliminating threats to threatened, endangered, and proposed species due to non-native invasive species is simply an affirmation of existing Forest Service policy, which is permitted under existing, general threatened and endangered species standards (Chapter III, pp. 16, 25, and 70).
- (d) The proposed amendment would incorporate opportunities for additional management practices that would contribute to achieving management of special areas (Appendix A, pp. 23-41). Most notably, changes and additions to zoological standards for threatened and endangered bats and WV northern flying squirrels would allow management practices that would further protection of these species' habitat (Chapter III, pp. 12-18).

This proposed amendment is in accordance with Chapter 5, page 261 of the *Forest Plan*; the requirements of 36 CFR 219.10(f); and FSM 1922. The amendment would be programmatic in nature; it would provide overall guidance for management of the Forest rather than a specific project at a particular location. Further analysis would be conducted for subsequent site-specific projects.

NEPA Consistency

The public involvement process used for the *Proposed Threatened and Endangered Species Forest Plan Amendment* is summarized on page 7 of this chapter. Consistent with the NEPA, the scope of the analysis was limited to the changes needed at this time to meet the purpose and needs that were defined on page 2 of this chapter. The scope could have been expanded to a wider range of considerations, but many alternatives were dismissed from further discussion because they would require broader analyses such as

would be completed during the upcoming *Forest Plan* revision (see pages 35-44 of Chapter II for “Alternatives Not Considered in Detail”).

As explained throughout Chapter III of this EA, implementation of proposed standards is not expected to have a significant impact on the quality of the human environment, thus an EIS was not prepared (NEPA 1501.4(c) and (e)). None of the alternatives is expected to cause significant impacts (NEPA 1508.13). Once the MNF Forest Supervisor selects an alternative for implementation, the rationale for his decision will be documented in a “Finding of No Significant Impact.”

ESA Compliance

All but the No Action would be consistent with the ESA, as amended (Chapter II, pp. 1, 2, and 12, and Chapter III, Threatened and Endangered effects, pp.10, 34, and 41).

The ESA establishes agency requirements to provide (1) the means whereby the ecosystem that endangered and threatened species depend may be conserved, and (2) a plan for the conservation of such species. It also establishes the policy that all Federal departments and agencies will further the purposes of this Act. The discovery of, and response to, new information related to federally-listed threatened or endangered species has been conducted in full compliance with the ESA. Discussion in this EA pertains to actions and proposals that fulfill obligations and requirements of Sections 7(a) (1) and (2) of the ESA.

Consistent with Section 7(a) (1), the Forest, in consultation with, and with the assistance of the USFWS carries out plans for the conservation of endangered and threatened species. The Forest’s Conservation Plan is summarized in Appendix E.

Consistent with Section 7(a)(2), the MNF consults with the USFWS as needed to "insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of... critical habitat." The actions the MNF has taken to comply with Section 7(a) (2) are summarized in the “U.S. Fish & Wildlife Service Consultation and Biological Opinion” section of the Preface of this EA (pages ii-iv) and on pages 2-3 of the *Biological Opinion*. Compliance with Section 7(a) (2) was realized when the formal consultation process between the MNF and USFWS regarding the *Revised Biological Assessment* was finalized, and the USFWS issued their 2002 *Biological Opinion* (see “U.S. Fish & Wildlife Service Consultation and Biological Opinion” section on pages ii-iv of the Preface to this EA).

PUBLIC INVOLVEMENT

Public involvement, referred to as “scoping,” is the process used to determine significant issues related to proposed actions. Scoping for the proposed *Threatened and Endangered Species Forest Plan Amendment* was initiated February 1, 2001. Several methods were used to involve the public. Legal notices were published in six newspapers--including the Elkins Inter-Mountain, the Paper of Record for this decision. Over 700 letters were mailed to individuals, organizations, county governments, and federal and state agencies to request their comments on the Proposed Action. The Proposed Action, *Revised Biological Assessment*, a December 2001 Planning Update and the USFWS’ March 2002 *Biological Opinion* were posted on the MNF website (www.fs.fed.us/r9/mnf/environmental/environmental_index.htm). Information was listed in at least seven issues of the MNF Schedule of Proposed Actions (beginning in December 2000).

About 120 letters, phone calls, or e-mails were received because of these public participation endeavors (Chapter IV, “List of Preparers and Agencies and People Who Commented” and “Issues Not Addressed in Detail” in Appendix F). An interdisciplinary team used comments from these communications to develop a list of issues to address.

ISSUE IDENTIFICATION

Some issues led to the development of alternatives (which are described below under “Issues Addressed in Detail”). Others were addressed as described under “Issues Not Addressed in Detail” (Appendix F) or “Alternatives Not Considered in Detail” (Chapter II of this EA).

Issues Addressed in Detail

Two significant issues were identified. Issue #1 and #2 were used to develop alternatives and served as a basis for evaluating the alternatives and assessing environmental consequences.

Issue #1: Level of “take” of Indiana bats.

Some asked that the potential for “taking” of Indiana bats be minimized.

- **Response:** All action alternatives propose standards to reduce potential “taking” of Indiana bat, but to varying degrees. Alternative 2 was created to minimize potential for “taking” more than other alternatives. It would minimize “taking” by prohibiting commercial timber harvesting within five-mile radii of Indiana bat hibernacula and within two-mile radii of maternity colonies (see p.23 of Chapter II for a description of Alternative 2 and Threatened and Endangered Species effects of Alternative 2 on page 17 of Chapter II).

Issue #2: Seasonal restriction on tree felling.

Concerns were raised that imposing seasonal restrictions on tree felling within five-mile radii of hibernacula would have long-term, adverse effects on the Forest’s ability to provide vegetative diversity for wildlife (including the Indiana bat) and timber outputs in an economically efficient manner. This concern stems from the reality that roughly 51,000 acres (33% of the area proposed for designation as MP 6.3) within five-mile radii of Indiana bat hibernacula have sensitive geology and soils that could be adversely affected if conventional, ground-based skidding operations are implemented on these soils in the winter. These soils are not likely to hold up during earth disturbance in the winter because of soil wetness and physical properties such as shear strength. It is the Forest’s practice to avoid or minimize adverse soil erosion and associated adverse sediment deposition effects to streams--even if this results in fewer or zero acres of timber being harvested from a given area of the MNF. Thus, restricting commercial, large-scale tree felling activities within the primary range of Indiana bats to winter months (when soils tend to be wetter and more prone to erosion) may essentially prevent acres within the primary range (which otherwise would be suitable for timber production) from being harvested. This may change the Forest’s ability to implement activities to manage wildlife and timber resources in these areas, unless helicopter logging is physically or economically feasible to implement at a given site.

- **Response:** This concern was addressed by creating Alternative 1. Under Alternative 1, all the standards identified for the Proposed Action would be implemented except the seasonal restriction on large-scale tree felling within five-mile radii of Indiana bat hibernacula. The effects of imposing versus not imposing a seasonal restriction on large-scale tree felling are documented in Chapter III, pp. 12, 16, 24, 26, 35, 37, 38, 45, 54, 56, 57, 63, 64, 67, 68, 71, 72, 85, and 91.