



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street Suite B
Asheville, North Carolina 28801



July 12, 2022

Mr. James Melonas
National Forests in North Carolina
160 Zillicoa Street, Suite A
Asheville, North Carolina 28801

Subject: U.S. Forest Service (USFS) revised Land and Resource Management Plan (Revised Forest Plan)
for the Pisgah and Nantahala National Forests (Forests)

Dear Mr. Melonas:

On January 20, 2022, we received (via email) a Biological Assessment (BA) requesting our review of the subject project. After comments were provided by the U.S. Fish and Wildlife Service (Service), a revised BA was submitted on March 16, 2022. The following information is provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.); and section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 - 1543) (Act).

Project Description

The USFS proposed to revise their Land and Resource Management Plan based on legal requirements, changed conditions and resource demands, topics identified in the 2014 Need for Change (79 FR 13984), and promulgation of new policy, including the 2012 Planning Rule (77 FR 21161). Revision was needed because the 1987 plan is beyond the 10- to 15-year duration provided by the National Forest Management Act (NFMA, 16 U.S.C. 1606(e)(5)(A)). The purpose of the Revised Forest Plan is to guide management of the Forests so that they are ecologically sustainable and contribute to social and economic sustainability; consist of ecosystems and watersheds with ecological integrity and diverse plant and animal communities; and have the capacity to provide people and communities with ecosystem services and multiple uses that provide a range of social, economic, and ecological benefits for the present and into the future. The Revised Forest Plan will serve as the principal mitigation tool to avoid, minimize, rectify, or compensate any adverse environmental impacts associated with management on the Forests.

Federally Listed Species

The BA, requesting formal consultation and conferencing under section 7 of the Act, was received by the Service on January 19 and revised March 16, 2022.

The BA documented that the Revised Forest Plan is likely to adversely affect the following listed species:

- gray bat (*Myotis grisescens*), endangered (E)
- Indiana bat (*Myotis sodalis*), E
- northern long-eared bat (NLEB) (*Myotis septentrionalis*), threatened (T), proposed endangered (PE)
- Virginia big-eared bat (VBEB) (*Corynorhinus townsendii virginianus*), E

As described in the Biological Opinion (BO) dated June 2, 2022, and based on the BA and other information collected during the consultation process, the Service has concluded that the Revised Forest Plan, as proposed, is not likely to jeopardize the continued existence of the following species:

- gray bat (*Myotis grisescens*), E
- Indiana bat (*Myotis sodalis*), E
- little brown bat (*Myotis lucifugus*), petitioned for listing
- NLEB (*Myotis septentrionalis*), T, PE
- tricolored bat (*Perimyotis subflavus*), petitioned for listing
- VBEB (*Corynorhinus townsendii virginianus*), E

This BO does not provide an analysis for effects of specific actions. Rather, the effects analysis is a broad-scale examination of the types of projects and activities conducted under the Revised Forest Plan that could potentially occur in listed species habitat and result in effects on listed species. This broad-scale analysis was then be used to determine the potential for the Revised Forest Plan direction to jeopardize the affected populations of listed species.

Further, the BA determined that the Revised Forest Plan is not likely to adversely affect (NLAA) the following listed species:

- Appalachian elktoe (*Alasmidonta raveneliana*), E
- Blue Ridge goldenrod (*Solidago spithamea*), T
- bunched arrowhead (*Sagittaria fasciculata*), E
- Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*), E
- Heller's blazing star (*Liatris helleri*), T
- little-wing pearlymussel (*Pegias fabula*), E
- mountain golden heather (*Hudsonia montana*), T
- mountain sweet pitcher plant (*Sarracenia rubra* spp. *jonesii*), E
- noonday globe snail (*Patera clarki nantahala*), T
- Roan Mountain bluet (*Hedyotis purpurea* var. *montana*), E
- rock gnome lichen (*Gymnoderma lineare*), E
- rusty-patched bumblebee (*Bombus affinis*), E
- small whorled pogonia (*Isotria medeoloides*), T
- spotfin chub (*Erimonax monachus*), T
- spreading avens (*Geum radiatum*), E
- spruce-fir moss spider (*Microhexura montivaga*), E
- swamp pink (*Helonias bullata*), T
- Virginia spiraea (*Spiraea virginiana*), T

Based on analysis provided in the BA, we concur with the NLAA determinations from the USFS for these species.

The BA also determined that the Revised Forest Plan may affect, but is not likely to jeopardize the continued existence of the following at-risk species (petitioned for listing or proposed):

- longsolid (*Fusconaia subrotunda*), proposed threatened (PT)
- mountain purple pitcher plant (*Sarracenia purpurea* var. *montana*), petitioned for listing

As described in the BO dated June 2, 2022, and based on the BA and other information collected during the consultation process, we would concur with a NLAA determination from the USFS for these ARS species should final rules for these species become effective during the life of the project.

The Forests retain their responsibility under the ESA to consult on future projects (conducted under the Revised Forest Plan) that may affect listed species regardless of the project's consistency with the Proposed Action considered in the BO. Future projects and their potential to adversely affect a listed species, or critical habitat, will be analyzed at the project level and a separate jeopardy/adverse modification determination will be made at that time.

We believe the requirements under section 7 of the Act are fulfilled for the federally listed species discussed above. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of the identified action may affect listed species or critical habitat in a manner not previously considered, (2) the identified action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed, or critical habitat is determined that may be affected by the identified action.

The Service appreciates the opportunity to provide these comments. Please contact Ms. Rebekah Reid of our staff at rebekah_reid@fws.gov, if you have any questions. In any future correspondence concerning this project, please reference Log Number 4-2-22-399.

Sincerely,

Gary Peebles
Acting Field Supervisor