



Forest Service  
U.S. DEPARTMENT OF AGRICULTURE

# Botany / Wildlife Fieldwork and Reporting

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Dakota Prairie Grasslands

U.S. Forest Service

# Overview

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- Staff Updates/POC's
- Updates to RFSS List
- NLEB Status Change
- Biological Survey and Reporting Guidelines
- Communication
- QA/QC - Common issues and Areas for improvement
- Expectations for fieldwork / reporting

# Botany/Wildlife Staff

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- **Medora District**

- JJ Nelson (Biologist)
- Jack Dahl (Botanist)

- **Sheyenne District**

- Jamie Kienzle (Biologist)
- Stacy Swenson (Range/Botany)

- **McKenzie District**

- Lisa McDonald (Botanist)
- Sarah Bickerdyke (Biologist)
- Anna Rivera (Biologist)

- **Grand River District**

- Dave Hodgson (Range/Botany)
- Greg Schonert (Zone Biologist)

- **Supervisors Office**

- Greg Schonert (PM)

# Updates to the Regional Foresters Sensitive Species List (May 2023)

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- New Additions (official):

- Interior Least Tern
- Swift Fox
- Little Brown Bat
- Monarch Butterfly
- Townsend's Big-eared Bat
- Long-Eared Myotis (NOT NLEB)

- Removals:

- Loggerhead Shrike
- Bald Eagle
- Peregrine Falcon
- Broad-Winged Skipper
- Dion Skipper
- Mulberry Wing
- Arogos Skipper
- Red-Bellied Dace

# Updates to the Regional Foresters Sensitive Species List (May 2023)

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- Additions:
  - *Equisetum variegatum*
    - Variegated Horsetail or variegated scouring rush
    - Found throughout ND and Portions of SD
    - part shade, sun; shallow water, wet thickets, ditches, bogs
  - *Tripterocalyx micranthus*
    - Sandpuff or small flowered sand-verbena
    - Sandy and scrubby desert regions and sagebrush
    - Sparsely vegetated dunes or blowouts

# Updates to the Regional Foresters Sensitive Species List (May 2023)

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- Removals:
  - *Carex leptalea*
  - *Cyperus bipartitus*
  - ***Escobaria missouriensis*\* (Missouri Foxtail Cactus)**
  - *Euonymus atropurpureus*
  - *Galium labradoricum*
  - *Gentiana affinis*
  - *Mertensia ciliata*
  - *Ribes cynosbati*
  - *Salix pedicellaris*
  - ***Sporobolus airoides*\* (Alkali Sacaton)**

# What Does This Mean?

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- There are 7 FS units in Region 1 that use sensitive species lists until their management plans are revised or amended under the 2012 planning rule. DPG is several years out
  - Will transition to SCC – Species of Conservation Concern
- Lists need to be updated to follow FSM 2670
  - Ensure FS actions do not contribute to loss of viability or cause significant trend towards ESA listing.
  - Last list was updated in 2011 – it was time and it was a process
    - >2300 plant and animal species got evaluated
- Anticipated to go into effect on or around May 1<sup>st</sup> – 2023
- All new projects will need to use the updated list
- Our Survey Guidelines and data forms will be updated to reflect changes by May 1<sup>st</sup>.

# What about on-going projects?

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- For most projects that don't yet have NEPA decisions, a new RFSS list would require an update to the project's BEs.
  - If no signed decision, please work with District Staff to update any on-going projects.
- For some projects, a new sensitive species list could necessitate a redo of part of an EA or EIS.
  - Do not anticipate any revisions for EA's or EIS at this time
- For some projects, conservation measures might need to be added.



# NLEB Status Change

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- November 29th, 2022 – FWS Final Rule to reclassify NLEB as Endangered - Effective Date Delayed until March 31, 2023
- Interim Guidance Available (March 31, 2023 – April 1, 2024)
  - [Northern Long-eared Bat \(\*Myotis septentrionalis\*\) | U.S. Fish & Wildlife Service \(fws.gov\)](#)
  - 4(d) Rule and 2016 PBO will be rendered obsolete on March 31, 2023
- Interim Consultation Framework
  - A mechanism to improve efficiency and consistency of completing Section 7 consultation for NLEB for projects consistent with former 4(d) rule and provide exemptions from prohibitions of incidental take that is reasonably certain to occur before April 1, 2024.
  - After this date, FWS will review best available information and may make adjustments or add additional conservation measures.

# NLEB Continued

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- At least for the next year there will be a process to streamline consultation for projects that “May affect” the NLEB.
- Still going to require avoidance of wooded draws or require HDD
  - Seasonal tree removals / TOY restrictions for unavoidable impacts
- Not going to require acoustic monitoring at this time, although may change in the future for certain projects.
- Refer to USFWS Interim Guidance Materials and IPaC for more information.

# Biological Assessment/Biological Evaluation (BA/BE)

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- 2672.4 - Biological Evaluations. Review all Forest Service programs and activities for possible effects on endangered, threatened, proposed, or sensitive species.
  - The biological evaluation is the means of conducting the review and of documenting the findings. Seven components (2672.42)
  - The biological evaluation may be used or modified to satisfy consultation requirements for a biological assessment
    - If no effect for all T/E species – one document
    - If “may affect” for one or more spp., - BA needed
  - When do they need to be updated?
    - Survey data: 3-5 years (at USFS discretion)
  - Which projects do / do not require a BE? Ask!

# Biological Assessment/Biological Evaluation (BA/BE) Continued

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- Contents – More is **not** better!
  - Clear and Concise
- Appendices –
  - Biology Letter – Can be referenced, do not include as attachment
  - Maps
    - Project Location Maps
    - Wildlife/Botany
    - Don't go overboard – include what is necessary to support determinations
  - Field Photos
    - Habitat Conditions – document changes
      - Support your rationale
    - Species / Nests
- Action Area / Analysis Area
  - Dependent on species and project

# Communication Continued

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- **Have information prepared prior to making a call or sending an email –**
  - What is the project? Where is the project? Which District(s)? Maps?
  - Who is the lead or project proponent? Has one been identified?
  - When is the proposed work anticipated to occur?
  - Never hesitate to reach out and ask questions or to talk things through
- **Email Subject Lines – Be Specific!**
- **Prior to conducting fieldwork**
  - Notify District Biologist/Botanist and cc Program Manager

# Communication with USFWS

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- **U.S. FISH AND WILDLIFE SERVICE**

- District Biologists and Biology PM – Direct Correspondence
- USFS is the lead Federal Agency and is responsible for Section 7 Consultations – Consultation history needs to be tracked (all phone calls, emails, meetings, etc.)

## **IPaC Website**

- <https://ipac.ecosphere.fws.gov/>
- Species Lists
  - Pay attention to species and critical habitat!

# Quality Assurance/Quality Control

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- Length of documents / Level of documentation
  - Complex vs simple project
  - Again – more is not better!
- Leftover language from previous document/project
- Ensure all species/critical habitat are adequately addressed
- Support your determinations!
- Be consistent in determinations (field forms, various sections of reports).
- Be consistent in use of terms –
  - Proposed Action vs Proposed Project
  - Action Area, Analysis Area, Project Area
  - Thorough review
    - Another set of eyes
    - Word search – read backwards
- We are all human!

# Wildlife Fieldwork / Reporting

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- **QUALIFICATIONS**

- Combination of education, training, and/or experience in conducting surveys of wildlife and habitats.
  - New hires – If little to no experience should not be field lead– need close supervision
  - Dakota Skipper Habitat Assessments – Botany experience
    - Presence/absence surveys - 10(a)(1)(A) permitted surveyor
  - Northern Long-Eared Bat – Specialized experience for acoustical monitoring/mist netting

- **DAKOTA SKIPPER HABITAT AND PRESENCE/ABSENCE SURVEYS**

- Follow most current USFWS protocol – may be updated soon
- Timing -

- **EXPECTATIONS FOR RAPTOR SURVEYS**

- Existing Data/Historical Nests
- Ground-based – potential nesting habitat and pre-identified points to assess presence
- Aerial – contact us
- Active nest discovery – notify within 7 days – Document with Photos!



# Wildlife Fieldwork / Reporting

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- **LIST OF COAS / MITIGATION MEASURES**

- Need to be discussed/agreed upon by project proponent
- Consistent with Land and Resource Management Plan
- USFWS Consultation

- **SENSITIVE WILDLIFE SPECIES DETERMINATIONS**

- **Population Level Analysis**

- **MIS / RAPTOR SPECIES DETERMINATIONS**

- **Individual Level Analysis**
- **Bald and Golden Eagle Protection Act**

- **USFS REGION 1 SENSITIVE SPECIES LIST**

- **Updates expected in May of 2023 –Will update when available**

# Botany Fieldwork/Reporting

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- Botany Survey information pages 4-6 of the Biology letter
- Qualifications
  - Degree in Botany or Plant Ecology
- Survey dates May 15 through September 15
  - *Townsendia* species and Sand lily
- Surveyed areas (Best to call us and communication with Archy and Wildlife)
  - Best to call us
    - Communication with Archy and Wildlife
  - 125 ft from the centerline
    - Roadways, pipelines, and utility lines
  - 50 ft from the centerline
    - Electric lines, fiber optic cable, other utilities

# Botany Fieldwork/Reporting

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- Plant Survey Field Form and Sensitive Plant Field Form
- Sensitive and Watch species
  - If an occurrence occurs FS need to be contacted within 7 days.
- Shapefiles
  - Need to be sent with the BE. We will not move on the BE

# Data Collection

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- We are internally developing some Survey123 forms and will be testing out this field season.
- Depending on how that goes, if we have any volunteers we would like a contractor to test out the forms and provide feedback.
- Please let me know if you are interested and once we get forms developed we can work with you on the logistics (AGOL account, forms, etc).
- Smaller project would be ideal. More info to come.

# Reference Materials

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## Land and Resource Management Plan for Dakota Prairie Grasslands

- [Dakota Prairie Grassland - Land & Resources Management \(usda.gov\)](https://www.usda.gov/land-resources/land-use/land-use-planning/dakota-prairie-grassland-land-resources-management)

## Biological Survey and Reporting Guidelines

- [Dakota Prairie Grassland - Contracting \(usda.gov\)](https://www.usda.gov/land-resources/land-use/land-use-planning/dakota-prairie-grassland-contracting)
- REMINDER- WILL BE UPDATED AROUND MAY 1<sup>st</sup> 2023

## Forest Service Manual (FSM)

- [FSM - Series 2000](https://www.fs.fed.us/rm/pubs/rm_2000/)

# Conclusion

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- Thank you!
- Communicate early and often
- Refer to reference materials
- Ask Questions