Forest Service

**Washington Office**

201 14th Street, SW
Washington, DC 20250

**File Code:** 1570 **Date:** DEC 09 2016
**Route To:**

**Subject:** Objection Response for the Francis Marion Land Management Plan Revision's Species of Conservation Concern

**To:** Regional Forester, Southern Region

This is my response to the objection filed by the Defenders of Wildlife regarding the identification of Species of Conservation Concern (SCC) related to the Final Environmental Impact Statement (FEIS), draft Record of Decision (ROD), and Revised Land Management Plan (Revised Plan) for the Francis Marion National Forest.

There was one objection submitted and accepted, containing both plan revision and SCC objection issues. This response is only related to SCC identification. The final SCC objection response is available on the Web at http://www.fs.fed.us/objections and listed under R8 – Southern Region, or hard-copy, upon request.

**History of the Revised Plan**

- Current Plan is from 1996; amended three times
- The Francis Marion began revision in the fall of 2012, under the 2012 Planning Rule
- The Draft EIS was published in August 2015 – approximately 40 comments were received
- The Draft ROD, FEIS and Revised Plan, published in August 2016, responded to those comments

**Reviewing Officer Authority**

- The Responsible Official for the SCC List is Tony Tooke, Regional Forester, Region 8
- The Reviewing Officer for the SCC objection issues is the Chief of the Forest Service. Associate Deputy Chief Glenn Casamassa has been delegated authority and is representing Chief Tom Tidwell.

**Review and Consideration of Objection Concerns**

The one objection for the Francis Marion Plan Revision contained issues for both the Francis Marion Forest Plan Revision and SCC identification. The objection contained five main issues or topic areas outlined by the objector. Of these five main topic areas, one centered on SCC identification and is described by the objector as:

> "The failure of the regional forester to identify some species as SCC where the best available scientific information indicates that there is a substantial concern for persistence in the plan area (36 CFR 219.9(c))."

Within this topic area, there were a number of sub-issues related to SCC identification on pages 4-9 of the objection. In this objection review and response paper, we divided these sub-issues into the following two 2 broad categories:

- SCC List Criteria and Composition
  - Exclusion based on NatureServe Rankings
  - Exclusion based on Substantial Concern about Persistence
  - Exclusion based on Occurrence Criteria
  - Interpretation of Occurrence Criteria
  - Red Wolf
  - Best Available Scientific Information (BASI) Requirements
- SCC List Identification Process
  - Delegation of Authority for the final SCC list to Francis Marion
  - Public Comment
  - April 12, 2016 comment from DOW
  - Risk to a species within the Plan Area versus the Broader Context

**The objector proposed the following remedies:**

> "The Forest should identify all of the species discussed under Issue 1 as SCC. They may be excluded only after appropriate assessment and analysis that demonstrates that the best available science indicates that there is not a substantial concern for their persistence in the plan area, and there is public review of that determination. Unless and until that happens, this also means that the effects of the revised plan on these species must be evaluated to determine whether plan components provide ecological conditions needed for their persistence. We assume this could be done using the same process that was used for other species (discussed in Issue 4* below)."

* Issue 4 deals with the Ecological Sustainability Analysis

The objector believes the following species should be identified as SCC based on the reasons discussed below:

> □ Blackbanded sunfish (SNR/G3G4). The species is considered a "state priority." The conclusory statement that it "does not meet the listing criteria for G/S ranks" is incorrect (for G3) and insufficient to demonstrate that its vulnerability does not indicate substantial concern. (While not listed as the final rationale, its absence for 21 years does not by itself demonstrate that it will not be found again in the plan area.)
>
> □ Wood thrush (S3/G5). Rejected based only on S3 rank. No information is provided to counter the concern for the species statewide.
>
> □ Star-nosed mole (S3/G5). Rejected based only on S3 rank. No information is provided to counter the concern for the species statewide.

□ Eastern woodrat (S3). No information is provided to counter the concern for the species statewide, and the fact that it is a "CWCP priority species" and "critically imperiled" in adjacent North Carolina.

□ Eastern coral snake (S2/G5). It was not included because it is not known to occur in the plan area, but it appears from the Forest "comment" that new occurrence information has not been taken into account. Even based on a most recent occurrence of 10 years, the species should be considered known to occur.

□ Florida green water snake (S2/G5). The conclusory statement that it "does not meet the listing criteria for G rank" ignores the state rank and "CWCP priority," and is insufficient to demonstrate that its vulnerability does not indicate substantial concern.

□ Northern pine snake (S3S4/G4). Rejected based solely on NatureServe ranks. The Forest comments indicate additional concern for persistence, and no information is provided to counter these concerns for the species.

□ Amphicarpum muehlenbergianum (S2S3/G4). The rationale incorrectly states that it does not meet state rank criteria.

□ Asplenium heteroresiliens (S1/G2). The comment indicates that the species is "likely extirpated." The only evidence in support of this is a most recent of occurrence of 1981. Additional rationale is needed to explain why recurrence is unlikely.

□ Carex chapmanii (S1/G3). The comment indicates that the species is "likely extirpated." The only evidence in support of this is a most recent occurrence of 1962. Additional rationale is needed to explain why recurrence is not possible (especially if the threat of "plantation pine forestry" is removed).

□ Carex decomposita (S2/G3). The species was excluded because it is not known to occur, but the comment also states that its habitat is stable on the forest. The most recent occurrence was 1998, and there is no explanation of why it might not recur.

□ Cayaponia quinqueloba (S1?/G4). The rationale is "does not meet the criteria for G rank." This fails to address the S rank.

□ Eleocharis tricostata (S2?/G4). The rationale is "does not meet the criteria for G rank." This fails to address the S rank.

□ Iris tridentata (SNR/G3G4). The rationale incorrectly states that it does not meet global rank criteria.

□ Litsea aestivalis (S3/G3). The conclusory statement "substantial concern for persistence not demonstrated through threats or population decline," based only the Forest statement "persistence likely," does not counter the vulnerability rankings.

□ Rhynchospora inundata (S2?/G4?). The rationale is "does not meet the criteria for G rank." This fails to address the S rank.

□ Sageretia minutiflora (S3/G4). The rationale is "does not meet listing criteria." This ignores the S rank, and no information is provided to counter the concern for the species statewide.

And the objector questions the rationale and documentation thereof for excluding the following species from the SCC list:

□ Agrimonia incisa (S2/G3). "Habitat is abundant and stable."

- ☐ Peltandra sagittifolia (S2/G3G4). "Populations stable in pocosins."
- ☐ Pieris phillyreifolia (S1/G3). "Habitat stable, populations extensive."
- ☐ Plantago sparsiflora (S2/G3). "Common along select roadsides."
- ☐ Rhexia aristosa (S3/G3). "Population numbers appear to be stable."
- ☐ Rhynchospora tracyi (S3/G4). "Population numbers appear to be stable."
- ☐ Tridens carolinianus (S1/G3G4). "Population numbers appear to be stable."
- ☐ Xyris elliottii (S1/G4). "Population numbers appear to be stable."

The objector also proposes the following remedy specific to the red wolf:

> "Red wolf habitat warrants protection in the forest plan as a listed species. Alternatively, NatureServe ranks it as a G1 species, and reoccurrence in the plan area is foreseeable during the life of the plan. If the red wolf cannot be considered a listed species on the Francis Marion, it should be identified as an SCC."

Upon completion of my initial review of the written objection received for the Francis Marion SCC list identification, I held a meeting in Columbia, South Carolina on December 2, 2016. We had discussions with Defenders of Wildlife's Lead Objectors to determine if there was any potential resolution to the SCC objection issues. I found the feedback I received at the resolution meeting to be very helpful in my consideration of the issues and potential instructions.

After discussing with the Defenders of Wildlife Lead Objectors and the Responsible Official and reviewing the findings from my subject matter experts, we mutually agreed that the Region should re-evaluate the 25 species identified by the objector, listed above. This action allows the Regional Forester to best meet Forest Service Handbook 1909.12-21.22a, which covers the identification of species of conservation concern in a plan area. Specifically, *1909.12 (21.22a) where the "the Regional Forester has the authority and responsibility to ... f. Document the rationale for the selection of species of conservation concern,"*

**I am instructing you to re-evaluate the 25 species identified in the objection, using the process found in 36 CFR 1909.12_21.22b, as expeditiously as possible following the signing of the Record of Decision for the Francis Marion Revised Land Management Plan.**

As to the inclusion of the Red Wolf on the SCC list, I have determined that while the Forest Service recognizes the conservation issues surrounding the species, red wolves are not present on the Francis Marion NF, there are no plans to reintroduce them to the forest, and they are unlikely to recolonize the forest on their own. The forest plan did not address effects to red wolves, or consider potential management for the species, or consider them as a SCC. The red wolf is listed as endangered under the Endangered Species Act (ESA) of 1973. The definition of a species of conservation concern indicates that a SCC "is a species, other than federally recognized threatened, endangered, proposed, or candidate species." In addition, a SCC must be "known to occur in the plan area," and because red wolf does not occur I am not asking the Region to evaluate it as a potential SCC.

An in-depth review and response to the Red wolf and other individual SCC objection issues are found in the Attachment.

GLENN P. CASAMASSA
Reviewing Officer for the Chief

Attachment – SCC Objection Review and Response

cc:
Ben Prater, Defenders of Wildlife
Pete Nelson, Defenders of Wildlife
Region 8 Planning Staff