

**DECISION NOTICE**  
**And**  
**FINDING OF NO SIGNIFICANT IMPACT**

**Amendment 10**  
**Nantahala and Pisgah Land and Resource Management Plan**

**August, 2000**

**Introduction**

On April 7, 2000 the USDI Fish and Wildlife Service (FWS) issued its biological opinion (BO) about the Nantahala & Pisgah Forest Plan's effect on Indiana bat. The FWS rendered a non-jeopardy opinion and an incidental take statement. The opinion listed several reasonable and prudent measures required to minimize incidental take. The decision at hand is whether to incorporate these measures recommended by the FWS into the Forest Plan.

On April 13, 2000 the Forest Service (FS) formulated Forest Plan Amendment 10 to incorporate the reasonable and prudent measures of the BO. On that date, the amendment was mailed for public comment from April 13 to May 15, 2000. Eight letters were received and the comments were used to formulate issues in the environmental analysis. The analysis process is documented in an Environmental Assessment for Amendment 10.

**Decision**

After reviewing the Environmental Assessment (EA), I have decided to implement Alternative B. This alternative is divided into short term and long term time frames. Amendment 10 will apply to national forest land in counties listed by the FWS as having recent summer occurrences of the Indiana bat (EA, p. A-1). National forest land in Graham, Swain, Cherokee, and Macon counties will be managed according to the stipulations of Amendment 10 immediately. Other national forest land management will comply with the standards of Amendment 10 if or when the FWS lists the Indiana bat occurrence for other counties.

The species will be closely monitored as stipulated in Amendment 10. Forest Service biologists will collaborate with researchers and other federal and state agencies to determine occupancy of habitat across the Nantahala and Pisgah National Forests (EA, p. A-7). Monitoring plans will be formulated every year to determine the best locations for surveys to increase our knowledge about the distribution and range of the species.

**Reasons for the Decision**

Amendment 10 addresses the reasonable and prudent measures in the BO of the FWS. Codifying these measures in the Forest Plan incorporates the BO requirements into our formal management system.

**Finding of No Significant Impact**The Environmental Assessment for Amendment 10 is the companion document to this decision and sets forth the relative changes to the Forest Plan as a result of the new standards.

**Context:** The setting for this decision affects national forest land in 4 counties of western North Carolina immediately. The remaining Nantahala and Pisgah NF's could be affected if Indiana bats are found in any of the other 14 counties of western North Carolina. The duration of this decision will remain in effect until the FWS changes the reasonable and prudent measures for the Indiana bat in North Carolina, or until the Forest Plan is revised. It is reasonable to expect the duration of this decision to be 5 years.

The short and long term effects are documented in the EA. The scope of effects were found to be limited; that is, the new standards will cause an insignificant change from the effects documented in the Final Environmental Impact Statement (FEIS) for the Forest Plan. The degree of change is limited primarily to the new standard for intermittent or perennial streams (EA, pp. 7, 15, 21, 28, 30, A-2, A-3). On more than 1 million acres of national forest land, the intermittent stream standard would likely affect 354 acres and the perennial stream standard about 246 acres for the next five years (EA, p13). Although these numbers are estimates, they lead to the conclusion that the scope of the effects from the new standards are insignificant.

**Intensity:** This decision applies only the Forest Service; no other federal or state agencies are affected by this decision.

1.) Although the scope of effects are insignificant, there could be relatively minor benefits and negative aspects to the environment. Potential benefits include: older forest communities (EA, p16), higher potential for hard mast (EA, p. 18), better habitat utilization of riparian communities and more snag, den and cavity habitat (EA, 19 and 20), more accumulation of woody debris in stream systems (EA, p. 25), potential beneficial impacts for 41 sensitive species and 103 locally rare species (EA, 27). Potential negative aspects could be: reduced growth, and change in tree species toward shade tolerants along intermittent streams (EA, p. 7), less available early successional habitat (EA, p. 17).

2.) There are no significant impacts on public health and safety. Some respondents raised an issue about loggers safety because of retaining as many snags as possible; however, human safety is adequately addressed (EA, p. B-3) since snags can be removed if they pose a safety hazard.

3.) There are no unique geographic characteristics that will be affected by this decision. As noted above, the primary changes are to intermittent or perennial streams less than 1 percent of which will be affected over the next five years (EA, p. 13). There are no wilderness areas, wild and scenic rivers, or other ecologically important areas affected by this decision.

4.) Any controversy about the effects of this decision (i.e. the change from current Forest Plan effects) are not likely to be raised to the level of significance. The effects of including several new standards for national forest management are documented sufficiently in the EA (pp 6 to 31).

Although some respondents challenged the assertions made in the FWS Biological Opinion, these comments are adequately addressed in the EA (pp. B-1 to B-5). I do recognize that some respondents are of the opinion that more restrictions on timber management would help the Indiana bat recovery. No studies or other evidence however, indicates that timber management (with the precautions set forth in Amendment 10) is incompatible with Indiana bat recovery.

5.) Due to the relatively limited effects of this decision (as noted above), unique or unknown risks are not likely to occur. For example, the risk of incorporating new standards may cause some change toward shade tolerant tree species, which are less desirable than intolerant species, such as oaks. These risks, however, are not unique or unknown; they were identified in the FEIS as likely to occur (EA, p. 7).

6.) This action will not set a precedent for future action with significant effects or represents a decision in principle. Each action regarding a plan amendment is decided on the merits and effects of that sole action.

7.) I considered the cumulative effects of this decision and determined that they are not significant. There are relatively minor changes in effects from those described in the FEIS (As noted above, see EA pp. 13, 14, 20, 24, and 31. See also the Biological Assessment for Indiana bat of 10/18/99 and the Biological Opinion of 4/7/2000).

8.) This decision will not affect districts, sites, highways, structures, or objects listed or eligible for listing to the National Register of Historic Places or other significant scientific, cultural or historical resources. Site specific effects are conducted for all projects (EA, p. 30).

9.) This decision will have no effect on the following threatened or endangered species: Spreading Avens, Rock Gnome Lichen, Carolina Northern Flying Squirrel, Mountain Bluet, Mountain Golden Heather, Heller's Blazing Star, Spruce Fir Moss Spider, Blueridge Goldenrod, Red Wolf, and Eastern Cougar (EA, p.24).

This decision is not likely to adversely affect the following threatened or endangered species: Swamp Pink, Small Whorled Pogonia, Noonday Globe, Virginia Spiraea, Dwarf-Flowered Heartleaf, Bunched Arrowhead, Mountain Sweet Pitcher Plant, Green Pitcher Plant, White Iresette, Appalachian Elktoe, Spotfin Chub, Littlewing Pearlymussel, Indiana bat, and Virginia big eared bat. The FWS has concurred with this determination.

10.) Other federal and state agencies were contacted about this decision. This decision does not threaten a violation of law or requirements imposed for the protection of the environment (EA, p.32).

Based on these reasons, I find this decision is not a major federal action (40 CFR 1508.18), it will not have a significant effect on the quality of the human environment and an environmental impact statement will not be prepared (40 CFR 1508.13).

### **Public Participation**

Disclosure about the public participation process is found in the EA (pp. 3 to 4). Responses to public comments are found in the EA (pp. B-1 to B-9).

It was about 1 year ago that we discovered Indiana bat through our monitoring efforts. Timber harvesting was suspended for several months until we could be assured that the species would not be adversely affected. The public was well aware of this situation; our process records document news articles, television, and radio shows about these actions.

The USDA Forest Service Biological Assessment for the Indiana bat was made public on October 18, 1999. This assessment was published on the National Forests in North Carolina website. The USDI Fish and Wildlife Service Biological Opinion was made public on April 7, 2000. It was also published on the website.

Essentially, this decision is a follow-up to all the previous actions that have occurred. Official scoping began on April 13 and ended on May 15, 2000. I have reviewed the public comments and have responded to those comments. My decision complies with the Endangered Species Act and the reasonable and prudent measures in the BO. This decision maintains a proper balance in considering all multiple uses while adequately protecting the Indiana bat (as noted below).

### **Other Alternatives Considered**

I considered Alternative A, which continues the existing Forest Plan standards without Amendment 10. This alternative would not meet the purpose and need for action (EA p. 1). The reasonable and prudent measures to minimize incidental take for Indiana bat are binding. To assure compliance with these measures, incorporating them into our management system is necessary. Therefore, I did not choose Alternative A.

I considered Alternative C, which would require the new standards to become effective immediately throughout the entire Nantahala and Pisgah NF's. The purpose of the new standards is to assure Indiana bats are not killed or harmed during management activities. If the habitat is not occupied (as determined through FWS list), then precautions are not needed. The amendment, however, has provisions to expand automatically as the FWS list expands to include more counties. I therefore believe the species will be adequately protected.

Because the halting and changing of timber sales adversely affects families who rely on these resources for a living, I will not expand the area to include new standards until there is clear evidence of the need.

Also, I am aware of the needs for other resources. For example, the EA discloses that early successional habitats are declining. There are many reasons for this decline that are outside the scope of this decision; the amount of the decline and its effects need to be further explored. Although the effects of Amendment 10 are insignificant, it may detract from early successional habitat goals in some local areas. Therefore, until the need is firmly established, I do not want to expand the new standards throughout the entire Nantahala and Pisgah National Forests.

### **Findings by Other Laws**

This decision complies with the National Forest Management Act (NFMA, 1976). The implementing regulations for NFMA allow the Forest Supervisor to make non-significant amendments to the Forest Plan (36 CFR 219.10). I determine that Amendment 10 is a non-significant amendment to the Forest Plan: it will not change the major decisions of the Forest Plan as follows:

I reviewed the goals and objectives of the Forest Plan. This decision does not alter multiple use goals or objectives, but instead, emphasizes the major themes and forest management goals (Forest Plan, pp 1-2).

This decision will not change the management area designations or the desired conditions for those management areas.

This decision will not change the Allowable Sale Quantity. The estimated amount of land affected by the decision over then next five years for the intermittent stream standard is insignificant. Accordingly, further investigations into the question of ASQ are not warranted.

This decision will incorporate new standards, but these standards are compatible with all other decisions made in the Forest Plan. The effects of the change for these standards are described in the EA. The new standards are limited in context and intensity and would not cause a significant effect on the human environment.

This decision does not change the basic monitoring questions of the Forest Plan, however, it does include more tasks dedicated to monitoring for Indiana bat. Depending on annual monitoring plans, we expect the monitoring resources of the FS would shift toward bat monitoring . However, this is not a significant change from the overall monitoring strategy identified in the Forest Plan

This decision does not affect special congressional designations, such as wilderness or wild and scenic rivers.

**Implementation**

Implementation of this decision will not occur for 7 calendar days following publication of legal notice of the decision (36 CFR 217.10 (a)).

**Appeal Rights**

This decision may be appealed in accordance with the provisions of 36 CFR 217 by filing a written notice of appeal, in duplicate, within 45 days of the date of publication of the legal notice of availability for this decision. The appeal must be filed with the reviewing officer:

Elizabeth Estill  
Regional Forester  
USDA Forest Service, Southern Region  
1720 Peachtree Road, NW  
Atlanta, Georgia 30309-9102

The notice of appeal must include sufficient narrative evidence and argument to show why this decision should be changed or reversed.

Request to stay approval of this non-significant amendment will not be granted (36 CFR 217.10(b)).

**Contact Person**

For further information, contact Lawrence Hayden, Ecosystem Management and Planning, PO Box 2750, Asheville, NC 28802. Phone: 828-257-4864.

*/s/ John F. Ramey*

August 1, 2000

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JOHN F. RAMEY  
Forest Supervisor

Date