

File Code: 1950

Date: April 12, 2000

Request for Comments by May 15, 2000

Dear Participant in National Forest Management:

Please find the enclosure regarding the proposed Nantahala and Pisgah Forest Plan amendment to incorporate reasonable and prudent measures for minimizing incidental take of Indiana bat. We are seeking comments on this proposal. If you wish to comment, please do so by May 15, 2000.

The Indiana bat is an endangered species. A summer maternity colony was found on the Nantahala National Forest in July of 1999. The USDI Fish and Wildlife Service (FWS) was notified immediately. The FWS advised us to consider the counties of Graham, Swain, Cherokee, and Macon as likely summer habitat.

On October 18, 1999, we submitted a biological assessment on the effects of implementing the Nantahala and Pisgah Forest Plan on the Indiana bat and began formal consultation with the FWS. On April 10, 2000, we received the FWS Biological Opinion, which determined that the effects of the forest plan would not jeopardize the continued existence of the Indiana bat. However, they also identified reasonable and prudent measures necessary to reduce any incidental taking of the species.

This proposed action is to incorporate the reasonable and prudent measures through a plan amendment. We intend to receive comments on the proposal through May 15. Comments will be evaluated and an environmental assessment (EA) will be completed. We will follow the process as documented in the planning regulations (36 CFR 219) and the appeals regulations (36 CFR 217) about whether or not to amend the plan.

More detailed information is available in the FWS Biological Opinion, which can be found on the internet at www.cs.unca.edu/nfsnc. Please contact Larry Hayden (828-257-4864) if you have questions. We look forward to receiving your comments.

Sincerely,

/s/ John F. Ramey

JOHN F. RAMEY
Forest Supervisor

Enclosure

**Scoping Record
For
Amendment 10
Nantahala & Pisgah National Forests
Land and Resource Management Plan**

Proposed Action

The USDA Forest Service (USFS) proposes to amend the Nantahala & Pisgah Land and Resource Management Plan (Forest Plan) to add management direction and standards for protection of the endangered Indiana bat. The new direction and standards are derived from the reasonable and prudent measures in a Biological Opinion (Effects of Implementing the Nantahala and Pisgah Forest Plan on the Indiana Bat, April 2000) issued by the USDI Fish and Wildlife Service (FWS). The forest plan amendment is enclosed as Attachment A.

Purpose and Need for Action

The endangered Indiana bat was found on the Nantahala National Forest in July, 1999 as Forest Service and Tennessee Technological University biologists teamed up to survey for the species. A summer maternity colony was found along Santeetlah Creek. This is the first documented occurrence of Indiana bat (IB) reproduction south of Kentucky. There were no documented summer occurrences of the species in this area previously.

Following the procedures of the Endangered Species Act, the USFS submitted a biological assessment (October, 1999) of the effects on IB from likely future actions as outlined in the Forest Plan. The USFS determined that some actions have the potential for inadvertent “taking” of Indiana bats from April 15 to October 15, but that forest plan standards provide a level of protection to ensure that activities are not likely to jeopardize the continued existence of the species or impede its recovery.

Through their Biological Opinion, the FWS agrees that likely future activities with existing Forest Plan standards are not likely to jeopardize the continued existence of the IB. The FWS believes that these counties in North Carolina—Graham, Cherokee, Macon, and Swain—are most likely to harbor Indiana bats during summer months, and that any incidental taking of IB would occur there. The FWS issued an incidental take statement for the 4 counties (above) and a set of terms and conditions to minimize the take. Outside the 4 county area, the expected presence of IB is at such undetectably low levels that probable future actions are not likely to adversely affect the Indiana bat (Biological Opinion, p 65).

The terms and conditions to minimize incidental take of IB would become new direction and standards in the forest plan, as amended by the action considered now. Additional information of the related events are documented in the USFS Biological Assessment and the FWS Biological Opinion (see www.cs.unca.edu/nfsnc/...)

Forest Plan Amendment History

The forest plan is programmatic. It establishes a framework for project-level decision making. The relevant components of the forest plan include: goals, objectives, desired conditions, management prescriptions (management areas), standards, and monitoring tasks. The forest plan does not compel the agency to carry out projects, but instead, it sets sideboards for the amount, type, and the way projects are implemented.

The Forest Plan was approved in 1987. Up through 1990, it was amended to include several regional initiatives. In 1994, an update of the Forest Plan was approved through a significant amendment. Known as Amendment 5, it is the current forest plan for the Nantahala and Pisgah National Forests. This version updates the components of a forest plan and packages together all previous amendments. Since Amendment 5, only non-significant, locally specific amendments have occurred. A list of amendments follows.

Amendment #	Date	Topic
1	1987	Suppression of Southern Pine Beetle
2	1989	Vegetation Management in the Appalachians
3	1989	Scenic Byway Program and fuelwood permits
4	1990	Reduces emphasis on clearcutting
5	1994	Significant Amendment
6	1992	Boundary adjustment correction (Highland RD)
7	1995	Management area designation of acquired land (Appalachian RD)
8	1996	Visual Quality Objective modification on Vengeance Creek (Tusquitee RD)
9	1997	Joyce Kilmer Trail management standards
10	2000	Proposed Action: Management for Indiana Bat

Now, the USFS proposes the 10th amendment to the plan for the purpose of adding new standards to minimize take of the endangered Indiana bat.

Decision to be made

The decision to be made is whether or not to amend the plan by adding new direction and standards to minimize take of the Indiana bat, as stipulated by the FWS reasonable and prudent measures in the biological opinion.

Issues with the Proposed Action

1. What effect will the new standards have on programs and desired condition outlined in the current forest plan?

Discussion: There are several new standards that could change the desired conditions or outputs in the forest plan. The analysis of environmental effects will examine the following: 1) a new standard about intermittent streams and whether or not it would affect the long term sustained yield capacity for timber supply; 2) whether or not retaining snags would affect the scenic attributes of the forest, specifically viewing foreground; and 3) whether or not the habitat suitability index standard would affect likely future projects.

2. What are the expected costs of implementing the new standards and the change in delivery of service if new standards are incorporated?

Discussion: The proposed action increases management requirements, which could add additional time and costs for administering the national forest. As part of the environmental analysis, we will discuss the anticipated costs and the change of service as this new work is incorporated into the management system.

3. What are the effects of the proposed action on other endangered, threatened, or sensitive species?

Discussion: While the new standards are beneficial to minimize incidental take of the Indiana bat, would they have any adverse effects on other species? A biological evaluation will be conducted and documented as part of this analysis.

Alternatives Considered in Detail

Two alternatives respond to the purpose and need for the proposed action, along with issues with the proposal as follows.

A. No Action. The standards and conservation measures of the current Forest Plan would continue. No new standards would be implemented. This is offered as a baseline to compare with other alternatives.

B. Proposed Action. The Forest Plan would be amended with new management direction and standards (Attachment A) to minimize incidental take and provide guidance for monitoring the species.

ATTACHMENT A

Nantahala and Pisgah National Forests

Land and Resource Management Plan

Amendment 10

April, 2000

Page III-25, add the following:

Activities	General Direction	Standards
Botanical, Wildlife, and Fish Resource Management (continued)	14. For counties listed by the USDI Fish and Wildlife Service (FWS) as having current summer occurrences or likely occupied summer habitat of Indiana Bat, apply the following management direction.	
	14(1). Minimize the risk of incidental take during timber management practices of harvest/regeneration or stand improvements. Conduct surveys in suitable forest types using FWS protocols for the Indiana bat that show the species is not present, or implement the following standards in suitable forest types for timber management practices of harvest and regeneration or stand improvements.	a. Retain standing live trees that have more than 25 percent exfoliating (separated from cambium) bark and are greater than 3 inches dbh. b. Retain as many shellbark, shagbark, and bitternut hickories as practicable, regardless of size or condition (live, dead, or dying). c. Retain as many standing snags greater than 3 inches dbh as practicable within regeneration and timber treatment units, regardless of species, unless

specifically marked for removal.

d. Retain as many hollow, den, or cavity trees greater than 9 inches dbh as practicable.

e. Designate and retain living residual trees in the vicinity of one-third of all large (>12 inches dbh) snags with exfoliating bark to provide them with partial shade and some protection from wind throw, using trees from the Priority Leave Tree list when possible.

f. Conduct prescribed burns between October 15 and April 15 when possible. Protect leave trees and snags to the extent practicable during site preparation burns. Site preparation burns, when necessary before October 15, should be conducted after August 15 to prevent potential harm to non-volant young.

g. Inspect timber sales to ensure these standards are implemented. Report findings, including a pre and post harvest inventory of Indiana bat habitat components.

14(2). Conserve Indiana bat habitat during timber management practices of harvest/regeneration or stand improvements. Conduct surveys in suitable forest types using FWS

a. Limit openings in the upper canopy to single tree gaps within 30 feet each side of intermittent streams. Limit the distance between openings to 75 feet. Leave trees from the Priority

protocols for the Indiana bat that show the species is not present, or implement the following standards in suitable forest types for timber management practices of harvest and regeneration or stand improvements.

Leave Species List (see Appendix C, Biological Opinion for Indiana bat, March 2000), when possible. For crossings, apply the management standards for riparian areas (Management Area 18).

b. Use Indiana bat summer habitat as a riparian related value for delineation of riparian areas (Management Area 18). Within the first 30 feet on each side of perennial streams and other permanent water bodies, no standing trees (green, dead, dying, or leaning) shall be removed or felled. Retain a minimum of 60 percent canopy cover in the remainder of the riparian area with leave trees being first selected from the Priority Leave Tree Species List. For crossings, apply the standards for riparian areas (Management Area 18).

c. Design regeneration units with irregularly shaped boundaries where feasible, so that some uncut live trees project into the regeneration unit.

14(3). Minimize the risk of incidental take for all management activities. Conduct surveys in suitable forest types using FWS protocols for the Indiana bat that show the species is not present, or implement the

a. Protect all active roost trees.

following standards in suitable forest types for all management activities

- b. Retain standing snags during personal-use firewood permits, unless marked for removal
- c. Removal of standing snags between April 15 and October 15 that are habitat shall be evaluated by qualified personnel for Indiana bat occupancy using FWS protocols. Consult with FWS if Indiana bats are found.
- d. Consult with FWS about any activities that involve modification of habitat or potential adverse disturbance between April 15 and October 15 within a 1.5 mile radius of known maternity sites.
- e. Consult with FWS for use of *B.t.* or other nonselective pesticides to control gypsy moth infestations or other forest pest insects. Reduction in nontarget lepidopteran abundance will be considered when developing spraying plans, especially when determining the size and configuration of spray blocks.
- f. Notify FWS of any dead, injured, or sick specimens of any endangered species.

14(4). Conserve Indiana bat habitat for all management activities. Conduct surveys in suitable forest types

- a. Analyze the pre and post project condition for activities impacting five or more acres of forest stands

using FWS protocols for the Indiana bat that show the species is not present, or implement the following standards in suitable forest types for timber management practices of harvest and regeneration or stand improvements.

(this does not include linear projects), using the index described in Appendix D of the Biological Assessment for Indiana Bat (10/18/1999). Do not let any project or combination of projects decrease the HSI by more than 5 percent for the duration of the FWS Biological Opinion on Indiana bat. Consult with FWS if the HSI decreases more than 5 percent.

14(5). Continue forest plan monitoring efforts to determine use by Indiana bats.

- a. Survey biennially at sites where Indiana bats are present following FWS survey protocols.
- b. Consult with FWS if an Indiana bat hibernaculum is found. Conduct biennial surveys of a hibernaculum after gating to determine the effects of the gate(s).
- c. Characterize and quantify habitat at all sites where Indiana bats are documented.
- d. Report survey results to FWS within 6 months of completion.
- e. Report the amount of incidental take annually and within 6 months following the end of the previous year's activities.

14(6). Definitions.

- a. Standing trees are those that are not root sprung.
- b. Practicable is defined as not intentionally removing. This term

does not apply to activities where removal of trees must occur, such as roads, skid trails, cable lanes, landings, rights of way, and other similar activities.

- c. Snags can be marked for removal if it does not provide or is not expected to provide suitable Indiana bat roosting or maternity habitat.
- d. An intermittent stream has a continuous well defined channel that flows 30 to 90 percent of the time. It may not be flowing during a very dry year. Typically, the stream flows when the water table rises above the channel bottom.

14(7). Transition period. Decisions made after October 18, 1999 shall comply with the management direction and standards of this amendment (Amendment 10).

15. Continue Forest Plan monitoring efforts to determine use of the national forests by Indiana bat during hibernation, summer roosting/maternity, and prehibernation seasons.

15(1). Work with the Service, universities, the

Survey biennially if Indiana bats are present following

North Carolina Resources Commission, and local experts to locate and survey caves and mines that may contain Indiana bats.

the protocol of the Indiana Bat Recovery Team. Reinitiate consultation with FWS if an Indiana Bat hibernaculum is found on or within 5 miles of the national forests.

15(2). Collaborate monitoring efforts with research to refine our understanding of the distribution and abundance of the Indiana Bat on the national forests. Follow FWS recommendations for monitoring in the Biological Opinion (p69, 7b).

16. Update the conservation objectives (Forest Plan, p A-3) after developing a conservation strategy for the recovery of Indiana bat. Use information from the Indiana bat recovery plan, the conservation recommendations outlined in the biological opinion, and monitoring information.