

Appendix D

Federally Listed Species/ Regional Forester Sensitive Species

Conservation Plan for Federally Listed Species

The Forest Service is committed to conserving, protecting, and maintaining habitat for Federally listed species. As a Federal agency, it has defined responsibilities in supporting recovery objectives for Federally listed species. Populations of these species will receive individualized attention. Management activities that may affect Federally listed species occur in consultation with the U.S. Fish and Wildlife Service (USFWS). If additional species that occur on the Wayne National Forest become listed, we will consult with the USFWS as appropriate (50 CFR 402.16).

A major purpose of the WNF's 2006 Forest Plan is fulfillment of the Forest's obligations under the Endangered Species Act, Section 7(a)(1), to conserve Federally listed species. Section 7(a)(1) of the Act mandates Federal agencies to take a proactive approach in the conserving of endangered species:

“All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act, by carrying out programs for the conservation of endangered species and threatened species pursuant to Section 4 of this Act.”

The foundation of the Conservation Plan is the allocation of NFS lands into management areas that contain the ecological conditions needed by particular species. These management area allocations are also intended to conserve the biodiversity that will promote the recovery and maintenance of Federally listed species.

The prescriptions for the Diverse Continuous Forest and Diverse Continuous Forest with OHVs management areas call primarily for the use of uneven-aged vegetation management to create structurally diverse forest stands. The prescriptions for the Historic Forest and Historic Forest with OHVs management areas call primarily for the use of uneven-aged vegetation management combined with prescribed fire to create oak and hickory dominated forest communities with more open conditions. These

management areas were formulated, in part, to provide habitat conditions beneficial for the Indiana bat and American burying beetle.

The River Corridor and Timbre Ridge Lake management areas were developed, in part, with the bald eagle in mind and should provide long-term direct benefits to this species as it expands its range in Ohio. The purpose of the River Corridor Management Area is to retain, restore, and enhance the inherent ecological processes and functions associated with riverine systems on the Forest. The desired future condition of the Timbre Ridge Lake Management Area is excellent water quality in the 100-acre lake where a self-sustaining bass-bluegill fishery is encouraged. A landscape of wooded character surrounds the lake and provides feeding opportunities as well as suitable roosting or nesting habitat for the bald eagle.

Together, these and all other management areas provide well-distributed and diverse habitat for native and desired non-native plants and animals, including Federally listed species.

Species List

The U.S. Fish and Wildlife Service has identified ~~nine~~ eight¹ Federally listed species as occurring on or near the Wayne National Forest:

| Species | Status |
|---|------------------------------|
| American burying beetle (<i>Nicrophorus americanus</i>) | Endangered |
| Bald eagle (<i>Haliaeetus leucocephalus</i>) | Delisted 8/8/07 ¹ |
| Fanshell (<i>Cyprogenia stegaria</i>) | Endangered |
| Indiana bat (<i>Myotis sodalis</i>) | Endangered |
| Northern monkshood (<i>Aconitum noveboracense</i>) | Threatened |
| Pink mucket pearly mussel (<i>Lampsilis abrupta</i>) | Endangered |
| Running buffalo clover (<i>Trifolium stoloniferum</i>) | Endangered |
| Small whorled pogonia (<i>Isotria medeoloides</i>) | Threatened |
| Virginia spiraea (<i>Spiraea virginiana</i>) | Threatened |

¹ Updated on 10/16/08 by Forest Plan Administrative Correction # 3 to reflect the delisting of the Bald eagle on 8/8/2007.

Conservation Plan Relationship to Other Documents

Section 7(a)(2) of the Endangered Species Act states that Federal agencies shall consult with the USFWS.

“Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such an agency is granted an exemption for such action by the committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.”

To meet the consultation requirements under Section 7(a)(2) of the act, the Forest Service completed a Programmatic Biological Assessment for the 1988 WNF Land and Resource Management Plan in March 2001. It included a list of management activities with amounts expected to occur by September 2006. The USFWS responded with a Biological Opinion on the 1988 Forest Plan on Sept. 20, 2001.

The Biological Opinion provided non-discretionary, reasonable, and prudent measures as well as terms and conditions that would minimize the potential for incidental take of Federally listed species. It also recommended conservation measures that the WNF could implement to meet its responsibilities under Section 7(a)(1) for the Indiana bat, bald eagle and American burying beetle.

The non-discretionary, reasonable and prudent measures along with the recommended terms and conditions were incorporated into the 1988 Forest Plan (Amendment 13) as Forest-wide goals and standards, respectively. The discretionary conservation recommendations were also incorporated into the 1988 Plan (Amendment 13) as conservation recommendations. During the 2006 Forest Plan revision, these Forest-wide goals and standards, and conservation recommendations were reviewed with the USFWS, and slight modifications were made to incorporate the best available scientific information into the 2006 Forest Plan and to ensure clarity of 2006 Forest Plan direction.

Species-specific recovery plans provide additional guidance to conserve and recover each threatened or endangered species throughout its range. Each recovery plan has been developed by a team of scientists who are considered experts on the affected species. Not all recovery objectives may be applicable to the WNF since it encompasses only a portion of the range of nine endangered and threatened species.

Format of the Conservation Plan

The Conservation Plan provides managers with a concise package of information about the protection and conservation of Federally listed species that occur on or near the Wayne National Forest. Forest-wide goals, objectives, standards and guidelines directly applicable to the recovery and conservation of listed species that are found in Chapter 2 of the 2006 Forest plan are summarized in this Conservation Plan.

Administrative and educational requirements carried over from the 1988 Forest Plan, as amended, have been included, as have the requirements for monitoring that were identified in the Biological Opinion for the 2006 Forest Plan. This Conservation Plan is arranged into two sections:

- Section I displays direction and guidance that is applicable to all ~~nine~~¹ eight Federally listed species;
- Section II outlines the direction and guidance specific for the Indiana bat, bald eagle¹, American burying beetle, and running buffalo clover. These are species that occur in the WNF, or are likely to be reintroduced to the WNF in the near future.

Implementation of the Conservation Plan

In order to be exempt from the prohibitions of Section 9 of the Endangered Species Act, the WNF must comply with all standards and guidelines and monitoring outlined in the following sections of this Conservation Plan.

Responsibilities for implementation of the Conservation Plan rest primarily with WNF personnel. Some work, however, will be done cooperatively with the USFWS, Ohio Division of Wildlife, or other conservation partners.

Conservation Accomplishments

All management accomplishments related to the conservation, protection, and recovery of Federally listed species will be disclosed in the annual WNF monitoring and evaluation report.

Conservation Direction and Guidance for all Federally Listed Species

Administrative & Technical Information

Consult with the USFWS to ensure activities planned and implemented on the WNF are in accordance with the Endangered Species Act.

To ensure that the exemption of incidental take is appropriately documented, the USFWS will implement a tiered programmatic consultation approach. As individual projects are proposed under the 2006

¹ Revised on 10/16/2008 per Administrative Correction # 3

Forest Plan, the Forest Service shall provide project-specific information to the USFWS that:

- Describes the proposed action and the specific area to be affected, including latitude and longitude coordinates for the project area
- Identifies the species that may be affected and their known proximity to the project area
- Describes the manner in which the proposed action may affect Federally listed species, and the anticipated effects
- Specifies that the anticipated effects from the proposed action are similar to those anticipated in the programmatic Biological Opinion for the 2006 Forest Plan
- A cumulative total of incidental take that has occurred to date under the Tier I Biological Opinion
- Describes any additional effects, if any, not considered in the Tier I consultation.

The USFWS will review the information for each proposed project. If it is determined that an individual project is not likely to adversely affect listed species, the USFWS will complete its documentation with a concurrence letter that refers to the Biological Opinion for the 2006 Forest Plan (the Tier I programmatic document) and specifies that the agency concurs that the project is not likely to adversely affect listed species. If it is determined that a proposed project is likely to adversely affect listed species, then the USFWS and Forest Service will engage in formal consultation for the project. Formal consultation culminates with the USFWS providing a Tier II Biological Opinion with a project-specific incidental take statement if take is reasonably certain to occur.

Reinitiation of formal consultation is required when (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the 2006 Forest Plan that may affect listed species in a manner or extent not considered under the Biological Opinion; (3) the 2006 Forest Plan is modified in a manner that causes an effect to the listed species not considered in the Biological Opinion; or (4) a new species is listed or critical habitat designated that may be affected by the 2006 Forest Plan. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation. The 2006 Forest Plan can be updated as necessary to incorporate new information or results of any reinitiation of formal consultation.

Protection of Individuals

Appendix H - Oil & Gas Leasing Notification 3 - For all Federal oil and gas lease projects, the Forest Service is responsible for assuring that the area to be disturbed is examined prior to allowing any surface disturbing

activities on lands covered by this lease type. The examination is to determine effects upon any plant or animal species listed, or proposed for listing, as Federally endangered or threatened and their habitats. If the findings of this examination determine that the operation(s) may have a detrimental effect on a species covered by the Endangered Species Act, the operator's plans may be denied or restrictions added.

The Forest Service has the responsibility to conduct the required examination. In cases where the Forest Service time frames cannot meet the needs of the lessee/operator, the lessee/operator may, at his discretion and cost, conduct the examination on the lands to be disturbed. This examination must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. An acceptable report must be provided to the Forest Service identifying the anticipated effects of the proposed action on Federally endangered and threatened species, or their habitats.

Inventory, Analysis and Monitoring

Coordinate and cooperate with the USFWS and experts from other agencies, universities, and organizations to conserve, protect, recover, and monitor populations and habitats of Federally listed species.

Education and Awareness

Provide training opportunities for employees on the identification, biology, and habitat requirements of Federally listed species along with monitoring techniques.

Species-specific Conservation Direction and Guidance

Indiana Bat

Additional resource management direction and guidance found in the 2006 Forest Plan and should be considered during project planning and implementation, as needed, to promote recovery of this species.

Administrative & Technical Information

Preferred Indiana bat roost trees include the following species: shagbark hickory, shellbark hickory; bitternut hickory; silver maple; green ash; white ash; eastern cottonwood; northern red oak; post oak; white oak; slippery elm; American elm; black locust; pignut hickory; red maple; sugar maple; and black oak. This list of trees is based on review of literature and data on Indiana bat roosting requirements. Other species may be added, as identified.

When identifying existing Indiana bat roosting habitat (SFW-TES-10(a)), the trees that are hollow, have major splits, or have broken tops need to have characteristics that provide maternity habitat for one or more Indiana

bats. In other words, these trees must possess crevices into the hollow area or where the split or broken top occurred for it to provide habitat for this species. Furthermore, trees with broken tops should be 6 inches dbh or greater where the broken top occurs.

Discovery of dead bats of undetermined species on the WNF should be reported immediately to the USFWS - Reynoldsburg Field Office, and the remains transported on ice to that office. The USFWS will make the final species determination of any dead or moribund bats found on the WNF. If an Indiana bat is identified, the USFWS will contact the appropriate USFWS law enforcement office.

No attempt should be made to handle any live bat, regardless of its condition. This does not apply to individuals who are permitted, as agents of the State, to conduct work on Federally listed bat species.

Report bats that appear to be sick or injured to USFWS - Reynoldsburg Field Office.

Protection of Individuals

Goal 5.1.1 – Retain or develop Indiana bat roosting and foraging habitat; protect all known Indiana bat hibernacula.

Objective 5.1.1a – If additional Indiana bat hibernacula are discovered on NFS land, install bat-friendly gates to prevent unauthorized entry.

SFW-TES-1 – Deter human access to areas surrounding known hibernacula by closing or relocating trails that lead to, or pass within easy viewing distance of hibernacula.

SFW-TES-2 – Establish a one-quarter mile buffer around all known hibernacula. Within this one-quarter mile buffer:

- Prohibit new trail and road construction
- Do not conduct prescribed burning during the fall swarming period (generally mid-August to mid-October) or during the hibernation period (September 15th through April 15th)
- Do not permit surface occupancy for exploration or development of Federally owned minerals
- Implement vegetation management only to maintain or improve Indiana bat roosting, swarming, or foraging habitat.

GFW-TES-3 – Establish a one-quarter mile buffer around all mine openings that are known Indiana bat fall swarming sites, but where actual Indiana bat hibernation has not been established. Reduce or eliminate human disturbances within the buffer. Implement vegetation

management only to maintain or improve Indiana bat roosting, swarming, or foraging habitats.

SFW-TES-4 – Develop prescribed burning plans that specify weather conditions that would prevent smoke dispersal into known hibernacula.

SFW-TES-5 – Before backfilling any mine openings, such as portal entrances or subsidence depressions with developed openings, conduct surveys for potential bat presence during the fall swarming period (generally mid-August to mid-October).

GFW-TES-6 – Conduct pre-gating and post-gating mist net surveys at mines where bat-friendly gates are installed.

SFW-TES-13 – Prohibit the cutting of standing dead trees for firewood.

SFW-MIN-10 (and Appendix H, Stipulation 10) – Within management areas where surface occupancy is generally permitted, apply the No Surface Occupancy stipulation for Federal leases where the following conditions occur:

- Areas within ¼ mile of Indiana bat hibernacula

Appendix H, Stipulation 12 (Federal oil and gas leases) – No cutting of snags (trees with less than 10% live canopy), shagbark or shellbark hickories, or trees that are hollow and/or have major splits or broken tops, except during the bat hibernation season (September 15th – April 15th). If such trees are a safety hazard, they may be cut anytime they pose an imminent threat to human safety, but if cut in the non-hibernation season, the Forest biologist must be notified in advance. This stipulation applies only to trees over six inches in diameter.

Habitat Protection & Improvement

Goal 5.1.1 – Retain or develop Indiana bat roosting and foraging habitat; protect all known Indiana bat hibernacula.

Objective 5.1.1a – If additional Indiana bat hibernacula are discovered on NFS land, install bat-friendly gates to prevent unauthorized entry.

SFW-TES-7 – When even-aged regeneration methods are used, retain forested flight corridors within and between early successional habitat patches. These flight corridors may include forested corridors along ephemeral, intermittent, and perennial streams; and where present, clumps of snags and trees of varying size classes in the early successional habitat. When present, leave larger-sized trees on the edges of early successional patches for future maternity roosts.

SFW-TES-8 – Within hardwood cutting units with uneven-aged vegetation management prescriptions, maintain an average of at least 60 percent canopy cover.

GFW-TES-9 – Retain all shagbark and shellbark hickory trees greater than or equal to 6 inches dbh, unless removal is necessary to protect human safety or to avoid adverse impacts to steep slopes, erodible soils, floodplains or wetlands (e.g., cut a hickory rather than relocating a skid trail onto a steep slope).

SFW-TES-10 – During the non-hibernation season (April 15th – September 15th), do not cut, unless they are a safety hazard:

- a. Trees of any species 6 inches dbh or greater that are hollow, have major splits, or have broken tops that provide maternity habitat.
- b. Snags 6 inches dbh or greater that have Indiana bat roost tree characteristics. Consider any tree with less than 10 percent live canopy to be a snag.

When removal of hazard trees is necessary in a recreation area during the non-hibernation season (e.g., developed recreation sites, access roads, trails), conduct emergence surveys at the identified hazard trees that possess the characteristics identified above, and at any hazard trees that possess large areas of loose bark providing maternity habitat.

SFW-TES-11 – Schedule any summer prescribed burning after August 15th to reduce potential effects on Indiana bat reproduction.

SFW-TES-12 – With all hardwood timber harvests, retain a minimum of 12 live trees per acre (averaged over the cutting unit) of any species that are 6 inches dbh or greater with large areas of loose bark, unless they pose a safety hazard.

In addition to these, retain live preferred roost trees, when present to provide a supply of future roost trees (i.e., large, overmature trees) as shown in the following table. Refer to the Administrative & Technical Information section above for a list of tree species preferred as roost trees by Indiana bats. Consult with the USFWS regarding exceptions that may be needed to minimize adverse effects to other resources or human health and safety.

| Indiana Bat Preferred Roost Tree Size Class | Number of live trees to retain (average per acre over the cutting unit) |
|--|--|
| >20 inches (dbh) | 3* |
| >11 in (dbh and < 20 in (dbh) | 6 |

*If there are few or no live Indiana bat roost trees > 20 inches dbh in the stand, retain three live trees > 16 inches dbh and < 20 inches dbh per acre (averaged across the cutting unit). If there are no live trees > 16 inches dbh, retain nine additional live trees > 11 inches dbh and < 16 inches dbh per acre (averaged across the cutting unit).

SFW-TES-13 – Prohibit the cutting of standing dead trees for firewood.

GFW-TES-14 – Provide water sources that promote aquatic insect production and provide drinking sources for Indiana bats along suitable flight paths, especially in upland areas, and off/away from recreation sites, and designated trails and roads.

Appendix H, Stipulation 12 (Federal oil and gas leases) – No cutting of snags (trees with less than 10% live canopy), shagbark or shellbark hickories, or trees that are hollow and/or have major splits or broken tops, except during the bat hibernation season (September 15th – April 15th). If such trees are a safety hazard, they may be cut anytime they pose an imminent threat to human safety, but if cut in the non-hibernation season, the Forest Service biologist must be notified in advance. This stipulation applies only to trees over six inches in diameter.

Education & Awareness

Provide refresher training to employees, as needed, to ensure proper identification of Indiana bat roosting habitat. Such training should include how to recognize potentially suitable maternity roosts from other non-maternity roost trees.

Provide training to employees on the proper methods for conducting emergence surveys.

Inventory, Analysis & Monitoring

- a. Emphasis will be placed on collecting information associated with Indiana bat recovery objectives. This may include, but is not limited to, monitoring population trends of known hibernacula; monitoring of microclimate conditions in known hibernacula, and assessing our understanding of Indiana bat winter and summer distributions on the WNF, including any maternity colonies.
- b. Monitor and report annually and evaluate every five years the answers to the following monitoring questions, as required in Chapter 4 of the Forest Plan:
 - i. How many acres of potentially suitable Indiana bat habitat were protected or improved?
 - ii. How many bat-friendly gates were installed on known Indiana bat hibernacula?
- c. The implementing regulations for incidental take require that Federal agencies must report the progress of the action and its impact on the species (50 CFR 402.14(i)). To meet this mandate,

the following will be monitored and reported (from the Biological Opinion):

- i. As projects are proposed, the cumulative total of incidental take that has occurred to date under the Biological Opinion for the 2006 Forest Plan, in addition to project-specific information identified under Conservation Direction and Guidance for all Federally Listed Species (under the Administrative and Technical Information section), will be reported to the USFWS. Incidental take will be monitored using the number of acres/miles in the following table:

| Activity | Measure |
|--|------------------------|
| Permanent Road Construction & Reconstruction | 392 acres |
| Temporary Road Construction | 146 acres |
| Skid Trails and Log Landings | 740 acres |
| Utility Development | 50 miles |
| Fire Lines | 750 miles ¹ |

- ii. On an annual basis, the cumulative acreage of specific management activities implemented under the 2006 Forest Plan will be reported to the USFWS. The anticipated activities and acreage planned for implementation during the first decade of the 2006 Forest Plan are shown in the following table:

| Activity | Acreage |
|---|--------------------|
| Even-aged Hardwood Timber Harvest | 1,725 |
| Even-aged Pine Timber Harvest | 200 |
| Uneven-aged Timber Harvest | 14,556 |
| Thinning | 1,460 |
| Crop Tree Release | 9,500 ³ |
| Grape Vine Control | 2,683 |
| Site Prep for Native Pine | 200 |
| Reforestation (planting) | 500 |
| Prescribed Fire | |
| Oak Regeneration | 46,215 |
| NNIS | 200 |
| Herbaceous Habitat | 1,500 |
| Hazardous Fuels | 21,904 |
| Herbicide Application | |
| Oak Regeneration | 10,994 |
| NNIS | 6,500 ² |
| Development of Permanent Forest Openings | 500 |
| Maintenance of Permanent Forest Openings and other Herbaceous Habitats (mechanical) | 5,000 |

¹ Updated miles of fireline 10/16/2008 with Administrative Correction # 2

² Updated acres of NNIS to be treated in first decade on 10/16/2008 with Administrative Correction # 4

³ Updated acres of Crop Tree Release on 12/16/09 with Administrative Correction # 6

| Activity | Acreage |
|---|--------------------|
| Control of NNIS | |
| Mechanical | 1,500 ¹ |
| Biological | 170 ¹ |
| Wetland Restoration & Enhancement | 150 |
| Waterhole Construction | 15 |
| Fishing Pond/Lake Construction | 15 |
| Restoration & Improvement of Aquatic/Riparian Habitat | |
| Lentic (lakes and ponds) | 150 |
| Lotic (rivers and streams) | 20 miles |
| Installation of Bat-friendly Gates | 20–30 gates |
| OHV Trail Construction | 150 |
| Hiking Trail Construction | 18 |
| Horse Trail Construction | 61 |
| Mountain Bike Construction | 36 |
| Recreational Facility Construction (including Parking Lots) | 60 |
| Temporary Road Construction | 146 |
| Permanent Road Construction | 74 |
| Permanent Road Reconstruction | 318 |
| Road Decommissioning | 29 |
| Skid Trails and Landings (outside cutting units only) | 740 |
| Surface Coal Mining Activities | 1,250 |
| Reclamation of Depleted or Orphan Wells | 70 (128 wells) |
| Oil and Gas Well Development (Federal Leases Only) | 42 (80 wells) |
| Utility Corridor Development and Maintenance | 50 |
| Agricultural Crop Production & Grazing | 50 |
| Treatment of Acid Mine Drainage | 270 |
| Surface Mine Reclamation | 20 |
| Closure of Open Mine Portal/Subsidence | 232 |
| Stabilization of Disturbed Areas | 100 |
| Reduction of Hazardous Fuels (mechanical) | 10,181 |
| Land Acquisition | Up to 40,000 |
| Land Exchange | 400 |

- iii. On an annual basis, a tally of hickory trees that were removed during implementation of management activities to enable the project to proceed without causing adverse effects to other resources important to the Indiana bat (see GFW-TES-9) will be reported to the USFWS.

¹ Updated acres of NNIS to be treated in first decade on 10/16/2008 with Administrative Correction # 4

Bald Eagle

See Regional Forester’s Sensitive Species, page D-18.²

~~Additional resource management direction and guidance found in the 2006 Forest Plan and should be considered during project planning and implementation, as needed, to promote recovery of this species.~~

~~Administrative & Technical Information~~

~~By June 1 of each year, provide an annual report to the USFWS and the Ohio Division of Wildlife, which includes the following:~~

- ~~• Results of any winter searches for communal bald eagle night roosts and concentrations, including mid-winter bald eagle surveys conducted in cooperation with the USFWS and the Ohio Division of Wildlife;~~
- ~~• Discovery of any bald eagle nesting territories on the WNF. If no surveys have been conducted and no territories discovered on the WNF during an annual reporting period, an annual report should be submitted with a statement to this effect;~~
- ~~• Documented cases of a prescribed fire that behaved contrary to predicted movement patterns and which resulted in a confirmed adverse impact to bald eagles.~~

~~For any prescribed fire that could potentially impact bald eagles, provide the USFWS with the opportunity to review burn plans with the WNF Fire Management Officer prior to the burn plan’s approval.~~

~~Protection of Individuals~~

~~**Goal 5.1.2**—Protect bald eagle communal night roosts, daytime concentration sites, and occupied breeding territories.~~

~~**SFW-TES-16**—Protect any bald eagle communal night roosts and concentrations (including nests) discovered during winter surveys or during any additional field surveys or proposed project areas, following guidelines outlined in the Northern States Bald Eagle Recovery Plan.~~

~~**SFW-TES-17**—Report discovery of bald eagle nests immediately to the USFWS and the Ohio Department of Natural Resources, Division of Wildlife.~~

~~**SFW-TES-19**—Allow no prescribed fire within one half mile of occupied bald eagle sites. Consider all bald eagle communal night roosts, daytime concentration sites, or occupied breeding territories as occupied sites. To prevent smoke inversion from occurring at occupied bald eagle sites, and to minimize smoke drifting toward them from prescribed fires outside the~~

² Updated per Forest Plan Administrative Correction # 3, 10/16/08

~~one half mile radius of occupied sites, require burn plans to take into account of wind direction, speed, and mixing height as well as transport winds.~~

~~**Appendix H, Stipulation 12**—Protect known nests and roosts as described in the Bald Eagle Recovery Plan, or as directed by the USFWS.~~

Habitat Protection & Improvement

~~**SFW-TES-18**—Protect supercanopy trees, or other identified congregation roost trees, along major river corridors and lakes in addition to following Forest wide riparian area standards and guidelines.~~

~~**Appendix H, Stipulation 12**—Protect all supercanopy trees or other identified congregation roost trees for bald eagles along major river corridors and lakes.~~

Education & Awareness

~~Provide field training for new employees so they will be able to recognize bald eagle signs at night roosts, even when eagles are absent.~~

Inventory, Analysis & Monitoring

~~**Objective 5.1.2a**—Conduct a minimum of three annual winter searches to locate any previously unknown communal night roosts or bald eagle concentrations.~~

~~**SFW-TES-15**—Focus winter bald eagle searches in areas that eagles are known to frequent or where concentrated food sources occur near NFS land. Conduct searches during early, mid, and late winter. Follow search criteria outlined in the Northern States Bald Eagle Recovery Plan.~~

~~**SFW-TES-20**—If the bald eagle is found nesting on the Wayne National Forest, monitor populations according to the recovery plan. At such time as the bald eagle is de-listed, use the de-listing monitoring plan.~~

~~In addition to these Forest wide objectives and standards, monitor and report annually and evaluate every five years the answers to the following monitoring questions, as required in Chapter 4 of the Forest Plan:~~

- ~~• How many winter bald eagle searches were conducted?~~
- ~~• How many bald eagles were observed?~~

American Burying Beetle

Additional resource management direction and guidance found in the 2006 Forest Plan and should be considered during project planning and implementation, as needed, to promote recovery of this species.

Protection of Individuals

Goal 5.1.3 – Cooperate in efforts to reintroduce the American burying beetle.

GFW-TES-21 – Discourage the use of bug zappers by campers in dispersed or developed recreation sites within 10 air miles of known occupied American burying beetle habitat.

GFW-TES-23 – During the American burying beetle activity period, use bait-away methods prior to and during the implementation of major earth disturbing activities that occur in known occupied American burying beetle habitat.

GFW-TES-26 – Restrict the use of insecticides within known occupied American burying beetle habitat.

Habitat Protection & Improvement

GFW-TES-22 – Limit ground compaction to the minimum area possible during major earth disturbing activities (including, but not limited to new road and trail construction, mineral resource exploration and development, or new facilities) that occur in suitable American burying beetle habitat within 10 air miles of known occupied American burying beetle habitat.

GFW-TES-24 – In occupied American burying beetle habitat, design new roads with the minimum safe width necessary for planned use of the road.

GFW-TES-25 – Within 10 air miles of known occupied American burying beetle habitat, keep ground disturbance to a minimum during the reconstruction and maintenance of existing roads. Limit width of road, ditches, and surface materials to the minimum necessary for the planned use.

Inventory, Analysis & Monitoring

Cooperate in efforts to determine the extent of occupied habitat on the WNF as reintroduction efforts continue on NFS lands and non-Federal lands.

Monitor and report annually and evaluate every five years the answers to the following monitoring question, as required in Chapter 4 of the Forest Plan:

- What cooperative efforts were accomplished to achieve the reintroduction of the American burying beetle?

Running Buffalo Clover

Additional resource management direction and guidance found in the 2006 Forest Plan and should be considered during project planning and implementation, as needed, to promote recovery of this species.

Protection of Individuals

Goal 5.1.4 – Actively manage known populations of running buffalo clover to maintain appropriate habitat conditions.

SFW-TES-27 – Implement measures to protect known running buffalo clover populations during prescribed fire activities. These may include, but are not limited to wetting down the occupied area, raking off fuels from the occupied area, or constructing firelines around the occupied area.

SFW-TES-28 – Avoid mechanical construction of firelines in known occupied RBC habitat. Mechanical fireline construction adjacent to known RBC populations must maintain appropriate light conditions in known occupied habitat.

GFW-TES-29 – Restrict the application of herbicides within 25 feet of known running buffalo clover populations.

Habitat Protection & Improvement

Objective 5.1.4a – Maintain partial to filtered sunlight over and adjacent to occupied habitat.

SFW-TES-30 – Protect and maintain known RBC populations during road and trail construction, reconstruction, and maintenance by locating ground disturbance outside the occupied habitat. The appropriate light conditions must be maintained in the occupied habitat during such activities.

GFW-TES-31: Conduct surveys for running buffalo clover in suitable habitat prior to implementing ground or canopy disturbing activities.

Education & Awareness

Ensure employees are familiar with locations of known running buffalo clover populations on the WNF.

Conduct annual refresher training on running buffalo clover identification for all field-going employees.

Inventory, Analysis and Monitoring

Objective 5.1.4b – Conduct annual monitoring of known running buffalo clover populations and adjacent areas to identify potential risks or management needs.

Monitor and report annually and evaluate every five years the answers to the following monitoring question, as required in Chapter 4 of the Forest Plan:

- What running buffalo clover population and habitat monitoring efforts were accomplished?

Regional Forester Sensitive Species

Regional Forester sensitive species are plant and animal species for which population viability is recognized as a concern, as evidenced by a downward trend in population or habitat capability. Regional Forester sensitive species are so designated and considered to be at risk if:

- They are candidates for listing under the Endangered Species Act
- Have been delisted by the USFWS within the last five years
- Have The Nature Conservancy species status ranks of G1-G3, T1-T3, N1-N3
- Are considered to be at risk based upon their State status ranks (S1-S3) and their respective forest risk evaluation.

Species listed as Regional Forester sensitive species must have at least one documented occurrence within the proclamation boundary of a Region 9 National Forest.

The following management direction applies to all management activities on the Wayne National Forest, and is in addition to the Forest-wide goals, objectives, standards and guidelines identified in the Revised Forest Plan.

- Maintain a Regional Forester sensitive species list for the Wayne National Forest following direction in FSM 2670, Region 9 Supplement 2600-2001-1.
- Ensure the public has access to the most current Regional Forester sensitive species list for the WNF.
- Coordinate and cooperate with experts from other agencies, universities and organizations to conserve, protect, and monitor populations and habitats of Regional Forester sensitive species.

Bald Eagle

On August 8, 2007 the U.S. Fish and Wildlife Service, removed (delisted) the bald eagle (*Haliaeetus leucocephalus*) in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife due to the successful recovery of the species. The bald eagle continues to be protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. These Acts require some measures to continue to prevent bald eagle "take" resulting from human activities. The bald eagle will be on the Regional Forester's Sensitive Species list for at least the next five years (FSM 2670, R9 RO Supplement 2600-2000-1). Because of this, the protections in the 2006 Forest Plan will remain, but be moved from the Threatened and Endangered Species section to the Regional Forester Sensitive Species section of the Plan.

Additional resource management direction and guidance found in the 2006 Forest Plan and should be considered during project planning and implementation, as needed, to promote recovery of this species.

Administrative & Technical Information

By June 1 of each year, provide an annual report to the USFWS and the Ohio Division of Wildlife, which includes the following:

- Results of any winter searches for communal bald eagle night roosts and concentrations, including mid-winter bald eagle surveys conducted in cooperation with the USFWS and the Ohio Division of Wildlife;
- Discovery of any bald eagle nesting territories on the WNF. If no surveys have been conducted and no territories discovered on the WNF during an annual reporting period, an annual report should be submitted with a statement to this effect;
- Documented cases of a prescribed fire that behaved contrary to predicted movement patterns and which resulted in a confirmed adverse impact to bald eagles.

For any prescribed fire that could potentially impact bald eagles, provide the USFWS with the opportunity to review burn plans with the WNF Fire Management Officer prior to the burn plan's approval.

Protection of Individuals

Goal 5.2.1 – Protect bald eagle communal night roosts, daytime concentration sites, and occupied breeding territories.

SFW-TES-38 – Protect any bald eagle communal night roosts and concentrations (including nests) discovered during winter surveys or during any additional field surveys or proposed project areas, following guidelines outlined in the Northern States Bald Eagle Recovery Plan.

SFW-TES-39 – Report discovery of bald eagle nests immediately to the USFWS and the Ohio Department of Natural Resources, Division of Wildlife.

SFW-TES-41 – Allow no prescribed fire within one-half mile of occupied bald eagle sites. Consider all bald eagle communal night roosts, daytime concentration sites, or occupied breeding territories as occupied sites. To prevent smoke inversion from occurring at occupied bald eagle sites, and to minimize smoke drifting toward them from prescribed fires outside the one-half mile radius of occupied sites, require burn plans to take into account of wind direction, speed, and mixing height as well as transport winds.

Appendix H, Stipulation 13 – Protect known nests and roosts as described in the Bald Eagle Recovery Plan, or as directed by the USFWS.

Habitat Protection & Improvement

SFW-TES-40 – Protect supercanopy trees, or other identified congregation roost trees, along major river corridors and lakes in addition to following Forest-wide riparian area standards and guidelines.

Appendix H, Stipulation 13 – Protect all supercanopy trees or other identified congregation roost trees for bald eagles along major river corridors and lakes.

Education & Awareness

Provide field training for new employees so they will be able to recognize bald eagle signs at night roosts, even when eagles are absent.

Inventory, Analysis & Monitoring

Objective 5.2.1a – Conduct a minimum of three annual winter searches to locate any previously unknown communal night roosts or bald eagle concentrations.

SFW-TES-37 – Focus winter bald eagle searches in areas that eagles are known to frequent or where concentrated food sources occur near NFS land. Conduct searches during early-, mid-, and late-winter. Follow search criteria outlined in the Northern States Bald Eagle Recovery Plan.

SFW-TES-42 – If the bald eagle is found nesting on the Wayne National Forest, monitor populations according to the recovery plan. At such time as the bald eagle is de-listed, use the de-listing monitoring plan.

In addition to these Forest-wide objectives and standards, monitor and report annually and evaluate every five years the answers to the following monitoring questions, as required in Chapter 4 of the Forest Plan:

- How many winter bald eagle searches were conducted?
- How many bald eagles were observed?