



**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
REVISED LAND AND RESOURCE MANAGEMENT PLAN UPDATING STANDARDS
FOR FEDERALLY LISTED BAT SPECIES**

**USDA Forest Service
Chattahoochee-Oconee National Forests**

**Banks, Catoosa, Chattooga, Dawson, Fannin, Floyd, Gilmer, Gordon, Greene, Habersham, Jasper,
Jones, Lumpkin, Monroe, Morgan, Murray, Oconee, Oglethorpe, Putnam, Rabun, Stephens,
Towns, Union, Walker, White and Whitfield Counties, Georgia**

1. INTRODUCTION

This document details my decision regarding the Revised Land and Resource Management Plan (LRMP) Updating Standards for Federally Listed Bat Species. These actions were developed at the onset of the project and are based on site-specific needs and preliminary issues. In accordance with the National Environmental Policy Act (NEPA) and Forest Service regulations on its implementation, the potential environmental impacts of this proposal were assessed and documented in an Environmental Assessment (EA) released concurrent with this decision. The EA is incorporated herein by reference.

2. BACKGROUND

In April of 2012, a federally endangered female Indiana bat was radio tracked from a winter hibernacula in Tennessee to State-owned land outside of Ellijay, GA. The female bat and 12-15 unknown others were documented roosting under loose bark for approximately 10 days in April. This indicates that suitable summer/maternity habitat is likely to be present in northern Georgia, but to what extent is unknown. The forests of North Georgia represent the southern edge of the summer range of Indiana bats, and population densities are likely to be extremely low.

Indiana bats were not considered in the Final Environmental Impact Statement for the LRMP or its associated documentation because at that time an Indiana bat had not been observed in Georgia for almost thirty years.

In addition to the occurrence of an Indiana bat, the U.S. Fish and Wildlife Service (USFWS) listed the northern long-eared bat (NLEB) as a Threatened species under the Endangered Species Act on April 2, 2015. On January 14, 2016 a final 4(d) rule for the conservation of the species was published in the *Federal Register*. During summer, NLEBs roost singly or in small colonies in cavities, underneath bark, crevices, or hollow live trees or snags, and occasionally structures such as barns. This species has been captured throughout Georgia (including on the Chattahoochee National Forest) during recent summers. White-nose syndrome (WNS) and the continued spread of the disease has been identified as the primary threat to the NLEB. WNS has recently emerged as a disease affecting bats that hibernate in caves and abandoned mines during winter. This disease is caused by the fungus *Pseudogymnoascus destructans*, and has caused the death of millions of bats in the eastern United States and Canada. This fungus grows in relatively cold conditions with high humidity, which makes many caves, abandoned mines, and other underground structures optimal growing sites for the disease during winter (Perry, 2013). WNS was discovered in Georgia in 2013, and it continues to spread throughout the United States.

3. DECISION

I have decided to implement the Proposed Action (Alternative 2), which proposed to add 7 new standards and modify 2 standards to Chapter 2 of the LRMP. The proposed action and the alternatives considered in detail are described in the EA and in this document. My conclusions are based on the scientific analysis in the EA (and supporting project record) that demonstrates a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information.

4. DETAILS OF THE DECISION

The following information provides specific details of my decision to authorize the updating standards to the LRMP.

Alternative 2: THE PROPOSED ACTION

The Chattahoochee-Oconee National Forests proposes to add the following standards to Chapter 2 of the LRMP. Projects implementing the LRMP will comply with these standards when applicable and these standards would be incorporated into the proposed action for the environmental analysis that would accompany such a proposal. For each project-level analysis, the USFWS would be consulted per Section 7 of the Endangered Species Act.

FW-233. Trees known to have been used as roosts by Indiana bats or other federally endangered bat species are protected from cutting and/or modification until they are no longer suitable as roost trees, unless their cutting or modification is needed to protect public or employee safety. Where roost tree cutting or modification is deemed necessary, it occurs only after consultation with the U.S. Fish and Wildlife Service.

FW-234. No snags (standing dead trees) will be cut for fuel wood from April 1 through August 31.

FW-235. Snags are not intentionally felled from April 1 through August 31 unless needed to provide for immediate safety of the public, employees, or contractors. Exceptions may be made for projects such as insect and disease control, salvage harvesting, and facility construction. Exceptions will require evaluation by a qualified individual (i.e. biologist or other individual approved by the district biologist) for current Indiana bat or other federally endangered bat species use and may require coordination with the U.S. Fish and Wildlife Service.

FW-236. For non-silvicultural projects which include, but are not limited to prescribed fire line construction, right of way clearing, hazard tree removal and recreation area management, currently suitable Indiana bat or other federally protected bat species roost trees will be felled from September 1 through March 31. This standard shall apply only to those parts of the Forest that are deemed to be within the range and provide suitable habitat for federally endangered bats. The Forest will coordinate with the U.S. Fish and Wildlife Service to determine the range and suitable habitat of endangered bats based on the most up to date information, at least annually. If tree removal occurs between April 1 and August 31, the trees shall be evaluated by a qualified individual (i.e. biologist or other individual approved by the district biologist) to determine if the snag is being used by Indiana bats or other endangered bat species and may require coordination with the U.S. Fish and Wildlife Service.

FW-237. During all silvicultural treatments, retention priority is given to the largest live available trees that exhibit characteristics favored by roosting Indiana bats or other federally endangered bat species while still meeting stand prescription objectives.

Note: A typical roost is located under exfoliating bark of a dead ash, elm, hickory, maple, oak, poplar or pine although any live or dead tree that retains large, thick slabs of peeling bark is suitable. Average diameter of maternity roost trees is 45 cm (18 in) and average diameter of roosts used by adult males is 33 cm (13 in). Height of the tree (snag) is greater than 3m (10 ft.), but height of the roosting tree is not as important as height relative to surrounding trees and the position of the snag relative to other trees, because relative site is unimpeded by vines or small branches. The tree is typically within canopy gaps in a forest, in a fence line, or along a wooded edge. Primary roosts usually are not found in the middle of extensive open fields, but often are within 15m (50 ft.) of a forest edge. Primary roosts usually are in trees that are in early-to-mid stages of decay (U.S. Fish and Wildlife Service, 2007).

FW-238. Compliance of Indiana bat and other federally endangered bat species standards will be monitored. The Forest will submit an annual report to the U.S. Fish and Wildlife Service documenting compliance with Standards. The documentation will include the amount of timber harvesting and amount of prescribed burning on the Forests that year.

FW-239. Monitoring for Indiana bats and other federally protected bat species will be conducted through acoustic surveys and mist netting efforts or other methods acceptable to the U.S. Fish and Wildlife Service. Acoustic survey routes and areas for mist netting surveys will be developed in coordination with the U.S. Fish and Wildlife Service and Georgia Department of Natural Resources. The Forest will work with U.S. Fish and Wildlife Service, Georgia Department of Natural Resources and other partners to complete an average of five mist netting nights per year on or adjacent to National Forest Land.

The Chattahoochee-Oconee National Forests proposed to modify the following standards to the Land and Resource Management Plan (LRMP). Projects will also comply with these standards when applicable as described above.

Existing Standard FW-090

Unless necessary for insect or disease control or to provide for public and employee safety, standing snags or den trees will not be cut or bulldozed during vegetation management treatments unrelated to timber salvage. For timber salvage treatments, all live den trees, and a minimum of five snags per acre from the largest size classes will be retained. Distribution of retained snags may be clumped (LRMP, p. 2-27).

Modified Standard FW-090

Unless necessary for insect or disease control or to provide for public and employee safety, standing snags or den trees will not be cut or bulldozed during vegetation management treatments unrelated to timber salvage. For timber salvage treatments, all live den trees, and an average of five of the largest suitable snags (snags with exfoliating bark) per acre will be left. Snags in the early stages of decay should be selected over older snags whenever possible. If possible, these snags should be clumped into groups instead of spread throughout the harvest area.

Existing Standard FW-091

In even-aged regeneration areas where at least two snags per acre are not present or cannot be retained as residuals, at least two standing snags per acre will be created from larger diameter classes within the original stand. In addition, a minimum of five of the largest diameter living trees per acre will be retained to provide potential future snags during the early and middle stages of stand development. Distribution of snags and live residuals may be scattered or clumped at stand scale. Live den trees are not to be used for snag creation, but may count toward live residuals (LRMP, p. 2-27).

Modified Standard FW-091

For all timber harvest involving even-aged management and two-aged management (Appendix F, LRMP)

- Retain all snags in cutting units unless they are an immediate hazard.
- Sales will be designed (landing and skid trails) to avoid snag removal when possible.
- When an average of five snags per acre is not present create snags from the dominant and co-dominant trees to reach an average of five snags per acre throughout the unit.
- To meet basal area requirements priority will be given to trees that exhibit characteristics favored by roosting Indiana bats or other federally endangered bat species while still meeting stand prescription objectives.
- Snags closer to the forest edge will be favored over those out in the middle of a large expanse. Snags do not count toward the required residual basal area.
- Residual basal area will be clumped or left in travel corridors.
- Live potential bear den trees will be retained and not be used for snag creation (See standard FW-010).

For clearcutting (even-aged management) and clearcut with reserves (two-aged management).

- A minimum of 15 ft² (square feet) of overstory basal area will be maintained for units greater than 10 acres. Overwood will not be removed.

For seedtree and shelterwood (even-aged management) and seedtree with reserves and shelterwood with reserves (two-aged management).

- A minimum of 20 ft² of overstory basal area will be maintained. Overwood will not be removed.
- Windthrow protection will be provided to an average of five snags per acre by retaining all trees within 20 feet of these snags. Trees left for windthrow protection may count towards the required basal area.
- Snags selected to receive windthrow protection are those most suitable for use by Indiana bats or federally endangered bat species, i.e., yellow pine and oak snags of the largest size classes with exfoliating bark.

5. DECISION RATIONALE

In making this decision to authorize the Proposed Action (Alternative 2), which proposed to add 7 new standards and modify 2 standards to Chapter 2 of the LRMP, I have reviewed the existing environmental conditions and the direct, indirect, and cumulative effects for both of the alternatives. I have also considered comments received from the public. I gave careful consideration of how well the alternative met the 1) purpose and need, and 2) responded to public concerns, as follows.

1) Purpose and Need

The purpose of this project is to amend the LRMP to include 7 new standards and modify 2 existing standards that would provide for protection of threatened and endangered bat species. These standards were developed in coordination with the US FWS and Georgia Department of Natural Resources. The standards are designed to protect roosting bats and insure that suitable habitat is retained on the Forests while still allowing restoration activities that will benefit bats and other species. My decision (Alternative 2: The Proposed Action) best addresses the stated purpose and need.

2) Response to Public Concerns

Based on comments received during the scoping and comment period, the Forest Service responded the comments from agencies, groups and individuals. Comments and responses are summarized in the EA, in Appendix A section.

6. OTHER ALTERNATIVES CONSIDERED

In addition to the proposed action, the EA analyzed the no action alternative as described below

No Action Alternative

The “No action” alternative is included to meet requirements of the National Environmental Policy Act [40 CFR 1502.14 (d)] which stipulates that “in addition to the proposed action, the no action alternative shall always be fully developed and analyzed in detail.” Under this alternative, the current 2004 Revised LRMP would not be amended at this time”.

7. PUBLIC INVOLVEMENT

The proposal was listed in the Schedule of Proposed Actions (SOPA) since April 2014. A letter was mailed to 128 individuals or organizations on April 23, 2014. Also, we emailed to another 212 individuals or organizations on the same date. A total of 340 individuals, groups and other agencies were notified of our intention and requesting any comments or potential issues on the proposal. On April 25, 2014 a copy of the scoping letter was published in *The Gainesville Times*. A notice was also posted on the Chattahoochee-Oconee National Forests website at <https://www.fs.usda.gov/project/?project=44342>

A total of six responses were received during this initial scoping period. A 30-day comment period was published in the Gainesville Times on July 13, 2016. A total of two responses (emails) supporting the project were received during this time. A summary of the responses can be found in Appendix A of the EA. Complete copies of the letters are available in the project record at the Supervisor’s Office in Gainesville, Georgia.

8. FINDING OF NO SIGNIFICANT IMPACT

This Finding of No Significant Impact incorporates by reference the project record, including specialists’ reports and the Biological Evaluation and Biological Assessment. After carefully considering the environmental effects described in the EA, I have determined that my decision will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. The beneficial effects of the action do not bias my finding of no significant environmental effects.

2. There will be no significant effects on public health and safety.
3. There will be no significant effects on unique characteristics of the area. There will be no impact on historic or cultural features. There are no permanent effects to parklands, prime farmlands, wetlands, ecologically critical areas, or wild and scenic rivers.
4. The effects on the quality of the human environment are not highly controversial. There is no known scientific controversy over the impacts of this project.
5. The environmental analysis shows the effects are not uncertain and do not involve unique or unknown risk.
6. The decision will not establish a precedent for future actions with significant effects.
7. The cumulative impacts are not significant.
8. This decision will have no significant adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historical Places. This action will also not cause loss or destruction of significant scientific, cultural or historical resources.
9. The decision as proposed will dramatically improve the ability of the forest to manage rare species and unique habitats while protecting the federally-endangered Indiana Bat. The BA addressed the effects of those changes, and reached a determination of "*May Affect, Likely to Adversely Affect*" for Indiana Bat. The USFWS concurs with this determination. Also, the USFWS concurs with the statement that the implementation of future projects may affect some individual federally-listed bats, however, the effects of land management actions will generally improve forage and roosting habitat for bats overall. The UFWS drew a conclusion and determination that this project will not jeopardize the continued existence of the federally-endangered Indiana Bat. Thus, the USFWS has issued an Incidental Take statement for Indiana Bat as well as associated Terms and Conditions, Reasonable and Prudent Measures, and Conservation Recommendations (USFWS Concurrence Letter, February 7, 2017)
10. The decision will not violate federal, state, and local laws or requirements for the protection of the environment.

9. FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

My decision is consistent with the Chattahoochee-Oconee National Forests Revised Land Management Plan. The project was designed in conformance with Forest Plan standards and incorporates appropriate land use and resource management plan guidelines.

This Decision Notice also serves as a Finding of No Significant Impact (FONSI). An EA was developed. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

10. ADMINISTRATIVE REVIEW OR OPPORTUNITY TO OBJECT

There is no administrative review of this decision since no objections were filed during the objection filing period.

11. IMPLEMENTATION

As per 36 CFR 218.12, if no objections is received within the legal objection period, this decision may be signed and implemented on, but not before, five business days from the close of the objection filing period. If an objection is filed, this decision cannot be signed or implemented until the reviewing officer has responded in writing to all pending objection

12. CONTACT

For further information on this decision, contact Jimmy Rickard, Chattahoochee-Oconee National Forests, Supervisor's Office, 1755 Cleveland Highway, Gainesville, GA 30501, (770) 297-3070, jrickard@fs.fed.us.



BETTY M. JEWETT
Forest Supervisor



Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

APPENDIX A TO THE DECISION NOTICE AND FONSI

EXHIBIT A
Land and Resource Management Plan (Forest Plan)
AMENDMENT #4

Effective May 2017

POSTING NOTICE:

There are two pages with this posting notice.

Page 2-27-a should be inserted before page 2-27

Page 2-73-a should be inserted after page 2-72

EXPLANATION:

The purpose of this amendment is to include 7 new standards (new page 2-73) and modify 2 existing standards (page 2-27-a) to Chapter 2 of the LRMP that would provide for protection of threatened and endangered bat species.

FW-090 ~~Unless necessary for insect or disease control or to provide for public and employee safety, standing snags or den trees will not be cut or bulldozed during vegetation management treatments unrelated to timber salvage. For timber salvage treatments, all live den trees, and a minimum of five snags per acre from the largest size classes will be retained. Distribution of retained snags may be clumped.~~

Unless necessary for insect or disease control or to provide for public and employee safety, standing snags or den trees will not be cut or bulldozed during vegetation management treatments unrelated to timber salvage. For timber salvage treatments, all live den trees, and an average of five of the largest suitable snags (snags with exfoliating bark) per acre will be left. Snags in the early stages of decay should be selected over older snags whenever possible. If possible, these snags should be clumped into groups instead of spread throughout the harvest area.

FW-091 ~~In even-aged regeneration areas where at least two snags per acre are not present or cannot be retained as residuals, at least two standing snags per acre will be created from the larger diameter classes within the original stand. In addition, a minimum of five of the largest diameter living trees per acre will be retained to provide potential future snags during the early and middle stages of stand development. Distribution of snags and live residuals may be scattered or clumped at stand scale. Live den trees are not to be used for snag creation, but may count toward live residuals.~~

For all timber harvest involving even-aged management and two-aged management (Appendix F, LRMP)

- Retain all snags in cutting units unless they are an immediate hazard.
- Sales will be designed (landing and skid trails) to avoid snag removal when possible.
- When an average of five snags per acre is not present create snags from the dominant and co-dominant trees to reach an average of five snags per acre throughout the unit.
- To meet basal area requirements priority will be given to trees that exhibit characteristics favored by roosting Indiana bats or other federally endangered bat species while still meeting stand prescription objectives.
- Snags closer to the forest edge will be favored over those out in the middle of a large expanse. Snags do not count toward the required residual basal area.
- Residual basal area will be clumped or left in travel corridors.
- Live potential bear den trees will be retained and not be used for snag creation (See standard FW-010).

For clearcutting (even-aged management) and clearcut with reserves (two-aged management).

- A minimum of 15 ft² (square feet) of overstory basal area will be maintained for units greater than 10 acres. Overwood will not be removed.

For seedtree and shelterwood (even-aged management) and seedtree with reserves and shelterwood with reserves (two-aged management).

- A minimum of 20 ft² of overstory basal area will be maintained. Overwood will not be removed.
- Windthrow protection will be provided to an average of five snags per acre by retaining all trees within 20 feet of these snags. Trees left for windthrow protection may count towards the required basal area.
- Snags selected to receive windthrow protection are those most suitable for use by Indiana bats or federally endangered bat species, i.e., yellow pine and oak snags of the largest size classes with exfoliating bark.

Bat Species

- FW-233.** Trees known to have been used as roosts by Indiana bats or other federally endangered bat species are protected from cutting and/or modification until they are no longer suitable as roost trees, unless their cutting or modification is needed to protect public or employee safety. Where roost tree cutting or modification is deemed necessary, it occurs only after consultation with the U.S. Fish and Wildlife Service.
- FW-234.** No snags (standing dead trees) will be cut for fuel wood from April 1 through August 31.
- FW-235.** Snags are not intentionally felled from April 1 through August 31 unless needed to provide for immediate safety of the public, employees, or contractors. Exceptions may be made for projects such as insect and disease control, salvage harvesting, and facility construction. Exceptions will require evaluation by a qualified individual (i.e. biologist or other individual approved by the district biologist) for current Indiana bat or other federally endangered bat species use and may require coordination with the U.S. Fish and Wildlife Service.
- FW-236.** For non-silvicultural projects which include, but are not limited to prescribed fire line construction, right of way clearing, hazard tree removal and recreation area management, currently suitable Indiana bat or other federally protected bat species roost trees will be felled from September 1 through March 31. This standard shall apply only to those parts of the Forest that are deemed to be within the range and provide suitable habitat for federally endangered bats. The Forest will coordinate with the U.S. Fish and Wildlife Service to determine the range and suitable habitat of endangered bats based on the most up to date information, at least annually. If tree removal occurs between April 1 and August 31, the trees shall be evaluated by a qualified individual (i.e. biologist or other individual approved by the district biologist) to determine if the snag is being used by Indiana bats or other endangered bat species and may require coordination with the U.S. Fish and Wildlife Service.
- FW-237.** During all silvicultural treatments, retention priority is given to the largest live available trees that exhibit characteristics favored by roosting Indiana bats or other federally endangered bat species while still meeting stand prescription objectives.
Note: A typical roost is located under exfoliating bark of a dead ash, elm, hickory, maple, oak, poplar or pine although any live or dead tree that retains large, thick slabs of peeling bark is suitable. Average diameter of maternity roost trees is 45 cm (18 in) and average diameter of roosts used by adult males is 33 cm (13 in). Height of the tree (snag) is greater than 3m (10 ft.), but height of the roosting tree is not as important as height relative to surrounding trees and the position of the snag relative to other trees, because relative site is unimpeded by vines or small branches. The tree is typically within canopy gaps in a forest, in a fence line, or along a wooded edge. Primary roosts usually are not found in the middle of extensive open fields, but often are within 15m (50 ft.) of a forest edge. Primary roosts usually are in trees that are in early-to-mid stages of decay (U.S. Fish and Wildlife Service, 2007).
- FW-238.** Compliance of Indiana bat and other federally endangered bat species standards will be monitored. The Forest will submit an annual report to the U.S. Fish and Wildlife Service documenting compliance with Standards. The documentation will include the amount of timber harvesting and amount of prescribed burning on the Forests that year.
- FW-239.** Monitoring for Indiana bats and other federally protected bat species will be conducted through acoustic surveys and mist netting efforts or other methods acceptable to the U.S. Fish and Wildlife Service. Acoustic survey routes and areas for mist netting surveys will be developed in coordination with the U.S. Fish and Wildlife Service and Georgia Department of Natural Resources. The Forest will work with U.S. Fish and Wildlife Service, Georgia Department of Natural Resources and other partners to complete an average of five mist netting nights per year on or adjacent to National Forest Land.