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August 14, 2007

Mary O. Reddan
Wayne National Forest
Supervisor's Office
13700 U.S. Hwy 33
Nelsonville, OH 45764

TAILS- 31420-2007-F-0923

Re: Request to Reinitiate Consultation to Modify the Incidental Take Statement in the 2005 Programmatic Biological Opinion for the Wayne National Forest Land and Resource Management Plan for Fireline Construction

Dear Ms. Reddan:

Your July 30, 2007 letter reinitiates section 7 consultation pursuant to the Endangered Species Act and complies with the U.S. Fish and Wildlife Service (Service) procedures for seeking modification of Biological Opinions and Incidental Take Statements. Guidance to handle the request is provided at Section 4.6 and Exhibit 4-4 of the March 1998 U.S. Fish and Wildlife Service and National Marine Fisheries Service Endangered Species Consultation Handbook. Your letter indicates that the amount of constructed fireline needed to implement the prescribed fire projected to occur with implementation of the 2006 Forest Plan will soon be exceeded.

The 2005 Programmatic Biological Opinion (PBO) for the Wayne National Forest's (Forest) 2006 Land and Resource Management Plan (Forest Plan) included an Incidental Take Statement and required compliance with all Forest Plan standards and guidelines to minimize take and maintain Indiana bat habitat on the Forest now and into the future. Although very difficult to predict, we anticipated that one unknown roost tree could be cut during fireline construction. As incidental take for the Indiana bat is difficult to detect, the level of incidental take of this species can be monitored by tracking the level of habitat modification and adhering to the Forest Plan standards and guidelines. Under the PBO, miles of fireline are used as a surrogate measure of incidental take of Indiana bats. The Forest Service estimated that a total of 74 miles of constructed fireline would be needed to implement the 69,819 acres of prescribed fire allowed during the first decade of Forest Plan implementation.

We have learned from on-the-ground experience that the mileage figure used to calculate fireline was underestimated by a magnitude of 10. While it was estimated that 74 miles of fireline would be needed to safely implement the 69,819 acres of prescribed fire, new Forest Service data show that it is likely that a total of 750 miles of fireline will be needed. No change would occur to the amount of prescribed fire planned for the first decade of Forest Plan implementation. In addition, estimates of the number of potential roost trees encountered during fireline construction were further examined. New field data indicate that estimates used in the development of the Forest Plan and subsequent PBO were overly conservative (Table 1). New data reveal that even with the 10-fold difference in miles of fireline

constructed, fewer than anticipated potential roost trees will be encountered (unpub. K. Schultes, 2005 & 2007; FS letter July 30, 2007). No additional impacts to the Indiana bat are anticipated due to this change in fireline miles.

Table 1. Estimates of hazard trees that may be felled with a higher fireline construction mileage.

	Updated Calculation (for 750 miles fireline)	Forest Plan Calculation[^] (for 74 miles fireline)
Total number hazard trees encountered on fireline	14,244	28,000
Hazard trees encountered per foot of fireline	1 every 264 feet	1 every 14 feet
Hazard trees with Indiana bat characteristics encountered per foot of fireline	1 every 1,158 feet	1 every 42 feet
Total number hazard trees with Indiana bat characteristics encountered on fireline (Total fireline in feet/C)	3,419	9,300
Percentage of hazard trees with Indiana bat characteristics encountered on fireline*	23%	33%

[^] Numbers from Formal Consultation Note, 26 September 2005

* Based on actual data

The effects of prescribed fire, including construction of firelines, on the Indiana bat were disclosed in the PBO (p. 48-53). The environmental consequences of constructing firelines could include loss of an undetected roost tree, alteration of foraging habitat, and disturbance from noise/human presence. Hazard trees represent the biggest danger to firefighter safety, therefore hazard trees are removed along firelines. Some of these hazard trees could provide current or future Indiana bat roosting habitat.

Construction of firelines generally occurs prior to the prescribed fire season (late-winter and mid-late fall), but could occur to a lesser degree during the spring and summer months. Hazard trees are usually removed during construction of the firelines (during the Indiana bat hibernation season). However, a small number of hazard trees may be felled during the prescribed fire to ensure firefighter safety; some spring prescribed fires can occur as late as the end of April if the environmental conditions allow.

Forest Service employees who construct firelines and manage hazard trees have attended Indiana bat habitat training, and undergo refreshers annually to ensure they can identify potentially suitable roost trees, including maternity trees. Each employee understands that they need to contact a biologist if they discover a hazard tree that has maternity roost characteristics. In cases where firefighter safety is not threatened, hazard trees with potentially suitable Indiana bat roost characteristics are saved; the tree is flagged and all fuels around its base are raked away to protect it during the fire. To date, all hazard trees removed with potentially suitable Indiana bat roost tree characteristics fall within the definition of secondary or lesser roost trees.

While the Service maintains its position that overall management actions on the Forest, are likely to result in some adverse effects to the Indiana bat, implementing the prescribed fire program with the fireline levels above the miles estimated in the PBO is not likely to jeopardize the continued existence of the Indiana bat. The effects of these projects and their associated activities would be the same as those already described in the PBO (pages 51-53). We anticipate that there may be individual fitness

consequences due to the loss of a secondary or lesser roost tree, but do not expect any colony or population level fitness implications. Thus, we do not anticipate any appreciable reductions in reproduction, numbers or distribution for the Indiana bat. Key to this determination, however, is the explicit understanding that all of the Forest Plan standards and guidelines will be adhered to. These include measures to protect existing roosting habitat and quality of foraging habitat, maintain long-term sources of roosting habitat, and protect known hibernacula from disturbance.

The Forest Service will continue to submit project-specific plant and animal Biological Evaluations for Service review for each proposed project. These evaluations will disclose the detailed direct, indirect, and cumulative effects to federally listed species as well as tally the amount of incidental take to date. Service analysis of these actions will be completed through a Tier II Biological Opinion.

You have properly reinitiated consultation pursuant to 50 CFR 402.16 regarding exceeding the amount of incidental take allocated for fireline construction. For these projects only, the Incidental Take Statement in the 2005 PBO has been amended to encapsulate the new information that indicates a magnitude of 10 increase in the miles of fireline needed to implement prescribed fire projects on the Forest. Although the miles of habitat modification is projected to be greater than what was analyzed in the 2005 PBO, on-the-ground effects to roost trees are estimated to be lower than originally anticipated. The revised amount of 750 miles for fireline construction will be used as a surrogate to monitor the level of incidental take. This level includes all miles of fireline that would be needed to implement the 69,819 acres of prescribed fire allowed during the first decade of Forest Plan implementation and encompasses projects that have already occurred under the 2006 Forest Plan. Below is the new table for tracking incidental take on the Forest; this table replaces Table 7 in the PBO.

Table 2. Management activities causing habitat modification rising to the level of take over ten years.

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

If you have any questions regarding our response or if you need additional information, please contact Sarena Selbo at extension 17.

Sincerely,

Mary M. Knapp, Ph.D.
Supervisor

