

February 2, 2009

Jo Reyer  
Wayne National Forest  
Supervisor's Office  
13700 U.S. Hwy 33  
Nelsonville, OH 45764

TAILS- 31420-2009-F-0310

Re: Request to Reinitiate Consultation to Modify the Upper Limit of Crop Tree Release Acreage in the 2005 Programmatic Biological Opinion for the Wayne National Forest Land and Resource Management Plan

Dear Ms. Reyer:

Your January 9, 2009 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 Crop Tree Release (CTR) acreage projected by the 2006 Wayne National Forest Land and Resource Management Plan (2006 Forest Plan) needs to be adjusted due to recent site species analyses and recent land acquisition that have identified more acreage that could benefit from CTR. The Forest Plan projects that up to 2,113 acres of CTR could occur and the proposed adjustment calls for up to 9,500 acres to be released during the first decades of implementation.

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. We anticipated that it is extremely unlikely that a roost tree would be removed during CTR activities due to the implementation of standards and guidelines SFW-TEs-10 (protects potential roost trees) and GFW-VEG-16 (encourages girdling rather than felling of trees). No additional impacts to the Indiana bat are anticipated due to the change in CTR activities from 2,113 to 9,500 acres due to the continued implementation of the appropriate standards and guidelines.

The effects of timber management, including CTR, on the Indiana bat were disclosed in the PBO (p. 48-53). The environmental consequences of CTR could include the loss of an undetected roost tree, alteration of foraging habitat, and disturbance from noise/human presence. Forest Service employees who carry out CTR have attended Indiana bat habitat training, and undergo refreshers

annually to ensure they can identify potentially suitable roost trees, including maternity trees, to ensure compliance with SFW-TES-10.

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 additional CTR levels (above the acreage estimated in the 2005 Biological Assessment (2005 BA)) is not likely to rise to the level where incidental take of any Indiana bats will occur, nor will it 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). 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.

For the following federally-listed species: American burying beetle, Virginia spiraea, running buffalo clover, small whorled pogonia, and northern monkshood, you have made the determination that the increase in CTR acreage may affect, but is not likely to adversely affect these species. Furthermore, you have determined that the additional CTR activities will have beneficial effects on these species. We concur with your determinations based upon the continued implementation of the appropriate standards and guidelines for each species, as stated on pages 5-9 of the PBO.

You have properly reinitiated consultation pursuant to 50 CFR 402.16 regarding an increase in the amount of CTR on the Forest through the year 2015. For these projects only, the level of potential impacts on the Indiana bat in the 2005 PBO has been amended to encapsulate the new information that indicates an increase from 2,113 to 9,500 acres of CTR. Although the acres of habitat modification is projected to be greater than what was analyzed in the 2005 PBO, on-the-ground effects to roost trees are not anticipated to rise to the level where incidental take of Indiana bats occurs.

If you have any questions regarding our response or if you need additional information, please contact Angela Boyer at extension 22.

Sincerely,

Mary M. Knapp, Ph.D.  
Field Supervisor