



United States  
Department of  
Agriculture

Forest  
Service

Hoosier National Forest  
Supervisor's Office

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Bedford, IN 47421  
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**RECEIVED**

File Code: 2670  
Date: December 5, 2006

DEC 06 2006

FBI  
BIOLOGICAL SERVICES

Mr. Scott Pruitt  
Bloomington Field Office USFWS  
620 South Walker Street  
Bloomington, IN 47403-2121

Dear Scott,

This letter is a request for the Bloomington Field Office to update concurrence on the proposed German Ridge Restoration project. We have previously provided your office with information concerning the project and are including a copy of the Draft Supplement to the EIS (DSEIS). There is nothing in the DSEIS that changes the project or indicates any change in the effects on T&E species. The project has not changed from how it was described in the Final Environmental Impact Statement (FEIS). The purpose and need, the proposed action, the issues, and the alternatives are unchanged, as noted in the Notice of Intent published in July in the Federal Register and later in the DSEIS.

After being appealed, the previous decision on this project was reversed because of insufficiencies in the cumulative effects analysis for the project. The DSEIS corrects that deficiency and updates the FEIS to ensure compliance with the 2006 Forest Plan in such areas as the list of Regional Forester sensitive species and the list of management indicator species.

Typically, Indiana bats do not favor pine species and instead roost in and forage around native deciduous species. The treatment areas of this project likely provide little opportunity for foraging by the Indiana bat (*Myotis sodalis*). Your Biological Opinion of the Land and Resource Management Plan—Hoosier National Forest, Indiana, 2006 (Forest Plan BO) notes: "Additionally, conversion of non-native pines to native hardwoods will ultimately indirectly benefit the Indiana bat.... The conversion of pines to native hardwoods over a period of years will create more open conditions for foraging, produce more insects for feeding and provide more roost sites." We also suggest that the creation of hardwood edge, following the removal of pines, is likely to improve foraging opportunities for Eastern forest bats. As the hardwoods mature, the response to the release of residual hardwood trees and regrowth of herbaceous vegetation in the harvest areas is likely to improve over time.

Regarding the concern that spring burns are likely to reduce insect biomass, we note that the reason bats prefer to forage elsewhere is likely that insect diversity and biomass may be greater in hardwood stands than in these stands dominated by non-native pine trees. Given that pine stands represent poor foraging habitat for Eastern forest bats and that bats apparently prefer to forage within hardwood stands, burning to re-establish hardwoods (re-establish foraging habitat) is likely to indirectly benefit Eastern forest bats and, if they occur in the project area, the Indiana bat.

We acknowledge that two individual Indiana bats have been observed using pine snags as roosts within these stands. We know of no maternal colonies that have used pine snags on the Hoosier National Forest. We suggest that preferred roosts, maternal or alternative, as well as those used by solitary males, are most likely associated with hardwood stands. The risk to individual bats from the harvest of pine trees is minimal, but we acknowledge a possibility of incidental take.



The information we previously sent you concerning this project led you to conclude in your letter of August 25, 2005, that the anticipated effects of the project "are within the scope of the programmatic BO." That letter specified no new additional project-specific reasonable and prudent measures or terms and conditions beyond those found in the USDI Fish and Wildlife Service 2001 Biological Opinion on Continued Implementation of the (previous) Forest Plan. The letter appended the German Ridge Restoration project to that programmatic Biological Opinion (BO). There have been no changes to the proposed project, and we are aware of no new information that would affect a determination concerning effects of the project.

No maternal colonies have been located on the Hoosier National Forest. However, a maternity site was found in August 2004 near Magnet, Indiana on private land adjacent to the Hoosier National Forest. This maternity site is approximately eight miles from the project area.

We request that you review the basic project information and your previous concurrence letter and issue a new concurrence letter incorporating the direction and information in the project BO you submitted to us on January 3, 2006. We request that you find the project to be of "no effect" to the fanshall (*Cyprogenia stegaria*) and rough pigtoe (*Pleurobema plenum*) and "not likely to adversely affect" the bald eagle (*Haliaeetus leucocephalus*) and gray bat (*Myotis grisescens*). Given the possibility of incidental take, albeit decidedly minimal, of the Indiana bat, we acknowledge that the proposed German Ridge Restoration project will be characterized as "likely to adversely affect" individual bats, though we further suggest that the project will in no way jeopardize the continued existence of the Indiana bat.

We believe that the conversion of these non-native pines to native hardwoods is an appropriate element of our efforts to conserve sensitive species. We ask your assistance in helping us move forward with this project as soon as possible. Let us know if we can assist you in replying to the German Ridge Restoration project in terms of the 2006 BO.

Sincerely,



KENNETH G. DAY  
Forest Supervisor



United States  
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Supervisor's Office

811 Constitution Avenue  
Bedford, IN 47421  
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File Code: 2670

Date: December 14, 2006

RECEIVED

DEC 18 2006

FISH & WILDLIFE SERVICES  
BFO ECOLOGICAL SERVICES

Mr. Scott Pruitt  
Bloomington Field Office - USFWS  
620 South Walker Street  
Bloomington, IN 47403-2121

Dear Scott,

This letter enlarges on my letter of December 5, 2006, and updates the May 23, 2005 request for your review of the German Ridge Restoration project. There are only two changes in the project since 2005, and they will be addressed in the Record of Decision for the project. The first change is not to implement the proposed new road construction. There will be no new road construction associated with this project, but the road maintenance and reconstruction activities remain the same. The only other change in the project activities is that the pine shelterwood acreage is being decreased by 43 acres. Those 43 acres will instead be subject to thinning. Therefore, the acres of pine shelterwood treatment is reduced to 77 acres. All activities other than new road construction and acreage of pine shelterwood harvest and acres of thinning remain the same as in 2005.

We previously sent you the Biological Assessment (BA) for the project. We are enclosing a modification of the spreadsheet we used under the previous Forest Plan. You are invited to include the spreadsheet in your consideration and review in appending this project to the Biological Opinion of the Land [and] Resource Management Plan - Hoosier National Forest, Indiana - 2006. The information and directions your office has provided will benefit this project as well as future projects, and we hope to continue this type of cooperation.

The BA discussed the effects of the proposed actions on threatened and endangered species: fanshell (*Cyprogenia stegaria*), bald eagle (*Haliaeetus leucocephalus*), gray bat (*Myotis grisescens*), rough pigtoe (*Pleurobema plenum*), and Indiana bat (*Myotis sodalis*). We conclude that these actions will have "no effect" on the fanshell or the rough pigtoe. We also conclude that these actions will "not likely adversely affect" bald eagle or gray bat. In addition, we note that these actions appear to be of a type that was found in the BO "not likely to result in jeopardy to the species [Indiana bat] or destruction or adverse modification of critical habitat" (USFWS 2006).

There are no reported occurrences of fanshells, rough pigtoes, bald eagles, or gray bats in the project area. We assume that Indiana bats are present throughout the Forest. Although the project is expected to improve Indiana bat foraging habit by restoring native hardwood forest, there will also be potential to damage or kill an Indiana bat during the operations, since a large portion of the activities would take place during the months when the bats are active.



I would appreciate it if you would review the project again and respond in writing at your earliest convenience. If you should have any questions, please call Wildlife Biologist Clark McCreedy at (812-275-5987).

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth G. Day". The signature is fluid and cursive, with a large, stylized initial "K" and "D".

KENNETH G. DAY  
Forest Supervisor



# United States Department of the Interior

## Fish and Wildlife Service



Bloomington Field Office (ES)  
620 South Walker Street  
Bloomington, IN 47403-2121  
Phone: (812) 334-4261 Fax: (812) 334-4273

January 16, 2007

James E. Denoncour  
District Ranger  
Hoosier National Forest  
811 Constitution Ave.  
Bedford, IN 47421

### **RE: German Ridge Restoration Project**

Dear Mr. Denoncour:

This letter is in response to your December 14, 2006 letter (received December 18, 2006) notifying the Bloomington Field Office of the United States Fish and Wildlife Service (BFO) of your intention to implement your German Ridge Restoration Project (GRRP) within the Hoosier National Forest (HNF). BFO issued a programmatic Biological Opinion (BO) and Incidental Take Statement (ITS) on January 3, 2006 for the implementation of the Hoosier National Forest's (HNF) Land and Resource Management Plan (LRMP). The BO analyzed anticipated effects from management activities on bald eagles (*Haliaeetus leucocephalus*), Indiana bats (*Myotis sodalis*), gray bats (*Myotis grisescens*), rough Pigtoe pearly mussels (*Pleurobema plenum*), and fanshell mussels (*Cyprogenia stegaria*). The HNF has determined, and requests that the BFO confirms, that the GRRP will: *not likely to adversely affect* the bald eagle (*Haliaeetus leucocephalus*); and *not likely to adversely affect* the gray bat (*Myotis grisescens*). The HNF also requested that if the BFO finds this project's effects to the Indiana bat (*Myotis sodalis*) to be consistent with those consulted on at the programmatic level (*not likely to jeopardize the continued existence of*), that the BFO appends this project to the Service's BO in order to fulfill the consultation requirements under section 7 of the Endangered Species Act (ESA), as amended.

The GRRP area is located in Perry County, Indiana, approximately six miles northeast of Tell City, Indiana. State Highway 66 bounds the area to the south and SR 70 to the north. The project area encompasses approximately 8,700-acres within the boundary of the HNF; National Forest System (NFS) comprise approximately 5,550-acres and private in-holdings comprise the remaining 3,150-acres. The GRRP applies to only a portion of the NFS lands in the project area, and no activities are planned for privately-owned lands.

## Proposed HNF Action ~ German Ridge Restoration Project

The environmental restoration proposed in the GRRP involves the replacement of non-native pines with native hardwoods, as well as the re-establishment of native barren communities, through the application of timber harvesting and prescribed burning. The use of fire will increase the presence of oaks and hickories, will mimic historic disturbance regimes, will reduce fuel loading, and will help to restore other fire-dependent species. Non-native pine communities targeted for replacement include plantations of white, Virginia, red and shortleaf pines. In doing so, the HNF intends to maintain oaks and hickories as components of the future forest, and to improve conditions for xeric species (barrens plant communities) within the Harding Flats Special Area.

The HNF intends to allow some operations during the summer. The normal summer operating season typically begins around June 1; operators will be contractually obligated to suspend operations when soil conditions (such as after a substantial rain event) would result in excessive damage, such as severe road rutting.

The HNF proposes to implement the following actions under the GRRP:

- Pine removal harvest, during the summer, on approximately 355-acres. Pine removal differs from clear-cutting in that all hardwoods will be retained in the stands. HNF would leave all hardwood trees within all harvest areas; hardwoods account for 10-50% of trees in project-area pine stands. All pine removal areas are ten-acres or less in size with interspersed thinning units within the project area.
- Conduct shelterwood harvest, during the summer, on approximately 77-acres.
- Thin pines, during the summer, on approximately 258-acres.
- Burn approximately 2,170-acres under controlled conditions. HNF anticipates 3 to 5 separate prescribed burns, averaging 300 to 700-acres apiece, will be conducted before April 15, or after September 15, over the course of the GRRP. Burns will be low-intensity flanking fires that will creep across and down slopes.
- Create log landings on approximately 2.5-acres. This does not count acreage of landings that would be within cutting units (acreage accounted for in the harvest acres shown above) or in existing openings. To the greatest extent possible, existing openings will be utilized as landings.
- Restore log landings that are used temporarily for timber harvesting. Approximately 60 log landings will be re-vegetated, using native species, after timber harvest activities.
- As determined during stand inspection, grapevines may be cut over 85-acres to ensure establishment and release of young hardwoods.
- Close three (3) roads with gated after timber sale closure.
- Conduct and evaluate initial stocking surveys and plant tree seedlings if needed to establish adequate stocking.
- Implement monitoring and reporting to ensure accomplishment of project objectives and ensure compliance with standards and guidelines.
- Conduct field surveys to determine the need for post-harvest tree planting and conduct survival surveys on planted trees (if they are planted).

- Reconstruct, or maintain, approximately 9-miles of existing roads.
- Replace gravel on German Ridge Trail.
- If needed, mechanically remove invasive weeds and shrubs in treatment areas.
- Cut, scatter, or remove Eastern red cedars (*Juniperus virginiana*) and a limited number of relatively small pine trees from 10-acres within barren communities prior to burn operations.

The total treatment area for the proposed GRRP action is 2,171-acres. Additional project details were provided to the BFO in the form of a hard-copy map.

#### Proposed Conservation Measures & Project Mitigation Measures (HNF)

- Retention of all snags, unless they pose a safety hazard, or must be removed for access.
- Downed woody material not to be moved from the site, or piled.
- Include all Indiana bat Standards and Guidelines (2006 LRMP) into all contract language regarding timber harvest.
- Incorporate all other applicable terms and conditions of the Service's January 2006 BO as contractual obligations within the GRRP timber sale contracts.
- Conduct pre-harvest environmental meeting with contractors and their employees on-site before any and all activities; include discussion of contractual obligations and mitigation measures for threatened and endangered species.
- Conduct inspections (timber sale inspectors and HNF biologists/technicians) to ensure contractor compliance.
- HNF wildlife biologists will assist timber markers, contractors, and other resource personnel with the implementation of the conservation measures, as needed.
- Prescribed burning to leave an appreciable amount of downed, large woody material.
- Prescribed fires will be conducted before April 15<sup>th</sup>, and/or after September 15<sup>th</sup> so as to minimize potential conflicts with Indiana bats (*Myotis sodalis*).
- Recommendation of an appropriate no-burn zone, if needed, for known rare plant populations located within burn units.
- No skidders closer than 50-feet from any perennial or intermittent stream and no closer than 25-feet from any ephemeral streams.
- Skid trail outside of the zone, but near streams, must be at least 100-feet apart.
- No stream crossings without an appropriate crossing structure.
- No landings inside of riparian areas or filter strips of perennial, intermittent, or ephemeral streams.
- Additional guidance for maintenance of streamside conditions as found in Appendix C of the Environmental Impact Statement (EIS).
- Restriction of activities to appropriate soil conditions, such as not when saturated.
- Designation of skid trails by a Forest Service representative.
- Designation of log-landing locations by a Forest Service representative.
- Seeding and mulching of landing areas after use.
- Skid trails seeded as soon as practical after use.
- Skidding generally to be done on existing slope contours.

- Closure of temporary roads after use.
- No harvest operations on gradients greater than 35 percent slope.
- No equipment in or around springs.
- Thorough cleaning of harvesting equipment before entering the project area.
- Skid trails located to avoid channeling runoff toward identified heritage sites.
- Avoidance of heritage sites to avoid disturbance.
- Notice of burn operations information to be provided to recreational users, and others.

### Anticipated Project Chronology

Sale and harvest of project area pines would be initiated in 2007, extend over a minimum of three years, and be implemented as three separate sales. The Hoosier National Forest intends to offer a single timber sale in each year during this period. Prescribed fire will be implemented in concert with each of the respective timber harvests and will be timed to maximize the potential for release and regeneration of native hardwoods. The first and second prescribed fires for each harvest and burn area would be separated by a minimum of two years.

### The GRRP and the Indiana bat (*Myotis sodalis*)

In general, dense populations of non-native pines have very little value to most bat species, including the Indiana bat. They appear to have minimal value as roosting habitat for maternity colonies as no reproductive adult female or juvenile Indiana bats have been recorded roosting in dead or alive pine trees in Indiana (BFO records). In contrast, a few adult males have occasionally been found day roosting in pine snags in the HNF. Therefore, we anticipate that a few widely scattered, solitary, adult male Indiana bats may also roost in pine and/or hardwood snags within the proposed GRRP area.

Overall, we anticipate that the aggregate removal/harvest, shelterwood harvest, TSI, and prescribed burning, all with the implementation of the proposed conservation/mitigation measures will likely result in very minor, short-term adverse affects to a very small number of adult male Indiana bats and their prey base. The GRRP as a whole, however, will have long-lasting, beneficial effects in regard to the overall abundance and quality of Indiana bat roosting and foraging habitat. Currently, the roosting and foraging habitat appear to be of limited quality and abundance (A. King, pers. obs.). Large-diameter suitable roost trees are scarce and the dense pine plantations appear to limit foraging opportunities by cluttering the forest's sub-canopy and hindering efficient flight paths. The more open stands following pine harvest should allow increased solar radiation of remaining snags, which in turn may increase the quality and abundance of roosting habitat beyond what previously existed in the pine plantations.

The multiple prescribed burns may each cause a temporary decline in insect abundance and/or availability during early spring, but the insects should quickly rebound and exceed previous prey levels as herbaceous and woody plants recover. No snags will be toppled in any of the project areas (unless they pose a safety hazard).



## Service Response

For the reasons outlined in the Biological Assessment (BA) for the GRRP, the Service concurs that the proposed project is *not likely to adversely affect* bald eagles or gray bats. The Service also concurs that pine timber harvest and prescribed fire (from the proposed GRRP) are *not likely to jeopardize the continued existence of* the Indiana bat and that the anticipated effects and resulting level of incidental take are consistent with those analyzed within the programmatic BO. Anticipated effects from pine timber harvest, prescribed fire, and timber stand improvement (TSI) were specifically considered and discussed on pages 34 to 41 of the BO. Specifically, pine timber harvest and prescribed fire activities will be deducted (in acres) from the Service's Incidental Take Statement included in the BO. However, TSI had the following determination in the Service's BO:

“Due to the high degree of unpredictability and variability of these events, the Service cannot complete an adequate analysis of the effects of this activity prior to such an event. Therefore, timber stand improvement will be evaluated on a case by case basis at the project level.”

Both *pine thinning* (258-acres) and *grape-vine removal* (85-acres) fall under the TSI category, and it will thereby be required (per the Service's BO) that they be submitted as stand-alone projects, complete with details concerning species composition, project location, removal techniques, as well as the HNF's determination of effect on Threatened and Endangered species in the proposed area(s) of implementation.

## Tracking Incidental Take

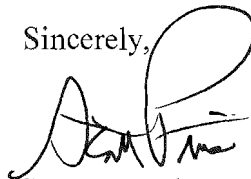
In the unlikely event that direct take of one or more bats should occur, we do not expect that dead or moribund bats would be detected. Therefore, the amount of anticipated incidental take of Indiana bats in the programmatic BO is expressed in the form of harm through habitat loss/alteration. The anticipated amount of incidental take from this project is 355-acres of pine removal harvest (i.e. pine clearcuts), 77-acres of pine shelterwood cuts, and 2,170-acres of prescribed fire treatment. This project brings the cumulative total of pine clearcuts to 355-acres out of the 1,000-acres originally anticipated for this management activity in the 2006 programmatic BO. Likewise, this project brings the cumulative total of pine shelterwood cuts to 77-acres out of 80-acres, and the cumulative total of prescribed fire treatment to 3,870-acres out of 20,000-acres. As required in the programmatic BO, the Forest Service provided an updated spreadsheet reflecting the anticipated acreage for this project, cumulative totals, and the remaining/available balances for each of the HNF management activities covered under the 2006 programmatic BO. The Service concurs that the attached spreadsheet is complete and accurately reflects anticipated impacts of the proposed project without exceeding anticipated levels of incidental take.

To be in compliance with the ITS of the programmatic BO and to obtain exemption from the section 9 prohibitions of the Endangered Species Act (ESA) of 1973, the Forest Service must adhere to the Reasonable and Prudent Measures (RPMs) and Terms and Conditions (T&Cs) identified in the January 3, 2006 programmatic BO.

To ensure that the impacts of take associated with this project are appropriately minimized and that the exemption of incidental take is appropriately documented, the Forest Service and Fish and Wildlife Service are using an 'appended' programmatic consultation approach. After assessing the anticipated effects of the proposed project, we concur they are within the scope of the programmatic BO and we agree to append the Forest Service's December 14, 2006 letter and spreadsheet along with this response letter to the programmatic BO and label them as "Appendix 2".

This precludes the need for further consultation on this individual project (except for pine thinning and grapevine removal) as required under section 7 of the ESA, as amended. If, however, new information on endangered species within the proposed project area becomes available, or, if significant changes are made to the proposed project, then please contact Michael Tosick at (812)334-4261, ext. 218 for further consultation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott E. Pruitt', with a large, stylized flourish above the name.

Scott E. Pruitt  
Field Supervisor

**Cumulative Units of Management Actions (in acres or trees)  
Hoosier National Forest - 2006 Biological Opinion**

Habitat Manipulation Items	Pine Clearcuts	Pine Shelterwood cuts	Hardwood Clearcuts	Hardwood Shelterwood cuts	Hazard-tree Removal	Hardwood Salvage cuts	Pine Salvage cuts	Prescribed Fire	Fire Supression	Timber Operation Accidents	Sanitation Harvest*
Unit of Measure	acres	acres	acres	acres	trees	acres	acres	acres	acres	trees	as needed
Anticipated Level of Take Over 10 years	1000	80	1020	760	600	5000	1200	20000	500	1000	as needed
<b>Proposed Project</b>											
1. German Ridge Restoration	355	77						2170			
<b>Sum of Acres/Trees of Projects to Date</b>	355	77						2170			
<b>Net Left (Acres/Trees)</b>	645	3	1020	760	600	5000	1200	17830	500	1000	

\* This management activity will be subtracted from other category