

**Decision Notice  
and  
Finding of No Significant Impact  
for**

**Amendment to Hoosier National Forest  
Land and Resource Management Plan  
for Threatened and Endangered Species**

USDA Forest Service  
Hoosier National Forest  
Brown, Crawford, Dubois, Jackson, Lawrence, Martin,  
Monroe, Orange, and Perry Counties, Indiana

**Decision**

After studying the environmental assessment, public comments concerning it, and the project record, I have decided to adopt the proposed amendment, Alternative A. My decision amends the Hoosier National Forest Land and Resource Management Plan (*Forest Plan*) as shown for that alternative in the July 17, 2003 environmental assessment (EA) (USDA Forest Service 2003b).

This is the seventh amendment to the *Forest Plan*. The amendment confirms conservation of Federally threatened and endangered species as our top priority, provides general guidance related to threatened and endangered species, and includes species-specific guidance for three endangered species--Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*), and fanshell mussel (*Cyprogenia stegaria*)--and one threatened species, bald eagle (*Haliaeetus leucocephalus*). Guidance for protection and conservation of Indiana bat includes the terms and conditions supplied by the USDI Fish and Wildlife Service in their July 31, 2001 Biological Opinion on the Land and Resource Management Plan - Hoosier National Forest (USDI F&WS 2001).

**Introduction**

After new information was discovered that indicated some management activities could affect Indiana bat, the Hoosier National Forest (the Hoosier) consulted with the USDI Fish and Wildlife Service and prepared a biological assessment addressing continued implementation of the *Forest Plan*. The biological assessment concluded, "...continued implementation of the Forest Plan may affect – likely to adversely affect individual Indiana bats using the Hoosier National Forest." The biological assessment also made a "may affect, not likely to adversely affect" determination, since continued

implementation of the *Forest Plan* would provide beneficial effects to Indiana bat habitat (USDA FS 2000).

In July 2001, the USDI Fish and Wildlife Service issued a biological opinion that included mandatory “reasonable and prudent measures” to follow to minimize risk of incidental take of Indiana bat. The biological opinion provided specificity to the reasonable and prudent measures in the form of a series of terms and conditions. The amendment incorporates those terms and conditions into the *Forest Plan*.

The purpose and need for this amendment is to add protection measures for the Indiana bat (*Myotis sodalis*) and its habitat. The amendment is needed to minimize the likelihood of incidental take of Indiana bat in the course of implementing otherwise lawful management activities.

This amendment provides guidance for various aspects of management of the Hoosier National Forest with regard to threatened and endangered species, including the six mandatory terms and conditions from the USDI Fish and Wildlife Service’s biological opinion. The amendment is hereby incorporated into the *Forest Plan* and is binding on the Hoosier National Forest in its management of National Forest System lands in the following southern Indiana counties: Brown, Crawford, Dubois, Jackson, Lawrence, Martin, Monroe, Orange, and Perry.

An interdisciplinary team prepared the EA using information provided by the following sources: public scoping, field review, environmental studies, biological evaluation, biological assessment, biological opinion, personal information, the *Forest Plan* (USDA Forest Service 1991a), and *Forest Plan* Draft and Final Environmental Impact Statements (DEIS and FEIS). The Final Environmental Impact Statement (FEIS) (USDA Forest Service 1991c) is an “abbreviated” document. All of the information in the DEIS (USDA Forest Service 1991b) is incorporated into the FEIS, but it is not repeated.

The EA, prepared in compliance with the National Environmental Policy Act, provides documentation of the environmental effects of the proposed amendment and alternatives to it. The EA is available at USDA Forest Service, 811 Constitution Avenue, Bedford, Indiana 47421.

## **The Amendment**

The following pages (approximately nine pages) present the text changes made by this amendment.

### ***Changes to Appendix C, Forest Plan pages C1-C10***

AFTER “ENDANGERED, THREATENED AND SENSITIVE SPECIES” ON PAGE C-1 [of the 1991 *Forest Plan*], REPLACE THE HEADING AND THE FIRST THREE PARAGRAPHS WITH THE FOLLOWING HEADING AND THREE PARAGRAPHS:

## **FEDERALLY ENDANGERED, THREATENED, AND PROPOSED SPECIES**

As a Federal agency, the USDA Forest Service has defined responsibilities in supporting recovery objectives for Federally listed endangered, threatened, and proposed species. Populations of these species will receive individualized attention. Management activities that may affect Federally listed species occur in consultation with the USDI Fish and Wildlife Service. If additional species that occur on the Hoosier become listed as endangered or threatened, we will consult with USDI Fish and Wildlife Service as appropriate (50 CFR 402.16).

The USDI Fish and Wildlife Service has identified four Federally listed species as having part of their range on the Hoosier National Forest. Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*), and eastern fanshell mussel (*Cyprogenia stegaria*) are listed as endangered. Bald eagle (*Haliaeetus leucocephalus*) is listed as threatened.

Indiana bat is widespread in Indiana and occupies much of the eastern half of the United States, from Oklahoma, Iowa, and Wisconsin east to Vermont, and south to northwestern Florida. Although there are a limited number of records of it being found on the Hoosier National Forest, its habitat occurs throughout the Forest. Gray bat and eastern fanshell are of limited distribution in Indiana. There is one known record of gray bat and one of fanshell on or near the Hoosier National Forest. There is a single nesting location for bald eagle on the Hoosier National Forest.

AFTER “MANAGEMENT DIRECTION” ON PAGE C-8, REPLACE EVERYTHING UNTIL “REGIONAL SENSITIVE SPECIES AND FOREST SPECIES OF CONCERN” ON PAGE C-10 WITH THE FOLLOWING HEADINGS AND PARAGRAPHS:

### **Conservation Plan for Federally Threatened, Endangered, and Proposed Species**

This plan fulfills Endangered Species Act Section 7(a)(1) obligations for conservation of threatened, endangered, and proposed species. The Hoosier National Forest is committed to conserving, protecting, and maintaining habitat for Federally listed species. The Conservation Plan of the Hoosier National Forest is, first of all, this Land and Resource Management Plan. The foundation of the Hoosier National Forest’s Conservation Plan is the allocation of land into Management Areas that have the ecological conditions needed by particular species. A primary purpose of management area allocations is protection of biological diversity, including the conservation of threatened and endangered species. Management Area desired conditions and guidance aid in conserving threatened and endangered species by providing a variety of ecological conditions.

Management Area 2.4 protects the shorelines of lakes, a primary nesting habitat for bald eagle. MA 2.8 provides benefits for a variety of users and resources. This management area allows for vegetation management, which serves a variety of wildlife purposes, including the maintenance or enhancement of roosting habitat for the Indiana bat. MA 5.1 and MA 6.2

provide isolation, opportunity for natural succession, and areas with limited modification. Areas with such characteristics provide important habitat for wildlife, including threatened and endangered species. MA 6.4 primarily provides for natural succession to an old growth (climax) condition and limited modification. The direction for MA 8.1 (Research Natural Areas) includes “providing habitat for endangered species.” MA 8.2 areas are Special Areas, and their management emphasizes the protection, perpetuation, or restoration of their special features and values. Special features include barrens, caves, and rock outcrops. The 632-acre Paoli Experimental Forest, which provides opportunities for studying the effects of specific management actions, is presently the only area designated 8.3. Taken together and with other Forest Plan guidance, the management areas provide a variety of habitats for various wildlife and plant species, with emphasis on threatened and endangered species.

To provide habitat for species that utilize climax forest conditions, especially threatened and endangered species, this Forest Plan allocates more than one half of the Forest to having no timber harvest prescriptions. Over half of the Forest is in areas not available for timber harvesting, thus providing undisturbed areas and vegetation that is naturally succeeding to climax conditions.

Recovery plans have been prepared for bald eagle, Indiana bat, gray bat, and eastern fanshell mussel. The USDA Forest Service will work with the USDI Fish and Wildlife Service to identify and meet recovery objectives for the species on the Forest.

The purpose and goal of any conservation plan is recovery of each species such that there is no longer a need to list it as endangered or threatened under criteria found in Section 4(a)(1) of the Endangered Species Act, as amended. Actions of the Hoosier National Forest are directed toward conservation of listed species and, whenever possible, contributing toward recovery objectives outlined in approved Recovery Plans.

### **Relationship to Other Documents**

To meet the consultation requirements under Section 7(a)(2), the Hoosier National Forest completed the *Programmatic Biological Assessment for Land and Resource Management Plan Hoosier National Forest* (Biological Assessment) in April 2000. The Fish and Wildlife Service responded with their *Biological Opinion on the Land and Resource Management Plan Hoosier National Forest, Indiana* on July 31, 2001. This Biological Opinion provided terms and conditions to ensure that actions carried out under the direction of the Forest Plan would minimize the potential for incidental take. The Biological Assessment included a list of management activities with amounts (acreages, miles, etc.) estimated to occur in the next five years.

Species-specific recovery plans provide additional guidance for conserving and recovering each endangered or threatened species throughout its range. Each recovery plan has been developed by a team of scientists who are experts on the species being addressed. The Hoosier National Forest encompasses only a small part of the range of each of the four endangered or threatened species, so all recovery objectives may not be applicable to the Forest.

### **Direction**

The Endangered Species Act provides authority for the Hoosier National Forest to be involved in and further the protection and recovery of threatened and endangered species. Section 7(a)(1)

states, “All other Federal agencies shall, in accordance 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 listed pursuant to Section 4 of this Act.”

Section 2(b) of the Endangered Species Act states, “The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for conservation of such endangered species and threatened species...”

The policy of Congress, according to Section 2(c)(1), is “that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of this Act.”

Biological evaluations will be conducted as part of site-specific analyses for known populations of Federally listed endangered, threatened, and proposed species (FSM 2672.4). Guidelines and mitigating measures are implemented if a determination is made through a biological evaluation that a species may be affected.

If it is determined that an endangered, threatened, or proposed species may be affected by a management decision, evaluation criteria will be established in consultation with the USDI Fish and Wildlife Service and appropriate State agencies as early in the process as possible. These criteria will identify: (1) what (if any) additional information is needed and (2) what mitigation measures or course of action is most appropriate for conservation of the species involved. The Forest Service is responsible for collecting additional information if needed.

A coordinated review of available intervention tactics, including "no action," will be made in consultation with the USDI Fish and Wildlife Service and appropriate State agencies at the site-specific project level. Current management direction for the Hoosier is not likely to adversely affect gray bat, eastern fanshell mussel, or bald eagle, as determined by the July 31, 2001 biological opinion from the USDI Fish and Wildlife Service - Bloomington Field Office. That Biological Opinion also concluded that continued implementation of the Forest Plan was “not likely to result in jeopardy” to the Indiana bat.

Some conservation actions may change if a species recovers and is delisted. The Conservation Plan will evolve as we learn more about individual species, their limiting factors and habitat requirements, and the effects of various activities on these species. The following four paragraphs provide direction in various aspects of the management of the Hoosier National Forest with regard to threatened and endangered species.

- Consult with USDI Fish and Wildlife Service to ensure that activities planned and implemented on the Hoosier National Forest meet both the letter and intent of the Endangered Species Act, as amended. Coordinate and cooperate with experts in other agencies, universities, and organizations to identify objectives and projects that will conserve, protect, and recover populations and habitats of threatened and endangered species on the Hoosier National Forest.
- Provide the public opportunities to learn about and appreciate threatened and endangered species so they will understand the importance of activities designed to maintain, protect, and recover these species and their habitats. Cooperate with the research branch of the Forest Service, other agencies, universities, and organizations to

determine information needs and provide opportunities to conduct needed research on National Forest System lands. Incorporate relevant research findings into decisionmaking processes. Provide training and continuing education to Hoosier National Forest employees to ensure our workforce has the best scientific information available upon which to base decisions concerning threatened and endangered species on the Forest.

- Devise and implement a plan to guide the silvicultural management of the Forest that is based on sound principles of ecosystem management and works within the capabilities of the land to sustain natural resources, including habitat for, and populations of, threatened and endangered species. Determine and implement management activities that will maintain and improve habitat features for threatened and endangered species.
- Acquire lands that provide habitat for threatened and endangered species through exchange with, or purchase or donation from, willing landowners. Ensure compliance with all laws, regulations, and policies pertaining to endangered and threatened species on the Hoosier National Forest. Cooperate with the USDI Fish and Wildlife Service law enforcement and other law enforcement agencies in enforcing laws and regulations pertaining to endangered and threatened species. Provide accurate and current information about the threatened and endangered species' life history requirements, habitat needs, threats to survival, and population and habitat status on the Hoosier National Forest, in Indiana, and across the species' ranges to ensure a sound basis for decisionmaking.

The following sections for individual species provide further guidelines to be incorporated into all projects planned on National Forest System lands where populations of Federally listed endangered, threatened, or proposed species occur (USDI Fish and Wildlife Service; 50 CFR, Part 17). Additional mitigating measures may be developed at the project level.

### **Bald Eagle**

When vegetation management is planned within one mile of a body of water greater than 40 acres, the USDI Fish and Wildlife Service and Indiana Department of Natural Resources will be consulted about protection of potential nesting, roosting, and feeding areas.

Recommendations for protection and enhancement of nesting, roosting, and feeding areas, developed from ongoing studies in and around the Forest, will be incorporated into management prescriptions.

Aerial flights associated with national forest projects will not be permitted within ¼ mile horizontal distance and 500 feet vertical distance of any active nest.

Human entry during courtship, nest building, incubation, or brooding periods will be discouraged within ¼ mile horizontal distance of an active nest except under one of the following conditions (the USDI Fish and Wildlife Service and Indiana Department of Natural Resources shall be consulted in determining if any of these conditions exist):

- A reduction in size of a bald eagle nest management zone is permissible when a pair of bald eagles is determined to be tolerant of closer human activity. New nest management zone boundaries will be established in consultation with the USDI Fish and Wildlife

Service and Indiana Department of Natural Resources.

- Research or management activities essential for the protection or continued survival of a bald eagle pair and their habitat are necessary.
- Topography or other characteristics of a nest site allow for a reduction in size, or indicate need for expansion, of a bald eagle nest management zone.

Accomplishments that aid in the conservation of bald eagle will be reported in the annual Monitoring and Evaluation Report.

### **Indiana Bat**

Timber harvest, timber stand improvement (TSI), and riparian area management guidelines for the Hoosier National Forest are documented in Forest Plan management area guidance and in Appendices B and J. Those guidelines are sound forest management practices and benefit a variety of wildlife species, including Indiana bat.

To be exempt from the prohibitions of Section 9 of the Endangered Species Act, the Hoosier National Forest must comply with the following six terms and conditions.

- (1) When conducting uneven-aged hardwood timber harvests and completing TSI within hardwood stands, maintain at least 60% canopy cover on a stand-by-stand basis, depending on the size of the stands.
- (2) Shagbark (*Carya ovata*) or shellbark hickory (*Carya laciniosa*) trees shall not be harvested or manipulated during TSI activities, unless the density of trees of these two species combined exceeds 16 trees per acre. If present, at least 16 live shagbark and shellbark hickory trees (combined) greater than 11 inches diameter at breast height (DBH) must be maintained per acre.
- (3) Snags shall not be removed for TSI purposes, unless they are safety hazards. Firewood cutting permits must clearly state that standing dead trees may not be taken, unless specific trees are identified in the permit by the USDA Forest Service, to allow for the removal of specific trees under a firewood cutting permit.
- (4) To maintain a component of large, over-mature trees in harvest areas, at least three live trees per acre greater than 20 inches DBH of these species should always be maintained in the stand:
  - shagbark hickory (*Carya ovata*)
  - shellbark hickory (*C. laciniosa*)
  - bitternut hickory (*C. cordiformis*)
  - silver maple (*Acer saccharinum*)
  - green ash (*Fraxinus pennsylvanica*)
  - white ash (*F. americana*)
  - eastern cottonwood (*Populus deltoides*)
  - northern red oak (*Quercus rubra*)
  - post oak (*Q. stellata*)
  - white oak (*Q. alba*)
  - slippery elm (*Ulmus rubra*)
  - American elm (*U. americana*)

- black locust (*Robinia pseudoacacia*).

A tree with less than 10% live canopy should be considered a snag. These must be the largest trees of these species remaining in the stand. An additional six live trees per acre greater than 11 inches DBH of the species listed above must also be maintained. The “per acre” requirement can be expressed as the average per acre on a stand-wide basis, depending on the definition of a stand.

If there are no trees greater than 20 inches DBH to leave, then leave 16 live trees per acre, including the largest specimens of the preferred species remaining in the stand.

- (5) The USDA Forest Service and USDI Fish and Wildlife Service will continue to implement an appended programmatic consultation approach. Individual projects which have not yet been specifically identified and which impact Indiana bat habitat will be individually reviewed to determine if they are consistent with the programmatic Incidental Take Statement’s reasonable and prudent measures and associated terms and conditions, and to ensure that once specific projects are identified, site-specific impacts of the resulting incidental take are minimized.

Habitat manipulation acreage is being used to monitor levels of incidental take for each proposed individual project. The USDA Forest Service will provide the USDI Fish and Wildlife Service’s Bloomington Field Office with a description of the project that includes the location, type of activity, and total acreage to be disturbed by an individual project. When reporting the type of activity, it must correspond to one of the following management activities:

- |                                      |            |
|--------------------------------------|------------|
| • Pine clearcuts                     | 578 acres  |
| • Pine shelterwood cuts              | 391 acres  |
| • Pine thinning                      | 408 acres  |
| • Hardwood group selection cuts      | 777 acres  |
| • Harwood single tree selection cuts | 518 acres  |
| • Hardwood even-aged salvage cuts    | 100 acres  |
| • Prescribed fire treatment          | 7000 acres |
| • Forest openings maintenance        | 3311 acres |
| • Timber stand improvement           | 2264 acres |
| • Special use permits                | 286 acres  |
| • Wildfire management                | 250 acres  |
| • Road construction                  | 16 acres   |
| • Summer hazard tree removal         | 100 trees  |
| • Trail construction                 | 15 miles   |

Each project proposal must report how the individual project increases the cumulative forested acres (or number of trees or miles) affected within each of the above management activities and report on the total acreage (or number of trees or miles) remaining in each management activity. The letter requesting the project-specific review will include the determination that the proposed project is consistent with the programmatic Biological Opinion and Incidental Take Statement and request that the proposed project be appended to the programmatic Biological Opinion.

- (6) Any dead bats located on the Hoosier National Forest, regardless of species, will be immediately reported to the Bloomington Field Office of the USDI Fish and Wildlife Service (812) 334-4261 and subsequently transported to that office. No attempt should be made to handle any live bat, regardless of its condition; report bats that appear to be sick or injured to the Bloomington Field Office. The Bloomington Field Office will make a species determination on any dead or moribund bats found on the Hoosier National Forest. If an Indiana bat is identified, the Bloomington Field Office will contact the appropriate USDI Fish and Wildlife Service law enforcement office.

Accomplishments that aid in the conservation of Indiana bat will be reported in the annual Monitoring and Evaluation Report.

### **Gray Bat**

Access to caves found to contain gray bats may be restricted, following site-specific coordination with the USDI Fish and Wildlife Service and other appropriate groups or agencies. Vegetative disturbance will be prohibited within 100 feet of the cave entrance.

Potential foraging streams (defined as any stream continuously containing water through August 1) will be identified during project analyses. These streams will be managed to maintain or encourage a continuous corridor of trees at least one canopy width wide (based on the canopy of a typical mature, bottomland, hardwood species) on both sides of the stream. A forested corridor at least 100 feet wide will be retained between caves and foraging areas (stream or reservoir).

Recommendations for protection and enhancement of gray bat summer foraging habitat developed from ongoing studies in and around the Forest should be incorporated into management prescriptions. Within the Hoosier National Forest, caves found to harbor gray bats will be established as a top priority for acquisition, on a willing seller basis.

Accomplishments that aid in the conservation of gray bat will be reported in the annual Monitoring and Evaluation Report.

### **Fanshell**

Coordinate with USDI Fish and Wildlife Service concerning protection of the species.

Avoid any activity that might negatively affect the known but limited population in the East Fork of the White River.

Guidance will be determined at site-specific project level.

Accomplishments that aid in the conservation of the fanshell will be reported in the annual Monitoring and Evaluation Report.

*THIS IS THE END OF THE PRESENTATION OF THE CHANGES MADE BY THE FOREST PLAN AMENDMENT.*

## **Why I selected Alternative A**

Three alternatives were considered in detail including the proposed amendment, Alternative A; an alternative to it that would in addition prohibit timber harvesting during the period April 15 through September 15; and a no-action alternative, Alternative B. I have selected Alternative A because it provides considerable guidance for the protection and conservation of threatened and endangered species while maintaining the ability of the Hoosier to manage habitat, both for those species and for other reasons.

## **Reasons for Not Selecting Alternatives B and C**

I did not select Alternative B because it would not provide the needed guidance and protection for threatened and endangered species. Alternative B would have failed to adequately protect Indiana bat and its habitat.

I did not select Alternative C because it would prohibit timber harvesting during the period April 15 through September 15. This would have resulted in a need for additional measures to preclude soil and water problems resulting from winter logging operations, but most importantly, it would have risked reducing the ability of the Hoosier to manage habitat for various wildlife species. It would have impaired the Hoosier's ability to manage resources. Given the abundance of potential Indiana bat roost trees within and near the National Forest System lands and the limited amount of timber harvesting that has been projected for five years, I have concluded that the risk of cutting a tree occupied by a bat or bats is quite low.

## **Public Involvement**

Public involvement was an important component of the decisionmaking process. Issues and management concerns related to the proposed *Forest Plan* amendment were identified by soliciting review and comment by USDA Forest Service resource specialists and gathering input from interested members of the public. On December 14, 2001, we sent letters to approximately 1,519 individuals and organizations and requested comments on the proposed amendment. We received a total of thirty responses with comments on the proposed amendment. The comments were utilized to develop issues of concern that are addressed in the EA and also to develop the other action alternative, Alternative C. Specific comments are addressed directly in Appendix A of the EA.

The *Hoosier Quarterly* included a description of the project in the following issues: May 2003, February 2003, November 2002, August 2002, May 2002, and February 2002.

On or about April 11, 2003, we sent copies of the pre-decisional EA to 1,459 interested members of the public, and we also made an electronic copy available for review on the Hoosier website. On April 13, 2003, the Sunday edition of the Bloomington *Hoosier*

*Times* published a legal notice that announced the release of the pre-decisional EA and requested comments within 30 days. Eleven different comment letters were received by the end of the comment period. The specific comments and responses to the comments are provided in Appendix C of the EA.

## **Finding of No Significant Impact**

Incorporating this amendment into the *Forest Plan* will aid in the protection and conservation of threatened and endangered species, especially Indiana bat, but it would be unlikely for a typical citizen to notice the effects of the amendment. It would not significantly affect the quality of the human environment. Therefore, an environmental impact statement will not be prepared. Both the context (southern Indiana in this case) and intensity (severity of the impact) of the Federal action were considered in determining whether or not the amendment would have a significant impact on the human environment (40 CFR 1500.4(q)).

### **Context**

The context of this amendment is the *Forest Plan* and National Forest System lands in Indiana as habitat or potential habitat for threatened or endangered species. The context also includes knowledge acquired since the present *Forest Plan* was approved in 1991 concerning Indiana bats and their use of habitat.

The Forest Supervisor determined this is not a significant amendment to the *Forest Plan* because it does not meet both of the required definitions of significance found in Forest Service Manual 1922.5. The term “significant” as it pertains to a forest plan amendment is not the same as “significant” in the context of addressing environmental effects in a site-specific project NEPA analysis. “Significant,” as it pertains to a forest plan amendment, gauges the impact of a proposed change to a forest plan. As defined in FSM 1922.5, nonsignificant amendments can result from any one of the following:

- (1) Activities that do not significantly alter the multiple-use goals and objectives in the long term.
- (2) Adjustments to management area boundaries and prescriptions based on further onsite analysis.
- (3) Minor changes to standards and guidelines.
- (4) Additional management practices that will contribute to achievement of management prescriptions.

The amendment meets criteria (1) and (3) above for a nonsignificant amendment.

### **Intensity**

1. This amendment will benefit the Indiana bat by restricting the numbers and types of trees that may be harvested, thus maintaining large numbers of

potential roost trees. The amendment makes no commitment of resources and proposes no new on-the-ground activities. The limited effects of the limitations on timber management do not represent significant impacts to the human environment. Decreased ability to manage barrens habitat is one of the few minimal, short-term negative effects that could ensue from implementation of the amendment. Since this is a programmatic *Forest Plan* amendment, there are no irretrievable resource commitments or losses associated with this project (EA p. 3).

2. The amendment has not been perceived to have any effect on public health and safety (EA p. 6, 41).
3. Since the amendment proposes no on-the-ground activities, it is not expected to have any effect on unique characteristics of the geographic area. It should have no effect on cultural resources or our ability to protect them. There are no park lands, prime farmlands, or wild and scenic rivers identified on these National Forest System lands. The amendment would have no effect on wetlands or ecologically critical areas (EA p. 6, 41).
4. Based on the opinions of resource specialists within the USDA Forest Service, the effects of the proposed amendment are not expected to be highly controversial from a scientific perspective (EA p. 41).
5. The effects of the amendment on the human environment are not highly uncertain and do not involve unique or unknown risks (EA pp. 41).
6. The project activities do not set a precedent for future actions with significant effects. This amendment also does not represent a decision in principle about a future consideration (EA p. 41).
7. There are few expected direct or indirect effects of the proposed amendment, and likewise there are no significant cumulative effects expected as a result of this amendment. This determination is based on the cumulative effects analyses in the EA (pp. 20-23, 25, 27, 30-32, 37-38, and 40).
8. Since the amendment proposes no on-the-ground activities, it will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources ( EA p. 6).
9. This amendment has been proposed expressly to benefit Indiana bat and the other threatened or endangered species on the Hoosier National Forest (EA p. 1-2). A biological assessment was conducted concerning the effects on the four threatened and endangered species of continuing to implement the 1991 *Forest Plan* (USDA Forest Service 2000). In the cover letter for the biological opinion, the USDI Fish and Wildlife Service concurred that such

implementation would not adversely affect the gray bat, bald eagle, or fanshell (USDI F&WS 2001). The biological opinion also stated that “the continued implementation of the existing Hoosier National Forest Land and Resource Management Plan is not likely to jeopardize the continued existence of the Indiana bat” (USDI F&WS 2001).

A biological evaluation for the amendment found that the amendment would not be likely to adversely affect the Indiana bat, gray bat, fanshell mussel, or the bald eagle (USDA Forest Service 2003a).

10. The amendment for threatened and endangered species does not threaten a violation of Federal, state, or local environmental protection laws or requirements.

## Findings Required by Other Laws

### Compliance with the National Forest Management Requirements

The Regional Forester approved the *Forest Plan* on April 8, 1991 to meet the requirements of implementing the National Forest Management Act (NFMA) of 1976 (as amended). This amendment meets the requirements of the National Forest Management Act.

## Implementation

Implementation of this decision may not occur for five calendar days following publication of the legal notice of the decision (36 CFR 217.10(a)).

## Approval

*/s/ Kenneth G. Day*

*July 21, 2003*

---

KENNETH G. DAY  
Forest Supervisor

DATE

## Appeal Rights

This decision is subject to appeal under the regulations of 36 CFR 217. To file an appeal under these regulations, a person or organization must:

- (1) File a written notice of appeal, in duplicate, with the next higher line officer.
- (2) File the notice of appeal within 45 days of the date specified in the in the Sunday edition of the Bloomington *Hoosier Times* newspaper.
- (3) Comply with the required contents of an appeal as provided in 36 CFR 217.9.

Any appeal should be submitted to:

USDA Forest Service, Eastern Region (R9)  
Attn: Appeals Deciding Officer  
310 West Wisconsin Avenue, Suite 500  
Milwaukee, WI 53203

Detailed records of the EA are available for public review at USDA Forest Service, 811 Constitution Avenue, Bedford, IN 47421

Responsible Official:

Kenneth E. Day, Forest Supervisor  
Hoosier National Forest  
811 Constitution Avenue  
Bedford, IN 47421  
(812) 275-5987

Questions regarding the EA for this decision should be directed to:

Ron Ellis, NEPA Coordinator  
USDA Forest Service  
Hoosier National Forest  
811 Constitution Avenue  
Bedford, IN 47421  
(812) 275-5987

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, and 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 or TDD). USDA is an equal opportunity provider and employer.

## References Cited

U.S. Department of Agriculture, Forest Service. 1991a. Land and Resource Management Plan, Plan Amendment, Hoosier National Forest. 90 p.

U.S. Department of Agriculture, Forest Service. 1991b. Draft Environmental Impact Statement – Land and Resource Management Plan, Hoosier National Forest. 260 p. plus appendices.

U.S. Department of Agriculture, Forest Service. 1991c. Final Environmental Impact Statement – Land and Resource Management Plan, Hoosier National Forest. 260 p. plus appendices.

U.S. Department of Agriculture, Forest Service. 2000. Programmatic Biological Assessment – Land and Resource Management Plan. Hoosier National Forest. 103 p. plus appendices

U.S. Department of Agriculture, Forest Service. 2003a. Biological evaluation for endangered and threatened species – Forest Plan Seventh amendment. On file with: Forest Supervisor, Hoosier National Forest, 811 Constitution Ave., Bedford IN 47421. 31 p.

U.S. Department of Agriculture, Forest Service. 2003b. Environmental Assessment, Amendment to Hoosier National Forest Land and Resource Management Plan for Threatened and Endangered Species. 58 p.

U.S. Department of the Interior, Fish and Wildlife Service. 2001. Biological Opinion on the Land and Resource Management Plan- Hoosier National Forest, Indiana. USDI Fish and Wildlife Service, Bloomington Field Office. 21 p. plus cover letter.