



United States
Department of
Agriculture

Forest
Service

Eastern
Region

Mark Twain
National Forest



Scoping Proposal for the Brown's Hollow Area of Influence and Non-significant Forest Plan Amendment



Indiana bat (*Myotis sodalis*)
June 18, 2004

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Introduction

The Forest Service has prepared this proposal in compliance with the National Environmental Policy Act (NEPA). Your comments will help us refine issues, identify possible alternatives and examine their potential effects.

- **Project Location and Background:** The section includes information on the location and history of the project proposal.
- **Purpose and Need:** This section provides a rationale for the proposal, focusing on its relationship to the goals and objectives contained in the Land and Resource Management Plan (Forest Plan) for the Mark Twain National Forest.
- **Proposed Action:** This section describes the elements of the proposal. The focus of the descriptions is on 1) an amendment to the Forest Plan that establishes the Area of Influence; and 2) establishment of a vegetative objectives for a Management Recovery Strategy that serve to create, maintain, and/or enhance Indiana bat habitat.
- **Decision Framework:** This section describes how the Responsible Official will review the proposed actions in arriving at his decision, and describes the nature of the decision to be made.
- **Public Involvement:** This section provides more detailed information on how the proposal was developed, how the public can most effectively comment on the proposal, and how those comments will be considered in arriving at the decisions.

Additional information may be obtained from Becky Bryan, Forest NEPA Coordinator at (573) 364-4621, or (573) 341-6844 (FAX), or in person at the Mark Twain National Forest Supervisor's Office, 401 Fairgrounds Road, Rolla, Missouri 65401. This document is also available on the Mark Twain National Forest website at <http://www.fs.fed.us/r9/marktwain/projects/project.htm>.

Project Location and Background

Location

The Brown's Hollow Area of Influence (AOI) is located within Wayne County, Missouri, within Township 28 North, Range 5 East, Sections 9-10, 14-16, and 21-23. It is located mostly west of U.S. Highway 67, east of Wayne County Road 372, south of the National Forest Boundary and north of Wayne County Road 371. The nearest town is Greenville, approximately 1 mile northeast of the project area. See attached maps for further detail.

The project area is also located in Management Area 4.1-4 on the Poplar Bluff Ranger District of the Mark Twain National Forest. Land management decisions in MA 4.1-4 emphasize the management of short-leaf pine in its natural range on sites where it is recognized as a dominant or characteristic member of the natural community (Forest Plan, IV-125).

The proposed AOI consists of two compartments: 28 and 29, containing approximately 4,027 total acres. Of this total, an estimated 2,197 acres are National Forest System managed lands, 1050 acres US Army Corps of Engineers (COE) and 780 acres private lands. Designation of the AOI and implementation of proposed Forest Plan Amendment would occur on National Forest System lands only.

Summary of the Proposed Action for the Browns Hollow AOI

The two compartments in this project area were part of the Pine Ridge project that is currently under analysis. When the maternity roost tree was discovered in May 2004, these two compartments were withdrawn from the Pine Ridge EA in order to identify an AOI and develop a management recovery strategy for the colony.

Analysis of the remaining portions of the Pine Ridge Project has been suspended until a decision has been made on the AOI and Forest Plan amendment.

Background

Indiana bat Surveys

Indiana bats were first discovered in the area in fall 2002, when Indiana bats were mist-netted on COE lands near Lake Wappapello. An attempt to follow these bats after fitting them with transmitters failed.

In late May 2003, a researcher from the University of Missouri - Columbia captured a pregnant Indiana bat female just west of Greenville. We have no information regarding radio-tracking of that bat. In July 2003, two lactating female Indiana bats were captured on COE lands north of the proposed Brown's Hollow AOI near Big Lake Creek. However, these were not radio-tracked, so there is no further information about their movement or habitat use. Also in summer 2003, North Central Research Station personnel mist-netted on MTNF lands in Browns Hollow about 2 miles from the COE capture sites (and within 1 mile of the maternity trees discovered in 2004), but captured no Indiana bats.

In May 2004, researchers, under contract with the COE, discovered several roost trees used by pregnant Indiana bats. Researchers, contracted by the Forest Service, assisted with the tracking of two pregnant Indiana bats fitted with transmitters. The tracking of one of these females allowed researchers to locate a maternity roost tree on National Forest System lands. This is the first documented maternity colony on the Mark Twain National Forest.

Consultation History

In 1984, the Forest Service requested formal consultation with the U.S. Fish and Wildlife Service (FWS) on the Forest Plan. On August 8, 1985, the USFWS issued a non-jeopardy Biological Opinion for seven federal species, including the Indiana bat. In 1998, the Forest Service reinitiated programmatic consultation for continued implementation of the Forest Plan. Further consultation was needed to incorporate information gathered about federally threatened and endangered species over the previous decade. A Programmatic Biological Assessment (BA) that included the Indiana bat was submitted to FWS in September 1998. In that document, the Forest Service determined that, based on the limited information on the presence and distribution of Indiana bats in the summer on the Mark Twain National Forest, this species may be present in appropriate habitat on the Forest from spring through summer.

On June 23, 1999, FWS issued a non-jeopardy Programmatic Biological Opinion for the Indiana bat, as well as three other threatened or endangered species, on the Mark Twain National Forest. All management activities implemented on the Mark Twain National Forest in potentially suitable habitat for the Indiana bat are consistent with the Reasonable and Prudent Measures, as well as the Terms and Conditions, discussed in the 1999 Programmatic Biological Opinion.

Summary of the Proposed Action for the Browns Hollow AOI

Immediately following the recent discovery of the maternity colony, informal consultation was initiated with the US Fish and Wildlife Service under the Terms and Conditions of the 1999 Programmatic Biological Opinion.

Purpose and Need for Action

This action involves amending the Mark Twain National Forest Plan to provide protection and management for a recently discovered Indiana bat maternity colony on the Poplar Bluff Ranger District. The purpose of the Forest Plan amendment is to comply with the Programmatic Biological Opinion for the Indiana Bat and provide for protections and management of a maternity colony. The current 4.1 management prescription of the area, which focuses on commodity production, would be changed to a 3.5 management prescription, which provides for greater protection of, and specialized management for, the Indiana bat. 3.5 Management Areas are specifically managed to protect Indiana bats and their habitats within an area most likely to be used as foraging habitat by Indiana bats in the summer, and known sites of reproductively active females.

The June 23, 1999 Programmatic Biological Opinion provides guidance in the form of Terms and Conditions and Reasonable and Prudent Measures (TC/RPM) for when an Indiana bat maternity colony is discovered on the Mark Twain National Forest. It also defines “An Area of Influence” on page 79:

“If maternity colonies are discovered on the MTNF, roost trees used by such colonies are to be protected by establishing a zone centered on the maternity roost site. The actual area will be determined by a combination of topography, known roost tree locations, the proximity of permanent water and a site-specific evaluation of the habitat characteristics associated with each colony. This area shall not exceed 3/4 of a mile radius circle centered on location of a maternity roost following the findings of Gardner et al. (1991b), except as agreed to by the Service and Forest Service and determined to be the best science available, result in the discovery of a larger foraging radius. Protective measures shall be established by developing a management recovery strategy, in cooperation with the Service and MDC, immediately upon discovery. Within this area: 1) a minimum average of 24 potential roost trees per forested acre must be retained that may include snags, live shellbark and shagbark hickories >9" dbh, dead or dying trees with at least 10% exfoliating or defoliating bark >9" dbh, lightning struck trees >9" dbh, den or cull trees, and live trees >26" dbh, 2) the removal of occupied roost trees determined to be a safety hazard can only be done following consultation with the Service, 3) tree removal activities which would benefit the species may be performed only during a season when roosting bats are absent and only when it has been determined that roosts are unoccupied, 4) from 30% to 50% of mature oak-hickory and/or oak-pine forest with a canopy closure of 60- 80%, following the guidelines outlined in Romme et al. (1995), must be maintained.”

Relationship to the Forest Plan

The amended Forest Plan for the Mark Twain National Forest establishes the framework for project-level decision-making. The relevant components of the Forest Plan include: goals, objectives, desired conditions, management prescriptions (management areas), standards, and monitoring tasks. The Forest Plan does not compel the agency to carry out projects, but instead, it sets sideboards for the amount, type, and the way projects are implemented.

Summary of the Proposed Action for the Browns Hollow AOI

In August 2002, the Forest Service amended the Forest Plan to add management direction and standards for protection and management of suitable habitat of the endangered Indiana bat. The new direction and standards contained in Amendment 26 were derived from the Reasonable and Prudent measures and associated terms and conditions in the 1999 Programmatic Biological Opinion.

The Desired Future Condition states that 3.5 Management Areas:

“...will be defined around occupied Indiana bat hibernacula and known sites of reproductively active females. Areas will vary in size, but will extend no more than 5 miles in radius from hibernacula, and no more than $\frac{3}{4}$ miles in radius from known sites of reproductively active females.” Further, “Management areas will provide a continuous supply of suitable roost trees and preferred foraging habitat for Indiana bat.”

Proposed Action

The proposed action is to amend the Forest Plan to comply with the programmatic Biological Opinion by establishing an AOI for the recently discovered Indiana bat maternity roost tree on the Poplar Bluff Ranger District. We propose to change the current 4.1 Management Area for the Compartments 28 and 29 to 3.5 Management Area prescription.

Additionally, we propose to insert the following Management Recovery Strategy vegetative objectives for maternity colony AOIs in the Forest Plan on page IV-124--2:

Each maternity colony Area of Influence will provide a continuous supply of suitable roost trees (Reference Forest Plan page IV-50--1) and foraging habitat by:

- Retaining a minimum average of 24 potential roost trees per forested acre that may include snags, live shellbark and shagbark hickories ≥ 9 " dbh, dead or dying trees with at least 10% exfoliating or defoliating bark ≥ 9 " dbh, lightning struck trees ≥ 9 " dbh, lightning struck trees ≥ 9 " dbh, den or cull trees, and live trees ≥ 26 " dbh;
- Removing occupied roost trees determined to be a safety hazard only after consultation with the US Fish & Wildlife Service;
- Performing tree removal activities which would benefit Indiana bat habitat only during a season when roosting bats are absent and only when it has been determined that roosts are unoccupied; and
- Maintaining 30-50% mature oak-hickory and/or oak-pine forest with 60-80% canopy closure.

The Terms and Conditions of the 1999 Programmatic BO (page 79) provide for establishing an area greater than $\frac{3}{4}$ mile in radius as the AOI if agreed to by the USFWS and Forest Service and determined to be the best science available. The proposed AOI is larger, and is based on recent

Summary of the Proposed Action for the Browns Hollow AOI

informal consultation between the US FWS and Forest Service after joint field review of the site-specific conditions in the vicinity of the known roost trees. The Forest Plan amendment would also change the wording in the Forest Plan to say the AOI should “normally” be no more than ¾ mile in radius to allow flexibility in defining the area.

Decision To Be Made

The decisions to be made are whether or not to amend the Forest Plan and change the management prescription for the Browns Hollow Area of Influence from a 4.1 MA emphasis to a 3.5, and whether to add vegetative objectives for maternity colonies to the Plan. The Responsible Official for this programmatic decision is the Forest Supervisor. The subsequent decision would be subject to administrative appeal under 36 CFR 217.

Public Involvement

The document being prepared to identify an AOI and develop a management recovery strategy is a result of informal consultation with the US Fish and Wildlife Service and in cooperation with the Missouri Department of Conservation. The associated EA that will be developed will incorporate public comment and those comments received as a result of further agency review and evaluation.

To allow the interdisciplinary team time to evaluate and consider your comments in their analysis, please send your comments to us by **July 26, 2004**. Please send mail comments to Mark Twain National Forest, Supervisor’s Office, 401 Fairgrounds Road, Rolla, MO 65401 ATTN: Becky Bryan. The telephone number is (573) 364-4621. Send any fax comments to (573) 341-6844, and submit any e-mail comments to mailroom_r9_mark_twain@fs.fed.us. Please include the name of the proposed action (Subject: Brown’s Hollow AOI) in the subject line of the e-mail. Acceptable formats for electronic comments are: text or HTML e-mail, Adobe Portable Document Format (PDF), or formats viewable in Microsoft Office applications. Office hours are 8:00 a.m. to 4:30 p.m. Monday – Friday.