



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kentucky Ecological Services Field Office
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Frankfort, Kentucky 40601
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March 20, 2018

Mr. Dan Olsen
Forest Supervisor
Daniel Boone National Forest
1700 Bypass Rd
Winchester, KY 40391

Subject: FWS 2018-B-0293: Scoping Notice and Request for Comments on the Daniel Boone National Forest Plan Amendment

Dear Mr. Olsen:

The U.S. Fish and Wildlife Service (USFWS) Kentucky Field Office (KFO) has reviewed the above-referenced scoping notice requesting comments on amending the existing Forest Plan for the Daniel Boone National Forest (DBNF). According to the scoping notice, revisions to the plan are necessary to incorporate new science applicable to the management of bat habitat and to account for the increased number of federally-listed species and designated critical habitat that occur on the DBNF since 2004. The Forest Plan would be amended to ensure that appropriate management of the DBNF occurs by (1) removing or rewording of the plan standards, (2) using the best available science to update the management direction, (3) updating of the Significant Caves Prescription Area to match USFWS Priority Hibernacula, and (4) updating certain definitions. Because the proposed action is in the early stages of scoping at this time, our comments are general in nature and are intended primarily to assist the DBNF in assessing the potential impacts of these changes on federally-listed species and designated critical habitat.

General Comments

In general, the KFO supports several of the changes proposed in the amendment, such as updating the definitions of significant caves, snags, and roost trees to be more consistent with terminology used across the range of these species and taking a landscape-level approach to ensure that there is suitable habitat for federally-listed bats and other at-risk species throughout the DBNF. In addition to making changes that incorporate clarifications and standardized language, the DBNF is also proposing to remove several standards that were included in the current Forest Plan to protect the federally-endangered Indiana bat (*Myotis sodalis*). These standards have the effect of restricting much of the DBNF's vegetation management and maintenance activities to the winter months. According to the scoping notice, implementing

much of this work in the winter increases project costs, reduces treated acreages, delays project implementation, and damages soil, water, and aquatic resources. The scoping notice states that these risks could be minimized or eliminated by removing the restrictive dates associated with these standards.

While the existing standards are more restrictive, it is important to note that they were intended to avoid and minimize the potential for adverse effects and incidental take of Indiana bats on the DBNF that were likely to occur as a result of certain types of tree removal and prescribed fire. In some circumstances, the season restrictions, buffers, and other standards also provided protection for federally-listed plants and aquatic species. Elimination of these restrictions is, therefore, likely to have the opposite effect and result in increased adverse effects on listed bats, plants, and aquatic species and designated critical habitat, especially in light of the increased amount of forested habitat proposed for treatment under the proposed Forest Plan amendments.

Once the planning process for these changes has been completed, we recommend that the DBNF provide additional information to us that clarifies how these species and designated critical habitats will be affected once the Forest Plan is amended and the current protections are removed. If adverse effects and incidental take of listed species are likely, development of a Biological Assessment and formal consultation will be necessary.

Federally-Listed Bat Specific Comments

Several of the current Forest Plan standards (i.e., DB-WLF-8, 9, and 10) provide a significant amount of direct protection to Indiana bats and northern long-eared bats during the summer roosting and fall swarming period, while also ensuring the integrity of summer roosting habitat, swarming habitat, and hibernacula. While the replacement Forest Plan standards (DB-WLF-4, 5, 6, and 7) offer some level of protection, they primarily focus on “known maternity habitat” and “known maternity roost trees”. However, the majority of the DBNF has not been surveyed for summer occupancy by listed bat species. Limited survey efforts from over a decade ago have provided the location of some maternity colonies and roost trees, but given the number of Indiana bats and northern long-eared bats that occupy the DBNF hibernacula during the winter, it is reasonable to assume that there are numerous other colonies present that have not been documented that could be negatively impacted by future actions.

Also, the replacement Forest Plan standard DB-WLF-8 may not offer adequate protection of hibernacula because the ¼-mile buffer is not clearly defined. We recommend that any definition of hibernacula include the known entrance(s) and associated sinkholes, fissures, and other karst features to ensure adequate protection of the microclimate. This definition should also include underground quarries or abandoned mine portals and their associated underground workings that may serve as hibernacula for listed bats.

The KFO is not clear on the intended purpose of some of the replacement Forest Plan standards. The misinterpretation of existing standards has caused confusion and delays in project implementation in the past. Therefore, we recommend that the DBNF provide the rationale and supporting science for each replacement standard prior to finalizing the proposed action.

ESA Section 7(a)(1)

Section 7(a)(1) of the Endangered Species Act establishes the shared responsibility of all Federal agencies to utilize their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of endangered and threatened species (50 CFR 402.01). Section 7(a)(1) actions do not take the place of section 7(a)(2) consultations; however, they do have the potential to promote the recovery and conservation of listed species while complementing, streamlining, and facilitating section 7(a)(2) consultations. Given the amount of incidental take of listed species that may occur due to implementation of the amended Forest Plan, we believe this would be an excellent opportunity to facilitate the development of a Section 7(a)(1) conservation plan for the DBNF and look forward to potentially coordinating these efforts with the DBNF in the near future.

Summary

Thank you for the opportunity to comment on this proposed action. We encourage the DBFN to continue to coordinate with our office as the Forest Plan amendment process moves forward. If the action is carried out as proposed, an increase in adverse effects on federally-listed species is anticipated.

If you have any questions, please contact Carrie Allison at 502-695-0468, extension 103.

Sincerely,

A handwritten signature in blue ink that reads "Virgil Lee Andrews, Jr." The signature is written in a cursive style with a large, sweeping flourish at the end.

Virgil Lee Andrews, Jr.
Field Supervisor