

**OGM Review for Threatened, Endangered and Sensitive Species
Project: Duhring Resource Company – 46 wells, roads, pipelines**

USDA Forest Service, Allegheny National Forest, Bradford Ranger District
Date: March 13, 2007
Case #: 243, 244, 245
To: Colleen Kelly - OGM Administrator
File Code: 2600/2800

Company: Duhring Resource Company

Location:

County: Warren	Township(s): Cherry Grove	Warrant(s): 2752, 2445
Access: SR 948 & FR 103, FR 148, FR 162 & FR 163	Watershed: South Branch Tionesta Creek - Rock Run, Cherry Run, South Branch Tionesta Creek	Lot: (Duhring designations 7, 8, 9, 12, 13)

Please refer to the project map for the well and road locations.

Scope:

46 - wells – 11.5 acres
~4.1 miles (21,500 feet) of new road – 14.8 acres
~4.1 miles (21,500 feet) of pipeline – 9.8 acres
Total impact – 36.1 acres

Responsibility:

See the project file maps for specific well and road locations. This project is not a federal action. It is on a non-federal mineral lease, but affects National Forest land. It is the responsibility of the mineral owner to comply with the Endangered Species Act on this lease.

Present Condition of Wildlife Habitat

Date of Field Check: 3/20/07 - Alan Wetzel, Ava Turnquist - 7/10/07 & Joe Gomola - 8/3/07
Terrain: Lots of steep slopes, elevations are variable from 1400' to 1840' on the plateau tops.
Range of slope: Steep to almost level, > 15%.
Aspect: Variable - all directions.
Water Resources: South Branch Tionesta Creek – 0501000302: South Branch Tionesta, Cherry Run, Rock Run - HQ-CWF.
Key habitats: Winter habitat for deer and turkey.
Forest Type: Beech, black cherry, red maple, sugar maple, hemlock, bass wood
Other: Paul Weese and I did a predevelopment review of this site and made a number of objections about slope, stream crossings, wetland impacts and past developments. Development is on both sides SR 948 and will impact 3 separate drainages. The forest is generally mature (combined older mature and younger) and some pole-stage. Ava noted a bear sleeping in a log near proposed well 7-16. Joe noted an immature red-shouldered hawk between wells 44 and 45. He also inspected 2 future wells on flag line northwest of well 43 where there are water issues. Joe also noted that there are large rock complexes on the slopes above wells 19 and south toward well 4. The mature forest is dominated by oak. Beech bark blight complex is present. The habitat in general is homogenous throughout. Lots of large hemlock is distributed across all the sites. MA: 2.2, 3.0; Compartments: 303, 308, 309, 310.

TES Species Status, Habitat in the Project, Effects of the Project, Determinations, and Mitigation Measures

Federally Threatened and Endangered (T & E) Species

There is no officially designated critical habitat for any federally listed threatened or endangered species (16 U.S.C. 1532 (50 (A))) on the ANF. Table 1 displays the closest known documentation for T & E species found on the Forest.

Table 1: Documentation of Threatened and Endangered Species

Species	Documented Occurrence
Indiana bat	There are 3 bat survey locations within 0.5 mile of this project including 1 on the site. No Indiana bats were found at this site.
Small-whorled Pogonia	No recent documentation.

As described above, it is the responsibility of the operator to meet all ESA requirements, and as a result there are no effect determinations made for any T & E species. This operator should contact the U.S. Fish and Wildlife Service in State College, Pennsylvania to ensure they are in compliance with the Endangered Species Act. There is high potential SWP habitat present within the developments along Rock and Cherry Runs. No SWP were found during the site surveys. Mussel habitat does not exist on or near this project. There is no northern bulrush habitat.

RFSS Determinations

Currently, 59 of 61 listed ANF RFSS species have not been documented (historically or actually) in the project area. Suitable habitat (for some of these species) may be impacted by the project, but the action is not likely to cause a trend toward federal listing of these species. As a result, a 'no impact' determination has been reached for these 59 species having no documented individuals or suitable habitat in the project. Table 2 displays the determinations for sensitive species with habitat on the site.

Table 2: Documentation of Sensitive species

RFSS with Occupied or Suitable Unoccupied Habitat in the Project	
Timber Rattlesnake	'may impact individuals, but is not likely to cause a trend toward federal listing of this species'
Bald Eagle	'may impact individuals, but is not likely to cause a trend toward federal listing of this species'

Conclusions

We can not make a determination for adverse impacts to the Indiana bat and Small-whorled pogonia based on the lack of federally listed species surveys. This operator should contact the U.S. Fish and Wildlife Service in State College, Pennsylvania to ensure they are in compliance with the Endangered Species Act.

Mitigations - Adverse effects to TES species, wildlife and wildlife habitat can be reduced through implementation of the following mitigation measures and recommendations:

- 000514
1. All timber removal should be scheduled to occur between October 15 and April 1.
 2. It is recommended that any snags with bark or den trees adjacent to the flagged well sites and ROW's be retained. Bark provides hibernation habitat for a wide variety of bats. If the snags pose a safety hazard, then it is recommended that they be removed.
 3. Please notify the Bradford District wildlife biologist if any stick nests are found near or adjacent to any work locations prior to development.
 4. All work should stop immediately if any federally proposed or listed species is found or observed on the project site during the implementation process. The operator should call an ANF Bradford District wildlife biologist to conduct an assessment or recommend further mitigative measures.
 5. Use existing roadways, skid trails or travel paths for access to proposed well sites and pipelines whenever possible. This will minimize disturbance to the hydrologic regime and the canopy.
 6. Do not sidecast excavated road materials and avoid accumulating or spreading these materials in upland draws, depressions, intermittent streams, and spring seeps.
 7. Equipment must be stored, serviced, and fueled in upland areas away from transport pathways and all aquatic habitats.
 8. Any significant change or modification to the reviewed work plan for this site must be reviewed again by the Forest Service biologist to ensure no further mitigative actions are required.
 9. Complete all proposed work in a timely fashion to reduce disturbance and displacement to fish and wildlife species.
 10. Follow all terms and conditions in regulatory permits and other official project authorizations to eliminate or reduce adverse impacts to endangered, threatened, or sensitive species or their habitats.
 11. Recommend that all unnecessary roads be signed, gated, or barricaded (with an earthen barrier) to eliminate unauthorized use. Recommend all 'collector' OGM roads that are currently gated should remain gated to maintain 'vehicle-restricted' foraging habitat for the timber rattlesnake. Recommend gating or signing other 'collector' OGM roads in the general vicinity.

Additional Recommendations

1. Prior to project implementation, a sedimentation and erosion control plan meeting state standards should be developed, reviewed and approved by qualified technicians. This plan, with appropriate controls, should be implemented prior to beginning any work. Erosion control barriers should remain in place until the project is completed.
2. Revegetate all disturbed soils with native vegetation as soon as possible to prevent erosion and sedimentation problems.

- 000515
3. All equipment and vehicles brought into the ANF should be washed to the extent practicable prior to entry onto the ANF road system to prevent the accidental introduction of undesirable or non-native invasive species not normally found on the ANF.
 4. Pipeline should be installed in or immediately along road ROW where ever possible – Do not go cross country!

Case 243 - Project synopsis: Joe Gomola - layout was incomplete during site visit.

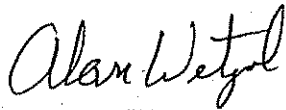
ITEMS	Wildlife Concerns & Determination	Comments
Wells - 8-4, 19, 25, 39, 41, 44, 45, 55, 56, 66, 72, 73, 13 -3, 4, 5, 6	OK	Only 6 stakes were found by Joe. Most stake locations are OK. Mature forest and early stage mature. Because stakes were missing at 19, 4 and south it was difficult to project the potential for impact to the boulder complexes.
43	See comment	Well stake 43 is in a spring seep, no suitable alternative within 100'. Should be dropped.
Pipeline	See comment	Use existing or newly proposed roads.
Roads	See comment	Slopes are very steep in places.

Case 244 - Project synopsis: Ava Turnquist and Al Wetzel

ITEMS	Wildlife Concerns & Determination	Comments
Wells 7-7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19	See comment	Stake locations are OK. Mature forest and early stage mature. Bear den log near well 16 should be avoided. Well 20 was dropped completely. Wells 17 & 19 will be visible from SR 948. Well 7 access should come directly off FR 103. Well 11 is less than 100 feet from FR 103.
Wells 21, 22	See comment	Wells 22 and 21 still appear to be less than 100' from the hemlock wetlands noted in our predevelopment site report.
Pipeline	See comment	Use existing or newly proposed roads.
Roads	See comment	The road system as proposed and agreed upon will daylight a large area of previously unbroken canopy. Eliminate the spur roads to wells 8 and 9. Road impacts can be decreased by eliminating some roads such as long north-south road to well 14 and revamping the road to wells 12, 11, and 7. These impacts can be decreased by using shorter but steeper spurs off of FR 103. Access road to well 18 was changed from parking area to well from the west. The road between wells 16 and 10 can be eliminated.

Case 245 - Project synopsis: Al Wetzel

ITEMS	Wildlife Concerns & Determination	Comments
Wells D-13, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 12-2, 3, 4	OK	Stake locations are OK. Mature forest and early stage mature.
Pipeline	See comment	Use existing or newly proposed roads.
Roads	See comment	<ul style="list-style-type: none"> - The bridges crossing of Rock Run were eliminated during PDC. - Wells 25, 26 and 27 are on very steep slopes. - Drop the road segment between wells 33 & 34. - All access to 25, 26, 27 28, 29, 30, 31, 32, & 33 should come from FR 163. - Access to well 34 should come through the pit off FR 162 and stop there. Do not connect to well 33.



Alan Wetzel
BRD Wildlife Biologist
August 27, 2007

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