

**Bradford Ranger District
OGM Resource Review – Wildlife**

USDA - Forest Service
Allegheny National Forest
Duhring Resources Inc., Case Number: B-029, 8 wells
To: Sheldon Winters, OGM Administrator
Date: August 19, 2008

1. Background

Duhring Resource Inc. is proposing to construct 8 wells and associated access roads, two cross-country pipelines, and transmission lines. Developments are located on Warren County, Sheffield Township, in Lot 9 within the West Fork Run watershed. Access is provided by Forest Roads 148 and 162 and other lease roads. Approximately 9.6 acres of forestland will be affected. For additional information on these wells and the expected timelines of this proposal, please refer to the OGM Case Information Sheet and project map(s) in the case file.

2. Present Condition of Wildlife Habitat

Physical Features

Date of field check: August 14, 2008

Field Check Complete: yes

Terrain, aspect, range of slope: moderate to relatively steep hillside, east/southeast, 20-40%

Soil conditions: generally well-drained throughout except near springs

***Rock outcrops and boulders:** none

***Water sources, wetlands, vernal pool, floodplain, and riparian corridors:**

- a) Road to Well D-40 – crosses a large spring 50 feet southwest of Well P3
- b) Road to Well D-40 – crosses a large entrenched spring 75 feet northeast of Well D-40
- c) Road to Well D-39 – parallels a section of West Fork Run on 25% slope
- d) Well D-39 – is positioned above West Fork Run on 25% slope, in addition, a seasonal spring is located 75 feet north of Well D-39

* These resources are considered non-renewable, unique, specialized or particularly sensitive to human development. If the proposed actions directly or indirectly affect these features, the project is expected to comply with the Standards and Guidelines of the ANF Land and Resource Management Plan. The project design will implement conservation measures to eliminate or reduce potential impacts on these resources.

Habitat Description

Forest types and conditions: Sapling and young pole-size and mature stands of Allegheny hardwoods and mature stands of mixed upland hardwoods consisting of black cherry, red maple, sugar maple, black and yellow birch, and beech. Cucumber-tree and white ash are minor component species in the area. Overstory vegetation in or near Wells D-35, D-40, and D-41 is 25 -30 years old (a regeneration cut/or blowdown).

Understory vegetation: Beech and birch saplings are common. Sugar maple poles near Well D-40 and hophornbeam near Wells D-38 and D-39 are minor component species of the understory. In addition, a trace of gooseberry was noted near Well D-42.

Primary ground cover: Hay-scented fern, deer tongue grass, flat-topped aster, blackberry, and Christmas fern were most frequently observed. Other species noted but in limited numbers include violets, Canada mayflower, field bindweed, goldenrod, partridge-berry, bedstraw, jack-in-the pulpit, crooked stalk, green sedge, wide-leaf sedge, whorled wood aster, wood anemone, wood sorrel, Indian pipe, foamflower, greenbrier, New York fern, wood fern, short husk grass, mushroom (2 species undetermined), and moss (2 species undetermined). Beech and red oak seedlings were also observed.

Unique plant communities: none

Raptor or heron nests: none

Noxious or Invasive weeds: none

Wildlife Usage: Field evidence was found that the young and mature hardwood forest serves as suitable breeding and foraging habitat for deer, wild turkey, wood thrush, raven, dark-eyed junco, song sparrow, and ruby-throated hummingbird.

Specialize habitat (winter range, etc): none

3. Threatened and Endangered Species Status and Habitat in the Project, Effects and Determinations, and Recommended Conservation Measures (RCM)

Responsibility

This project is not a federal action, on a non-federal mineral lease, but impacts National Forest land. It is the responsibility of the mineral owner to comply with the Endangered Species Act.

Critical Habitat of 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.

3.1 Indiana Bat (*Myotis sodalis*)

There are no documented occurrences in project area. Past surveys for timber sales throughout the region failed to capture one. Suitable roosting and foraging habitat is provided by the sapling/young pole-size and mature forest habitat in the project. The FR 148 and 162 corridors, numerous lease roads, pipelines, and electric lines may serve as travel routes and foraging habitat.

A 'may affect, but not likely to adversely affect' determination is reached since a change in roosting and foraging habitat would result from the project with the removal of commercial-size trees. Based on current survey data, the species has not been found here. Case B-029 is not likely to affect the Indiana bat due to the limited scope of the project, species use on the ANF has been shown to be very rare, and the vast amount of suitable habitat available to the species (remains substantially unchanged) across the Forest. No RCM are necessary.

3.2 Small Whorled Pogonia (*Isotria medeoloides*)

There are no documented occurrences in project area. The field reconnaissance was slightly outside the survey protocol window. Past surveys for timber sales and OGM project in the immediate vicinity of Case B-029 and throughout this watershed have failed to detect the species. One species, partridge-berry, commonly associated with this orchid was observed. According to the Forest SWP model, the project area does not have moderate to high potential habitat. Because no preferred oak forest type present, the model indicates the project has no moderate to high potential habitat, the field survey failed to find it, there are no previously documented occurrences of the species, but one commonly associated species was observed, and potential hardwood forest habitat would change as a result of the project, a 'may affect, but not likely to adversely affect' determination is reached for the small whorled pogonia. No RCM are necessary.

3.3 Northeastern Bulrush (*Scirpus ancistrochaetus*), Northern Riffleshell (*Epioblasma torulosa*), and Clubshell Mussel (*Pleurobema clava*)

There are no documented occurrences or suitable habitat provided for these species in the project area. As a result, a 'no effect' determination is reached for these species. No RCM are necessary.

During the review of the Plan of Operation, if known occurrences of federally listed, proposed, threatened, or endangered species are located in the vicinity of proposed mineral developments, this will be documented in a letter to the operator and copied to the U.S. Fish and Wildlife Service Field Office in State College, PA. The responsibility to comply with the Endangered Species Act will rest with the operator. The letter will direct the operator to contact the Fish and Wildlife Service to resolve issues related to threatened and endangered species prior to proceeding with any tree cutting or earth disturbance.

4. Regional Forester Sensitive Species (RFSS) Status and Habitat in the Project, Impacts and Determinations, and Recommended Conservation Measures (RCM)

Land directly impacted by this proposal does not provide suitable habitat for 54 of the 61 listed ANF RFSS. Currently, these 54 species have not been documented (historically) in the project and suitable habitat (for any of these species) is not found in the area and would not be impacted by this proposal. As a result, a 'no impact' determination has been reached for 54 RFSS and these species will not be addressed (further) in this report.

4.1 Northern Goshawk (*Accipiter gentiles*)

There are no documented occurrences of the species but nesting and foraging habitat is found in the project area. Field surveys did not detect any active northern goshawk nests in Case B-029. There are no (known) active or inactive goshawk territories in or near the project area. The project will alter early structural and mature hardwood forest habitat and a limited amount of suitable nesting and foraging habitat would change as a result of the project. Consequently, a

'may impact individuals, but not likely to cause a trend toward federal listing or loss of viability' determination is reached. No RCM are necessary.

4.2 Timber Rattlesnake (*Crotalus horridus*)

The closest documented occurrences have been recorded 2.25 miles from the project area. Past surveys for timber sales and OGM projects in this watershed failed to observe one. No winter den or basking sites are found in the project area. The early structural and mature hardwood forest habitat in this area provides suitable foraging habitat. The new construction would alter foraging habitat as young as well as mature forest would be directly affected. Rattlesnake foraging habitat is readily available across the project and the ANF. Although no confirmed documentation of species exists for the area, Case B-029 has a 'may impact individuals, but not likely to cause a trend toward federal listing or loss of viability' determination for the timber rattlesnake. No RCM are necessary.

4.3 Hooker's Orchid (*Platanthera hookeri*), American Ginseng (*Panax quinquefolius*), Mountain Wood Fern (*Dryopteris campyloptera*), Checkered Rattlesnake Plantain (*Goodyera tessellata*), White Trout Lily (*Erythronium albidum*)

These species are associated with mid to late hardwood forest. There are no documented occurrences in the project area. Past surveys for timber sales and other OGM projects throughout this watershed have failed to detect these species. The mature hardwood forest throughout much of Case B-029 is considered suitable habitat. Considering there are no documented occurrences of these species in the West Fork Run watershed, but suitable habitat occurs or would be altered by the project, Case B-029 reaches a 'may impact individuals, but not likely to cause a trend toward federal listing or loss of viability' determination for these rare plants. In addition, the direct impact of the project is not substantial due to the project's limited scope and suitable habitat remains widely available across the ANF. No RCM are necessary.

5. Protection of Sensitive or Specialized Habitats (recommended conservation measures)

Well D-35 – no biological / environmental concerns (proceed as planned)

Well D-36 – no biological / environmental concerns (proceed as planned)

Well D-37 – no biological / environmental concerns (proceed as planned)

Well D-38 – no biological / environmental concerns (proceed as planned). The stream buffer appears adequate at this spot. Recommend that the majority of the pad be constructed upslope to maintain the stream buffer.

Well D-39 - Road to Well D-39 – for approximately 400 feet, this new road parallels a section of West Fork Run on 25% slope and is within 300 feet of the stream (increasing the risk of sedimentation).

Recommendation: Increase the buffer between the road and stream by using the flagged 'center-line' as the lower edge of this new road. The result would be higher 'cut' on the hillside and the 'fill' kept further away from the stream.

Well D-39 is positioned above West Fork Run on 25% slope. In addition, a seasonal spring is located 75 feet north of this well.

Recommendation: Move the well center and pad construction 25 to 50 feet upslope (west) further away from the stream creating additional buffer zone. Avoid moving the well any further north toward the seasonal spring.

Well D-40 - Road to Well D-40 – crosses a large spring 50 feet southwest of Well P3.

Recommendation: Place a minimum 24" culvert at this spring crossing.

Road to Well D-40 – crosses a large entrenched spring 75 feet northeast of Well D-40.

Recommendation: Place a minimum 24" culvert at this spring crossing. Since this spring is deeply entrenched additional measures are recommended to keep sediment out of this stream. Fiber-mat and a limestone application on the crossing are recommended.

Limestone-lining of roadside side ditches is also recommended.

Move Well D-40 approximately 50 feet southwest to create an additional buffer between this well and spring.

Well D-41 - no biological / environmental concerns (proceed as planned)

Well D-42 - no biological / environmental concerns (proceed as planned)

Additional Recommendations:

1. The current drainage pattern around existing Well P3 needs corrected.
2. Drainage on the existing road needs corrected in the vicinity of the high-tension electric line for 250 – 350 feet. This area is southwest of Well D-42.

District Wildlife Biologist,

/s/ Terry Steffan