

USDA - Forest Service, Allegheny National Forest, Marienville Ranger District
OGM Review for Threatened, Endangered and Sensitive Species
Duhring Resources Inc., Case M139
4 wells with roads and pipelines and one cross-country road
Date: June 12, 2008 File Codes: 2600/2800

1.1 Introduction and Background

Administrator: Lauren Miles	Total Acres Impacted: 5.9
Access: Forest Road 131.3	Watershed: Mudlick Run

This project would construct four wells with roads and pipelines plus one cross-country gas pipeline. This project is located west of Spring Creek and Forest Road 131.3 and south of Straight Run. For additional information and the expected timelines of this proposal, please refer to the OGM Case Information Sheet and project map(s) in the case file.

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 and with the Standards and Guidelines of the ANF Land and Resource Management Plan (Sections 2600 and 2800, Forest Plan, March 30, 2007).

2.1 Present Condition of Wildlife Habitat

2.2 Physical Setting and Features

Date of field check:	June 11, 2008
Terrain, aspect and range of slope:	Moderately steep hillside, variable, 1 to 10%
*Soil conditions:	Generally well-drained soils, some rocky surface
*Rock outcrops and boulders:	A few low flat rocks at two sites, an abundance of rocks and small boulders in another area, no unique habitat
*Water sources, wetland, vernal pools, floodplain, and riparian conditions::	- 2 seasonal (ephemeral) springs are located near Well 3672-26 - 1 large spring is crossed by the gas pipeline, 50 feet from FR 131.3
* Raptor or heron nests:	An inactive raptor nest was observed 1,000 feet from one proposed well. Active goshawk territories are located a short distance west of the project area and two miles east of the project.
Other:	---

* 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.

2.3 Habitat Description

Primary forest types and conditions:	Mature Allegheny hardwoods consisting of black cherry, red maple, black birch, and sugar maple. Yellow birch is a minor component of the overstory.
Secondary habitats and conditions:	None
Primary understory vegetation:	Sugar maple and beech seedlings and poles are common. Birch is a minor component of the understory. At lower elevations along FR 131.3 and near the proposed cross-country pipeline, hophornbeam, ironwood, hawthorn, and apple are found.
Primary ground cover:	<p>Hay-scented fern, blackberry, shining clubmoss, tree clubmoss, and short husk grass were most frequently observed. Other dominant species include Canada mayflower, trillium, crooked stalk, wild oats, Indian cucumber-root, partridge-berry, violet, starflower, wood sorrel, green sedge, moss (3 species undetermined), bracken fern, New York fern, wire grass, and mushroom (species undetermined).</p> <p>At lower elevations along FR 131.3 and near the proposed cross-country pipeline, foamflower, bugleweed, jack-in-the-pulpit, cinnamon fern, flat-topped aster, yellow sedge, Christmas fern, goldenrod, cinquefoil, jewelweed, bedstraw, dandelion, burdock, may-apple, orchard grass, colts-foot, and king devil are found. Red maple, black cherry, beech, juneberry, and birch seedlings were also observed.</p>
Unique Plant communities:	None
Noxious or Invasive weeds:	Colts-foot, orchard grass, dandelion, and king devil were observed along FR 131.3 (generally in trace amounts).
Key wildlife habitats or usage:	The hardwood forest serves as suitable breeding and foraging habitat for deer, chipmunk, ovenbird, scarlet tanager, hermit thrush, red-eyed vireo, black-billed cuckoo, robin, rose-breasted grosbeak, dark-eyed junco, and yellow bellied sapsucker.
Specialize habitat (winter range, etc):	None
Other:	None

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

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.

Species	Status and Habitat in the Project	Determinations and Conservation Measures (CM)
Indiana Bat	No documented occurrences in project. Past surveys for timber sales throughout the region failed to capture one. Suitable roosting and foraging habitat is provided by the hardwood forest habitat in the project. The FR 131 corridor and other lease roads may serve as travel routes and foraging activities may occur along their edges.	A 'may affect, but not likely to adversely affect' determination is reached since a change in roosting or foraging habitat would occur as a result of the project. Based on survey data, the species has not been found here. Case M139 would not adversely 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 CM anticipated.
Small Whorled Pogonia	No documented occurrences in project. The field reconnaissance was slightly outside the survey protocol window. Past surveys for timber sales and OGM project in the immediate vicinity of Case M139 and throughout this watershed have failed to detect the species. Two species, partridge-berry and bracken fern, commonly associated with this species was observed. According to the Forest SWP model, two of the proposed wells may be positioned in high potential habitat. However, much of this environment has little chance of supporting this orchid due to dense overstory and understory (competing) vegetation.	Based on habitat factors: no preferred oak forest type is present, a range (high to none) of potential habitat exists within the project, there are no previously documented occurrences, the field survey failed to find it, the scope of the project is limited, but a change in forested habitat would occur, a 'may affect, but not likely to adversely affect' determination is reached for the small whorled pogonia. No CM anticipated.
Northeastern Bulrush	No documented occurrence or habitat in the project	No effect' determination. No CM anticipated.
Northern Riffleshell	No documented occurrence or habitat in the project	No effect determination. No CM anticipated.
Clubshell Mussel	No documented occurrence or habitat in the project	No effect determination. No CM anticipated.

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.

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

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.

Species	Status and Habitat in the Project	Determinations and Conservation Measures (CM)
Northern Goshawk	There are no documented occurrences of the species but suitable nesting, roosting, and foraging habitat is found in the project. Field surveys did not detect a active northern goshawk nest in Case M139. There are no (known) active or inactive goshawk territories in the project area. Active goshawk territories are located a short distance west of the project area and two miles east of the project. This project is expected to have no direct or indirect effect on these territories.	The project would alter forest habitat and foraging, roosting, and nesting habitat would change as a result of the project. As a result, a 'may impact individuals, but not likely to cause a trend toward federal listing or loss of viability' determination is reached. No CM anticipated.
Timber Rattlesnake	The closest documented occurrences have been recorded 1.75 miles from the project. Past surveys for timber sales and OGM projects in the watershed failed to observe one. No potential winter den or basking sites are located in Case 139. The hardwood forest (here) provides suitable foraging habitat.	The new construction would result in a change in foraging habitat. Documented den and basking habitat is not present and foraging habitat is readily available across the ANF. Case M139 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 CM anticipated.
Hooker's Orchid, American Ginseng,	These species are associated with mid to late structural hardwood forest. There are no	There are no documented occurrences of these species in this watershed. Suitable habitat would be altered by

Mountain Wood Fern, Checkered Rattlesnake Plantain, White Trout Lily	documented occurrences in the project. Past surveys for timber sales and other OGM projects throughout this watershed have failed to detect these species. The hardwood forest throughout Case M139 is considered suitable habitat.	the project. Case M139 reaches a 'may impact individuals, but not likely to cause a trend toward federal listing or loss of viability' determination for these rare plants. Effects of the project are not substantial due to the project's limited scope and suitable habitat remains widely available across the ANF. No CM are necessary
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5.1 Maintenance and Protection of Unique or Specialized Habitat

- A. **Well 3672-26** - two seasonal/ephemeral (a small and large) springs are located near the pad and a short distance north of the pad. These drainages would be crossed by the proposed access road.

Recommend moving the well site 35 feet to the south and direct the smaller seasonal drainage to the northeast around the pad. Install a small culvert pipe and implement erosion and sedimentation measures to stabilize soils. Install a large culvert pipe in the large intermittent drainage (north of the pad) crossed by the proposed access road. Implement erosion and sedimentation measures to stabilize soils.

- B. **Cross-country pipeline** - One large spring is crossed by the proposed gas pipeline. This spring is located approximately 50 feet from where the pipeline would cross FR 131.3.

Recommend keeping the trench as narrow as possible when crossing the spring. Choose a dry period to operate within the waterway. Keep the trench open as short a time period as possible. Rehabilitate the drainage (stream-bed and banks) back to its original configuration. Keep impacts to forest and ground cover vegetation to a minimum to help stabilize soils. Implement erosion and sedimentation measures (as necessary) to maintain water quality. If possible, use limestone in the roadside ditch to stabilize soils and slow sediments.

District Wildlife Biologist,

/s/ Terry Steffan

