

**QUESTIONS ON USE OF
THE RECORD OF DECISION AND STANDARDS AND GUIDELINES
For Amendments to the Survey and Manage, Protection Buffer, and other Mitigation
Measures Standards and Guidelines (January 2001)**

SIGNED DECISIONS

- *Q. Questions regarding "Application to Existing Decisions" [Record of Decision (ROD) pages 17-19].*

A. Answers to these questions are found in the March 20, 2001, memoranda from the Forest Service (1920/2430) and Bureau of Land Management [[Instruction Memorandum \(IM\) No. OR-2001-036](#)]. Please refer to those memos.

HABITAT-DISTURBING ACTIVITIES

- *Q. What is required, if anything, regarding determination of whether or not an action is a habitat-disturbing activity? It is unclear as to what leeway is possible and appropriate. What documentation is necessary for the determination?*

A: This is addressed on Standards & Guidelines (S&G) page 22. "Line officers should seek specialists' recommendations ...". It is expected that biologists and botanists, using the Survey Protocols (SPs) and Management Recommendations (MRs), as well as considering the nature of the habitat to be disturbed and the nature of the activity proposed, would make recommendations to the line officer about the likelihood of significant effects. It would be logical to document the decision.

- *Q. Regarding habitat-disturbing activities for "those disturbances likely to have a significant negative impact on the species' habitat," how will "significant" be determined (S&G page 22)?*

A: This is a judgment call by the line officer, in consultation with the appropriate specialists. The elaboration in the second paragraph on S&G page 22 explains "the line officer should consider the probability of the species being present on the project site, as well as the probability that the project would cause a significant negative effect on the species habitat or the persistence of the species at the site."

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- *Q. Let us assume that a timber sale is planned that implements the new Survey and Manage (S&M) ROD with a project National Environmental Policy Act (NEPA) decision in June 2001. Then the 2001 Species Review process in September adds a new species that*

could be in this unit's boundaries. Since the project NEPA planning referenced the January 2001 S&M species table, would this decision need to change to follow direction for the September 2001 S&M table?

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A: Under the given scenario, pre-disturbance surveys for species that were added or moved into Categories A, B, or E of Table 1-1 are not required because the NEPA decision pre-dates the new Table 1-1 (see S&G page 24). For known sites of species added to a revised Table 1-1 (out in September 2001) after the NEPA decision, but prior to the sale date of the project, the "Application of Manage's Known Sites Direction" would apply (S&G page 24). In this particular case, when the NEPA decision is signed in June and the new list comes out in September, known sites for rare species on the list would typically be managed, and uncommon species on the list may also be managed on a case-by-case basis, depending upon the circumstances. If the project only had a decision in June, but was also sold prior to the release of the new Table 1-1 in September, site management for these new species is not required.

In a different scenario, if the NEPA Decision was made in September and the approved transmittal of the new Table 1-1 occurred prior to that, in June for instance, then the NEPA Decision must incorporate management of all known sites for these newly added species present within the project.

In both situations described above, grace periods apply for pre-disturbance surveys and are described in detail on the bottom of S&G page 23 and top of page 24.

- *Q. Under what circumstances is aerial fertilization considered to be a habitat-disturbing activity?*

A: S&G page 22 describes habitat-disturbing activities and calls for consideration of the potential species present, as well as the nature of the habitat and the proposed disturbance. This is the same language that has been used by the agencies since it was issued in memo form on November 1, 1996. Each circumstance is different and there is no blanket list of activities which are or are not habitat-disturbing actions. See the MRs and evaluate the likelihood of effects to the species that could be present at the site.

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- *Q. Please define the differences between "habitat disturbing" and "ground disturbing." Please give some examples of what constitutes activities that would be and would not be habitat or ground-disturbing activities, as well as address projects that do not cause a significant negative impact.*

A. "Habitat" disturbing better describes the focus of concern than does "ground" disturbing. There is a description and examples in the first paragraph on S&G page 22. For further discussion, see the interagency Instruction Memorandum of November 1, 1996. To evaluate level of impacts, see SPs and MRs for more specifics about particular taxa.

PRE-DISTURBANCE SURVEYS

- *Q. What does "minimize inadvertent loss of undiscovered sites" for Category A species mean (S&G pages 7 and 8)?*

A. Pre-disturbance surveys are practical for "Category A" species. These surveys are required before a decision is made to disturb species habitat. When sites of these species are found, they will be managed. The combination of pre-disturbance surveys and site management will "minimize" inadvertent loss of undiscovered sites.

- *Q. How would "reduce the inadvertent loss of undiscovered sites" for Category B species happen (S&G page 9)?*

A. This refers to reducing the inadvertent loss of sites in the future. The question is answered, specifically, on page S&G page 9: "The Agencies will not sign NEPA decisions or decision documents for habitat-disturbing activities in old-growth forest...in fiscal year 2006 (fiscal year 2011 for fungi) and beyond, unless either:

- 1) Strategic Surveys have been completed for the province that encompasses the project area, or
- 2) Equivalent-effort surveys have been conducted in the old-growth habitat to be disturbed."

- *Q. Are any "buffer" areas required for survey when conducting pre-disturbance surveys?*

A: Refer back to the protocol and the procedures for each species or taxa group; the S&M ROD did not change the existing protocols. Some protocols request survey outside the proposed project area where projects could modify habitat (e.g., microclimate) and could adversely affect individuals of S&M species that may be present.

- *Q. How long are "pre-disturbance surveys" valid before they have to be redone?*

A: This would differ, depending on species or taxa group and the activities that have occurred within the general area since the surveys were conducted. Unless a specific time limit is stated in the SP, use professional judgment. Take into consideration activities that may have displaced individuals from adjacent stands and the potential for migration and/or pioneering of the various species into the area.

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- *Q. The ROD expanded the range requiring pre-disturbance surveys for *Cypripedium montanum* from the Klamath Province to the entire Northwest Forest Plan (NFP) area. Does a grace period apply for surveys in the newly expanded areas?*

A: *Cypripedium montanum* was in the 1994 ROD for the western Cascades, not the Klamath Province. The 2001 ROD expanded S&M requirements to the complete range of this species in

the NFP area, effective February 11, 2001. There is an approved SP for this species that should be applied to NEPA decisions "... signed in the calendar quarter following the first full survey season (as defined in the protocol) after the expanded range is confirmed" (S&G page 24).

- *Q. For projects which would not have signed NEPA decisions until 2004 or 2005 (such as hydro relicensing), will we have to continually update the list of species requiring survey throughout the duration of planning for the project? That is, if we conduct surveys this year based on species that are currently listed in Table 1-1 of the ROD, will we have to reevaluate and perhaps do additional surveys as the list (Table 1-1) changes as a result of the annual species review?*

A: In the scenario described - yes, re-evaluation is needed after each new Table is officially adopted to determine whether there are new species that require surveys that were not on the Table previously. Once a species is added to the Table, surveys are required although there is a "grace period" affecting when the surveys must be initiated. See the bottom of S&G page 23 for a lengthy description of the grace period for new species additions to the S&M list. See top of S&G page 24 for range extensions of species already on the S&M list.

- *Q. What habitat do we have to survey for mollusk species *Pristoloma articum crateris*?*

A: The ROD and accompanying S&Gs did not change the definition of potential habitat for any of the species listed in Table 1-1. Until they are revised, surveys are to be done according to the existing SPs (S&G page 32). Please refer to SPs for definitions of suitable habitat, key features, and triggers for the need to survey.

- *Q. Please clarify an apparent conflict between existing SPs which state: "All 3 visits may occur in the fall or the spring (i.e., spring surveys are not required)" and S&G page 39 which says for Larch Mountain Salamander: "Sites must be identified based on fall surveys conducted using a standardized protocol."*

A: There is a discrepancy between direction on S&G page 39 and the SP for Larch Mountain Salamander. In this situation, as a Category A species, follow the direction as outlined on S&G page 8 which dictates that surveys be done in accordance with SPs. Standardized SPs for the amphibians were prepared as required for Component 2 species under the 1994 ROD and were transmitted in 1996. Revised protocols were officially transmitted on October 18, 1999. According to S&G page 23, these existing SPs are still in effect. Follow the standardized, approved SPs for Larch Mountain Salamander (October 18, 1999; BLM IM OR-2000-004; FS: 1920/2600).

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- *Q. The ROD assigned two snails (*Monadenia chaceana* and *Helminthoglypta hertleini*) to Category B. However, the ROD added mitigation for these species that requires "equivalent-effort" pre-disturbance surveys. The habitat descriptions for these species are rather ambiguous. Can more discrete habitat descriptions be prepared for use this year, or can we use professional judgment in the field to refine habitat descriptions for survey?*

A: These two species are in Category B because of the difficulty in determining the exact identification of these two species. The habitat definition in the protocol is rather general. However, there is not sufficient information at this time to support refining the habitat for these species either by the taxa team or by field staff. Follow the existing SPs as written S&G page 23.

PRE-DISTURBANCE SURVEYS - Equivalent Effort

- *Q. For five of the mollusk species now requiring "equivalent effort" pre-disturbance surveys (Derocerus hesperium, Helminthoglypta hertleini, Hemphilla pantherina, Monadenia chaceana, and Pristoloma articum crateris), will new SPs be created or can we just follow existing SPs?*

A: Protocols will be "adjusted to deal with the ... factors ... that make determining the presence of the species unlikely" (S&G page 26). Until that time, however, follow the existing protocols for these five species. S&G page 32 states "Equivalent-effort surveys for five of the eight species will simply continue to follow the Survey Protocols previously in use under Category 2 of the Northwest Forest Plan."

- *Q. Please describe the differences between equivalent effort and pre-disturbance surveys.*

A.: The difference between the two types of surveys is explained on S&G pages 25-26.

- *Q. Is the intent of "equivalent effort" surveys to focus surveys on old growth habitat only?*

A: There are two situations where equivalent effort surveys apply: to Category B species (which apply to old-growth stands as described on S&G page 25 and eight mollusk species (which may apply in any seral stage). For the first situation, the equivalent effort surveys for Category B species are needed for projects after 2006 (2011 for fungi) if Strategic Surveys have not been completed within the physiographic province. They are intended to be done in "old growth habitat to be disturbed" (S&G page 9). The second situation, the additional mitigation measure for mollusks, is not restricted to old growth and requires completion of equivalent effort surveys (S&G Page 32) to all new projects as described in the protocols.

PRE-DISTURBANCE SURVEYS - Fire

- *Q. Can large acreage projects, such as prescribed fires, use a sampling method for pre-disturbance surveys in lieu of current survey procedures?*

A. Only if the approved SP allows for a sampling type of survey for the species. It is not appropriate to use sampling methodology when the SP calls for complete surveys for the area affected. It is possible that future SPs could describe ways to sample large areas. However, until that happens you must follow the SP as written. Exceptions from pre-disturbance surveys of wildland fire for resource benefits are described on page S&G page 22 and require Regional

Ecosystem Office (REO) review for non-wilderness areas.

- *Q. Will minimizing inadvertent loss of undiscovered sites of Category A species preclude the use of prescribed fire?*

A. Surveying for and managing (when found) Category A species is the method used to minimize inadvertent loss of undiscovered sites. Minimizing inadvertent loss of sites does not necessarily preclude prescribed fire, but because surveys are required, it may, depending on such factors as the scale of the proposed project, how many sites are found, and where they are located within the project. In some cases prescribed fire is consistent with managing the sites (see S&G pages 8, 22). Refer to the species specific MRs for more direction.

HABITAT

- *Q. Why are S&M surveys being conducted in "oak woodlands" for species that are supposed to be Late-Successional Old Growth (LSOG) associates?*

A: LSOG is not limited to conifers and could include oak woodlands. According to the S&Gs, SPs can identify conditions "where occupied sites, if present, are likely incidental, non-viable, or otherwise not important for meeting overall species persistence objectives" (S&G page 23). Although this language will permit future SP authors to exempt incidental habitats, it does not mean there is a seral stage or forest type that could be exempted from surveys across the board. For some species, important populations may exist in oak woodlands and continued surveys may be required.

- *Q. The definition of "old growth" is vague. Will the units be allowed to determine what old growth is?*

A: The glossary (S&G pages 79-80) describes the characteristics of old growth forest as it pertains to the S&M ROD and S&Gs. The Glossary and S&Gs, however, do not re-define old growth as used elsewhere in the NFP or its various implementation policies and practices. Field units ultimately have to determine which stands meet these definitions.

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- *Q. Why are we doing surveys in 50-60 year old stands if the S&Gs for S&M are very focused on emphasizing late-successional habitat?*

A: The species identified in Table 1-1 of the ROD are considered to be closely associated with LSOG habitat. However, in many cases, that is not the only habitat in which they are found. Since these species are considered rare or uncommon, there may be important populations within younger stands, particularly those with relic habitat components. Check the pre-disturbance SPs to determine the types of habitat and age classes in which surveys are required.

Habitat and age classes identified for pre-disturbance surveys may be refined in future versions of pre-disturbance SPs, because the new S&Gs permit Survey Protocols to identify conditions

"where occupied sites, if present, are likely incidental, non-viable, or otherwise not important for meeting overall species persistence objectives" (S&Gs page 23).

In addition to conserving the species in habitat where they are found by using pre-disturbance surveys, conducting Strategic Surveys in a range of age classes also helps to determine LSOG association for these species.

MANAGE KNOWN SITES

- *. Regarding the requirement to manage sites known as of September 30, 1999, for two mollusks (Monadenia churchi and Megomphix hemphilli), explain more about what is meant by "known." Known by whom? Recorded where? Data in Interagency Species Management System (ISMS)?*

A: See "known site" definition in the glossary (S&G page 76). The site does not have to be in ISMS to be considered a known site. If the agency had knowledge of a site on or before September 30, 1999, from any credible source, it is a known site.

- *Q. When do we begin to manage known sites? When they are discovered?*

A: Refer to ROD pages 17-19, additional guidance in the March 20, 2001, memoranda from FS (1920/2430) and BLM (IM No. OR-2001-036) and direction on S&G page 24.

However, if this question is asking when a site becomes a "known site," it is at the time you are aware of the existence of the site from any credible source (S&G page 76). So, once the agency is aware of a known site for a particular S&M species, the agency should follow the MR that is in place for that species. If a MR is not in place, then "professional judgment, Appendix J2 in the NFP Final SEIS (FSEIS), and appropriate literature will be used to guide individual site management for those species that do not have MRs" (S&G pages 8, 10, 12).

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- *Q. How does one manage Megomphix hemphilli properly?*

A. See Table 1-1, S&G page 49. This species is now in two separate categories depending on the individual site location. The "in Oregon" text on S&G page 32 could be misinterpreted to exclude California. Use the boundary definition as identified in the table on S&G page 49 which divides the range into two areas. The north area includes the entire part of the range north of the stated county lines. The southern area includes all the area within the range for this species south of the stated county line boundaries, including California. Note that footnote 5 on S&G page 51 applies to the southern part of the range and requires "management of sites known as of September 30, 1999."

- *Q. If a species was dropped from the S&M list, then we do not have to manage for it, right?*

A: It depends on the situation. Active projects may still have NEPA and contract obligations that must be considered [(see pages ROD 17-19 and March 20, 2001, memoranda from FS (1920/2430) and BLM (IM No. OR-2001-036)].

In addition, there are 22 species which were dropped from the S&M list that are being considered for the agencies' special status/sensitive species program (Table 1-2, footnote 1, S&G pages 52-54). We will manage known sites of these 22 species until that review is completed. For the other species dropped from the S&M list, continued protection/management is not warranted under the provisions of the ROD S&Gs.

- *Q. What was the explanation for managing known sites as of September 30, 1999, for Monadenia churchi?*

A. The explanation for the mollusk mitigation measures is found in the ROD, pages 13-16.

- *Q. Is there an approved MR for former Protection Buffer species Otidea smithii?*

A. Yes. You will find it in the October 1997 Management Recommendations for Survey and Manage Fungi, Version 2.0, Group 22.

- *Q. These are two related questions concerning when to consider fungi locations as known sites: Are identifications or verifications of voucher specimens needed? Do specimens need to be identified by mycologists at the Pacific Northwest Research Station or a university to be credible identifications?*

A: The answer to both questions is no. See the definition of "known site" on S&G page 76. Known sites do "not require additional species verification." Therefore, vouchering, identification or verification is not required for a location to be considered a known site. Regarding "a credible source," the unit's line officer should make the determination of credibility for accepting an identification. Refer to the "Surveyor Background/Qualifications/Skills" section in the SP as a guide for determining credible source. However, especially with complex taxa like fungi, vouchering specimens and expert verification of specimens when there could be uncertainty will help defend the credibility of the S&M Program and will assist future management in case of future taxonomic changes.

CATEGORY "C" OR "D" SPECIES - Species and High Priority Sites

- *Q. When making "local determinations" of "High Priority Sites" for Categories C and D species, who is the local interagency contact for the U.S. Fish and Wildlife Service (USFWS)?*

A: The designated S&M contacts in the U.S. Fish & Wildlife Service field offices that provide interagency concurrence are:

CALIFORNIA

Arcata FWO	Robin Hamlin	Ph: 707-822-7201
North Central Valley FWO	Ron Clementsen	Ph: 530-527-3043
Yreka FWO	Laura Finley	Ph: 530-842-5763

OREGON

Central Oregon FO	Dede Steele	Ph: 541-312-6423
Klamath Falls FWO	Doug Laye	Ph: 541-885-8481
Oregon FWO	Ray Bosch	Ph: 503-231-6179
Southwest Oregon FO	Scott Center	Ph: 541-957-3472

WASHINGTON

Wenatchee FO	Jeff Krupka	Ph: 509-665-3504
Western Washington FWO (MBS & OLY NFs) (GP NFs)	Cindy Levy Vince Harke	Ph: 360-753-7760 Ph: 360-753-9529

FWO=Fish and Wildlife Office
FO=Field Office

Contacts are likely to change through time. Your local contact will keep you informed of any changes.

- *Q. Can we expect any changes with the MR for the Red Tree Vole (RTV) and the protection requirements for confirmed active nest sites and prescribed under-burning? Does the ROD provide any flexibility for the RTV?*

A: In the long-term, as a Category C species, there will be more flexibility for managing this species once the MRs are written determining high-priority sites needed for continued species persistence. At this point it is premature to say whether there will be changes 'per se' regarding the management of the species and prescribed under-burning. In the short term, until the MRs are written, S&G page 10 defines a process by which units can document non-high priority sites not needed for persistence, on a case by case basis. This is expected to have a very limited application. Please call the S&M Program Manager prior to embarking on this process. In addition, there is a process that field units can use to identify occasional high-priority sites (that have been previously identified as high-priority in a MR) not needed for persistence (S&G page 10). This latter course of action requires review by the REO.

- *Q. How do you let the public know that "high priority" sites have been identified?*

A: MRs for Category C and D species will identify high-priority sites and these MRs will be summarized in the Annual Status Report and posted on the BLM Internet site (www.blm.gov/or/plans/surveyandmanage/). When non-high priority sites are identified, whether through the local case-by-case process (S&G page 10) or REO exemption process, the

NEPA document is the appropriate place for documentation.

- *Q. Is there a time limit for determining known sites for Category D species? That is, if sites are found after a certain date, do they still get protection (I thought the Draft or Final Environmental Impact Statement (EIS) had a cut-off date in it, after which sites would not require protection)?*

A: Alternative 2 in the Supplemental Environmental Impact Statement (SEIS) had this language. The S&Gs and the ROD, which are based on Alternative 1 in the SEIS, do not state a time limit for determining known sites.

STRATEGIC SURVEYS

- *Q. What is the status of Strategic Surveys?*

A: Strategic Surveys are ongoing and are continuing the effort started at a regional level for 1994 ROD Component 3 and 4 species. In FY2000 work was started on species beyond Components 3 and 4. During FY 2000 arthropod surveys, landscape level RTV surveys, Del Norte and Siskiyou salamander surveys, and random plot surveys on a grid system in four geographic areas were conducted (assessing bryophytes, lichens, vascular plants, fungi, and mollusks). In FY 2001 additional random plot surveys (approximately 450 plots) in all provincial areas, known site surveys for approximately 25 species, and additional surveys for RTV and Shasta salamander are underway. A more comprehensive Strategic Survey Implementation Guide, scheduled for completion later this year, will outline accomplishments as well as identify continuing or additional Strategic Survey needs.

BAT ROOST S&G

- *Q. The word "may" is confusing in the bat MR. What is meant by "may" on S&G page 38?*

A. There are only two choices: the agencies will either conduct surveys to determine bat presence, or assume presence without doing surveys.

- *Q. For bat structures, do bridges have to be abandoned?*

A: For application of this S&G, yes.

ANNUAL SPECIES REVIEW

- *Q. If a new species is added as a result of the annual species review, will we wait for the new SPs and MRs?*

A: For known site management, do not wait for MRs to be developed. The S&Gs for the

particular category containing the species (S&G pages 8, 10, and 12) say "professional judgment, Appendix J-2 in the Northwest Forest Plan Final SEIS, and appropriate literature will be used to guide individual site management for those species that do not have Management Recommendations." (For projects in which the NEPA decision has been made prior to the annual update of Table 1-1, please refer to question #4 above).

2) The second situation (S&G page 24, end of first full paragraph) involves the expansion of the range of a species where protocols have already been prepared. The survey requirement applies to NEPA decisions "... signed in the calendar quarter following the first full survey season (as defined in the protocol) after the expanded range is confirmed."

- *Q. With regard to the addition of a new species, what does published mean?*

A: Within this context, and in most cases, published means that a proposal for a new species will be printed in a recognized, peer reviewed, scientific journal, or its equivalent (S&G page 15-16). Scientists for some taxa recognize species as a result of other procedures such as Congresses. Printed proceedings or listings accepted by the scientific community for such taxonomic groups are likely to be acceptable.

- *Q. Given the number of known sites we currently have for Del Norte salamanders, what was the justification for placing the species within Category D (manage known sites and Strategic Surveys)?*

A. The reasons for species placement were given in the S&M FSEIS (November 2000) Appendix F, page 101, Table F-2.

- *Q. Given the number of known sites for the three "Protect from Grazing Species," what was the justification for requiring "equivalent effort" surveys for these species?*

A. The answer for this mitigation measure is in the ROD, pages 13-16. Further details regarding the species outcomes are in the mollusk section of Chapter 3&4, FSEIS.

- *Q. Is there another method of getting information to the Species Review Panels other than through ISMS?*

A. See S&G's page 15, the section entitled "Acquiring New Information Relative to Survey and Manage Species." Various entities including the general public, researchers, academic institutions and others could, through a data call or other channels listed on that page, provide new information on species for the Species Review. For the 2001 Annual Species Review, a letter has been sent to members of the public who commented previously on the SEIS and to agency field offices asking for additional information that may not be found in ISMS.

DATA MANAGEMENT - ISMS

- *Q. How can we make sure that "known" sites are counted?*

A: New known site information will be counted/analyzed annually during the species review process (S&G pages 17-18). The corporate database to be used in this process is the ISMS. Field offices are required to input their new site records into ISMS within 60 days after data collection (January 4, 2001, FS 1950/1736 and BLM Information Bulletin No. OR-2001-072). A request for data from the field prior to the Annual Species Review will be made to ensure that the most up-to-date information is counted.

MISC: ANNUAL STATUS REPORT

- *Q. What will be included in the Annual Status Report?*

A: Page 30 of the S&Gs describes, at a minimum, what would be included in the Annual Status Report. "The report will include, at a minimum, results of adaptive management changes, status of Management Recommendations and Survey Protocols, a summary of the Strategic Survey Implementation Guide (including the status of Strategic Surveys), status and results of ongoing monitoring, and important new management direction." ROD page 9 also describes items to be in the Annual Status Report.

MISC: NON-LSOG SPECIES

- *Q. In our Late Successional Reserve Plan we looked at the effects on non-LSOG species. Are agencies concerned with their persistence?*

A: Non-LSOG species are beyond the scope of the S&M ROD. They are addressed in the 1994 NFP FSEIS (pages 3&4-203 through 205) and in the individual land management plans of the administrative units.