

## **Sensitive Species - Key Policies and Requirements USDA Forest Service**

These are key **Forest Service Manual (FSM) 2670** references that apply to Forest Service designated **sensitive species**. This is **NOT** a complete listing of FSM Chapter 2670 contents.

See the complete Forest Service Manual “CHAPTER 2670 - **THREATENED, ENDANGERED, AND SENSITIVE PLANTS AND ANIMALS**” at:

<http://www.fs.fed.us/im/directives/fsm/2600/2670-2671.txt>

Additional FSM references on policy, responsibility, conservation strategies, etc. that relate to designated **sensitive species** are contained in a different FSM chapter (2620), and are given on page 6.

### **Forest Service definition of sensitive species** (FSM 2670.5):

#### 2670.5 Definitions

“19. Sensitive Species. Those plant and animal species identified by a Regional Forester for which population viability is a concern, as evidenced by:

- a. Significant current or predicted downward trends in population numbers or density.
- b. Significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution.”

### **Management for sensitive species, and delegation of sensitive species designation** (FSM 2672.1):

2672.1 - Sensitive Species Management. Sensitive species of native plant and animal species must receive special management emphasis to ensure their viability and to preclude trends toward endangerment that would result in the need for Federal listing. There must be no impacts to sensitive species without an analysis of the significance of adverse effects on the populations, its habitat, and on the viability of the species as a whole. It is essential to establish population viability objectives when making decisions that would significantly reduce sensitive species numbers.

2672.11 - Identification of Sensitive Species. Regional Foresters shall identify sensitive species occurring within the Region. They shall examine the following sources as possible candidates for listing as sensitive species:

1. Fish and Wildlife Service or National Marine Fisheries Service candidates for Federal listing (categories 1 and 2) under Federal Register Notice of Review.
2. State lists of endangered, threatened, rare, endemic, unique, or vanishing species, especially those listed as threatened under State law.
3. Other sources as appropriate in order to focus conservation management strategies and to avert the need for Federal or State listing as a result of National Forest management activities.

**Forest Service objectives for designated sensitive species** (FSM 2670.22, 2670.44 and 2672.32):

2670.2 - Objectives.

2670.22 - Sensitive Species.

1. Develop and implement management practices to ensure that species do not become threatened or endangered because of Forest Service actions.
2. Maintain viable populations of all native and desired nonnative wildlife, fish, and plant species in habitats distributed throughout their geographic range on National Forest System lands.
3. Develop and implement management objectives for populations and/or habitat of sensitive species.

2670.44 - Regional Foresters. The Regional Foresters:

5. Ensure that specific management objectives and legal and biological requirements for the conservation of endangered, threatened, proposed, and sensitive plants and animals are included in Regional and Forest planning, and ensure that planning for those species common to two or more Forests is coordinated among concerned units.

2670.45 - Forest Supervisors. The Forest Supervisors:

2. Develop quantifiable recovery objectives and develop strategies to effect recovery of threatened and endangered species. Develop quantifiable objectives for managing populations and/or habitat for sensitive species.

2672.32 - Forest Plan Objectives for Sensitive Species. For sensitive species, include objectives in Forest plans to ensure viable populations throughout their geographic ranges. Once the objectives are accomplished and viability is no longer a concern, species shall not have “sensitive” status.

**Forest Service policies for designated sensitive species** (FSM 2670.32):

2670.3 - Policy

2670.32 - Sensitive Species

1. Assist States in achieving their goals for conservation of endemic species.
2. As part of the National Environmental Policy Act process, review programs and activities, through a biological evaluation, to determine their potential effect on sensitive species.
3. Avoid or minimize impacts to species whose viability has been identified as a concern.
4. If impacts cannot be avoided, analyze the significance of potential adverse effects on the population or its habitat within the area of concern and on the species as a whole. (The line officer, with project approval authority, makes the decision to allow or disallow impact, but the decision must not result in loss of species viability or create significant trends toward Federal listing.)
5. Establish management objectives in cooperation with the States when projects on National Forest System lands may have a significant effect on sensitive species population numbers or distributions. Establish objectives for Federal candidate species, in cooperation with the FWS or NMFS and the States.

**Forest Service responsibilities for designated sensitive species** (see FSM 2670.4):

2670.4 - Responsibility

2670.42 - **Deputy Chief for National Forest System.** The Deputy Chief for National Forest System:

5. Approves the Forest Service portion of recovery objectives and completion dates for threatened, endangered, and sensitive species.

2670.43 - **Director of Wildlife, Fish and Rare Plants, Washington Office.** The Director, Wildlife, Fish and Rare Plants Staff, Washington Office:

1. Recommends Forest Service policies, programs, and procedures for conservation of endangered, threatened, proposed, and sensitive species of plants and animals on National Forest System lands or involving State and Private Forestry programs.

2. In cooperation with Forest Service Research, identifies research needs for threatened, endangered, proposed, and sensitive species.

3. Coordinates Forest Service programs for the conservation of threatened, endangered, proposed, and sensitive species with other agencies, organizations, and groups concerned with management of and research on those species.

4. Coordinates with all concerned units the planning and management activities for species common to two or more Regions.

6. Nominates Forest Service members to recovery teams for those species with distributions in two or more Regions.

7. Interprets policy and regulations relative to lawsuits, appeals, and public inquiries regarding threatened, endangered, and sensitive species.

2670.44 - **Regional Foresters.** The Regional Foresters:

1. Formulate and coordinate the overall Regional Threatened, Endangered, and Sensitive Species Program to ensure compliance with law and policy.

2. Coordinate Regional programs with States and other Federal agencies, groups, and individuals concerned with the management of threatened, endangered, and sensitive species.

3. Ensure that Forest Service involvement in State and Private Forestry programs complies with requirements of law and policy.

4. Establish programs to determine which endangered, threatened, proposed, and sensitive plant and animal species occur on National Forest System lands and which species may be involved with State and Private Forestry programs.

5. Ensure that specific management objectives and legal and biological requirements for the conservation of endangered, threatened, proposed, and sensitive plants and animals are included in Regional and Forest planning, and ensure that planning for those species common to two or more Forests is coordinated among concerned units.

6. Recommend research needs for endangered, threatened, proposed, and sensitive species in the Region.

7. Develop Forest Service recovery strategies to implement approved Recovery Plans. Apportion recovery objectives among Forests. In cooperation with the FWS and States, establish recovery objectives in the absence of, or interim to, approved Recovery Plans; integrate these objectives with Regional and Forest Plans.

8. Identify and approve management strategies to achieve conservation.

9. Ensure that standards for biological evaluations are met (FSM 2672.42) for all Regional programs and activities.

15. Approve closures of National Forest System lands as necessary to protect habitats or populations of threatened, endangered, proposed, or sensitive species (36 CFR 261.70).

**2670.45 - Forest Supervisors.** The Forest Supervisors:

1. Ensure that legal and biological requirements for the conservation of endangered, threatened, and proposed plants and animals are met in Forest land and resource management planning; ensure compliance with procedural and biological requirements for sensitive species.

2. Develop quantifiable recovery objectives and develop strategies to effect recovery of threatened and endangered species. Develop quantifiable objectives for managing populations and/or habitat for sensitive species.

4. Determine distribution, status, and trend of threatened, endangered, proposed, and sensitive species and their habitats on Forest lands.

5. Coordinate Forest programs with other Federal agencies, States, and other groups and individuals concerned with the conservation of threatened, endangered, proposed, and sensitive species.

**2670.46 - District Rangers.** The District Rangers:

1. Ensure compliance with legal and biological requirements for the conservation of threatened, endangered, and proposed species in District land management and project planning; ensure compliance with procedural and biological requirements for sensitive species.

2. Identify, manage, and protect essential and critical habitats to meet legal requirements and recovery objectives for Federally listed species; identify, protect, and manage habitat necessary to meet sensitive species objectives.

3. Coordinate District activities with interested State and Federal agencies, groups, and individuals concerned with the conservation of threatened, endangered, proposed, and sensitive species.

5. Prohibit the taking of threatened and endangered species of plants and animals except under FWS or NMFS permits. Prohibit the collection or taking of sensitive plants except as authorized by Regional policy.

### **Biological Evaluations** (FSM 2672.4)

2672.4 - Biological Evaluations. Review all Forest Service planned, funded, executed, or permitted programs and activities for possible effects on endangered, threatened, proposed, or sensitive species. The biological evaluation is the means of conducting the review and of documenting the findings. Document the findings of the biological evaluation in the decision notice. Where decision notices are not prepared, document the findings in Forest Service files. The biological evaluation may be used or modified to satisfy consultation requirements for a biological assessment of construction projects requiring an environmental impact statement.

**2672.41 - Objectives of the Biological Evaluation**

1. To ensure that Forest Service actions do not contribute to loss of viability of any native or desired non-native plant or contribute to animal species or trends toward Federal listing of any species.

2. To comply with the requirements of the Endangered Species Act that actions of Federal agencies not jeopardize or adversely modify critical habitat of Federally listed species.

3. To provide a process and standard by which to ensure that threatened, endangered, proposed, and sensitive species receive full consideration in the decisionmaking process.

#### 2672.42 - Standards for Biological Evaluations

In order to meet professional standards, biological evaluations must be conducted or reviewed by journey or higher level biologists or botanists (FSM 2634). Biological evaluations shall include the following:

1. An identification of all listed, proposed, and sensitive species known or expected to be in the project area or that the project potentially affects. Contact the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) as part of the informal consultation process for a list of endangered, threatened, or proposed species that may be present in the project area.
2. An identification and description of all occupied and unoccupied habitat recognized as essential for listed or proposed species recovery, or to meet Forest Service objectives for sensitive species.
3. An analysis of the effects of the proposed action on species or their occupied habitat or on any unoccupied habitat required for recovery.
4. A discussion of cumulative effects resulting from the planned project in relationship to existing conditions and other related projects.
5. A determination of no effect, beneficial effect, or "may" effect on the species and the process and rationale for the determination, documented in the environmental assessment or the environmental impact statement.
6. Recommendations for removing, avoiding, or compensating for any adverse effects.
7. A reference of any informal consultation with the Fish and Wildlife Service as well as a list of contacts, contributors, sources of data, and literature references used in developing the biological evaluation.

2672.43 - Procedure for Conducting Biological Evaluations. A suggested procedure for conducting and documenting findings of a biological evaluation is outlined in exhibit 1.

These are **FSM 2620** references that apply (or may apply if they also are “management indicators”) to designated **sensitive species**. This is **NOT** a complete listing of FSM Chapter 2620 contents.

See the complete Forest Service Manual “CHAPTER 2620 - **HABITAT PLANNING AND EVALUATION**” at:

<http://www.fs.fed.us/im/directives/fsm/2600/2620.txt>

2620.1 - Authority. FSM 2600 Zero Code contains the general authorities related to the management of wildlife, fish, and threatened and endangered species habitat. Specific authorities for direction in this chapter are the Fish and Wildlife Conservation Act of September 15, 1960, also known as the Sikes Act (FSM 2601.1), and Part 219 of the Code of Federal Regulations (FSM 2601.1). In addition to these authorities relevant to habitat planning and evaluation, the Secretary of Agriculture's Policy on Fish and Wildlife, Department Regulation 9500-4 (DR 9500-4), directs the Forest Service to:

1. Manage "habitats for all existing native and desired non-native plants, fish, and wildlife species in order to maintain at least viable populations of such species."
2. Habitat must be provided for the number and distribution of reproductive individuals to ensure the continued existence of a species generally throughout its current geographic range.

2620.2 - Objectives. The broad objective of habitat planning and evaluation is to provide habitats to meet goals and objectives for wildlife and fish, including endangered, threatened, and sensitive animal and plant species set forth in land and resource management plans.

Specific objectives are to:

1. Integrate habitat planning into land management and project plans to meet National, Regional, and local objectives for wildlife and fish, including threatened, and endangered and sensitive animal and plant species.
2. Provide a sound base of information to support management decision-making affecting wildlife and fish, including endangered, threatened, and sensitive animal and plant species, and their habitats.
3. Identify opportunities and management strategies to maintain and improve habitats throughout the National Forest System.
4. Coordinate forest planning for wildlife and fish with State comprehensive planning conducted pursuant to the Fish and Wildlife Conservation Act, as amended by the Sikes Act (FSM 2601, item 6). Include in Forest plans and projects objectives required by the Act.
5. Achieve Service-wide consistency in how habitats of wildlife, fish, sensitive, and threatened and endangered species are evaluated and considered in land and resource management planning.

2620.3 - Policy.

1. Use management indicators to address issues, concerns and opportunities for plants, wildlife, fish, and sensitive species habitats through all planning levels.
2. Provide habitat management direction to support recovery of Federally-listed species. Provide habitat management direction to ensure maintenance of viable populations generally well-distributed throughout their current range.
3. Evaluate the cumulative effects of proposed management activities on habitat capability for management indicators.
4. Specify in forest plans and project plans the standards, guidelines, and prescriptions needed to meet identified habitat goals and objectives for wildlife and fish, including endangered, threatened, and sensitive animal and plant species.
5. Monitor management indicators to evaluate compliance of management activities with plan direction, effectiveness of prescribed management, and validity of information used in habitat evaluation and planning.

2620.4 - Responsibility.

2620.42 - Director, Wildlife and Fisheries. The Director provides advice to field units to ensure Service-wide consistency in how habitats of wildlife and fish, including endangered, threatened and sensitive animal and plant species are evaluated and considered in land management plans and projects.

2620.43 - Regional Forester. Each Regional Forester has the authority and responsibility to:

3. Approve Regional guidelines for evaluating and displaying wildlife and fisheries program results and values in Regional guides and Forest plans.
4. Ensure Region-wide consistency in standards, technologies, and methods used in habitat planning and evaluation and monitoring of wildlife and fish resources.
5. Coordinate conservation strategies and habitat planning for those species distributed over more than one Forest and coordinate these activities with the States, other Federal agencies, and others.
6. Coordinate with adjacent Station Directors to ensure that habitat planning needs, such as testing and refinement of habitat models and development of monitoring techniques, are included in programs of research.

2620.44 - Forest Supervisor. Each Forest Supervisor has the authority and responsibility to:

3. Coordinate conservation strategies and habitat planning for species limited in distribution to the forest with the States, other Federal agencies, and others.
4. Evaluate the cumulative effects of proposed management on habitat capability for wildlife and fish, including endangered, threatened, and sensitive animal and plant species.

2620.45 - District Ranger. Each District Ranger has the authority and responsibility to:

2. Implement management direction and ensure that standards and objectives for wildlife and fish, including endangered, threatened, and sensitive animal and plant species are met.

2621.2 - Determination of Conservation Strategies. To preclude trends toward endangerment that would result in the need for Federal listing, units must develop conservation strategies for those sensitive species whose continued existence may be negatively affected by the forest plan or a proposed project. To devise conservation strategies, first conduct biological assessments of identified sensitive species. In each assessment, meet these requirements:

1. Base the assessment on the current geographic range of the species and the area affected by the plan or project. If the entire range of the species is contained within the plan or project area, limit the area of analysis to the immediate plan or project area. If the geographic range of the species is beyond the plan or project area, expand the area of analysis accordingly.
2. Identify and consider, as appropriate for the species and area, factors that may affect the continued downward trend of the population, including such factors as: distribution of habitats, genetics, demographics, habitat fragmentation, and risk associated with catastrophic events.
3. Display findings under the various management alternatives considered in the plan or project (including the no-action alternative).

2622.01 - Authority. In the USDA Decision of Review of Administrative Appeals of the Beaverhead National Forest Land and Resource Management Plan of August 17, 1989, the Office of the Secretary interpreted the requirements of 36 CFR 219.19 and DR 9500-4 (sec. 2620.1) to require that plans should identify or be amended to identify known sensitive species and provide forest standards and guidelines that ensure conservation when an activity or project is proposed that would affect the habitat of a sensitive species. A forest plan must address biological diversity through consideration of the distribution and abundance of plant and animal species, and communities to meet overall multiple-use objectives.

1. Management direction in a forest plan shall contribute to the recovery of Federally listed threatened or endangered species (Endangered Species Act, 36 CFR 219.19).
2. Management of habitat provides for the maintenance of viable populations of existing native and desired non-native, wildlife, fish (36 CFR 219.19), and plant species (USDA Regulation 9500-4) generally well distributed throughout their current geographic range (sec. 2620.01).
3. Management of those plant and animal communities identified in Regional Guides or Forest Plans as issues that warrant special measures achieves overall multiple-use objectives (36 CFR 219.8, 219.12(b), 219.27).
4. Management direction in a forest plan shall include objectives for selected management indicators (36 CFR 219.19). Specify the following for plant and animal species, communities, and/or special habitats identified as major Forest Plan issues or as management indicators in the plan:
  - a. Standards and guidelines for protection, viability, recovery, or restoration as appropriate to meet overall multiple-use objectives (36 CFR 219.27);
  - b. The expected future conditions in terms of distribution and abundance of populations or habitats to meet overall multiple-use objectives (36 CFR 219.11; 219.26);
  - c. The schedule for monitoring and evaluation of standards, guidelines, and objectives for plant and animal species, communities (36 CFR 219.27); and
  - d. The discussion of any proposed type conversions. If any conversion results in a reduction in diversity, explanation must be provided as to why the conversion is necessary to achieve multiple use objectives (36 CFR 219.27).