DECISION MEMO
Plantation Forest Health Project – Murder Creek Watershed

USDA Forest Service
Southern Region, Chattahoochee-Oconee National Forests
Oconee Ranger District
Murder Creek Watershed
Putnam County, Georgia

I. DECISION

A. Description of Decision

I have decided to carry out the pre-commercial thinning for forest health, long-term wildland fire hazard reduction and wildlife habitat improvement on approximately 312 acres on the Oconee Ranger District. The compartments in the Murder Creek Watershed Management Area, listed in Table 1 will be pre-commercially thinned over the next several years as funding permits.. No new roads (temporary or permanent) will be required to implement this decision. Existing SPB spots will be treated, if need be, through the fell to waste method.

The following compartments are proposed for treament. Individual stands scheduled for pre-commercial thinning are identified on the included map and in Table 1.

WATERSHED	ACRES	COMPARTMENTS
Murder Creek	312	133, 140, 142, 144, 145, 146, & 151

B. Purpose of Decision

The proposed action is to pre-commercially thin loblolly pine plantations 17 years of age or younger. The majority of these sites were harvested in the 1990's, mechanically site prep'ed (KG Blade or roller chopped), prescribed burned, and planted. Pre-commercial thinning will consist of spacing the understory seedling and sapling sized trees (trees less than 5.0 inches in diameter at breast height). Phenotypically superior trees (tallest, straightest, healthiest, etc.) will be selected as leave trees. The few hardwood trees that exist will be retained except for sweetgum, elm and red maple. The average spacing will vary from 12 to 16 feet depending upon the stand age.

The thinning will be accomplished predominantly by a contract hand crew using chainsaws or brush cutters. The Forest Service will administer the contract. Boundaries of pre-commercial thinning areas will be marked in orange paint. A maximum stump height of 8 inches will be allowed. No new roads (system or temporary) will be required. Those sites where mechanical thinning is acceptable (see Table 1) may utilize mowers, chippers or small shear head equipment in order to facilitate research into new technology/equipment. Hand crews are significantly cheaper than mechanical thinning and relatively few acres are anticipated to be treated mechanically. Georgia Best Management Practices for Forestry (BMP's) and Forest Plan standards related to riparian corridor management (equipment limitations and erosion protection) would apply to all treatments.
These actions are expected to occur over the next several years dependent upon funding levels.

Pre-commercial thinning activities consist of spacing phenotypically superior (taller, straighter trees with no obvious deformaties or diseases) so that the remaining trees are not competing for sunlight, moisture or nutrients. This has a number of benefits including:

- Reduces the risk of Southern Pine Beetle infestation (overstocked plantations are highly susceptible)
- Trees grow to a larger size (diameter) sooner. This is especially beneficial for cavity nesting birds such as the endangered red-cockaded woodpecker.
- Increased sunlight reaching the forest floor increases ground cover production and improves the wildlife habitat value of these stands for certain species.
- Reduces long-term extreme fire hazard by spacing out the tree crowns; short-term fire hazard is increased due to fuel accumulation associated with the pre-commercial thinning until the debris naturally breaks down or the site is prescribed burned 2-3 years after the thinning.
- Increased dispersed recreation use once the trees are spaced out and the understory slash has broken down or been treated to facilitate hiking/walking. Current stand conditions prohibit use by most recreationists.

The proposed action of pre-commercial thinning overstocked pine plantations on the Oconee Ranger District accomplishes several desired future conditions as stated in the Chattahoochee-Oconee National Forest Land and Resource Management Plan (LRMP; January 2004). Listed are some of the goals that will be accomplished through these project proposals:

1. Goal 51 – Contribute to the conservation and recovery of the red-cockaded woodpecker (Picoides borealis) until species viability is assured throughout its range and it is no longer listed as an endangered species under the endangered species act.
2. Goal 58 – Reduce the risks and consequences of wildfire through fuel treatments that restore and maintain conditions of the fire regime Condition Class 1 to the extent practicable.
3. Goal 1 – Contribute to the viability of native and other desirable wildlife species.
4. Goal 3 – Enhance, restore, manage and create habitats as required for wildlife and plant communities, including disturbance-dependent forest types.
5. Goal 31 – Provide a spectrum of high quality, nature-based recreation settings and opportunities, that reflect the unique or exceptional resources of the Forest and the interests of the recreating public on an environmentally sustainable, financially sound, and operationally effective basis. Adapt management of recreation facilities and opportunities as needed to shift limited resources to those opportunities.

In the recent revision to the Land and Resource Management Plan for the Chattahoochee-Oconee National Forests (Revised Forest Plan; 01/2004) compartments 133, 140, 142, 144, 145, 146, & 151 are predominantly MA 8.D Red-Cockaded Woodpecker Habitat Management Areas. All compartments contain 9.H Management, Maintenance and Restoration of Plant Associations. In addition, all compartments have MA 11 – Riparian Corridors along streams. All proposed treatments are located with Management Area 8.D prescriptions. The use of pre-commercial thinning is consistent with the management area direction for each of the Management Areas proposed for treatment.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1 or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

The specific category – identified in the Forest Service Handbook 1909.15, "Environmental Policy and Procedures" Section 31.2 – is described below:

> **Category** 31.2(10):" Hazardous fuels reduction activities using prescribed fire, not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres;" AND there are no extraordinary circumstances related to the Proposed Action.

B. Relationship to Extraordinary Circumstances

The District interdisciplinary team for the Plantation Forest Health Project(s) conducted the environmental analysis. The ID team consisted of the following individuals:

Bill Nightingale – District Ranger
Melissa Anderson – Engineer
Tim Walker – Forester
Kelvin Jackson – Forest Technician
Elizabeth Caldwell – Wildlife Biologist
David Fowler – Recreation Technician
Tony Wild – Fire Management Officer
James Wettstaed - Archaeologist

The team reviewed the extraordinary circumstances as defined in the Forest Service Handbook 1909.15, Section 30.3. Upon review, the team determined that none of them apply to the pre-commercial thinning project(s).

1. Steep Slopes or Highly Erosive Soils -

   a. Rolling to flat, the terrain is conducive to the activities included in the decision. This is supported by topographical map review and field visits (see Planning Record). Field observations of similar past projects in these areas were determined to have no significant soil-related impacts.

2. Threatened and Endangered Species or Their Critical Habitat -

   a. The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. In accordance with Section 7(c) of this Act, a list of the listed and proposed, threatened or endangered species that may be present in the project area was requested from the U.S. Fish and Wildlife Service (see

Planning Record). The information indicated that the activities are Not likely to adversely impact threatened or endangered species within the vicinity of the project area(s) – see BE in project planning record.

3. Floodplains, Wetlands, or Municipal Watersheds -

   a. *Floodplains*: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, ". . . the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

   b. The project will not result in the occupancy or modification of a floodplain. This decision will not affect floodplains.

   c. *Wetlands*: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, ". . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

   d. This decision does not include activities within wetlands. This has been validated by map and site-review (Planning Record).

   e. To further ensure that wetlands-related impacts are minimized, "State of Georgia Best Management Practices" (BMP's) will be utilized. No mechanized or earth disturbing activities will occur in or adjacent to wetlands.

   F. *Municipal Watersheds*: There are no source water/municipal watersheds on National Forest lands on the Oconee National Forest. This decision will not affect municipal watersheds.

4. Congressionally Designated Areas -

   a. There are no Wilderness, National Recreation Areas, or Wild and Scenic Rivers designated on the Oconee National Forest.

5. Inventoried Roadless Areas -

   a. There are no inventoried roadless areas (RARE II or Forest Plan) in the decision area (Forest Plan FEIS & ROD 2004). This decision will not affect inventoried roadless areas.

6. Research Natural Areas -

a. There are no Research Natural Areas in the decision area. This decision, with impacts limited to the immediate area of activity, will not affect Research Natural Areas.

7. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas -

a. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision (Planning Record). A 'no properties affected' determination was made. Consultation on this finding occurred with the State Historic Preservation Office (Planning Record).

b. Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes (Planning Record). The intent of this consultation has been to remain informed about Tribal concerns.

c. No tribal concerns were identified for this project (Planning Record).

8. Other

a. No other extraordinary circumstances related to the project were identified (Planning Record).

III. PUBLIC INVOLVEMENT

The Eatonton Messenger in Eatonton, Georgia received notification of the project and a legal notice was printed on April 20th, 2006 edition of the newspaper. This information was also posted on the Chattahoochee – Oconee Forest website.

Scoping letters were sent out to 71 interested persons on the same date. Representatives of the Georgia Department of Natural Resources and the US Fish and Wildlife Service were also consulted.

A recent Federal Court decision in Earth Island Institute v. Ruthenbeck invalidated the provisions of 36 CFR Part 215 that excluded categorical exclusions from notice, comment and appeal. The District Court

further clarified that its order is to be applied prospectively after July 7, 2005 nationwide. Since this project is now subject to the Court order, I am making this project subject to a formal notice and comment period. A legal notice, describing the project and initiating a 30 day comment period was published in the Eatonton Messenger on April 20th, 2006. A letter containing similar information was also sent to individuals and organizations concurrent with the scoping period

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

In the recent revision to the Land and Resource Management Plan for the Chattahoochee-Oconee National Forests (Revised Forest Plan; 01/2004) compartments 133, 140, 142, 144, 145, 146, & 151 are predominantly MA 8.D Red-Cockaded Woodpecker Habitat Management Areas. All compartments contain 9.H Management, Maintenance and Restoration of Plant Associations. In addition, all compartments have MA 11 – Riparian Corridors along streams. All proposed treatments are located with Management Area 8.D prescriptions. The use of pre-commercial thinning is consistent with the management area direction for each of the Management Areas proposed for treatment.

For water quality management, the direction of Georgia state approved "Best Management Practices" (BMPs) will be met through implementation of the LRMP standards for this project. These BMPs are from State water quality management plans and have been designed with the goal of producing water that meets or exceeds State water quality standards. The project will be monitored to ensure the desired effects of BMPs are achieved. If effects are significantly higher than anticipated because of unforeseen site factors or events, appropriate corrective measures will be considered and implemented.

The Multiple Use Sustained Yield Act, the National Environmental Policy Act, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and the National Historic Preservation Act and their implementing regulations apply to the planning and implementation of this decision.

Forest Plan Consistency
As required by the National Forest Management Act, I have determined that this project is consistent with the Forest-wide standards for all Management Areas. Pre-commercial thinning will not lead to any violations of federal, state, or local laws imposed for the protection of the environment. This will be assured by carrying out the actions consistent with the standards and guidelines, management requirements, and mitigating measures established in the Revision to the Land and Resource Management Plan for the Chattahochee-Oconee National Forest (Revised Forest Plan; 01/2004).

Endangered Species Act - See Section II, Item B2 of this document.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. Potential effects of this decision on sensitive species (Regional Forester approved the sensitive species list) have been analyzed and documented in a Biological Evaluation (Planning Record). This decision will have "no impact" on sensitive species population viability.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices and Forest Plan standards. This decision incorporates Best Management Practices and Forest Plan standards to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) - See Section II, Item B3 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B3 of this document.

Clean Air Act - Under this Act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. The entire Oconee National Forest is classified as Class II airshed. A greater amount of additional human-caused air pollution may be added to these areas. Pre-commercial thinning is not expected to have any measurable impact on air quality based upon past experience and knowledge.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. No known cave resources will be affected by this decision.

National Historic Preservation Act - See Section II, Item B7 of this document.

Archaeological Resources Protection Act - See Section II, Item B7 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B7 of this document.

Wild and Scenic Rivers Act - See Section II, Item B4 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

V. ADMINISTRATIVE REVIEW OR APPEAL

A recent Federal Court decision in Earth Island Institute v. Ruthenbeck invalidated the provisions of 36 CFR Part 215 that excluded categorical exclusions from notice, comment and appeal. The District Court further clarified that its order is to be applied prospectively after July 7, 2005 nationwide. Since this project is now subject to the Court order, I have made this project subject to a formal notice and comment period. A legal notice, describing the project and initiating a 30 day comment period was published in the Eatonton Messenger on April 20th, 2006. A letter containing similar information was also sent to individuals and organizations during the scoping period.

This decision is not subject to appeal pursuant to 36 CFR 215.12. No substantive comments expressing concerns were received during the 30 day comment period relating to the proposed action(s) analyzed and documented in the environmental analysis (36 CFR 215.12(e)(1)).

VI. IMPLEMENTATION DATE

As per 36 CFR 215.7(b)(3), when no substantive comments are received during the 30 day comment period relating to the proposed action(s) analyzed and documented in the environmental analysis, implementation of this decision may occur immediately after publication (36 CFR 215.9 c) of a decision document. I plan to carry out this project beginning in 2006, and continue as funding permits for the next few years. If funding conditions do not allow for implementation, these areas will be carried over to the future year(s) under the same guidelines and without further documentation.

VII. CONTACT PERSON

For further information concerning this decision contact Bill Nightingale, Oconee Ranger District, 1199 Madison Road, Eatonton, Georgia 31024. Telephone (706) 485-7100 between the hours of 8:00 am to 4:30 pm Monday thru Friday.

VIII. SIGNATURE AND DATE

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1 or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the Planning Record.

_____ _____

William B. Nightingale Date
District Ranger

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COMP_NO	STAND_NO	ARCHAEOLOGICAL SURVEY_NUM	SOIL MAPUNIT	ACRES	Hand Thinning	Mechanical Thinning	Forest Plan Management Prescription		WATERSHED SUBTOTAL
133	27	88GA08I02	PaC3	12.7	YES	NO	8.D		
140	25	88GA08I02	HwD2	17.9	YES	YES	8.D		
140	32	88GA08I02	LoE2	16.6	YES	YES	8.D		
140	36	89GA08I01	HeC	8.8	YES	YES	8.D		
142	40	88GA08I02	HeB2	10.3	YES	YES	8.D		
144	19		PaB2	13.8	YES	NO	8.D		
144	20	88GA08I02	GwE2	4.1	YES	YES	8.D		
144	20	88GA08I02	PaD3	11.4	YES	YES	8.D		
145	1	87GA08I05	PaC2	41.8	YES	YES	8.D		
145	18		HeC2	12.9	YES	NO	8.D		
145	19	87GA08I05	PaD2	12.5	YES	YES	8.D		
145	20	87GA08I05	PaC2	15.1	YES	YES	8.D		
145	22	87GA08I05	HeB2	9.4	YES	YES	8.D		
145	28	88GA08I02	PaD2	6.2	YES	YES	8.D		
145	43	87GA08I05	PaD2	5.8	YES	YES	8.D		
146	8	85GA08S07	WkD2	27	YES	NO	8.D		
146	9	85GA08S07	WkD2	22	YES	NO	8.D		
146	12	85GA08S07	PaB2	7.3	YES	NO	8.D		
146	13	85GA08S07	PaC2	14.4	YES	NO	8.D		
146	29	85GA08S07	PaC2	12	YES	NO	8.D		
151	9	88GA08I02	PaD2	15.2	YES	YES	8.D		
151	13	88GA08I02	PaE2	14.9	YES	YES	8.D		
Murder Creek Watershed									312.1