

Upper Williams Watershed Improvement Environmental Assessment Decision Notice & Finding of No Significant Impact

August 2008

I. Introduction

This Decision Notice and Finding of No Significant Impact (DN/FONSI) documents my decision regarding projects analyzed in the Upper Williams Watershed Improvement Environmental Assessment (EA). The following pages describe the improvement projects, the location of the project area, my decision, the activities selected for implementation, the reasons for my decision, the public involvement process used, alternatives considered, findings required by laws and regulations, information about opportunities to appeal, and people to contact about the project.

II. Background

In 2000, the Monongahela National Forest completed a watershed assessment of the Upper Williams River watershed. The watershed assessment characterized the various natural resource conditions within the watershed and identified opportunities to improve those conditions. The environmental assessment for this project analyzes and discloses the potential effects related to improving watershed and aquatic conditions in the Upper Williams River watershed.

The Upper Williams River Watershed Improvement project area encompasses 24,800 acres in the headwaters of the Williams River. The project area is located approximately 10 miles west of Marlinton, West Virginia in Pocahontas County (see Map DN-1). The area includes about 11 miles of the Williams River main stem, from the confluence of Sugar Creek upstream to its headwaters. Major drainages within the project area include Beaverdam Run, Downy Run, Mountain Lick Run, Black Mountain Run, Day Run, Big Laurel Creek, Little Laurel Creek, and Sugar Creek. There are also many unnamed perennial and non-perennial channels in the area.

III. Forest Plan Direction

The Monongahela National Forest began implementing its first Land and Resource Management Plan (Forest Plan) in July of 1986. The 1986 Forest Plan was revised recently, resulting in a new, 2006 Forest Plan. The Record of Decision for the 2006 Forest Plan was signed on July 7, 2006, and implementation of the 2006 Forest Plan began on October 23, 2006.

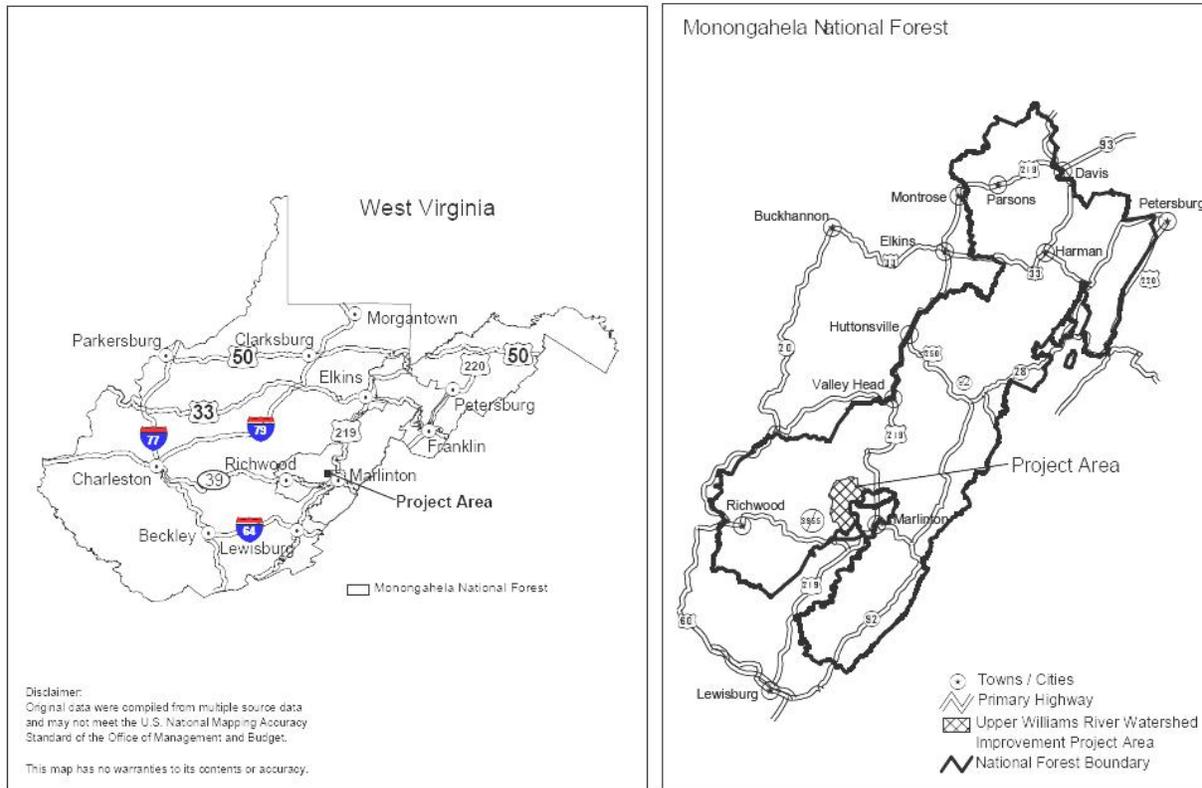
The 2006 Forest Plan, and its accompanying Final Environmental Impact Statement and Record of Decision, specify direction for managing resources on the Forest. They contain Forest-wide

Map DN-1

Upper Williams River Watershed Improvement Project

Vicinity Map
Monongahela NF

Map 1-1



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and area-specific desired conditions, goals, objectives, standards, and guidelines that provide for land uses with anticipated resource outputs.

Implementation of the Upper Williams River watershed improvement projects is consistent with Forest Plan direction and works toward a number of goals and objectives identified in the plan. Key Forest Plan goals and objectives that provide direction for the proposed projects are listed in Table DN-1.

Table DN-1. Key Forest Plan Goals and Objectives Related to the Upper Williams River Watershed Improvement Projects		
Forest Plan Management Direction		
Goal	SW31	Maintain, enhance, or restore vegetation conditions that provide: a) Ecological functions of riparian, wetland, and aquatic ecosystems. b) Canopy conditions that regulate riparian and stream temperature regimes for native and desired non-native fauna and flora. c) Natural recruitment potential for large woody debris and other sources of nutrient inputs to aquatic ecosystems.

Table DN-1. Key Forest Plan Goals and Objectives Related to the Upper Williams River Watershed Improvement Projects		
Forest Plan Management Direction		
		<ul style="list-style-type: none"> d) Bank and channel stability and structural integrity. e) Habitat and habitat connectivity for aquatic and riparian-dependent species and upland species that use riparian corridors. f) Buffers to filter sediment.
Goal	WF04	<p>Manage cold water streams to maintain or restore suitable habitat and native aquatic communities.</p> <ul style="list-style-type: none"> a) During watershed or project-level analysis, identify and prioritize opportunities to improve water temperature and other habitat conditions. b) Restore connectivity in currently fragmented habitat where the risk of genetic contamination, predation, or competition from undesired fish species is not a concern. c) Use stream improvement structures where desirable to maintain or improve pool/riffle ratios, stream cover, and bank stability.
Objective	WFO7	Reduce aquatic habitat fragmentation associated with the Forest transportation system by correcting 30-50 passage barriers, according to aquatic priorities, over the next 10 years. Correct existing passage problems with bridges, open bottom arches, or other structures that restore or simulate channel conditions that facilitate upstream and downstream passage of aquatic organisms, or remove barriers when roads are decommissioned or closed.
Objective	WFO8	Actively restore aquatic and riparian habitat conditions in 30-50 miles of stream over the next 10 years. Activities that restore or improve the natural structure and function of channel and riparian conditions may include the installation of instream structures, large woody debris loading, riparian fencing, riparian planting, and bank and channel stabilization.
Objective	RF03	Over the next decade, decommission or reclaim at least 30 miles of roads that are no longer needed for achieving access management objectives. These can include system roads and old woods roads. Actions may range from full obliteration to administratively removing a road from the transportation system as long as it poses no resource impacts without additional rehabilitation efforts.

IV. Decision

I am the responsible official for the Upper Williams Watershed Improvement analysis and am authorized to make this decision. Based on my review of the Upper Williams Watershed Improvement EA, supporting information in the project file, and public and internal comments received throughout the process, it is my decision to implement the Proposed Action, as described in this decision (see attached map). This decision includes a small modification to the initial Proposed Action in that approximately 2/3 of FR 170 (1.0 mile) will be put into storage rather than decommissioned. The remaining portion of FR 170 (0.5 mile) will be decommissioned. The culverts will be removed on this 1.0 mile of road put into storage. This modification is based on comments received during the 30-day comment period.

I have reviewed the resource effects documented in the April 2008 draft Upper Williams Watershed Improvement EA (which was made available for public review) and the final July, 2008 Upper Williams Watershed Improvement EA. I find the effects of modifying this action are within the scope of the analysis by reducing the miles of decommissioned road to 20.2 miles from 21.2 miles and increasing the miles of road put into storage from 1.2 miles to 2.2 miles. This action will still reduce sediment flow and improve water delivery to Black Mountain Run.

This decision includes:

- An estimated 20.2 miles of roads will be decommissioned. See Table DN-2 for a list of roads to be decommissioned.
- An estimated 2.2 mile of road will be put into storage. See Table DN-2 for roads to be placed into storage.
- Aquatic species passage will be improved at two road crossings (FR 999 and FR 216).
- Channel structure will be improved along three miles of stream in Black Mountain Run, Mountain Lick Run and a portion of the Williams River main stem by adding large woody debris.
- Three areas of bank instability along the Williams River main stem, approximately 300-750 feet in length each, will be stabilized using boulder structures and revegetation.
- Approximately five acres of riparian planting will occur at sites along the Williams River main stem and lower reaches of Little Laurel Creek to provide shade and long-term large woody debris recruitment.
- Erosion and runoff will be corrected, if necessary, at the Black Mountain mine site.

**MAP DN-2
Project Map**

Table DN-2. Roads To Be Decommissioned or Placed In Storage						
Road	Action	Length (mi.)		Road	Action	Length (mi.)
FR 170	Decommission/ storage	0.5/1.0		M 169	Decommission	0.7
FR 170A	Decommission	0.4		M 170	Storage	0.5
FR 171	Decommission	0.9		M 171	Decommission	0.8
FR 216A	Decommission	2.4		M 171A	Decommission	1.2
FR 216B	Decommission	1.5		M 174	Decommission	0.3
M 132	Storage	0.7		M 176	Decommission	1.2
M 137	Decommission	0.4		WR 10	Decommission	0.5
M 139	Decommission	0.7		WR 11	Decommission	0.3
M 140	Decommission	0.7		WR 12	Decommission	0.2
M 142	Decommission	0.9		WR 15	Decommission	0.2
M 144	Decommission	0.6		WR 22	Decommission	0.5
M 145	Decommission	0.3		WR 27	Decommission	0.2
M 147	Decommission	0.4		WR 33	Decommission	0.3
M 151	Decommission	0.4		WR 6	Decommission	0.1
M 154	Decommission	1.0		WR 7	Decommission	0.7
M 157	Decommission	0.1		WR 8	Decommission	0.4
M 158	Decommission	1.1		WR 9	Decommission	0.3

All alternatives have been designed to meet applicable state and federal laws and regulations, Forest Service policy and directives, and Forest Plan standards and guidelines. The practices or features shown below will be used with the Selected Alternative to help meet Forest Plan direction.

Mitigation Measures and Monitoring for the Selected Alternative

Mitigation measures were developed to be used as part of the action alternative. These mitigations measures were developed to minimize, reduce, or eliminate some of the potential resource impacts from the proposed activities and maintain the environmental quality of the Upper Williams River watershed.

Road Decommissioning: Mulching, liming, fertilizing, seeding exposed soils, and installing temporary silt fences in areas where the road crosses streams will minimize the movement of sediment off site.

Seeding will be done with an annual grass and a non-invasive seed mixture if needed. Often in these soil types native grasses do not establish quickly enough to prevent gully or sheet erosion;

therefore it may be justified to use a more aggressive seed mixture that does contain non-native species as long as those species are not considered to be invasive. Consultation with the Forest Ecologist will occur prior to the purchasing and application of the seed mixture.

Road Storage: Culverts will be removed or, in rare cases, large drain dips will be placed in front of the culverts. The large drain dips will be designed to intercept water running toward the culverts, reducing the risk of a plugged culvert causing a road failure. Armoring of the areas above and below culverts will be done in order to prevent head cutting of severely erodible soil types. Armoring can be accomplished through woody debris, rock of varying sizes, synthetic materials, or other acceptable materials.

The surface of the road will be seeded to grass for long-term storage. This organic material can be removed in the future down to the existing gravel surface in the future for use when needed.

Soil Stabilization: Where soils are disturbed near or adjacent to stream channels, soils will be stabilized as soon as possible with mulch and seed. Silt fences will be installed next to channels and cleaned periodically. Once vegetation is established the silt fences will be removed.

Large Woody Debris Additions: Trees located along the immediate edge of the stream bank will not be selected for directional felling. Trees will be well distributed to avoid modifying riparian conditions. Trees will be felled in the winter (Nov. 16-Mar. 31), while Indiana bats are in their hibernation period.

Recreation: Dispersed campsite(s) adjacent to Black Mountain Run will be closed during decommissioning of FR 171 to provide public safety during activities that include heavy equipment use.

Heritage Resources: During the course of project planning and implementation, Forest Service staff will be made aware of the potential, albeit unlikely, for locating additional historic and prehistoric sites in the project area, particularly rock shelters in the Princeton sandstone formation along the western and southwestern edge of the project area and around the middle slopes of Big Spruce Knob. If a site is located, the Forest Archaeologist will be notified and an appropriate avoidance strategy will be determined.

V. Reasons for My Decision

I have chosen to implement the Selected Alternative because it moves the area toward the desired future conditions for watershed and aquatic resources as identified above and described below. These projects were identified as recommendations in the Upper Williams Watershed Assessment completed in 2000 (PF A-1).

1. The road decommissioning will reduce sediment sources from old roads that are currently not needed and are not regularly maintained. Decommissioning will also improve the hydrological functions in the Upper Williams drainage. These roads will be removed from the Forest Road Inventory.

2. The roads being placed into storage will have their culverts removed and will be allowed to revegetate. These roads are expected to be used in the future. Placing them into storage will reduce the need to construct new roads at that time while allowing them to recover and reduce sediment delivery. These roads will remain on the Forest Road Inventory.
3. Improving aquatic passage on two roads will improve the range and connectivity of local aquatic species and provide more available aquatic habitat.
4. The instream work will create a more natural running stream and provide additional quality fish habitat.
5. The riparian planting will result in immediate additional stream shading as well as a long-term source of large woody debris.

The EA indicates that all activities included in the decision can be implemented consistent with 2006 Forest Plan standards and guidelines (EA, Forest Plan Consistency sections for each resource), thus adequately protecting resources. Given the short-term timeframe of disturbance from road decommissioning and culvert removal, and the Forest Plan management requirements and additional mitigation measures that will be implemented, effects are expected to be minor and within all Forest and Regional guidelines.

VI. Public Involvement Process & Issues Identified

Chapter 2 of the Upper Williams Watershed Improvement EA describes the process used to solicit and employ internal and public comments, the Proposed Action that was submitted to the public for review and comment, and alternatives considered for implementation. The ID Team conducted the following public scoping and involvement activities to determine the issues associated with the Upper Williams River Watershed Improvement EA: (PF Section B)

- The District Ranger sent a scoping letter, dated December 19, 2006, to interested members of the public, various government agencies, adjacent landowners, environmental organizations, and the timber industry. A total of 74 scoping packages were mailed. (PF B-11)
- A press release describing the proposed action and comment period was published in the Pocahontas Times December 19, 2006. (PF B-10)
- The scoping letter and information packet were posted on the MNF website.
- Additionally, public scoping and involvement addressing these activities were conducted during the development of the Upper Williams River Watershed Assessment and subsequent NEPA documentation. This included mailings, field trips, and postings on the MNF website.

Four comments were received agency contacted us in the form of letters, e-mails, or phone calls as a result of the initial scoping process begun December, 2006 (project file). Comments were reviewed for issues, develop alternatives, or identify environmental effects. (PF B-6 through B-9)

We received only one response as a result of the official 30-day notice and comment period which started April 24, 2008 (project file). (PF L-4)

This letter was reviewed and considered in my decision.

The disposition of the comments that were received during the initial scoping period is documented in the project file. The only unresolved concern during this effort was the disposition of FR 170.

VII. Other Alternatives Considered for Implementation

No alternatives were considered that were eliminated from detailed study.

The Proposed Action and the No Action alternatives were carried forward for a detailed analysis. After considering internal and public input, I selected a modification of the Proposed Action – called the Proposed Action Modified - for implementation (see “Decision” and “Reasons for the Decision” sections of this document). I am not selecting Alternative 1 or the No Action Alternative for the reasons described below.

No Action Alternative. Under this alternative, no watershed improvements would occur. These projects were recommended for implementation in the Upper Williams Watershed Assessment due to the need to reduce sediment and to improve riparian area and stream conditions. Selection of this alternative would not make these improvements and would not meet the purpose and need of the original proposal for this project.

Alternative 1 (Proposed Action). If implemented, Alternative 1 would have permanently closed a road that is expected to be needed in the future for administrative use. At the time of that need, a new road would need to be constructed, resulting in a level of soil disturbance that would be greater than from road storage or decommissioning. Placing this road into storage will improve the current conditions while retaining the roadbed, thus reducing the disturbance when it is reopened.

VIII. Finding of No Significant Impact

After considering the potential environmental effects described in the Upper Williams Watershed Improvement EA, I have determined that implementing the Selected Alternative will not have a significant effect on the quality of the human environment [40 Code of Federal Regulations (CFR) 1508.27]. Therefore, an Environmental Impact Statement is not needed.

To determine significance, I considered both the context and the intensity of these actions.

Significance of an action is to be considered in several contexts such as society as a whole, the affected region, affected interests, and the locality, depending on the setting of the proposed projects. This DN/FONSI is for a set of projects that are site-specific in nature, and their effects

were analyzed as such. Significance in this case is heavily based on the effects in the local area rather than the world as a whole.

Intensity refers to the severity of the impact. I based my determination of intensity of impacts on the following (40 CFR 1508.27):

- 1. Impacts that may be both beneficial and adverse.** As described in Chapter 3 of the EA, both beneficial and adverse impacts to the human environment may result:
 - Soil disturbance that will occur during implementation of the Selected Alternative may result in sediment being released to nearby streams in the short term during road decommissioning and storage activities. The analyzed effects of soil disturbance are all estimated to fall within Regional and Forest standard limits (Chapter 3, project file). We will seed and mulch disturbed areas immediately following activities. We will follow applicable Forest Plan standards and guidelines for proposed projects, and use the implementation strategies outlined on pages DN-4 through DN-7. The short-term spike of sediment that is expect to occur in stream channels as a result of road decommissioning, removal of culverts, and most streamside work may impact individual fish and other aquatic biota. In the long term, however, activities in the Selected Alternative are expected to benefit the viability of aquatic populations, including sensitive fish species and wild brook trout. (EA, Chapter 3, page 29, PF Section E).
 - Tree planting in the riparian area, will create additional shade and provide future large woody debris in an area currently lacking these attributes. (EA, Chapter 3, page 29, PF Section E)
 - Human disturbance will be noticeable to the public a short period of time during the road decommissioning until vegetation is again restored. (EA, Chapter 3).

- 2. The degree to which the proposed actions affect public health or safety.** Public health and safety will not be significantly affected by the Selected Alternative:
 - Public health will not be adversely affected. For example, the Selected Alternative will be consistent with all applicable Federal and West Virginia air and water quality standards (Air Quality and Water/Hydrology and Aquatic Resource Reports in the project file, EA, Chapter 3, sections 3.3.2 and 3.6.).
 - Road decommissioning and storage as well as stream placement operations will emit minor amounts of pollutants, but the magnitude of expected emissions from the Selected Alternative will not impact air quality in the airshed in any measurable way (EA, Chapter 3, Page102). These effects will be transient. The amount released each day is not expected to exceed National Ambient Air Quality Standards.
 - The closure of dispersed campsite(s) during decommissioning activities on FR 171 will provide a higher level of protection for forest users.

- 3. Unique characteristics of the geographic area.** No coastal zone areas, research natural areas, state or national parks, conservation areas, wilderness, or other areas of ecological, scenic, or aesthetic importance are present in the Upper Williams Watershed Improvement project area (EA, Chapter 3, section 3.5.4, and project file). A portion of the Williams River is eligible for classification as Recreational under the Wild and Scenic Rivers Act (EA, page 100). No activities will impact this eligibility although some activities are designed to

enhance stream characteristics. Wetlands and floodplains exist in the project area, but are protected by Forest Plan standards and guidelines. No actions are proposed on soils considered prime farmland (EA, Page 104).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Controversy in this context refers to cases where there is substantial dispute as to the size, nature, or effect of Federal action, rather than opposition to its adoption. None of the actions or their effects are believed to be highly controversial with the scientific community or general public (PF, Sections B and L).
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** All the projects included in the Selected Alternative are consistent with Forest Plan watershed and aquatics direction and will aid in achieving the desired future conditions for this area (Forest Plan, Chapter II). Projects are within the scope of the Final Environmental Impact Statement of the Forest Plan (2006), and the best available scientific information was used to evaluate the site-specific effects of these projects (EA - Chapter 3 by resource, and resource specialist reports in the project file). Standard forest management activities (such as such as those in this decision) have been successfully used on this Forest to improve degraded watershed and aquatic resources (MNF Monitoring and Evaluation Report - Fiscal Year 2007, and various monitoring and inspection reports of timber sale projects in Forest and District records).
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** No other actions are expected in the project area that will cause selected projects to establish a precedent for future actions with significant effects (EA, Table 3-1, Page 28). All activities in the Selected Alternative are within the scope of the 2006 Forest Plan and associated EIS (Forest Plan Consistency sections throughout Chapter 3 of the EA).
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The beginning of Chapter 3 describes the past, present, and reasonably foreseeable future actions that may have a bearing on the cumulative effects of Upper Williams Watershed Improvement (EA, Table 3.1, Page 28). The "Scope of Analysis" sections throughout Chapter 3 of the EA identify the analysis areas and the rationale used to assess the cumulative effects of various resources. The "Cumulative Effects" sections throughout Chapter 3 explain why the impacts of the proposed actions projects will not be cumulatively significant.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.** An examination of the watershed improvement activities proposed in the Upper Williams project area reveals that minimal project impacts would occur to scientific, cultural, or historic resources. Project activities would occur adjacent to or proximate to cultural site locations. Such activities include riparian planting, woods roads conversion, and road

storage. None of these activities, however, should have any adverse effects to cultural resources (EA, page 95).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, as amended. This project includes felling trees for large woody debris placement in riparian areas. However, these trees will be cut during the Indiana bat hibernation period from November 15 through March 31. Consistent with the USFWS 2006 Biological Opinion reasonable and prudent measures (RPMs) and the terms and conditions implementing those RPMs (specifically 1.1), we have concluded that this project will not have adverse affects to Indiana bats. As such we are not requesting formal consultation pursuant to section 7 of the ESA nor are we requesting that this project be counted against the annual allowable acres permitted under the MNF programmatic incidental take statement.

- As supported in the Upper Williams Watershed Improvement Biological Evaluation (PF M-2), implementing the Selected Alternative will have
 - “no effect” on shale barren rock cress, and Indiana bat; and
 - “may affect, not likely to adversely affect” Virginia Big-eared bat, running buffalo clover, West Virginia northern flying squirrel, Virginia spirea, small whorled pogonia, Indiana bat, and Cheat Mountain salamander.

All alternatives will have no effects beyond those previously disclosed and addressed in the Biological Assessment (USFS 2006) and Biological Opinion (BO) from the USDI Fish and Wildlife Service (USFWS 2006) for the 2006 Forest Plan.

The US Fish and Wildlife Service (USFWS 2006) has been consulted regarding this project and concurs with the findings in the Upper Williams Watershed Improvement Biological Assessment (PF M-1). Mitigation strategies (pages DN-6 and DN-7) in this decision will be followed to help reduce the potential for adverse effects to threatened, endangered, and sensitive species. If any federally listed endangered or threatened species are found during project design or implementation, activities within that area will cease until additional consultation with USFWS has been concluded.

- With regards to sensitive species, the Upper Williams Watershed Improvement Biological Evaluation documents that implementing the Selected Alternative will have “no impacts” or “may impact individuals but is not likely to cause a trend to federal listing or loss of viability” (EA, sections 3.4.7 and 3.4.5). The Selected Alternative will not result in a loss of viability for any species or associated habitat within the Upper Williams Watershed Improvement project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The Selected Alternative projects are within the scope of the Forest Plan and associated EIS (EA - Chapter 3). No Federal, State, or local laws will be violated (EA - Chapter 3; resource reports in the project file).

IX. Required by Other Laws and Regulations

I have reviewed the EA and the project file and have determined that my decision does not violate Federal, State, or local laws or requirements imposed for the protection of the environment (EA - Chapter 3 by resource, resource reports in project and Forest files). As documented in the Upper Williams Watershed Improvement EA, and in reports in the project and Forest files, my decision is consistent with the following applicable laws and executive orders:

- American Indian Religious Freedom Act of 1978
- Antiquities Act of 1906 (16 USC 431-433)
- Archaeological and Historical Conservation Act of 1974 (16 USC 469)
- Archaeological Resources Protection Act of 1979 (16 USC 470)
- Cave Resource Protection Act of 1988
- Clean Air Act of 1977 (as amended)
- Clean Water Act of 1977 (as amended)
- Eastern Wilderness Act of 1975
- Endangered Species Act (ESA) of 1973 (as amended)
- Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 (as amended)
- Historic Sites Act of 1935 (16 USC 461-467)
- Multiple Use Sustained Yield Act of 1960
- National Environmental Policy Act of 1969, (as amended) (42 USC 4321-4347)
- National Forest Management Act (NFMA) of 1976 (as amended)
- National Historic Preservation Act of 1966 (16 USC 470)
- National Wilderness Preservation Act of 1964
- Prime Farmland Protection Act
- Wild and Scenic Rivers Act of 1968, amended 1986
- Forest Service Manuals such as 2361, 2520, 2670, 2620, 2760
- Executive Order 11593 (cultural resources)
- Executive Order 11988 (floodplains)
- Executive Order 11990 (wetlands)
- Executive Order 12898 (environmental justice)
- Executive Order 12962 (aquatic systems and recreational fisheries)
- Executive Order 13112 (NNIS)

Activities proposed under the Selected Alternative meet the requirements of the National Forest Management Act (NFMA) (16 USC 1600 ET SEQ.) and its regulations as described on the following pages.

- 1. Forest Plan Consistency** (16 USC 1604(i)). All actions implemented as part of the Selected Alternative are consistent with management direction in the Forest Plan (EA – Chapter 3 by resource, resource reports in project file). Approved activities will comply with Forest-wide and Management Prescription standards and guidelines, and will help achieve Forest Plan goals, objectives, and desired conditions. A Forest Plan amendment will not be needed.
- 2. Suitability for Timber Production** (16 USC 1604(e)(2)). No timber production harvesting will occur in this project.

3. **Even-aged Management Appropriateness/Clear-cutting Optimality** (16 USC 1604(g)(3)(f)(i)). Only individual trees will be cut for placement of large woody debris. The clearcutting method of regeneration will not be implemented in the project area. Therefore, clearcutting optimality is not an issue relevant to this project.
4. **Vegetation Manipulation.** From my review of the Upper Williams Watershed Improvement EA, I find that the selection and location of proposed activities, the application of Forest Plan standards and guidelines, and the implementation strategies described on pages DN-4 and DN-6 in this document will ensure vegetation management activities (i.e., riparian planting and placement of large woody debris) in this project area will comply with NFMA requirements. Proposed vegetation manipulation of tree cover complies with the following requirements:
 - a. Multiple Use. The Upper Williams Watershed Improvement Project proposal and subsequent analysis was completed in an integrated fashion using an interdisciplinary team of resource professionals (project file) and through public involvement (EA – Chapter 4, DN/FONSI – section VI, project file). The Selected Alternative projects will be fully consistent with Forest Plan goals and the purposes of MP 3.0 and MP 4.1 areas (EA – Section 1.5). Vegetation manipulation is being used to meet these goals and the specific needs identified in the Forest Plan and in section 1.5 of the EA. The effects of these actions are described in Chapter 3 of the EA.
 - b. Economic Return. Activities are governed solely by resource needs and protection, not economics (EA – section 3.5.1; Supplemental Economic Report for Proposed Action Modified).
 - c. Site productivity and conservation of soil and water resources. By adhering to Forest Plan standards and guidelines and their implementation strategies, authorized activities are expected to improve site productivity and will ensure soil resources are protected (EA - Chapter 3, resource reports in project file). The Selected Alternative will improve water resources in the long term by reducing current sources of sediment (EA – Chapter 3, resource reports in project file).
 - d. Water quality and quantity, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, aesthetic values, and other resources yields. Activities will meet the specific needs of the project area and provide for the desired effects, complying with Forest Plan standards and guidelines and implementation strategies (EA - Chapter 3 effects and Forest Plan consistency sections by resource).

X. Administrative Review and Appeal Opportunity

This decision is subject to appeal pursuant to regulations at 36 CFR 215. An appeal may be filed by those who provided comment or otherwise expressed interest in the proposed action during the 30-day comment period. To appeal this decision, a written Notice of Appeal must be postmarked or received within 45 calendar days of when the Legal Notice is published in the *Pocahontas Times* newspaper. However, when the 45-day filing period would end on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The date of the publication of the Legal Notice is the exclusive means for

calculating the time to file an appeal. Those wishing to file an appeal should not rely upon dates provided by any other source.

The Notice of Appeal must be sent to: Regional Forester, Appeal Deciding Officer, Attn: Appeals & Litigation, USDA - Forest Service, Eastern Region, 626 East Wisconsin Avenue, Milwaukee, WI 53202. The Notice of Appeal may alternatively be: faxed to (414) 944-3963, Attn: Appeals Deciding Officer; mailed electronically (in a format such as pdf, txt, rtf, or other format compatible with Microsoft Office applications) to appeals-eastern-regional-office@fs.fed.us; or hand delivered between the hours of 7:30 am and 4:00 pm., Monday through Friday. Contents of the Notice of Appeal must meet the requirements of 36 CFR 215.14.

XI. Implementation Date

If no appeals are filed, implementation of the decision may occur on, but not before, five business days from the close of the appeal-filing period (36 CFR 215.9(a)). If an appeal is filed, implementation may occur on, but not before the fifteenth business day following the date of appeal disposition. In the event of multiple appeals, the date of the disposition of the last appeal controls the implementation date (36 CFR 215.9(b)).

These projects may begin in 2008 or later. Projects could begin in the next few months and may be completed when the purpose and need are met in years to come.

XII. Responsible Official and Contact Person

For more information concerning this decision, contact Thomas Cain at 304-636-1800, extension 289, or by writing to the Monongahela National Forest Supervisors Office, 200 Sycamore Street, Elkins, WV 26241. A copy of the Upper Williams Watershed Improvement Project EA can be obtained from the Monongahela National Forest website at www.fs.fed.us/r9/mnf/ under "Forest Planning", and then under "NEPA Documents"; by e-mailing a request to comments-eastern-monongahela-marlinton@fs.fed.us; or by writing or calling Thomas Cain. Records that support the conclusions of the EA and that were used to make this decision are available for review at the Monongahela Supervisors Office in Elkins from 8:00 AM to 4:00 PM Monday through Friday.

/s/Rondi L. Fischer

RONDI FISCHER
District Ranger, Responsible Official

August 26, 2008

Date

USDA Nondiscrimination Statement

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