FINAL DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
FORK MOUNTAIN VEGETATION MANAGEMENT PROJECT
U.S. FOREST SERVICE
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS
EASTERN DIVIDE RANGER DISTRICT
GILES COUNTY, VIRGINIA AND MONROE COUNTY, WEST VIRGINIA

DECISION

An Environmental Assessment (EA) evaluating a no action alternative and three action alternatives for the Fork Mountain Vegetation Project has been completed. Based upon my review of the Fork Mountain Vegetation Project EA, I have decided to implement Alternative 1.

The Selected Alternative includes the following activities:

Early Successional Habitat Creation– Commercial harvest of 26 units on approximately 635 acres of mixed hardwood stands between 68 and 97 years old implementing four different silvicultural prescriptions. This includes 360 acres of regeneration harvest, 252 acres of thinning/group selection, and 23 acres of open oak woodland habitat.

All 26 stands proposed for harvest will utilize a ground-based logging system (such as a rubber-tired skidder) to remove the timber.

Construct 31 landings to provide adequate space for safe and efficient logging, loading and hauling operations. Following completion of their use, these areas would be revegetated using native seed to prevent erosion and provide wildlife habitat and forage.

Open Woodland Creation - Create open oak woodland conditions on 23 acres in two units after timber harvest. Activities would include piling slash, scarifying areas of soil, cutting stumps level to the ground, grubbing and piling some larger stumps, seeding areas with native grass seed, fertilizing, liming and mulching. The objective is to maintain these 23 acres in an open woodland condition with dominant oak trees with open-grown crowns, very little midstory and a native grass understory to provide wildlife benefits for a diversity of species including black bear, turkey and several songbirds.

Precommercial Thinning - Implement pre-commercial thinning through crop tree release on approximately 673 acres across 26 stands in the seedling-sapling seral stage. Most of the stands range in age from 26 to 32 years old. Crop tree release will be accomplished using chainsaws or handtools to remove competing vegetation near favored trees. This treatment will improve crown development on trees exhibiting good mast production potential and will increase vertical diversity.

Manual Site Prep - Conduct manual site preparation using chainsaws and supplemental planting on approximately 360 acres of regenerated stands and approximately 30 acres of group selection

openings in 2 thinning units. Northern red oak, white oak or American chestnut species would be planted in these regenerated areas if there is a lack of competitive hard mast regeneration. This would help ensure an adequate composition of hard mast species in the new stand that, among other wildlife benefits, would provide future hard mast production.

Wildlife Opening Creation – Create wildlife openings on 8 acres in four landings by enlarging these landings after timber harvest. Activities would include piling slash, scarifying areas of soil, cutting stumps level to the ground, grubbing and piling some larger stumps, seeding areas with native grass seed, fertilizing, liming and mulching.

Road Maintenance – Road maintenance includes brushing, ditch pulling, blading, culvert replacement and gravel placement and would occur on 8.4 miles of Forest system roads. The following FSRs would receive some or all of the above maintenance activities.

- 0.4 miles of FSR 10432
- 0.7 miles of FSR 10430
- 1.1 miles of FSR 10412
- 1.2 miles of FSR 10411
- 0.3 miles of FSR 10373
- 0.6 miles of FSR 1503
- 2.3 miles of FSR 10420
- 0.3 miles of FSR 10521
- 1.5 miles of FSR 945

System Road Construction – Build approximately 3.9 miles of system roads in two segments. Each segment will be managed as closed to vehicular traffic following the project.

- Barton Road (FSR 10420) Extension for 2.9 miles to access Units 1-4 and 6-8, south of Potts Creek
- Johnson Flats Spur for 1.0 miles to access Units 9-11, north of Potts Creek

Temporary Road Construction – Build approximately 1.4 miles of temporary roads in five segments. These roads would be revegetated, bermed and closed to all vehicle traffic after all proposed activities requiring access are completed.

- 0.9 miles required to access Units 15 & 16
- 0.1 miles required to access Unit 11
- 0.1 miles required to access Unit 21
- 0.1 miles required to access Unit 22
- 0.2 miles required to access Unit 26

Road Decommissioning – Decommission 6.5 miles of existing Forest System Road in the project area. The road alignments of FSR 10521 and 15022 have slopes that are too steep and do not meet standards of system roads constructed today. FSR 10481 road alignment is located in close proximity to the north fork of Potts Creek and has experienced considerable illegal ATV use in the past. Activities proposed to decommission these roads include; water baring steep segments, constructing earthen berms, ripping where needed, and seeding with native grasses. Only the decommissioning of FSR 10481 and the section of FSR10521 in the drainage near the

private land on the northeast corner of the project area will be done in a way that blocks access by felling trees and/or placing large vegetation in the roadway.

- 2.6 miles of FSR 10521 (Whiskey Hollow)
- 2.0 miles of FSR 10522 (Fork Mountain)
- 1.9 miles of FSR 10481 (North Fork Potts Creek).

Prescribed Fire – Conduct prescribed burning on approximately 3,581 acres across four burn blocks after commercial harvests are completed in those blocks. Burn block 1 is 2,691 acres, block 2 is 428 acres, block 3 is 64 acres and block 4 is 398 acres. The objectives in approximately 3,153 acres in three of the burn blocks would be to promote advanced oak regeneration in harvested areas, set back oak competitors like yellow poplar, striped and red maple, reduce fuel loading in areas outside the harvested units, and enhance forage throughout the burn block. This would be accomplished primarily with the use of backing fire tactics Yellow pine regeneration would be an additional objective in the fourth burn block on approximately 428 acres. A higher intensity burn is required to accomplish yellow pine regeneration objectives. Firing tactics would primarily include flanking fire with backing fire to a lesser degree. These could be growing season or dormant season burns. The decision will be primarily based on which seasonal burn will best limit overstory mortality. There will be a need for multiple prescribed burns in these areas to meet the silvicultural and wildlife objectives over a 5-10 year post-harvest period. Construction of approximately 0.5 miles of dozer line and 0.75 miles of handline would be required to augment existing containment lines, like roads and streams, for these burning blocks. Existing fire barriers like roads and streams are used for burn block containment lines wherever possible.

Non-Native and/or Invasive Plant Species Treatments –

- Treat non-native invasive species along Forest System Roads, totaling approximately 55 acres using a low volume foliar spray of glyphosate (Rodeo) or triclopyr (Garlon 4) to control invasive woody species, such as Tree-of-Heaven, Autumn Olive, Royal Paulownia, and Multi-flora Rose.
- Treat non-native invasive species over approximately 135 acres in five stands ranging from 26 to 43 years of age. Treatment by basal bark application would utilize triclopyr with an adjuvant to control invasive woody species such as Tree-of-heaven, Autumn Olive and Royal Paulownia in these stands. Within this acreage figure, only individual invasive plants scattered over the 135 acres would be treated. For example, the 135 acres represents all the acreage in the proposed treatment units, but only individual non-native invasive species would be treated if found in these units. The same applies for the rest of the proposed treatment acres – herbicide would be applied directly to individual plants scattered over the treatment area
- Treat approximately 33 acres of hay-scented fern in harvest units located along FSRs 10411 and 10420 where found. Prior to harvest, it is not entirely certain where this fern is likely to flourish and impede forest regeneration, but it is likely to expand along these roads. This would involve using a low volume foliar spray of glyphosate to control this species.
- Treat approximately 275 acres with a basal bark herbicide application of triclopyr with an adjuvant to control non-native species, red and striped maple and other undesirable

species throughout the thinning stands and open oak woodland areas. This activity will help maintain, enhance and restore the diversity and complexity of the native vegetation in the project area. Within this acreage figure, only individual invasive plants (either non-native invasive species or other unwanted woody vegetation that compete with important wildlife forage species or forest regeneration) scattered over the 275 acres would be treated. The same applies for the rest of the proposed treatment acres – herbicide would be applied directly to individual plants scattered over the treatment area

Grape Arbor Enhancement – Enhance grape arbors on approximately 104 acres for their value as wildlife food and shelter. This involves felling trees up to 12-inches diameter at breast height (dbh) that shade the perimeters of existing arbors. Cut trees would remain on site for wildlife cover.

Design Criteria and Mitigation Measures

For Alternative 1, all applicable Forest Wide (FW) Standards and Management Prescription Standards described in the Forest Plan would be followed and will form the design criteria for each alternative. These standards provide protection for various resources such as soil, water, fisheries, wildlife, and recreation. The following standards in the Forest Plan will be followed with the implementation of Alternative 1:

FW-1: Resource management activities that may affect soil and/or water quality follow Virginia and West Virginia Best Management Practices (BMPs), State Erosion Control Handbook and standards in the Forest Plan.

FW-5: On all soils dedicated to growing vegetation, the organic layers, topsoil and root mat would be left in place over at least 85% of the activity area and revegetation is accomplished within 5 years.

FW-6: Locate and design management activities to avoid, minimize or mitigate potential erosion.

FW-12: Motorized vehicles are restricted in the channeled ephemeral zone to designated crossings. Motorized vehicles may only be allowed on a case-by-case basis, after site-specific analysis, in the channeled ephemeral zone outside of designated crossings.

FW-14: Up to 50% of the basal area may be removed down to a minimum of 50 square feet of basal area within channeled ephemeral stream zones.

FW-29: During prescribed fire operations in the channeled ephemeral zone, use the least ground disturbing method of fireline construction, favoring blacklines and handtools.

FW-32: Retain soft mast producing species (dogwood, black gum, hawthorne, grapes, serviceberry, etc.) during vegetation management treatments when consistent with overall

regeneration and species composition objectives.

FW-33: Potential black bear den trees will be retained during all vegetation management treatments. Potential den trees are trees that are greater than 20" diameter breast height (dbh), that are hollow with broken tops or with limbs greater than 12 inches diameter broken near the bole of the tree.

FW-46: In order to promote potential summer roost trees and maternity sights for the Indiana bat, leave all shagbark hickory trees greater than 6 inches dbh and larger. All harvest units will retain a minimum residual basal area of 15 square feet per acre (including 6 snags or cavity trees) scattered or clumped. Residual trees are greater than 6 inches dbh with high priority given to the largest available trees which exhibit characteristics favored as roost trees for the Indiana bat.

FW-51: If during project implementation, active Indiana bat roost trees are identified, all project activity will cease within a 1/4 mile buffer around the roost tree, until consultation with USFWS is completed to determine whether project activities can resume.

FW-52: Removal of known Indiana bat roost trees will be avoided, except as specified below. In the event that it becomes absolutely necessary to remove a known Indiana bat roost tree, such a removal will be conducted, through informal consultation with the U.S. Fish and Wildlife Service, during the time period when the bats are likely to be in hibernation (November 15 through March 31). Trees identified as immediate threats to public safety may, however, be removed when bats are not hibernating, however informal consultation with USFWS is still required.

FW-55: If active maternity roost sites are identified, they will be protected with a 2-mile buffer defined by the maternity roost, alternate roost sites, and adjacent foraging areas.

FW-71: When regenerating forest stands, regenerate to native tree species that commonly occur naturally on similar sites within that land type association.

FW-76: During Silvicultural treatments, retain all live butternut trees with more than 50% live branches. Record the approximate location of these trees and notify the Forest Silviculturist.

FW-88: Favor use of native grasses and wildflowers beneficial as wildlife foods when seeding temporary roads, landings, skid roads, and other temporary openings when slopes are less than 5%. On slopes greater than 5%, favor the use of vegetation that best controls erosion.

FW-85, 86: Quickly seed disturbed areas before non-native invasive exotic weeds/trees can become established. Category 1 and 2 species from the regional Forester's weed species list will not be used to revegetate disturbed areas in the harvest units.

FW-89: Application is supervised by a certified pesticide applicator. Workers who apply pesticides are trained to ensure minimum impacts and maximum effectiveness. Only those methods that assure proper application of pesticides are used.

FW-94: Method and timing of application are chosen to achieve project objectives while minimizing effects on non-target vegetation and other environmental elements. Selective treatment is preferred over broadcast treatment. Application methods from most to least selective are:

1. Cut surface treatments;
2. Basal stem treatments;
3. Directed foliar treatments.

FW-104: Application equipment, empty herbicide containers, clothes worn during treatment, and skin are not cleaned in open water or wells. Mixing and cleaning water must come from a public water supply and be transported in separate labeled containers.

FW-105: Herbicide mixing, loading, or cleaning areas in the field are not located within 200 feet of private land, riparian corridors, open water or wells, or other sensitive areas.

FW-106: No herbicide is broadcast on rock outcrops or sinkholes. No soil-active herbicide with a half-life longer than 3 months is broadcast on slopes over 45%, erodible soils, or aquifer recharge zones. Such areas are clearly marked before treatment so applicators can easily see and avoid them.

FW-107: Weather is monitored and the project is suspended if temperature, humidity, or wind becomes unfavorable.

FW-108: Nozzles that produce large droplets (mean droplet size of 50 microns or larger) of streams of herbicide are treatment where distance from nozzle to target does not exceed 8 feet.

FW-117: Regeneration cutting on lands suitable for timber production must be done under a regeneration harvest method where adequate stocking of desirable species is expected to occur within 5 years after the final harvest cut. The new stand must meet the minimum stocking levels as described in Table 2-10. These apply to both artificial and natural means of stand regeneration. Where natural means are used and stand re-establishment has not been accomplished within 3 years after committing the stand to regeneration, the stand is re-examined for further treatment needs.

FW-125: Log landings will be located outside of riparian corridors.

FW126: All equipment used for harvesting and hauling operations will be serviced outside riparian corridors.

FW-127: Ruts will be smoothed to restore hydrology and drainage paths.

FW-128: When necessary. Landings will be ripped to a depth of 6-8 inches to break up compaction, and to ensure soil productivity and the successful reestablishment of vegetation.

FW-131: Skidding of trees should be directed in a manner that prevents creation of channels or gullies that concentrate water flow to adjacent streams.

FW-132: Dips or waterbars or other dispersal methods will be constructed and maintained to direct stormwater off skid trails and reduce potential sediment flow to streams.

FW-133: Dips or waterbars or other dispersal methods would be constructed and maintained to direct stormwater off skid trails and reduce potential sediment flow to streams.

FW-141: Use existing barriers, e.g. streams, lakes, wetlands, roads, and trails, whenever possible to reduce the need for fireline construction and to minimize resource impacts.

FW-142: Best available smoke management practices would be used to minimize the adverse effects on public health, public safety and visibility in Class I areas (James River Face Wilderness and Shenandoah National Park) from prescribed fire.

FW-143: Conduct prescribed burning only if meteorological conditions ensure that smoke would be carried away from areas with a high forecasted Air Quality Index (Orange or higher).

FW-144: All managed burns would comply with Smoke Management Programs for Virginia and West Virginia, when these are implemented. (Per EPA's "Interim Air Quality Policy on Wildland and Prescribed Fires" which was developed with involvement of the USDA Forest Service).

FW-146: Do not conduct prescribed fires when the Keetch-Byram Drought Code (Cumulative Severity Index) is 200 points above the average for the relevant time of the year.

FW-147: Do not plan prescribed fires in mesic deciduous forest communities (northern hardwood, mixed mesophytic, and river floodplain hardwood) that do not contain a significant oak component. When practical and without resulting in increased fireline construction, avoid burning these communities when implementing prescribed fires in adjacent forest communities.

FW-149: Maintain and restore Table Mountain pine and pitch pine forests through moderate to high intensity prescribed fires.

FW-186: Shape and orient vegetative management openings in the forest canopy to

contours and existing vegetative patterns to blend with existing landscape characteristics. Shape and feather edges of harvest units with adopted high and moderate Scenic Integrity Objectives. Some edges may not need feathering to meet the SIO. Harvest units are not shaped in geometric patterns.

FW-190: Design and construct roads to blend with the desired landscape character in form, line, color, and texture.

FW-200: When consistent with other objectives, favor flowering and other visually attractive trees and understory shrubs when leaving vegetation.

11-018: Tree removals from the extended area beyond the core of the riparian corridor may take place to meet the objectives of the adjacent management prescription.

11-021: When timber harvesting occurs in the extended area beyond the core of the riparian corridor for purposes of meeting the objectives of the adjacent management prescription, then vehicles will be excluded from the extended area.

In addition to the adherence to the applicable standards described in the Forest Plan, the following site-specific mitigation measures will be followed with the implementation of Alternative 1:

1) Emphasize public safety concerns with the timber purchaser(s) regarding logging trucks on state and local haul roads, especially where roads are narrow and curvy.

2) *Log Truck* warning signs will be posted on open Forest Service roads used for haul routes.

3) A directional felling provision will be included in the timber sale contract to insure that trees are felled away from open Forest Service roads and away from adjacent private ownership.

4) A slash treatment provision will be added to the timber sale contract to ensure slash buildup is minimized in harvest units alongside open Forest Service roads.

5) When felling trees adjacent to open Forest Service roads, flagmen will be used to control traffic during felling operations.

6) Alternative 1 will follow Forest Plan management direction, established mitigation measures, herbicide labels, and assigned monitoring.

7) All guidelines and mitigation measures presented in Forest Manual 2150, *Pesticide-Use Management and Coordination*, and Forest Service Handbook 2109.14, *Pesticide*

Use Management and Coordination Handbook, will be followed.

8) An inventory of Threatened, Endangered, Sensitive and Locally Rare (TESLR) species has been performed. All known occurrences of these resources will be identified and avoided during project implementation. If during implementation of this project any TESLR species are located, work will be suspended and a biologist and/or botanist will be consulted.

9) To protect cultural resources, an inventory of the project area was conducted. All known locations of cultural resources will be avoided during harvesting and measures to protect them will be taken. If during implementation a cultural resource is found, all operations in the harvest unit will cease and the Forest Archeologist will be consulted to determine a course of action.

10) The boundary of Unit 24 was modified due to its proximity to a Virginia Department of Conservation and Recreation's Division of Natural Heritage Resource site. None of the acreage in this unit lies north of FSR 10411.

11) Road construction, specifically the Barton Road Extension would require crossing some areas of old growth where rock bars are associated with subsurface flow of water. Every effort will be made to minimize the removal of large old growth trees as this road corridor is constructed.

12) After stabilizing erosion sources, FSR 10481 and the north end of FSR 10521 will be decommissioned and will have adjacent vegetation placed in the roadway to improve protection of the soil and associated riparian areas and reduce the potential for any vehicle use.

13) Where there are small inclusions of steeper slopes (over 35%) in the harvest units, it will require winching logs to a skid road to mitigate the slope and avoid excessive skid road building. Winches will be required in the timber harvest contract.

14) The road decommissioning of FSR 10522 and FSR 10521 from the south end near VA State Route 635 up to the point where it hits the proposed new road construction will be done in a way that walking these old roadbeds will not be a problem. Only the decommissioning of FSR 10481 and the section of FSR 10521 in the drainage near the private land on the northeast corner of the project area will be done in a way that blocks access by placing large vegetation in the roadway.

DECISION RATIONALE

I have chosen Alternative 1 for the following reasons:

Alternative 1 moves the project area towards: (1) attaining Forest-Wide Goals and Objectives

identified in the Forest Plan and (2) the Desired Future Condition for Management Prescription 8C. With the implementation of Alternative 1, high quality habitat for black bear and other wide-ranging area sensitive species is created by providing for a secluded and diverse habitat. The implementation of this alternative will also ensure adequate den sites and maintain hard and soft mast production. In addition, the design criteria and the mitigation measures listed above and included in this alternative will address and reduce the impacts of the project issues raised during public scoping.

OTHER ALTERNATIVES CONSIDERED IN DETAIL

Alternative 2: This is the No Action alternative. This alternative was not selected because it does not satisfy the primary purpose and need for the proposed action. It does not move the area towards the Desired Future Condition components of providing a secluded and diverse habitat; ensuring adequate den sites; and maintaining hard and soft mast production.

Alternative 3: This alternative was created to address concerns raised in scoping over concerns about potential adverse impacts of timber harvest, road building, and other vegetative management activities to aquatic resources and public access in the project area. , In summary this alternative includes the following:

1. Regenerate by timber harvest, 10 predominately upland hardwood stands which total approximately 244 acres. The regeneration method for these stands is shelterwood with reserves. In connection with the harvest, this stand would be site prepared for natural regeneration using chainsaws.
2. Thin 4 predominately unpland hardwood stands which totals approximately 114 acres. Thin with embedded group selections in 2 predominately unpland hardwood stands which totals approximately 96 acres. Create Open Woodland habitat through harvesting in one upland hardwood stand totaling 5 acres to create a two-aged stand with an open canopy.
3. Perform a Timber Stand Improvement (TSI) treatment in 26 young forested stands totaling approximately 673 acres.
4. Wildlife habitat improvement projects in this alternative would include the seeding of log landings and skid trails with a non-invasive seed mix that would provide beneficial grass-herbaceous-forb habitat for wildlife.

This alternative was not selected because while it meets the purpose and need for action as described in Chapter 1 of the EA, it does not move the project area as far as Alternative 1 toward the Desired Condition for Management Prescription 8C.

Alternative 4: This alternative was created to address specific concerns raised in scoping regarding the road construction of the Johnson Flats Spur section, approximately 1 mile of new road that spurs to the north and east of the Barton Road Extension. Proposed harvest units and associated post-harvest treatments north of Potts Creek would not be implemented in this alternative. This alternative includes all proposed treatments in Alternative 1 except three regeneration units located north of Potts Creek.

This alternative was not selected because while it meets the purpose and need for action as described in Chapter 1 of the EA, it does not move the project area as far as Alternative 1 toward the Desired Condition for Management Prescription 8C.

OTHER ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

During scoping for this project several alternatives were suggested by the public. These were considered but eliminated from detailed study. They include the following:

Expanded Even-age and Uneven-age Management on the Southeast Aspect of Fork Mountain

An alternative to create additional early successional habitat to reach the 4% minimum objective through even-age management on the southeast aspect of Fork Mountain east of VA 613 and north of VA 635 and WV 17 was considered. Access is limited and would have required substantial new road construction. Further, site indexes in these stands on this aspect of Fork Mountain are low. These stands are slower growing, produce lower quality of timber and lower value species and would not support the cost of new road construction and the required post-harvest activities needed to ensure adequate regeneration. There is also an increased visual concern from the Appalachian National Scenic Trail corridor on this aspect of Fork Mountain. Development of this alternative might have fully achieved meeting 8C-OBJ3, which is not met with any of the action alternatives, but the benefits do not appear to outweigh the costs from an economic or resource protection perspective, so this alternative is not proposed as one to be analyzed in detail.

Even-age Management using Clearcutting Method of Regeneration in the Proposed Action- An alternative to use clearcutting or clearcutting with reserves as the regeneration method to create early successional habitat and ensure adequate oak regeneration was dropped from consideration because it did not create the post-harvest microclimate that offers the best chance of advance oak regeneration. It also did not provide the best opportunity to create future den trees in the harvested stands nor the vertical diversity desired for a bear management objective. Managing for future den sites is important in an area managed for black bear. Shelterwood with reserves would create more shading to minimize other species competition, especially yellow poplar, with advanced oak regeneration.

PUBLIC INVOLVEMENT

This proposal first appeared on the District's quarterly Schedule of Proposed Actions (SOPA) in the third quarter of calendar year 2013 as the Fork Mountain Vegetation Management Project and has appeared on the schedule as such since that time. Scoping was conducted by the District Interdisciplinary Team (IDT) to determine the issues and concerns related to the proposed action.

A variety of individuals and organizations were contacted to determine the scope of the issues and concerns related to the proposed action. Scoping letters were mailed on August 6, 2013 to interested and affected agencies, organizations, and individuals informing them of the proposed action and requesting their input. A Legal Notice requesting comments was published in The

Roanoke Times newspaper on August 7, 2013. The *Roanoke Times* is the "newspaper of record" for the Eastern Divide District. This project is also listed in the Schedule of Proposed Actions for the George Washington and Jefferson National Forest. This Schedule is available on the internet at www.fs.fed.us/r8/gwj.

Some comments expressed concern that there was no legal notice in a West Virginia newspaper, given that a major part of the project is in Monroe County, West Virginia. Although no additional legal notice is required, in order to respond to this, the District put a legal notice in the *Monroe Watchman* on September 19, 2013. A FrontPage article, complete with colored maps of the project was also published in the *Monroe Watchman* on October 10, 2013. A follow up article on the project, with a focus on the prescribed burning, treatments to promote advanced oak regeneration and discussion of limited herbicide use, complete with photos was published in the *Monroe Watchman* on March 13, 2014.

The public had an additional opportunity to provide comments with the release of the draft environmental assessment for this project. This additional 30-day comment period started with the publication and mailing of the Draft EA to original commenters on March 11, 2015.

I carefully reviewed and weighed the comments received during scoping and during the notice and comment period in the development of this decision and used them to guide my decision. Comments are addressed in the EA in Appendix C.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

CONTEXT

The physical and biological effects of this action vary according to the resource area analyzed. These impacts are primarily limited to the immediate areas impacted by the actions in Alternative 1 in the Fork Mountain Project Area on the Eastern Divide Ranger District. Both beneficial and adverse impacts of this project have been considered and these activities will not cause a significant effect to the quality of the human environment. (EA Chapter 3).

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action (EA, Chapter 3).
2. **The degree to which the proposed action affects public health or safety**.

There will be no effect on public health or safety. Logging activities will not occur in or adjacent to areas of public concentrated use and potential impacts to the safety of forest visitors will be mitigated (EA, Chapters 2 and 3).

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area, because these characteristics would not be affected by the action (EA, Chapter 3).

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. The best available science was considered in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk (EA Chapter 3).

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA Chapter 3).

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.** The action is not likely to establish a precedent for future actions with significant effects, because the proposed control methods are well established and have been utilized frequently in the past (EA Chapter 2 and 3).

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. No other past, present or reasonably foreseeable future projects or activities were identified whose effects could combine with the proposed action and result in a significant cumulative effect (EA Chapter 3).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because there are no effects to any cultural resources listed or eligible for inclusion in the National Register of Historic Places (EA , pages 92-93). The State Historic Preservation Office (SHPO) has concurred with this finding by letter dated May 18, 2014.

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.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species

act of 1973, because it was determined that the project will not adversely affect any federally listed species and the US Fish and Wildlife Service concurred with this finding on October 27, 2014 (EA pages 54-59, and Project Biological Evaluation).

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment**. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA page 5).

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

Forest Plan Consistency

The Forest Plan has been reviewed to determine whether the decision being made is consistent with the present management prescription 8C direction, the National Forest Management Act (NFMA), and other laws and regulations. The action creates optimal habitat for black bears and other wide-ranging area sensitive species and moves the project area toward the desired future condition (Forest Plan, page 3-120 to 3-124). This action is consistent with the Forest Plan (Appendix B).

Suitability for Timber Management

Shelterwood with reserves is the selected regeneration method for seventeen of the hardwood dominated stands in Alternative 1. Six stands will receive a commercial thinning treatment. Two stands will receive a commercial thinning with embedded group selections treatment and one stand will be harvested to create a two-aged stand with open woodland structure. All twenty-six stands meet the criteria of being on land suitable for timber production as described by the Forest Plan Appendix B. These lands have undergone a three-stage process that considered physical suitability (site productivity), financial suitability, and consideration of the desired future for various management prescription areas. The Forest Plan also determined that forest stands in Management Prescription 8C are suitable for timber production (Forest Plan 3-123).

Appropriateness of Even-Aged Management

Although shelterwood with reserves is technically a two-aged silvicultural regeneration system, they are considered even-aged management techniques with respect to NFMA. These regeneration methods are appropriate and recommended for the forest types contained within these stands as described on page D-7 of the Forest Plan. Furthermore, even-aged management of these stands will help achieve the Purpose and Need for the project.

As described above, an alternative that would utilize uneven-aged management (UEAM) was considered but eliminated from detailed analysis in the Environmental Assessment. After a review of the Environmental Assessment, the shelterwood with reserves

regeneration method was determined to be the more reliable silvicultural regeneration method to assure that the stands harvested will be regenerated to the desired forest types in the future.

Optimality of Clearcutting

The Fork Mountain Vegetation Project does not propose clearcutting for the regeneration of forested stands.

Ability to Regenerate Stands

Regeneration of the stands proposed for even-age management is expected to occur by the end of the 5-year period beginning from the date that logging is completed and the sale contract has been terminated. Regeneration will derive primarily from existing advanced regeneration, hardwood stump sprouting, and to a lesser extent seed production left from residual trees (EA, pages 28-31).

Vegetation Manipulation

These actions which alter vegetation comply with the seven requirements of 36 CFR 219.27(b) and are consistent with Forest Plan Direction.

This action is best suited to the multiple use goals established for the area. As previously stated, this action would help achieve the Forest Plan goals of providing a secluded and diverse habitat, ensuring adequate den sites and maintaining hard and soft mast production. This action would achieve these goals while minimizing impacts to biological (EA, pages 28-59), cultural (EA, page 79-80), aesthetic (EA, page 76-79), and economic (EA, page 83-87) resources.

This action assures that all regenerated acres will be adequately stocked with desirable trees species (EA, pages 28-31), as previously described.

The action was chosen because, when weighed by the impacts to various resources, this action best moves the project area towards its Desired Future Condition while achieving the Goals and Objectives of the Forest Plan.

The potential effect on residual trees and adjacent stands was considered in choosing this alternative (EA, pages 28-31).

This action will avoid permanent impairment of site productivity and ensure conservation of the soil and water resource through the application of Alternative 1's design criteria and mitigation measures found on pages 25-27 of the EA. Analysis of the impacts to the soil and water resource concluded that these impacts are not expected to be significant (EA, pages 59-74). This action will adequately mitigate impacts to the wildlife resource (EA, pages 33-59), and fisheries resource (EA, pages 51-59). This action will also adequately mitigate impacts on the recreation and aesthetic values of the area (EA, pages 76-79).

This action is practical in terms of transportation, harvesting, and economics, as previously discussed in this Decision Notice under the Suitability heading above.

OBJECTION OPPORTUNITIES

This decision was subject to the objection process pursuant to 36 Code of Federal Regulation (CFR) §218 Subparts A and B. A legal notice announcing the objection period was published in the newspaper of record, *The Roanoke Times*, on June 26, 2015 and in the *Monroe Watchman* on July 2, 2015. Three objections were received. An objection resolution meeting was held with two of the objectors and a phone call was held with the third. The Reviewing Officer instructed the Deciding Officer in three response letters, all dated March 21, 2016, to complete the following:

1) Identify the need to emphasize public safety in the pre-operational meetings with the purchasers of the timber sales in the Mitigation Measures section of the final Decision Notice.
2) Provide additional information in the objection response letters that updates the progress of the Mountain Valley Pipeline project and clarifies the status of the Allegheny Trail.
3) Provide additional information regarding the effects on the Hickory Flats Virginia Mountain Treasure area because it was concern brought up by one of the objectors during the notice and comment period and was not adequately addressed in the Response to Comments:

   The analysis of roadless areas for the Jefferson Plan Revision identified 3.1 miles of road in the 5,037 acre Hickory Flats area. The 0.61 miles of road per 1,000 acres of IRA is what disqualified the area as an IRA during the last forest plan revision. Alternative 1 would decommission 6.5 miles of road in the area. One of these roads FR10521 was a boundary road. This would allow a small expansion of the area east to the Forest Service and private land boundary. With the new proposed road construction, the road density in the area would be around 0.67 miles per 1,000 acres, so there is little change in the overall road density in the area. Forest Plan revision is the appropriate time for examining areas that qualify for wilderness recommendation. This is established in our national planning direction. During plan revision we are examining the entire forest and have active involvement of all concerned parties. The decision to not include the Hickory Flats Area into the Forest Services' Roadless Inventory was made during the latest forest plan revision for the Jefferson National Forest. This decision was an appeal point of the 2004 Forest Plan. The appeal decision issued in 2006 by the Reviewing Officer for the Chief of the US Forest Service found that: "A review of the record shows that the Jefferson National Forest adequately completed an inventory and evaluation of potential wilderness in accordance with the Wilderness Act, Forest Service Handbook 1909.12, and appropriate Regional guidance (p. 52, Appeal Decision for the Jefferson National Forest Revised Land and Resource Management Plan, July 25, 2006). "

   The current direction for inventorying and evaluating potential wilderness during plan revision (FSH 1909.12) identifies different criteria than criteria used during the last plan revision for the Jefferson NF. Road density is no longer a factor and areas may contain

level 2 roads in areas east of the 100th meridian. The new system road construction in the Hickory Flats Virginia Mountain Treasure Area will be a level 2 road and would not disqualify an area that would otherwise meet the criteria for consideration as wilderness.

IMPLEMENTATION DATE

This decision may be implemented any time after the date of signature.

CONTACT

For additional information concerning this decision, contact: Mark D. Miller, Project Team Leader at 540-552-4641.

DANIEL MCKEAGUE
District Ranger

4/1/16
Date

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(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

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