



**DECISION NOTICE  
and  
FINDING OF NO SIGNIFICANT IMPACT**



**Environmental Assessment  
for the  
*Pine Flat Integrated Resource Restoration Project***

**USDA Forest Service  
Region 8  
National Forests in Alabama  
Talladega National Forest, Oakmulgee District  
Bibb and Hale County, Alabama**

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**BACKGROUND AND EA AVAILABILITY**

The USDA Forest Service (USFS), Talladega National Forest (TNF), Oakmulgee Ranger District, developed the Pine Flat Integrated Resource Restoration Project Environmental Assessment (Pine Flat EA) to address certain resource conditions in the project area.

The EA documenting the site-specific environmental analysis for the Pine Flat Project is available for public review at the District Ranger's office in Brent, Alabama or on the web at: [http://www.fs.fed.us/nepa/project\\_list.php?forest=110801](http://www.fs.fed.us/nepa/project_list.php?forest=110801).

**DECISION**

Based on the analysis documented in the EA and the experience of the IDT, it is my decision to implement the Proposed Action (Alternative B) including the Management Standards listed in Chapter 2 (page 41-48) and the Adaptive Management Protocols listed in Appendix B of the EA.

In summary, this decision authorizes the following:

- Treatment, with herbicide, of areas (301 acres) planted or naturally established to longleaf following 2011 tornados to release seedlings from encroaching hardwood competition.
- Commercial harvest of 203 acres currently stocked with loblolly and/or shortleaf pine over the age of 45 years exhibiting signs of decline or prior SPB infestation; with the following concurrent and contemporaneous actions:
  - Variation A: Herbicide site preparation and prescribed fire
  - Variation B: Mechanical mulching site preparation
  - Hand plant longleaf seedlings
  - Herbicide release seedlings from encroaching hardwood and loblolly

- Commercial harvest (thin) of 123 acres of loblolly stands to establish and maintain open park-like woodland conditions; with the following concurrent and contemporaneous actions:
  - Variation A: Midstory removal by cut and leave method
  - Variation B: Midstory maintenance by herbicide application
  - Variation C: Midstory removal by mechanical mulching
- Commercial harvest (thin) of 1,571 acres currently stocked with longleaf to establish open park-like woodland conditions; with the following concurrent and contemporaneous actions:
  - Variation A: Midstory removal by cut and leave method
  - Variation B: Midstory maintenance by herbicide application
  - Variation C: Midstory removal by mechanical mulching
- Construct and restore after use, 2.4 miles of temporary roads to support timber harvest and associated concurrent and contemporaneous actions
- Treat midstory in 656 acres of commercially thinned loblolly and longleaf areas, with variations of herbicide and/or cut and leave, and/or mechanical mulching to establish open park-like conditions.
- Site preparation of 839 acres by mechanical mulching prior to hand planting longleaf seedlings.
- Install and/or replace a minimum of 4 artificial nest cavities for each of the 6 active RCW clusters
- Install and maintain a minimum of 4 artificial nest cavities for each of the 5 RCW recruitment areas
- Maintain 6.4 acres of permanent early seral stage habitat on existing linear strips by annual mowing and planting of wildlife food crops
- Remove by passive decommissioning, 3.7 miles of roads currently under yearlong closure by deleting them from road system.
- Maintain seasonal and year round open road system with integrated treatments of herbicide and mowing. (26.4 miles by 20 feet/64 acres)
- Change FDR 708D status from seasonal (open 10/16 – 4/30) to yearlong closed
- Suppress active SPB infestations, by variations of “cut and remove” or “cut and leave” treatments

## **REASON FOR THE DECISION**

The Proposed Action was selected for the following reasons:

1. It provides for the restoration of species composition and structure within native forest and woodland ecosystems (**Forest Plan Goal 1**);

2. It contributes to the recovery of federally listed threatened and endangered species, specifically the red cockaded woodpecker and provides for the conservation of sensitive species as to minimize the need for additional listings under the endangered species act **(Forest Plan Goals 11 and 12);**
3. It reduces the risks from insects and disease **(Forest Plan Goal 3);**
4. It provides habitats to support desirable levels of selected species (e.g. species with special habitat needs such as large, continuous forested landscaped, species commonly trapped/hunted, or species of special interest) **(Forest Plan Goal 16);**
5. It contributes to nature based recreation opportunities **(Forest Plan Goal 22).**
6. It enhances the safety and efficiency of the transportation system **(Forest Plan Goal 35).**

#### **OTHER ALTERNATIVES OR INFORMATION CONSIDERED:**

Under the No Action Alternative, activities approved under other existing environmental documents would continue to be implemented. Basic custodial forest management such as wildfire suppression and routine road maintenance would also be implemented under the no action alternative.

A third alternative was considered but dropped from the detailed analysis. This third alternative was evaluated in an attempt to refrain from increasing the acres in early successional conditions through additional clear cuts. However, it was determined that this alternative did not fully address the forest health conditions in three stands and thus did not achieve the stated goals and objectives of the project.

There were no public comments received during scoping for the Pine Flat Integrated Resource Restoration Project that resulted in issues requiring further consideration. Furthermore, there are no unresolved conflicts with the proposed action, therefore, the proposed action is the only action analyzed in this Environmental Assessment.

**36 CFR 220.7(b) (2) states: When there are no unresolved conflicts concerning alternative uses of available resources (NEPA [National Environmental Policy Act], section 102(2)(E)), the EA[Environmental Assessment] need only analyze the proposed action and proceed with consideration of additional alternatives.**

#### **PUBLIC INVOLVEMENT:**

The Oakmulgee Ranger District identified landowners and individuals who could be affected by or interested in the proposed management actions of this project. On February 14, 2013 a scoping document containing a draft of Chapter One was made available to the public. Notification was mailed to approximately 500 members of the public. We received 39 back as undeliverable addresses. Comments about the draft were requested by March 4, 2013.

We received four responses to the Chapter One draft. Two were from state agency representatives and were fully supportive of the proposed action. One was from a professional forester employed by a land management company and adjacent landowner who provided supportive comments. The remaining response asked that we provide certain assurances regarding the stabilization of temporary roads. This comment is addressed in Chapter 3 Section E and F of the Draft EA.

The notice of completion of the Draft EA, selection of the proposed action, and subsequent 30-day comment period (ended May 31, 2013) was published in the *Tuscaloosa News* on May 1, 2013. Six public responses were received during the 30-day public comment period (Pine Flat Integrated Resource Restoration Plan). The response to these comments is located in Appendix C of the EA.

**FINDING OF NO SIGNIFICANT IMPACT:**

After considering the affected interests and the environmental effects described in the Environmental Analysis, I have determined that the Proposed Actin will not have a significant effect of the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27) Thus based on the following, an Environmental Impact Statement will not be prepared:

**CONTEXT:** The operations under this decision apply to a project of limited scope and duration. The potential effects are confined to certain components of the areas to be harvested and those areas involving road maintenance. These actions are within the scope of the Final Environmental Impact Statement for the Revised Land and Resource Management Plan for the National Forests in Alabama (Forest Plan).

**INTENSITY:** The following were considered in evaluating the intensity (severity of impact of this project:

1. I have considered both beneficial and adverse effects in this action as described in Chapter 3 of the EA. These impacts are within the range of those identified in the Forest Plan, and this action will not have a significant effect on the quality of the human environment. Adherence to specific parameters, standards, guidelines, training, experience, and design criteria will diminish potential adverse effects. Beneficial effects far outweigh any potential adverse effects. Beneficial effects, however, have not been used to offset or compensate for potential adverse effects (40 CFR 1508.27(b)(1)).
2. The selected alternative will not result in significant effects on public health and safety, and implementation will be in accordance with project design (EA, Chapter 2 and 3).

3. The unique characteristics of the geographic area, including historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas will not be affected ((EA Chapter 3) (40 CFR 1508.27 (b)(3))).
4. Based on public involvement, the effects on the quality of the human environment are not likely to be highly controversial (EA Chapter 3, Section N) (40 CFR 1508.27 (b)(4)).
5. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks (EA Chapter 3, Section N) (40 CFR 1508.27(b)(5)).
6. These actions do not set a precedent for other projects proposed to meet the goals and objectives of the Forest Plan. Any future decisions considered will need all relevant scientific and site-specific information available at that time (EA Chapter 3, Section N) (40 CFR 1508.27(b)(6)).
7. This action does not represent potential cumulative adverse impacts when considered in combination with other past or reasonably foreseeable actions (EA Chapter 3) (40 CFR 1508.27(b)(7)).
8. Historic places or loss of scientific, cultural, or historic resources that may qualify for the National Register of Historic Places will not be adversely affected by this action (EA Chapter 3, Section M) (40 CFR 1508.27(b)(8)). If heritage resource sites are discovered during the implementation operations, activities in the general area of the discovery will be stopped until the site can be evaluated for significance by an archaeologist.
9. This action will not adversely affect any endangered or threatened species or critical habitat designated under the Endangered Species Act of 1973 (EA Chapter 3, Sections K and L; Biological Evaluations. (40 CFR 1508.27(b)(9)).
10. The actions will not violate federal, state, or local law or requirements imposed for the protection of the environment. Carrying out the proposed actions in a way that is consistent with the standards and guidelines, management requirements, and design criteria established in the Forest Plan will ensure this. No historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic river, or ecologically critical areas will be impacted. Riparian areas will be protected by application of the Forest Plan Standards, Guidelines and design criteria as specified in the EA Chapter 2. There are no known significant irreversible resource commitments or irretrievable loss of timber production, wildlife habitats, soil production, or water quality (40 CFR 1508.27(b)(10)).

## **FINDINGS BY NFMA AND OTHER LAWS:**

1. **NFMA Significance:** This project is consistent with the National Forests in Alabama Revised Land and Resource Management Plan (2004) as required by the National Forest Management Act (NFMA) (16 U.S.C. 1604). It is consistent with the Forest Plan, as amended. All proposed management actions within the selected alternative are consistent with the management objectives, Standards, and Guidelines for the management areas on the Oakmulgee Ranger District. It is also consistent with the State Best Management Practices (BMPs). Design criteria specified in the EA will be applied to the planned actions. The project is feasible and reasonable, and results in applying management practices that meet the Forest Plan overall direction of improving and restoring conditions, and protecting the environment while producing goods and services.
2. **Bald and Golden Eagle Protection Act:** Bald and Golden Eagle conservation measures will be applied. (Reference Appendix A)
3. **Endangered Species Act and National Historic Preservation Act:** This project is consistent with the Endangered Species Act. In accordance with FSM 2672.4, Biological Evaluations were prepared to evaluate the effects of the planned activities of PETS species. The USDI Fish and Wildlife Service concurred with the determinations of the PETS species. This project is also consistent with the National Historic Preservation Act (Reference EA Chapter 3)
4. **Clean Water Act:** This project is consistent with the Clean Water Act. The actions either do not occur within a 100-year floodplain of a jurisdictional wetland, or as planned in this proposal, they are exempt from the requirement for a Section 404 permit under the Clean Water Act.

As required by 36 CFR 219.35, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Scientific information used in the preparation of the environmental analyses and specialists reports are summarized in the EA, specifically the determination of the potential area for longleaf restoration through the use of GIS tools and PNV indices based on current NRCS soil surveys (EA pgs 15-16); forest health descriptions based on current research much of which was conducted on the Oakmulgee District (EA pgs 22 – 23, and pgs 67 - 72); RCW expansion based on the RCW Recovery Plan and current project specific monitoring information; and the NNIPS Risks Assessment Tool. For a full list of references see Chapter 4 of the EA.

## **APPEAL OPPORTUNITIES, CONTACT, AND IMPLEMENTATION:**

Notice of this decision will be published in the *Tuscaloosa News*, Tuscaloosa, Alabama. This decision is subject to appeal pursuant to 36 CFR 215. Individuals and organizations who have submitted written or oral comments during the 30day comment period may file an appeal in accordance with 36 CFR 215. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in the *Tuscaloosa News* (Tuscaloosa, Ala). Appeals must be filed with Forest Supervisor, National Forests in Alabama at:

USDA Forest Service  
Attn: Appeal Deciding Officer  
2946 Chestnut Street  
Montgomery, AL 36107

Appeals may also be faxed to (334)241-8111 or mailed electronically in a common digital format to [appeals-southern-alabama@fs.fed.us](mailto:appeals-southern-alabama@fs.fed.us). Hand-delivered appeals must be received within normal business hours of 7:30 a.m. to 4:00 p.m., Monday – Friday, closed on federal holidays.

If no appeal is filed within the 45-day time period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal-filing period (§215.15).

For further information on this decision, contact Cynthia Ragland, District Ranger, Oakmulgee Ranger District, 9901 Highway 5 South, Brent, Alabama, 35034. She may also be reached at 205-926-9765 or [cragland@fs.fed.us](mailto:cragland@fs.fed.us)

*/s/ Cynthia Ragland*  
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CYNTHIA RAGLAND  
District Ranger

*June 3, 2013*  
\_\_\_\_\_  
Date

# Bald Eagle Management Guidelines & Conservation Measures

## *Determining Whether Timber Operations and Forestry Practices will Disturb Nesting Bald Eagles*

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**Step 1. You selected timber operations and forestry practices.**

**Reference Pine Flat Integrated Resources Restoration Project Decision Notice.**

**Step 2. Determining whether your activity is likely to disturb nesting bald eagles.**

To avoid disturbing the breeding eagles and their young, we recommend that you do the following:

- Avoid clear-cutting or removal of overstory trees within 330 feet (100 meters) of both **active and alternate nests** at any time.
- Avoid timber harvesting operations, including road construction and chain saw and yarding operations, during the nesting season within 660 feet (200 meters) of the nest. The distance may be decreased to 330 feet around alternate nests within a particular territory, including nests that were attended during the current nesting season but not used to raise young, after eggs laid in another nest within the territory have hatched.

**Reference Figure Appendix A-1: Eagle Nest Coordination Map for 660 feet buffers.**

- Selective thinning and other silviculture management practices designed to conserve or enhance habitat, including prescribed burning close to the nest tree, should be undertaken outside the nesting season.
- If burning during the nesting season is necessary, do the following:
  - Conduct burns only when adult eagles and young are absent from the nest tree (i.e., at the beginning of, or end of, the nesting season, either before the particular nest is active or after the young have fledged from that nest).
  - Take precautions such as raking leaves and woody debris from around the nest tree to prevent crown fire or fire climbing the nest tree.

**This documentation will be added to the Prescribed Burn Plan for the affected area and the appropriate mitigation measures included in future burn plans.**

- Avoid construction of log transfer facilities and in-water log storage areas within 330 feet

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(100 meters) of active and alternate nests nest.

**Not applicable**

**Determination**

Yes - I can implement the recommendations.

If you are able to implement these recommendations, **disturbance of nesting bald eagles is unlikely to occur**. We recommend printing this page and signing dating it for your records.

No - I cannot implement the recommendations.

If you cannot implement these recommendations, we suggest that you contact your local U.S. Fish and Wildlife Service Office for further guidance.

Signature: Michael J. Galt

Title: NEPA Planner / T&E Program Mgr

Talladega National Forest, Oakmulgee District  
9901 Highway 5  
Brent, Alabama 35034

Date: 02-June 2013

These recommendations are valid only for the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

**Mailed to FWS Ecological Services Field Station, Daphne, Alabama**

**Figure Appendix A-1: Eagle Nest Coordination Map for 660 feet buffers**

