



DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment
for the
Deer Pen Restoration Project



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

DECISION

Based on the analysis documented in the EA, it is my decision to implement the Proposed Action (Alternative B) including the Management Standards listed in Chapter 2 (page 35-42) and the Adaptive Management Protocols listed in Appendix B of the EA.

In summary, this decision authorizes the following:

- **Manage Forest and Woodland Ecosystems:** To restore longleaf pine species on 22 acres currently stocked with loblolly pine currently exhibiting signs of decline. These are areas predominately located on primary and/or secondary longleaf soils that have been allowed to evolve to a shortleaf/loblolly/hardwood mix through a variety of means including planting of old fields, grazing, and/or suppression of fire. Concurrent and contemporaneous actions include commercial harvesting including construction and restoration of an estimated 0.3 miles of temporary haul roads; site preparation of herbicide (Triclopyr and Imazapyr) and fire; and/or site preparation of mechanical mulching; hand planting longleaf seedlings; followed by a release treatment of herbicide (Triclopyr and Imazapyr) 2-5 years after the seedlings have been established.
- **Manage Forest and Woodland Ecosystems:** To shift species composition on 148 acres of mixed loblolly, longleaf and hardwood stands over the age of 40, located on primary and/or secondary longleaf soils by thinning to commercially remove loblolly and hardwood and longleaf where over-stocked. Thin to establish open park-like forest conditions favoring longleaf, follow commercial harvest with midstory treatment of cut and leave, and/or herbicide application (Triclopyr), and/or mechanical mulching. Includes construction and restoration of an estimated 0.1 miles of temporary haul roads. Note: This includes treatment of 16 acres previously selected for restoration by a prior decision. Current inventory indicates significant longleaf stocking and that the majority of the loblolly can be removed via commercial harvest leaving the residual stand as longleaf pine woodland.

- **Manage Forest and Woodland Ecosystems:** To restore structure of longleaf pine on 105 acres over age 40 by establishing open park-like forest conditions by commercially thinning including construction and restoration of an estimated 0.9 mile of temporary haul roads and a follow-up midstory treatment of cut and leave, and/or herbicide application (Triclopyr), and/or mechanical mulching.)
- **Manage Forest and Woodland Ecosystems:** To restore structure and resilience to 133 acres of mixed pine (loblolly, shortleaf, Virginia, and longleaf) on longleaf soils by commercial thinning following commercial harvest with midstory treatment of cut and leave, and/or herbicide application (Triclopyr), and/or mechanical mulching. These stands are less than 40 years old. Includes construction and restoration of an estimated 0.8 mile of temporary haul roads.
- **Manage Forest and Woodland Ecosystems:** To perform follow-up midstory treatment of herbicide application (Triclopyr), and/or mechanical mulching on 63 acres. (Commercial harvest and cut and leave midstory covered under prior decision)
- **Manage Forest and Woodland Ecosystems:** Add mechanical mulching as a potential treatment for site preparation on 62 acres prior to hand planting longleaf seedlings. (Note: Commercial harvest of these areas has been addressed in prior decision documents.
- **Recovery of Federally listed Threatened and Endangered Species:** Establish and maintain suitable habitat to recruit four new RCW clusters by establishing recruitment nesting habitat with a minimum of four suitable cavities, as defined by the RCW Recovery Plan, per cluster. This includes annual maintenance and replacement of artificial cavities and annual maintenance of natural cavities.
- **Support Desirable Levels of Selected Species:** Maintain permanent early seral stage habitat to support wildlife habitat and hunter success by **annual mowing and planting of 2.9 acres of existing linear strips.**
- **Nature-based Recreation/Safe and Efficient Access:** Increase opportunities for nature viewing by changing the status of FSR 715 from seasonally closed to yearlong open.
- **Nature-based Recreation/Safe and Efficient Access:** Maintain and enhance existing and proposed year-round and seasonally open roads (Forest Service and State) by treating 5.4 miles of roadsides with selective herbicide (Triclopyr) to reduce encroachment of brush and woody vegetation, provide for safety of motorists, increase early successional wildlife habitat, reduce the risk of establishment of NNIS, and reduce the frequency of roadside mowing. Treatment area would extend 10 feet from road edges, totaling 6.5 acres. Roads would be treated on a 1-2 year rotation. Roadside mowing would occur as needed.

- **Reduce Risk to Insect and Disease:** Suppress active SPB infestations by cutting and removing, or cutting and leaving infestation trees along with additional trees to serve as a buffer.

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**).

PUBLIC INVOLVEMENT:

Scoping Summary: Public involvement specific to this document began on March 28, 2014 with the draft of Chapter 1 of this EA uploaded into the PALS (Planning, Appeals, and Litigation) database. A web link to the document in the PALS database was emailed to 208 individuals and/or organizations expressing interest in management activities on the Oakmulgee District on March 28, 2014. The project was listed in the SOPA (Schedule of Proposed Actions) on April 1, 2014. Comments were received from March 31, 2014 to April 28, 2014. One response was received. (Reference the EA for response to scoping.)

30 DAY COMMENT PERIOD:

Pursuant to CFR §218.24, the 30 day comment period began on June 18, 2014 when the legal notice was posted in the *Tuscaloosa News*. Concurrent to posting the legal notice the final EA and Draft Decision Notice and FONSI were posted to the PALS database and 207 interested parties were notified by email of the availability of these documents and 30-day comment period, including instructions on how to provide comments. Hard copy documents were mailed to six additional interested parties. The 30-day comment period ran from June 17, 2014 to July 17, 2014. No comments meeting the criteria to establish standing for an objection were received during the scoping period; and no comments were received during the 30-day comment period. Therefore pursuant to 36 CFR 218.5, no parties have standing to object. This project is approved for implementation and project work may begin at the discretion of the District Ranger

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 Action 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. **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)

3. **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. 13-14); forest health descriptions based on current research much of which was conducted on the Oakmulgee District (EA pg. 20 and pgs. 55 - 57); 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.

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


CYNTHIA RAGLAND
District Ranger

July 23, 2014

Date