



**Decision Notice and Finding of No Significant Impact  
for  
Millsteck Project  
USDA-Forest Service  
Allegheny National Forest  
Marienville Ranger District  
Elk and Forest Counties, Pennsylvania**

## **I. Background**

The 26,251-acre Millsteck project area is located on the Marienville Ranger District of the ANF, southeast of Marienville, Pennsylvania. It includes National Forest System (NFS) lands within Warrants 2547, 3550, 3551, 3564, 3643, 3670, 4130, 4133, and 4136 in Jenks Township, Warrants 3144, 3145, 3147, 3158, and 5700 in Barnett Township, Forest County, Pennsylvania and Warrants 2792, 4042, and 4556 in Spring Creek Township, Warrants 2362, 2517, 2518, 2523, 2524, 2532, 2533, 2542, 2543, 2545, 2546, 2548, 2565, 2581, 2596, 2639, 2667, 2790, 2792, 4042, 4129, 4134, 4135, North Strong, Raught and Wilson, E. Heath, Nelson Strong, J. Wyncoop and E. Wyncoop, Millstone Township, Elk County, Pennsylvania. This project would implement the Forest Plan and includes proposed management activities that are designed to help achieve the desired condition outlined in the Forest Plan. The NFS lands within the project area lie within Management Area (MA) 2.2–Late Structural Linkages (11,320 acres), MA 3.0–Even-aged Management (6,770 acres), MA 6.1 – Late Structural Habitat (925 acres), and MA 7.1 – Developed Recreation Areas (120 acres). There are 7,116 acres of non-Forest Service lands within the project area. The following is a summary of the purpose and need (listed on pages 3–4 of the environmental assessment [EA]):

- There is a need to create early structural habitat to provide diverse vegetation patterns across the landscape to represent well distributed habitats, a range of forest age classes and vegetative stages, a variety of healthy functioning vegetation layers, moderate to well stocked forest cover, and the variety of vegetation species or forest types necessary to achieve multiple resource objectives and sustain ecosystem health (USDA-FS 2007a, p. 14). Early structural habitat within the project area and across the region has been declining and has created a need to create young forest. Many treatments being proposed would create early-structural habitat through regeneration harvests.
- There is a need to provide diverse wildlife habitat across the landscape to provide forage and cover for a variety of wildlife species through habitat enhancements, to contribute to the conservation and enhancement of habitat integrity for species with viability concerns by protecting specific habitat elements crucial to the long-term sustainability of species. There is a need to provide nesting sites, breeding areas and young-rearing habitat free from human disturbance for species with viability concerns.) There is a need to provide habitat for game species to make opportunities available for quality hunting and fishing experiences while promoting the management of game species that sustain healthy forest understories (USDA-FS 2007a, pp. 14 and 20).
- Non-native invasive plant (NNIP) species are established in the project area. There is a need to implement NNIP species treatments that would limit the introduction and/or spread of NNIP species, and conserve forest resources in a manner that presents the least hazard to humans and maintains or restores forest resources (USDA-FS 2007a, p. 13).

- There is a need to improve or restore dispersed campsites to reduce health, safety, and resource impacts (USDA-FS 2007a, p. 18).
- There is a need to manage Forest Service roads and expand a stone pit to provide a safe, efficient, and economical transportation system that is responsive to public and administrative needs. There is a need to minimize adverse effects on ecological processes and ecosystem health, diversity, and productivity; and is in balance with needed management actions (USDA-FS 2007a, p. 16).
- There is a need to minimize potential soil erosion and sedimentation and long-term loss of inherent soil quality and function by maintaining, restoring, or improving soil quality, productivity, and function (USDA-FS 2007a, p. 14).
- There is a need to restore and enhance stream processes and aquatic habitat diversity for brook trout and other headwater stream fishes. Headwater streams on the ANF should have between 75 to 380 pieces of large wood per mile of stream (USDA-FS 2007a, p. 14). Stream area habitat should be comprised of 35 to 65 percent pool and slow-water habitats, which is important for aquatic organism survival and propagation (USDA-FS 2007a, p. 11). Many streams on the ANF and within this project area are lacking large wood due to extensive timber harvesting that occurred along these streams 80 to 115 years ago. Physical habitat surveys have been conducted in the Millsteck project area. Stream habitat is lacking large wood and in-stream cover. Since large wood is important for creating larger, deeper pools, the low numbers of large wood is likely contributing to the low numbers of quality pools observed. Large wood in streams is also important for the purpose of connecting aquatic habitats, promoting stream stability and sediment and organic matter storage.
- Specific to MA 2.2 – There is a need to contribute the desired condition by providing predominantly late structural forest habitat that links relatively large areas of older forest, or core areas, across the landscape. Vegetative management would provide complex late structural forest conditions and maintain or regenerate mast-producing species (USDA-FS 2007a, pp. 109–112).
- Specific to MA 3.0 – There is a need to contribute to the desired condition by providing a mix of vegetative conditions and quality timber products that contribute to the local and regional economy. Regeneration harvests, along with reforestation treatments would allow for the establishment of an early structural forest, which is characteristic of this management area and helps achieve the desired condition of a diversity of vegetation patterns across the landscape (USDA-FS 2007a, pp. 113–116).

## II. Decision and Rationale

I have reviewed the Millsteck EA, as well as the supporting information in the project file and public comments received throughout scoping and during the 30-day official comment period; and I fully understand the environmental effects disclosed therein. After careful consideration of the analysis, applicable laws, the Forest Plan, and public comments, it is my decision to implement Alternative 1– Proposed Action, as described on pages 5–10 of the EA and in Appendix B, including all design features listed on pages 18–20 of the EA, with the following changes, additions and deletions:

- 1) Deletion of the proposed even-aged and understory vegetation treatments for stand 677041, a shelterwood seed cut/removal cut totaling 12 acres.

- 2) Deletion of the proposed even-aged and understory vegetation treatments for stand 705009, an oak restoration treatment totaling 28 acres, stand 705012, an oak restoration treatment totaling 47 acres, and stand 705020, and oak restoration treatment totaling 47 acres.
- 3) Deferment of the road construction utilizing new corridors for proposed Forest Road (FR) 774B, totaling 0.4 mile, for 5 years.
- 4) Deferment of the following even-aged and understory vegetation treatments for a period of 5 years: Stands 695018, 695033, 695034, and 695040. If, during that 5 year period, private oil and gas development provides an alternative access to these stands, then use of this access can be negotiated and these stands may undergo the proposed even-aged and understory vegetation treatments. If no private alternative access to these stands has been developed within 5 years, then the decision to conduct the proposed even-aged and understory vegetation treatments on these stands, as well as on stand 695065, may be reassessed at that time to determine if they should be implemented.

A revised Map 2: Silvicultural Treatments and a revised Table 1—Activities proposed in Alternative 1—Proposed Action, showing these changes, are included with this decision notice and finding of no significant impact and posted on the ANF website at: <http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=34979>.

Please note that acres shown below are not mutually exclusive, and that many treatments and activities would occur on the same areas. My decision includes:

- **Silvicultural treatments:** 297 acres of intermediate thinning harvests and 1,692 acres of shelterwood seed cut/removal harvests,
- **Reforestation activities:** Reforestation treatments include site preparation (2,956 acres), herbicide application (2981 acres), fence and/or tree shelter installation (up to 2,882 acres), tree planting for species diversity (560 acres), prescribed burning and/or scarification (1673 acres), and release for species diversity (3,261 acres). Reforestation treatments will only be implemented if needed. Post harvest conditions of each unit will determine the location, amount and type of reforestation treatments to be implemented.
- **Wildlife habitat enhancement activities:** 160 acres of wildlife improvements, 30 acres of opening maintenance (includes liming, disking, applying fertilizer, and herbicide, seeding, and mowing of openings), and installation of 32 nest box structures.
- **Non-native invasive plant (NNIP) species treatments:** Seventy (70) acres of NNIP species treatments.
- **Soil and Water Improvements** Placing surface armoring at road and trail stream crossing (9.2 miles). Improving 11 dispersed camping sites and closing 6 dispersed camping sites.
- **Transportation activities:** Constructing 0.3 miles of road utilizing new corridors and 4.8 miles of road utilizing existing corridors to provide access for proposed and future management activities. Relocate the gate on FR 402 to the beginning of the road and construct a parking area in front of the gate. Expanding existing stone pit (4.0 acres) for road construction and maintenance and rehabilitating and stabilizing the pit after use

- **Watershed activities:** Felling trees along 4.7 miles of streams (up to 35 trees per mile) to introduce large wood into streams to improve aquatic habitat, trap sediment, and slow flood flows.

I have chosen to implement Alternative 1–Proposed Action for the following reasons:

1. Of the action alternatives, Alternative 1 best meets an essential criteria - it fully addresses the purpose and need for action, as described in Section I of the EA. Alternative 1 also retains the Steck Run #12 (1,807 acres), Muddy Fork #36 (875 acres), and Gregg Hill #37 (864 acres) unroaded areas at their current size as described in the Forest-wide RAP (2003). Portions of two other unroaded areas (Lick Run #25 and West Branch Millstone #55) fall within the Millsteck project area and are likewise unaffected by this Alternative. I deferred the implementation of the construction of new road corridor into a portion of the Gurgling Run #22 (1,144 acres) unroaded area in order to retain its current size for the near future (see 2 below). These were key deciding factors for me, since they told me we could continue to meet the need for diverse vegetation patterns and wildlife habitat across the landscape without impacting the largest remaining patches of mature forest core habitat in this project and cumulative effects area. Further, as previously regenerated stands age and enhance the core habitat, we are still creating early structural habitat to maintain diversity across the landscape.
2. I decided to defer the construction of the new corridor for FR774B and the implementation of the treatments in the stands it accesses within the Gurgling Run #22 unroaded area primarily to wait and see if private oil and gas development, which is currently occurring in areas outside of but adjacent to the Millsteck project area, expands into this area. If it does expand into Gurgling Run #22, then the access for that development can be assessed for access to the deferred stands. If private oil and gas development does not expand into Gurgling Run #22, then the road construction and stand treatments and their impact on core area habitat can be reassessed and either approved or dropped at that time.
3. Alternative 1, with its associated design features, can be implemented in an environmentally sound manner without significant environmental effects (EA, all sections, and project file), while meeting the purpose and need for action (EA, pp. 3–4). Management activities will comply with all applicable Forest Plan standards and guidelines. Project design features have been specified within the EA to protect resources and minimize conflicts.
4. Alternative 1 creates 1,692 acres of early structural habitat (9 percent of the NFS lands within the project area) using even-aged management techniques. This, along with previously approved regeneration harvests still to be completed will aid in creating a diversity of vegetation age classes and benefits wildlife species that utilize early successional habitat for all or part of their habitat needs.
5. The proposed stone pit expansion is intended to provide surfacing for the construction of log landings to accomplish this decision and for maintenance of Forest Service System roads.
6. I have reviewed the potential scenarios for private oil and gas development (OGD) and the activities in Alternative 1 and believe that the cumulative effects are not significant (Section III, Environmental Consequences, EA, pp. 27–89 and Table 3, pp. 21–25 of the EA). Table 10 on page 29 of the EA identifies the development of 20 deep well pads within the project area as a reasonably foreseeable future activity. The cumulative effects analysis for hydrology discloses and describes water quality and water quantity impacts of deep well development (EA, pp. 49–51). The cumulative effects analysis for wildlife and plants notes that future oil and gas

development was not included in the patch analysis for fragmentation, because we could not accurately predict where future oil and gas development would occur (EA, p. 61).

7. I have reviewed the best available scientific information (including the ANF's February 2009 report and the most recent report and proposed strategy by the Pennsylvania Game Commission) concerning white-nose syndrome (WNS) and bat populations on the ANF (see project file). I find that the cumulative effects of the treatments planned in this project are consistent with and do not contribute in some unanticipated way to the cumulative effects analyzed in the WNS review of information.
8. My decision will result in an estimated harvest of 29/7 million board feet of sawtimber and pulpwood products that will contribute to the local economies. It, in combination with previous approved projects, provides a sustained flow of activities over the next 10 to 20 years.
9. I have fulfilled the objectives set forth by NEPA regulations and provided responses to public comments on this EA (see Appendix D – Response to 30-Day Comments and the Public Involvement section of the EA, pp. 11–12).
10. Protection of resources is provided through implementation of Forest Plan standards and guidelines, site-specific design features (EA, pp. 18–20), and the development of site-specific prescribed burn plans to allow for the implementation of Alternative 1 without significant effects to the quality of the human environment. Past monitoring validates the effectiveness of project design features to minimize adverse effects of planned activities (1986–2007 Monitoring and Evaluation Reports).

### III. Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives (Alternative 2–No Action and Alternative 3) in detail. A comparison of effects between the alternatives can be found in Table 3 on pages 21–25 of the EA. Six other alternatives were considered but eliminated from detailed study and include (1) an alternative to end the use of even-aged management, (2) an alternative which drops all treatments in MA 2.2, (3) an alternative where areas that are not predicted for full field development are retained as havens and receive a special level of triage-protection, (4) an alternative to offset the impacts of oil and gas development (OGD), (5) an alternative that decommissions 1.1 miles of FR592 to create a larger unroaded area, and (6) an alternative that harvests no timber, constructs no roads, and applies no herbicides. They are listed on pages 13–15 of the EA with a rationale as to why they were eliminated from detailed study.

**Alternative 2: No Action.** Under this alternative, none of the proposed timber harvests, reforestation treatments, NNIP species treatments, wildlife habitat improvements, road construction, stone pit expansion, dispersed recreational treatments, and soil and water restoration activities would not occur in the project area at this time. This alternative was not selected because it would not meet the purpose and need for action.

**Alternative 3.** I did not select Alternative 3 because I believe it does not meet the purpose and need for action as well as Alternative 1–Proposed Action. With the modifications to Alternative 1, I have adequately accounted for resource concerns in stands 705009, 705012, and 705020 and in stand 677041. I am confident that the management activities proposed in compartments 665 and 705 will greatly benefit the long term retention of oak as a critical component of the project area landscape and that Forest Plan standards and guidelines will adequately protect water quality where management occurs. I have also

accounted for potential impacts to unroaded areas. The EA provides adequate and insightful analysis of the impacts of managing or not managing stands within unroaded areas, and I acknowledge the potentially conflicting values associated with recreation, core habitat and access for vegetation management in unroaded areas. The private subsurface landowner makes the decision on where and when to develop oil and gas resources, and my decision to defer road construction activities that could directly impact the Gurgling Run unroaded area affords the Forest Service the opportunity to manage MA 3.0 lands in this area if private oil and gas development expands into the area and alters the core habitat, or to drop the road construction and management of the associated stands if private oil and gas development does not occur in this area and it is determined at that time to be the best decision for these activities. None of the activities approved in this decision will reduce the size or function of the other unroaded areas within the project area.

I am grateful for the very thoughtful and, in some case, site specific comments submitted by members of the public concerned about the future of the NFS lands within the Millsteck project area. Based on that public input, I believe an adequate range of alternatives was analyzed. This complies with Forest Service NEPA regulations under 36 CFR 220.7 (b) (2). The EA describes the Alternative 1–Proposed Action, Alternative 2–No Action, and Alternative 3. Alternative 3 was developed to address concerns about timber harvesting and road construction in unroaded areas and in the Painter Run area.

#### **IV. Public Involvement**

The following public involvement activities were completed:

1. The project was listed in the ANF schedule of proposed actions beginning with the in April 2011 issue. This quarterly publication is mailed to interested parties and is also available on the ANF website.
2. On January 25, 2011, scoping packages were mailed to 907 individuals and organizations, including adjacent landowners and subsurface mineral owners.
3. A news release announcing the opening of the scoping period was sent to the local media on February 16, 2011.
4. The scoping package was posted on the ANF website on February 16, 2011.
5. The scoping period ended on February 28, 2011. Comments were received from 47 respondents (see Appendix A of the EA for disposition of the comments received). Two unresolved issues were identified from scoping.
6. On July 19, 2012, the Millsteck EA was mailed to those interested parties who submitted hardcopy comments during the scoping period. On July 20 and 23, 2012, an email message was sent to those interested parties who sent email comments that the EA was available on the ANF website.
7. A news release announcing the initiation of the 30-day comment period was sent to local media on July 19, 2012.
8. The environmental assessment was posted to the ANF website on July 19, 2012.

9. A legal notice for comments was published in *The Kane Republican* newspaper (Kane, Pennsylvania) on July 23, 2012 announcing the opening of the 30-day notice and comment period for the EA.
10. The 30-day comment period for this project ended on August 23, 2012. Five responses were received.

## V. Finding of No Significant Impact

I have determined that the proposed actions will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. My determination is based on the effects analysis documented in the Millsteck EA and project file. I considered the following factors listed in 40 CFR 1508.27:

**(a) Context** – Based on the large size of the Allegheny National Forest and the comparatively small percentage of the area proposed for timber harvesting including previously approved regeneration harvests still to be completed (less than 1 percent of the ANF), wildlife habitat enhancements, NNIP species treatments, improvements to dispersed recreation camp sites, watershed management activities, and transportation activities in this project, the site-specific actions of Alternative 1, both short- and long-term, are not significant.

The context of this proposal is to implement vegetative management activities within the Millsteck project area. Even in a local context, this proposal will not pose significant short- or long-term effects. The Forest Plan standards and guidelines, Pennsylvania BMPs and project design features will minimize and avoid adverse impacts. Reasonably foreseeable future projects were analyzed in context with the activities as proposed or implemented under cumulative effects analyses (EA, pp. 20–89).

This project does not establish precedent for any future projects on the ANF.

The size and nature of this project is typical of other multiple-use management projects on this ranger district. This project does not involve unusual or unique treatments or methods, and there is very little road construction proposed. The effects of the common silvicultural treatments used here have been observed in past actions and are well-documented in monitoring reports and field work.

**(b) Intensity** - I base my finding on the following intensity factors:

1. **Beneficial and adverse effects** – Beneficial and adverse effects have been considered in the analysis. Benefits of this project were not used to offset adverse impacts, and adverse impacts of this project are not significant even when separated from benefits (EA, pp. 20–89).
2. **Public health and safety** – Implementation of this project will not cause any significant effects to public health and safety (EA, pp. 87–89).
3. **Unique characteristics of the geographic area** – No parklands, floodplains, wetlands, wild and scenic rivers or ecologically critical areas would be adversely affected by implementing Alternative 1 (EA, pp. 41–53 and 58–76). Prime farmland occurs within the project area. There are activities proposed on prime farmland soil map units in both action alternatives; however, except for the proposed road construction (new corridor) in Alternative 1 (3.0 acres) and Alternative 3 (1.3 acres) and stone pit expansion in both action alternatives (up to 4 acres), none would result in the permanent conversion of farmland (EA, p. 41 and soils report [project file]).

Although connected by riparian habitat to the Clarion Wild and Scenic River (WSR), the project is not positioned on the landscape in, adjacent to, or near any important mammal area (IMA) or important bird area (IBA) as recognized by the Pennsylvania Department of Conservation and Natural Resources (DCNR). The project is 24 miles or more away from the 300,000-acre Hickory Creek/Tionesta Creek IMA and 16 or more miles from the nearest IBA, the Tionesta Scenic and Research Natural Areas. The project is primarily within MA 2.2, which is managed for late structural forest vegetation and provides an additional linkage to large scale, mature forest conditions. The east and west parts of the project area are within MA 3.0, which has goals and objectives of managing for a diversity of age classes across the landscape. Forest habitat connectivity on a landscape scale, such as links to important regions that support valuable habitat, can influence species viability. The activities proposed in this project are not expected to directly or indirectly affect the habitat designation of the closest IMAs or IBAs. Proposed activities, which help achieve the desired MA condition, will maintain or provide habitat conditions for species, such as fishers and northern flying squirrels, which are two primary mammals of concern in the Hickory Creek/Tionesta Creek IMA.

4. **Controversy** – The effects on the quality of the human environment are not likely to be highly controversial. Controversy is a term of art in the CEQ NEPA regulations and is described as a dispute amongst the scientific community. Public opposition to a proposed action is not an indicator of controversy, nor is the length of a NEPA document evidence of controversy as it is defined in the CEQ NEPA regulations. Based on the regulatory definition, there is no substantial dispute among the scientific community as to the size, nature, or effects of implementing Alternative 1 on the various biological and physical environments (EA, p. 27–89). The size of the project and the nature of the treatments are not uncommon for projects on this ranger district. The effects of this type of action have been studied (from past projects) for at least a decade. Monitoring information concerning effects and efficacy of conservation measures was a key part of the analysis for this proposal. The ID team searched for the best available scientific information and considered opposing viewpoints. The conclusions of these local resource experts are set forth in the EA effects discussion. There is no evidence in the record of a substantial scientific dispute as to effects of the proposal.
5. **Uncertainty, unique or unknown risks** — The Forest Plan provides for maintaining a diversity of plant and animal communities that will enhance the resiliency of the forest to respond to these changing conditions. This project is tiered to the Forest Plan Final Environmental Impact Statement (FEIS) and a summary of the climate change information utilized in preparation of that document is contained in a paper titled “Climate Change Support Material for Project Level Analysis” (see project file) (USDA-FS 2008). Proposed silvicultural actions would enhance ecosystem resiliency.

We have considerable experience with the types of activities to be implemented. Treatments proposed for this project constitute well-established methods for vegetation management, timber harvesting, reforesting stands, enhancing wildlife habitat, treating NNIP species, maintaining roads, and protecting water quality. Much is known regarding the outcomes when using even-aged management on the ANF. The effects analysis shows the known effects, and the proposal does not involve unique or unknown risks (EA, pp. 27–89).

6. **Precedence** – This proposal does not establish a precedent for future actions or represent a decision in principle about future management considerations. Any future decisions will need to consider all relevant scientific and site-specific information available at that time. Implementing

Alternative 1 is within the scope of the Forest Plan and associated supporting environmental documentation (EA, pp. 1–4, 29).

7. **Cumulative impacts** – Effects of past, present and reasonably foreseeable land uses, along with the effects of Alternative 1, were considered in reaching my conclusion. This included projecting future levels of private OGD that would occur (Project Level Cumulative Effects Analysis for OGD [in project file]). The effects of implementing the selected alternative do not individually, or with other activities taken cumulatively within the areas affected, reach a level of significant (EA, pp. 27–89). CEQ guidance on cumulative effects was used to develop this analysis. The ID team used monitoring information, as well as data and information compiled during this and other projects, to conduct the cumulative effects analysis.
8. **Cultural, historic, and scientific resources** – The project area has been inventoried for heritage resources. Heritage resources have been delineated and buffered for protection or avoided. No scientific (research) study areas are located within the project area. Therefore, no effects to heritage or scientific resources are anticipated with implementation of Alternative 1 (see project file).
9. **Threatened and Endangered species and their habitat** – The Indiana bat, northeastern bulrush, and small-whorled pogonia have suitable habitat within the project area, but have not been documented in the project area. There is no designated critical habitat for any federally threatened or endangered species on the ANF. A may affect, not likely to adversely affect determination was reached for the Indiana bat. A no effect determination was reached for the small-whorled pogonia, northeastern bulrush, northern riffleshell mussel and clubshell mussel. Potential effects to threatened or endangered species and their habitat were analyzed and disclosed in the EA (EA, pp. 65–66 and Table 18, pp. 71–76) and in the project biological assessment (see Appendix C of the EA). These project level activities and determinations are within the level of actions analyzed in the Biological Evaluation (BE) for the Forest Plan. A concurrence letter on the BE, dated January 31, 2007, was received from the U.S. Fish and Wildlife Service.

A review of new information (RONI) has been prepared in February 2009 and is included in the project file pertaining to the white-nosed syndrome that is affecting bats. The findings in the RONI include the following: (1) no correction, supplement, or revision to the environmental documentation for the Forest Plan or an amendment of the Forest Plan is necessary at this time; (2) no additional work will be required for existing project analyses tied to the analysis found in the Forest Plan; (3) the project level analysis is sufficient at this time; and (4) there is no change in the listed determination for the Indiana bat.

10. **Federal, state, or local law or requirements** - The selected alternative conforms to all applicable federal, state and local laws and requirements. Alternative 1 would not result in a trend toward federal listing or a loss of viability for any Regional Forester sensitive species for the ANF or other species of local concern (EA, pp. 58–76, the project BA [Appendix C], and project BE and wildlife report [project file]).

## VI. Findings Required by Other Laws and Regulations

My decision implements vegetation management activities to develop desired conditions in the Forest Plan. As required by the National Forest Management Act section 1604(i), I find this project to be consistent with the Forest Plan. This project is also in full compliance with 36 CFR 220, the Endangered

Species Act, the Clean Water Act and the National Historic Preservation Act. All actions meet National Forest Management Act requirements as detailed in 16 USC 1600 et. seq.

**Appropriateness:** Pursuant to the NFMA Section 1604(g)(3)(F)(i), the appropriateness of even-aged management was given careful consideration by the ID team. The determination to use even-aged management is based on field evaluation and recommendations from local resource experts and science-based application of the Forest Plan, past experience with implementing even-aged management systems on the district and ANF, and the best available science. The silvicultural and resource management objectives determined the choice of harvest method, as described in the record. Further, the even-aged harvesting system selected in Alternative 1 were not chosen primarily because it will give the greatest dollar return or the greatest unit of output of timber (NFMA Section 1604(g)(3)(E)(iv)).

**Soils:** Careful attention was given to potential soil resource effects during project development. Site-specific field work, using the best available science and appropriate soil analysis techniques, were performed during project development. Special attention was given to soils that could be prime farmland in this analysis. The interdisciplinary team evaluated the efficacy of Forest Plan standards and guidelines and Pennsylvania BMPs in protecting soil and water quality. Monitoring of past projects, as well as scientific information contained in the Forest Plan, was used in this analysis. Based on the analysis documented in the project record, I concluded that Alternative 1 would not irreversibly damage soil, slope, or watershed conditions (NFMA Section 1604(g)(3)(E)(i)).

**Migratory Bird Treaty Act:** This decision is consistent with the Migratory Bird Treaty Act (MBTA) and the provisions of the memorandum of understanding (MOU) between the US Fish and Wildlife Service and the Forest Service to integrate conservation measures for migratory birds into comprehensive land management and project planning. This decision balances the long-term benefits to migratory birds against the short-term adverse effects and minimizes the effects on migratory birds by retaining snags and the integrity of nesting sites along with other conservation measures. The management of forest-interior and early-structural habitat proposed will protect bird habitat and is consistent with the goals and objectives of the MBTA and MOU.

**Best Available Science:** My decision is based on a review of the record that shows consideration of relevant scientific information, including responsible opposing views, and as appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, or risk. No scientific information or viewpoint presented to the agency has been ignored, and opposing scientific views have been disclosed in the record. This project analysis was informed by the considerable body of scientific information and data compiled for revision of the Forest Plan, as well as project monitoring from past vegetation management actions, and from the Programmatic Effects of private Oil and Gas Activity on the Allegheny National Forest and the Site-Specific Oil and Gas Development on the ANF documents, which are incorporated by reference. The interdisciplinary team was composed of local resource experts with considerable experience in analyzing environmental effects and synthesizing scientific information. The ID team's work is based upon its scientific expertise in fields that are continually seeing new information compiled about the ecological functions and processes of forested communities. The team searched for the best available scientific information and has strived to consider all scientific views, especially with regard to potential environmental effects. As appropriate, the team collected field data and surveyed local resource conditions to augment the scientific information set forth in published studies. The record documents the scientific basis for the selected alternative and the conservation measures adopted in this decision.

## VII. Implementation Date

Implementation of this decision is subject to the regulations in 36 CFR 215.9. If no appeal is filed, implementation may begin on the fifth business day following the close of the appeal filing period. If an appeal is filed, implementation may begin on the 15<sup>th</sup> day following the date of appeal disposition. In the case of multiple appeals on this decision, the date of the last appeal disposition controls the implementation date.

## VIII. Administrative Review or Appeal Opportunity

This decision is subject to appeal pursuant to 36 CFR 215.11. Appeals must meet content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, hand-delivery, express delivery or messenger service) with the appropriate appeal deciding officer (36 CFR 215.8) within 45 days following the date of publication of the legal notice.

Written appeals shall be sent to:

Erin Connelly, Appeal Deciding Officer  
Attn: Appeals and Litigation  
USDA-Forest Service, Eastern Region  
626 E. Wisconsin Avenue  
Milwaukee, WI 53202

Appeals may be faxed to (414) 944-3963, Attn: Appeal Deciding Officer, USDA Forest Service, Eastern Regional Office. Normal business hours (for hand-delivered appeals) are 7:30 a.m. - 4:00 p.m., Monday through Friday. Electronic appeals should be directed to [appeals-eastern-regional-office@fs.fed.us](mailto:appeals-eastern-regional-office@fs.fed.us). Electronic appeals should be in txt, rtf, doc, pdf or other Microsoft Office compatible formats.

The publication date of the legal notice in the newspaper of record (*The Kane Republican*, Kane, Pennsylvania) is the exclusive means for calculating the time to file an appeal (36 CFR 215.15). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. It is the responsibility of interested parties to respond to this notice within the established time period. If a document is not available or delivered at the expected time, please contact Kevin Treese at 814-927-5759 to determine its availability and if necessary, arrange an alternate delivery method.

## IX. Responsible Official and Contact Information

The responsible official is:

Robert T. Fallon, District Ranger  
Allegheny National Forest  
Marienville Ranger District  
131 Smokey Lane  
Marienville, PA 16239

Questions regarding this decision notice and FONSI should be directed to the responsible official or Kevin Treese, district NEPA coordinator, at (814) 927-5759. This document is also listed on the ANF website at: <http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=34979>.

/s/Robert T. Fallon  
ROBERT T. FALLON  
District Ranger

10/3/2012  
Date

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