



## DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT MORRISON RUN PROJECT

U.S. Department of Agriculture – Forest Service  
Allegheny National Forest, Bradford Ranger District  
Warren and McKean Counties, Pennsylvania

### I. Decision and Reasons for the Decision

#### A. Background

The Morrison Run Project Area (19,705 acres) is located on the Bradford Ranger District of the Allegheny National Forest (ANF). It is southwest of Bradford, Pennsylvania and borders the eastern portion of the Allegheny Reservoir's Kinzua Bay. The project area consists of 19,098 acres of National Forest System (NFS) Lands and 607 acres of private land. The project area includes land in McKean County in Mead Township (Warrants 574, 591, 2430, 2590, 3721, 3724, and 3725 and Lots 14, 16, 17 and 18) and Hamilton Township (Warrants 2376, 3701, 5571, 5572, 5573, 5574, 5575, and 5577 and Lots 2, 3, 4, 5, 10, 15, 19, 22 and 123), and land in Warren County in Corydon Township (Warrants 3721, 3705, 3714, 3731, 3724, and 4910; Lots 6, 7, 8, 9, 10, 11, 12 and 13).

The NFS lands in the Morrison Run project were designated by the Forest Plan (USDA-FS, 2007a) as Management Area (MA) 2.2 - Late Structural Linkages (10,562 acres, 55% of project area), MA 3.0 - Even-Aged Management (8,451 acres, 44% of project area) and MA 7.1- Developed Recreation Areas (83 acres, <1% of project area).

Implementation of the project would move the area toward the desired conditions of ANF Forest Plan by responding to its goals and objectives for MAs 2.2, 3.0, and 7.1. The project is needed to address a number of multiple-use resource management goals and objectives:

- 1) Develop and enhance the seedling, shrub, and herbaceous diversity to improve structural conditions as described for each Management Area (USDA-FS 2007, pp. 14, 19).
- 2) Manage late structural stands and conditions within the project area as described for each Management Area (USDA-FS 2007, pp. 14, 19, 109, 113). The presence of late structural habitat within the project area and will benefit wildlife species such as the northern goshawk, which is a mature forest species (USDA-FS 2007a, pp. 20, 80, and 84).
- 3) Provide quality hardwood products (USDA-FS 2007a, p. 14). The Forest Plan identifies providing high quality hardwood saw timber from land suitable for harvest at a sustainable level to meet multiple resource objectives as a Forest-wide goal for vegetation management.
- 4) Manage both existing and future forest health by addressing insect and disease issues within the project area (USDA-FS 2007a, pp. 15, 93, 109, 113). Numerous defoliating

events and a legacy of over-browsing by deer have impacted not only stands with high beech mortality, but also all other forest types within the project boundary (USDA-FS 2007a, p. 15).

- 5) Regenerate or improve oak stands (USDA-FS 2007a, pp. 19, 20, and 109). Reintroducing fire into fire-adapted oak ecosystems to conserve regional biodiversity and sustain ecosystem structure and function (USDA-FS 2007a, p. 14). To improve wildlife habitat for species that prefer mature oak, there should be an emphasis on sustaining oak mast crops and large den trees in the long-term through a combination of thinning, release, prescribed burning, and regeneration treatments (USDA-FS 2007a, pp. 20 and 109).
- 6) Maintain and enhance transportation systems. The Forest Plan calls for a transportation system that allows management of NFS lands and provides public access while having minimal adverse effects on ecological processes and ecosystem health, diversity and productivity (USDA-FS 2007a, pp. 16, 21, and 61).
- 7) Reduce existing sedimentation and maintain, restore, or improve soil quality, productivity, and function (USDA-FS 2007a, p. 14).
- 8) Provide diverse and specialized habitats across the landscape to benefit wildlife populations and enhance wildlife habitat to provide desired cover and forage conditions (USDA-FS 2007a, pp. 14, 15, 20, and 80):
- 9) 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).
- 10) Implement non-native invasive plant (NNIP) treatments that would limit the introduction and/or spread of NNIP and conserve forest resources in a manner that presents the least hazard to humans and maintains or restores forest resources (USDA-FS 2007a, pp. 13, 18, and 35 – referred to as NNIS).
- 11) Maintain or enhance the quality of scenic resources including viewsheds, vistas, overlooks, and special features (USDA-FS 2007a, pp. 9, 10, 13, and 19). Scenic vistas along State Route 321 South can be improved by removing vegetation that obscures the view.

Resource conditions and potential effects are addressed in the Morrison Run Environmental Assessment (EA) and its record. The EA and its record are incorporated by reference into this decision. The EA is available to the public and may be obtained through the mail by contacting the Bradford Ranger District, 29 Forest Service Drive, Bradford, PA 16701 or by visiting the ANF website at <http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=17200>

The deciding official is Macario J. Herrera, District Ranger for the Bradford Ranger District of the Allegheny National Forest.

## B. Decision and Rationale

Based upon my review of the alternatives, I have decided to implement Alternative 2, which would move the project area towards the ANF Forest Plan (2007) desired condition over the next 20 years.

My decision would implement the following activities (Table 1). Please note that activities are not mutually exclusive, and different treatments and activities will be applied to the same acres (See Appendix A of the Morrison Run EA, which provides the site-specific locations of the treatments to be implemented).

**Table 1: Morrison Run Project Activities for Alternative 2.**

ACTIVITIES	TOTAL UNITS
<b>TRANSPORTATION SYSTEM</b>	
New road construction (includes FR 267 realignment)	1.1 miles
Road reconstruction, add to NFS <sup>1</sup>	10.2 miles
Road decommission	1.4 miles
Road management changes (Closed to Restricted-FR 268)	3.4 miles
Install gate (FR 268)	2 gates
Expand existing stone pits	6 pits (2 acres each)
Rehabilitate existing stone pits	3 pits (3 acres each)
<b>VEGETATION MANAGEMENT</b>	
Regeneration Harvests - Shelterwood seed cut, Shelterwood removal cut	1,310.5 acres
Regeneration Harvests - Shelterwood removal cut	19 acres
Regeneration Harvests - Two-age final harvest	8 acres
Intermediate Harvests - Commercial thinning	64 acres
Non-commercial white pine release	43 acres
Aspen clearcut	4 acres
Non-commercial eastern hemlock release	14 acres
Non-commercial release	326 acres
Reforestation	45 acres
Accelerate mature forest conditions	111 acres
Oak release	38 acres
<b>REFORESTATION AND RESTORATION TREATMENTS</b>	
Site preparation <sup>2</sup>	1,393.5 acres
Herbicide <sup>3</sup>	1,398.5 acres
Release	1,766.5 acres
Fence	412 acres
Fertilize	646 acres
Plant	451 acres
Prescribed burn	366 acres

**Table 1: Morrison Run Project Activities for Alternative 2.**

ACTIVITIES	TOTAL UNITS
Mechanical scarification	60 acres
Non-Native Invasive Plant (NNIP) Treatment: Manual, mechanical or chemical treatment	442 acres
Scenic vista clearing	10 acres
<b>WILDLIFE AND FISHERIES HABITAT IMPROVEMENTS</b>	
Herbicide application in wildlife openings <sup>3</sup>	23 acres
Construct vernal pools	8 pools
Prescribed burn for warm season grasses	4 acres
Create basking areas	2 clearings
Riparian and Aquatic Habitat Improvement Addition of large wood to streams	4.1 miles
High Quality Road Surfacing near streams <sup>4</sup>	2.1 miles

<sup>1</sup> 3.4 miles of FR 268 would change from closed to restricted

<sup>2</sup> Includes acres not associated with overstory treatments.

<sup>3</sup> Herbicide acres are a maximum and likely to be reduced based on ground conditions.

<sup>4</sup> Already approved in the 2007 Forest Plan

The harvesting activities would provide an estimated 4.92 million board feet (MMBF) of sawtimber during the 1<sup>st</sup> entry (over the next 2 to 5 years) and 5.08 MMBF for the 2<sup>nd</sup> entry (9-15 years from the present), and pulpwood fiber estimated at 3.11 MMBF for the 1<sup>st</sup> entry and 4.24 MMBF for the 2<sup>nd</sup> entry. The estimated combined total volume for the project would be 17.35 MMBF when Alternative 2 is fully implemented.

I have read the Morrison Run Project EA and reviewed the supporting information in the project file and public comments, and fully understand the environmental effects disclosed therein. I am personally familiar with the project area and on-the-ground resource conditions. I have discussed this project with the Interdisciplinary Team on many occasions and reviewed the potential water, soil, wildlife, and other resource effects with them. We discussed both the short-term and long-term effects to plant and animal community diversity and forest health. Based on my experience, input from the public and the Interdisciplinary Team, a review of the effects discussion, and knowledge of local conditions, I find that the long-term improvement in forest health and resilience, as well as improvements to other multiple-use resources such as recreation, soils, water, and wildlife outweigh the short-term, localized effects of some of the activities.

The acreage of the project, the treatment methods chosen, and the project location were all given thorough consideration in project development. The need for action at this time is apparent from field observations in the project area, as well as the field and survey work completed by the Interdisciplinary Team. Only 0.7 miles of new road will be constructed to implement the project. Another 0.4 mile of new road will be constructed to realign FR 267 for safety concerns. The treatments proposed are typical of multiple-use resource management projects on this Forest. Indeed, this type of project has been successfully implemented on the District repeatedly over the past decade without significant adverse environmental effects.

The Interdisciplinary Team consisted of local resource experts who utilized their specialized expertise in reviewing the science concerning resource effects and applying it to local field conditions. Their work in this regard is guided by the considerable body of scientific information compiled for Forest Plan revision. The effects analyses for this site-specific proposal are tiered, as appropriate, to the programmatic EIS for the revised Plan (e.g. cumulative effects analysis).

Analysis of potential effects of the project, especially cumulative effects (in light of ongoing oil and gas development on the Forest) was a focal point of the Interdisciplinary Team's work. This site-specific project does not involve the approval of any private oil and gas development. However, private oil and gas development was given considerable attention in the discussion of cumulative effects (See resource analysis in Ch. 3 of the EA and Appendix D of the EA).

I have given careful attention to the mitigation measures (EA p. 20) proposed for this project to ensure that practical, effective mitigation was incorporated as appropriate. I ensured that the Interdisciplinary Team took a hard look at effects and took into account mitigation efficacy. The Forest Plan contains an extensive compilation of science and field data which was helpful in ensuring that the mitigation measures developed here were science-based. Monitoring of past actions indicates that these measures will be effective in preventing or avoiding significant environmental effects. Past monitoring records are provided in the project record and additional monitoring is provided on page 21 of the EA.

Public comments, both during public scoping and the EA comment period, were a key part of project development. I am personally familiar with the comments submitted on this project, and have given them careful consideration. No information submitted during the two comment periods was overlooked or ignored during this analysis. I directed the Interdisciplinary Team to give careful attention to public input, especially with regard to environmental effects, and personally assisted in the review and response to the comments. The Interdisciplinary Team and I appreciate the time and effort taken by members of the public to share their thoughts and concerns regarding this action. I am familiar with the views expressed by the public concerning broad programmatic Forest resource and management issues during the revision of the Allegheny Forest Plan and studied the various conflicting viewpoints concerning the multiple-use management proposed for this particular project area. Even though I have selected an alternative and made a decision, the Interdisciplinary Team members and I remain available to discuss this project with any member of the interested public that has a concern or question.

Providing for diversity of plant and animal communities and protecting forest health is at the heart of this project. The proposal strives to promote a diverse hardwood forest community composed of a mix of hardwood forest trees species and does not place economic factors or black cherry commercial timber production above other multiple-use resource objectives. Wildlife habitat considerations for forest interior-dependent wildlife species, as well as creation of early successional habitat, were key concerns during project development. Equally important, this project involves important erosion abatement, invasive species control, recreation, and wildlife actions that are widely accepted by the public. We received no public comments or concerns on many aspects of this proposal. The selected alternative weighs the trade-offs associated with alternatives and balances the diverse (sometimes conflicting) needs of various wildlife species and resources. Although some may not agree with my decision, I wish to emphasize that

ecological functions and processes, soil resources, and water quality will be protected in the project area by the design and choice of treatments and proven, effective mitigation measures. The management proposed here will facilitate a diverse, resilient and healthy forest community in the future that will be better able to respond to threats from insects, disease, and other factors including uncertainties associated with climate change. This project was specifically designed to move this area of the Forest toward the desired condition identified in the revised 2007 Plan. The evidence set forth in the project file support the finding that this proposal will provide for diversity of plant and animal communities and protect forest health.

The trade-offs between Alternative 1 (no action), Alternative 3 and the Alternative 2 (the selected alternative) are disclosed in the EA analysis (EA Table 4, Summary Comparison of Effects by Alternative). The potential for decline in forest health (e.g. beech bark disease) and its effect on wildlife habitat, continued erosion from untreated roads, and the risk of increased invasive species, are real threats that I have observed first-hand. My review of the project record, as well as my observation of local conditions, indicates that there is a need to take action now to provide for diversity and forest health in this area, as well as accomplish other multiple-use resource objectives.

After careful consideration of the analysis, applicable laws, the ANF Forest Plan, and public comments, it is therefore my decision to implement Alternative 2, including all mitigation measures as described on page 20 of the EA. This alternative responds to the goals and objectives of the project area MAs as defined in the ANF Forest Plan (USDA-FS 2007a, Part II, Strategy, p. 17-52). I have selected Alternative 2 for the following reasons:

1. Alternative 2, with its associated design features, can be implemented in an environmentally sound manner without significant environmental effects (EA, EA Appendices, and Project Record), while best meeting the purpose and need for action (EA, pp. 8-11). Management activities will comply with all applicable ANF Forest Plan standards and guidelines. Design features have been specified within the EA to protect resources and minimize resource conflicts.
2. Alternative 2 best achieves the multiple-use resource management goals and objectives described for the Morrison Run project. The Interdisciplinary Team and I considered public comments received during project development. Resource concerns identified in these comments were used to develop Alternative 3. After detailed review of likely environmental effects for both alternatives as described in the EA, I believe that Alternative 2 best addresses the ongoing effects of beech bark disease and the future condition of oak forest types within the project area. Table 4 (EA p. 21) describes a summary comparison of effects for the alternatives that I used to support my decision.
3. Alternative 2 creates 1,339 acres of early successional structural habitat using even-aged management techniques. This will aid in creating a diversity of vegetation age classes and will benefit wildlife species that utilize early successional habitat for all or part of their habitat needs.
4. Alternative 2 includes 149 acres of uneven-aged vegetation management that will improve late structural habitat. This will aid in providing benefits to wildlife species that utilize late structural habitat for all or part of their habitat needs.

5. Alternative 2 includes seven areas proposed for regeneration harvest that will result in temporary openings ranging from 43 to 97 acres, all of which fall within MA 3.0. Within these areas, beech bark disease mortality has resulted in variable stocking of acceptable trees ranging from 40 percent up to 60 percent or higher small areas. Research (Marquis, et al. 1992) suggests that sites which fall below 40 percent density should be considered for regeneration treatments because the overstory becomes too sparse and cannot fully utilize the site's resources, such as water and nutrients (EIS p. A- 9). Also, undesirable understory vegetation such as beech brush and fern has flourished and prevented establishment of desirable tree seedlings. In the absence of silvicultural activities these stands will become dominated by beech brush, eventually developing into a beech "aftermath forest" over time. The ANF Forest Plan (p. 68) specifies that the maximum size temporary opening created by even-aged management shall be 40 acres, with three exceptions. One of these exceptions is: "As a result of natural catastrophic condition, such as fire, insect and disease, or windstorm." Stands affected by beech bark disease satisfy the criterion for a "natural catastrophic condition." The 2005 Final NFMA Planning Rule requires appropriate public notice when a project will result in openings exceeding the limits established in the Plan. The Morrison Run Project Scoping Proposal letter sent on 11/26/12 stated: "In order to restore these stands to healthy forest conditions, there are several stands, when combined that would result in temporary openings exceeding 40 acres." A map was included with the scoping proposal that indicated the location of these stands. The scoping proposal and associated map satisfies the requirement for public notice and comment period under NEPA and appropriate notice under 2005 NFMA Planning Rule.

6. The proposed stone pit expansion will provide surfacing for the construction of log landings needed to implement this decision and for construction, reconstruction, and maintenance of Forest Service system roads. These roads serve a variety of multiple-use purposes (e.g. recreation and public access) and allow for administration of this area of the Forest.

7. I have taken a hard look at potential private oil and gas development (OGD) and the proposed actions from Alternative 2 and believe that the cumulative effects are not significant (EA Chapter 3, 31-84). I am keenly aware of the ongoing development (and its potential environmental effects) both on the District and across the Forest. We have sought information on future development, and considered the best scientific information on the effects of OGD regarding soil, water, air, wildlife, and other surface resources. This analysis is informed by the best available science and field information concerning OGD.

8. I have reviewed the best available scientific information (including the Forest's February 2009 report) concerning white-nose syndrome (WNS) and bat populations on the ANF (see project record). The Interdisciplinary Team Biologist is well-informed regarding the most recent research developments regarding WNS, and has consulted with Forest and Regional wildlife experts. 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.

9. Alternative 2 will result in an estimated harvest of 17.5 million board feet of saw timber and pulpwood products that will contribute to the local economies. Commercial timber harvesting is

only one element of this alternative, which also provides for wildlife habitat improvement, recreation, erosion control, invasive species management, and providing long-term plant and animal community health and diversity.

10. In selecting Alternative 2, I have fulfilled the objectives set forth by NEPA regulations and provided responses to public comments on this EA (see Appendix E – Response to 30-Day Comments and Chapter 1 – Public Involvement). A key part of this work was full consideration of all alternatives suggested by the public. No alternative suggested during scoping or the public comment period was ignored. Likewise, scientific information and concerns about potential effects submitted during the comment periods were given full consideration by the Interdisciplinary Team and I. Opposing views submitted to the agency were considered and addressed in the record.

11. Protection of resources are provided through the Standards and Guidelines of the ANF Forest Plan (2007), site-specific mitigation measures (EA, p. 20) and the development of site-specific prescribed burn plans to allow for the implementation of Alternative 2 without significant effects to the quality of the human environment. Project monitoring will evaluate whether the effects are within those described in the analysis and that mitigation is effective.

### **C. Other Alternatives Considered**

A total of three alternatives were fully analyzed in the Morrison Run EA. In addition to Alternative 2, the Interdisciplinary Team and I analyzed in detail a no-action alternative (Alternative 1) and an alternative that reduces the size of harvest units affected by beech bark disease and eliminates new road construction associated with these harvest units (Alternative 3).

Alternative 1 was not selected because it did not meet the purpose and need for action and would not promote forest health, oak tree regeneration, improved late successional forest. The no-action alternative would not improve forest structure or maintain 10-12% of MA 3.0 in early successional composition over time. Improvements to the transportation system would not occur, resulting in continued levels of sedimentation inputs into streams, a continuing safety hazard on FR 267 at the SR 59 intersection, and roads no longer needed would not be restored to productive land. Invasive plants would continue to spread. Neither wildlife habitat nor water quality would be improved. The sale of forest products that will contribute to the local economy would not occur. The analysis of effects for Alternative 1 provides a baseline against which potential effects of the two action alternatives can be compared.

I chose not to select Alternative 3 for the following reasons:

1. Alternative 3 would not be as effective as Alternative 2 in achieving early structural age class objectives for respective MAs (Purpose and Need #1).
2. Alternative 3 would not be as effective as Alternative 2 in addressing forest health concerns associated with beech bark disease (Purpose and Need #4 and IM-1).
3. Alternative 3 would not be as effective in maintaining and enhancing oak forest types (Purpose and Need #5 and IM-2).

4. Alternative 3 would not be as effective in achieving the Purpose and Need (#6) for enhancing and maintaining transportation systems. New roads included in Alternative 2 facilitate access to stands that will require future treatments for stand maintenance and forest health.
5. The fragmentation analysis in the EA indicates minor differences in effects to core habitat (IM-4) between Alternative 3 and Alternative 2.
6. ANF Forest Plan Standards and Guidelines include design criteria for managing and scenery along designated hiking trails (USDA FS 2007 p.61-64). These design criteria will be applied to management activities along the North Country Trail and Morrison Run Trail

A comparison of the alternatives can be found in the EA on pages 18 through 20. For the disposition of scoping and 30 day comments received see the Project Record and Appendices B and E of the EA).

#### **D. Public Involvement**

The need for this action first appeared in the Forest Service Schedule of Proposed Actions (SOPA) on the ANF website in April, 2010. On November 26, 2010, a scoping proposal was made available to the public which explained the purpose and need for action, as well as the location and types of proposed activities. The proposal included a cover letter, a summary of the proposed actions, and project maps. The proposal letter was mailed to 213 interested parties (individuals and organizations who expressed interest in the project). Adjacent landowners, subsurface mineral owners, public legislators (federal, state, and township supervisors), Seneca Nation of Indians, and Pennsylvania Fish and Boat Commission were included. The proposal was posted on the ANF website on November 26, 2010. The public scoping period for this project ended on December 31, 2010. During this period, the proposal was posted on the ANF website, and a news release was published in the *Bradford Era* newspaper. Comments were received by regular mail and electronic mail (E-mail).

Ninety-four responses were received. Scoping comments were analyzed by statement and are summarized in the EA (Appendix B). The original letters are included in the Project Record. Three issues were identified: temporary openings exceeding 40 acres, effects of vegetation treatment along trails, and new road construction contributing to fragmentation. These issues were considered in the development of Alternative 3 (See Appendix B to the EA). Alternative 3 was fully analyzed, and the potential effects and were disclosed in Chapter 3 of the EA. The results were compared to the proposed action (Alternative 2), as well as the no action alternative (Alternative 1, Table 4 of the EA, pp. 21 to 29 and Chapter 3 of the EA).

After development and publication of the EA on November 4, 2011, the Forest Service solicited comments from Federal agencies with jurisdiction by law or expertise and the public on the Morrison Run Project EA. The Forest Service asked for comments to be as specific as possible and to address either the adequacy of the document, the merits of the alternatives discussed, or both (40 Code of Federal Regulations [CFR] 1503.3(a)). ANF received 38 letters during the 30-day comment period. Appendix E of the EA includes the comments received and the Forest Service responses.

## II. Finding of No Significant Impact

### A. Findings

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 Morrison Run EA and project file. I considered the following factors listed in 40 CFR 1508.27:

**1. Context:** Based on the large size of the ANF, and the comparatively small percentage of the area proposed for: timber harvesting (approximately 8% of the project area and less than 0.4% of the ANF), forest health (including beech stand restoration), oak sustainability, wildlife and fishery habitat improvements, non-native invasive plant treatments, scenery improvements, soil and water restoration and transportation activities in this project, the site-specific actions of Alternative 2, both short-and long-term, are not significant.

The context of this proposal is to implement management activities within the Morrison Run project area. The record indicates that even in a local context, this proposal will not result in significant short-term or long-term effects. The ANF Forest Plan Standards, Guidelines, and project design features, including the site specific mitigation measures on page 20 of the EA and Pennsylvania Best Management Practices (BMPs) will minimize and avoid adverse impacts. Future projects would be analyzed in context with the activities as proposed or implemented under cumulative effects analyses (EA, pp. 21-85).

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

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. New road construction is limited to providing access to treat stands per ANF 2007 Forest Plan objectives and to correct a safety issue. The effects of the common silvicultural treatments used here have been observed in past actions and are well-documented in monitoring reports (Project Record) and through field work.

**2. Intensity:** Both 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. 21-85).

I base my finding on the following intensity factors:

**Public health and safety** – Implementation of this project will not cause any significant effects to public health and safety (EA, pp. 13, 27, 77).

**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 2 (EA, pp. 21-29, 31-85).

**Prime farmland** occurs within the project area. Approximately 5 acres of land with soils suitable for farmland would be converted due to new road construction and pit development, less than .02 percent of the project area. Acres of converted soils designated as farmland within the project area are provided to the Natural Resource Conservation Service. None of the vegetation management activities proposed on NRCS designated farmland soils map units in the project would alter their status as NRCS designated farmland soils or result in the permanent conversion of land (EA pp. 62-66).

**National Scenic Byway:** A portion of the Byway (SR 59 and SR 321) borders the project area. Treatments along the Byway include the removal of invasive plants, vista clearing and prescribed burning. The Byway would not be adversely affected by the treatments proposed. Burn plans to protect human health and safety would be in place prior to any prescribed burning.

**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. Controversy is described as a dispute concerning the effects of the action 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 2 on the various biological and physical environments (EA, pp. 11-12). The size of the project and the nature of the treatments are not uncommon for projects on the Bradford 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 mitigation efficacy was a key part of the analysis for this proposal. The Interdisciplinary Team provided 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.

**Uncertainty, unique or unknown risks:** The ANF 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 ANF 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"(2008) (See Project Record).

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 and fisheries habitat; treating nonnative invasive plants; constructing and reconstructing 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, Chapter 3, Environmental Consequences).

Outcomes from using uneven-aged management, such as those proposed in MA 2.2 are less certain. Consequently, the ANF Forest Plan (USDA 20007a, ROD pp., 26, 50) places an emphasis on monitoring these treatments and a flexible adaptive approach to vegetation management (p. ROD-22).

**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 2 is within the scope of the ANF Forest Plan and its supporting documents (USDA FS 2007a) and associated supporting environmental documentation (EA, pp. 8-11, 21-29, 31-87).

**Cumulative impacts:** Effects of past, present, and reasonably foreseeable land uses, along with the effects of Alternative 2, were considered in reaching my conclusion. This included projecting future levels of private OGD that would occur (Appendix D to the Morrison Run EA). The effects of implementing the selected alternative do not individually, or with other activities taken cumulatively within the areas affected, reach a level of significance (EA, pp. 21-29, 31-85, EA Appendices C1 and C2 and Appendix D). CEQ guidance on cumulative effects was used to develop this analysis. The Forest used monitoring information, as well as data and information compiled during other NEPA processes, to inform the cumulative effects analysis (information supporting this finding of no significance is in the project file).

**Cultural, historic, and scientific resources:** The project area was inventoried for heritage resources. Heritage (Cultural) resources were delineated and buffered for protection. Additional mitigation to protect these resources would be applied if new resources were found during the implementation period.

**Threatened and Endangered species and their habitat:** There is no designated critical habitat for any federally threatened or endangered species on the ANF. A determination of “may affect, not likely to adversely affect” 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 are anticipated to be non-significant with implementation of ANF Forest Plan standards and guidelines (EA, Appendix C). These project level activities and determinations are within the level of actions analyzed in the biological evaluation (BE) for the ANF 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 has been prepared (February 2009) and added to the project file pertaining to the white-nosed syndrome that is affecting bats. The findings in the review include the following: (1) no correction, supplement, or revision to the environmental documentation for the ANF Forest Plan or an amendment of the ANF Forest Plan is necessary at this time; (2) no additional work will be required for existing project analyses tiered to the analysis found in the ANF 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.

On February 14, 2012, the U.S. Fish and Wildlife Service issued a final rule in the Federal Register (Federal Register 2012a) designating the rayed-bean (*Villosa fabalis*) and snuffbox (*Epioblasma triquetra*) as Endangered under the Endangered Species Act (ESA). The new designation changes the status in the Biological Assessment (Appendix C1) from "Candidate" to "Endangered" for both species. No critical habitat was identified for either species in the final rule. Likewise, on March 13, 2012, the U.S. Fish and Wildlife Service issued a final rule in the Federal Register (Federal Register 2012b) designating the sheepnose (*Plethobasus cyphus*) as Endangered under the Endangered Species Act. The new designation changes the status in the Biological Assessment (Appendix C1) from "Candidate" to "Endangered". The final rule also stated that no critical habitat has been identified to date. Refer to the Addendum for the mussels Biological Assessment (Appendix C1) and page 26 in the BA for the effects analysis and determination for all five mussel species. See EA Appendix C1 for additional information.

**Federal, state, or local law or requirements:** The selected alternative conforms to all applicable federal, state, and local laws and requirements. Alternative 2 would not result in a trend toward federal listing or a loss of viability for any Regional Foresters sensitive species or other species of local concern (MR EA, Appendices C: Biological Assessment, Biological Evaluation and Wildlife Report in the project record).

## **B. Findings Required by Other Laws and Regulations:**

My decision implements management activities to achieve desired conditions in the ANF Forest Plan (USDA FS 2007a), as required by the National Forest Management Act section 1604(i), I find this project to be consistent with the ANF 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. and CFR 219.27 (b).

**Appropriateness:** Pursuant to the NFMA Section 1604(g)(3)(F)(i), the appropriateness of even-aged management was given careful consideration by the interdisciplinary 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 Forest, 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 2 was 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)).

**Optimality:** Clear cutting has been determined to be the optimum method for the regeneration of quaking aspen for wildlife habitat improvement. This determination was made by field examination and reviews of stand survey data, and is consistent with the

purpose and need for the project and the silvicultural information above. Clear cutting is optimal due to aspen's shade intolerance, its fast growth rates in full sunlight, and its reliance on sprouting to reproduce (USDA-FS 2007b, p. 68).

Creating temporary openings larger than 40 acres has been determined to be the optimum method for regenerating and stands affected by beech bark disease. Treating the full extent of these areas now where they have been identified will improve site utilization and ensure seedling presence and species richness for future healthy stands. Delaying treatment by limiting temporary openings to 40 acres will result in patches of beech "aftermath forest" that will persist and require treatment later, after further decline has occurred in site utilization, species richness and regeneration of desirable species.

**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 and state farmland in this analysis. The Interdisciplinary Team evaluated the efficacy of Forest Plan design criteria and State BMPs in protecting soil and water quality. Monitoring of past projects, as well as scientific information contained in the revised Plan, informed this analysis. Based on the analysis documented in the project record, I concluded that Alternative 2 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 and the provisions of the memorandum of understanding 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 (Wildlife Report in the project record, pp. 11, 31). The management of forest-interior and early successional habitat proposed will protect bird habitat and is consistent with the goals and objectives of the MBTA and MOU.

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. The 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. The Interdisciplinary Team was composed of local resource experts with considerable experience in analyzing environmental effects and synthesizing scientific information. The 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 mitigation measures adopted in this decision.

### **C. 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 15th day following the date of appeal disposition.

### **D. 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. The publication date of the legal notice in the newspaper of record (*The Bradford Era*, Bradford, 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.

Address appeals to:

Erin Connelly, Appeal Deciding Officer  
Attn: Appeals & 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 AM to 4 PM., 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.

### **E. Contact**

Questions regarding this Decision Notice and FONSI should be directed to the Responsible Official or Steve Dowlan, Planning Team Leader, at (814) 363-6012. If a document is not available or delivered at the expected time, please contact Steve Dowlan at (814) 363-6012 to determine its availability, and if necessary, arrange an alternate delivery method. This decision, the Morrison Run Project EA, Appendixes to the EA and maps are also available on the ANF website at <http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=17200>

### III. Responsible Official

Macario J. Herrera, District Ranger  
Allegheny National Forest  
Bradford Ranger District  
29 Forest Service Drive  
Bradford, PA 16701



**MACARIO J. HERRERA**  
District Ranger, Bradford Ranger District

5/2/2012  
Date

### IV. References

- U.S. Department of Agriculture, Forest Service. 2011, 2012. Allegheny National Forest. Morrison Run Environmental Assessment, Maps and Appendices. Bradford, PA.
- U.S. Department of Agriculture, Forest Service. 2007a. Allegheny National Forest. Final Environmental Impact Statement for the Land and Resource Management Plan. Warren, PA.
- U.S. Department of Agriculture, Forest Service. 2007b. Allegheny National Forest. Land and Resource Management Plan and Record of Decision. Warren, PA.

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