United States Department of Agriculture
Forest Service

Mower Tract Restoration Project

Decision Notice and Finding of No Significant Impact

Region 9—Monongahela National Forest
Greenbrier Ranger District
Randolph County, West Virginia

September 2016

Responsible Official:

Jack Tribble, District Ranger
Greenbrier Ranger District
PO Box 67, 7409 Staunton Parkersburg TPK
Bartow, WV 24920
304-456-3335
jtribble@fs.fed.us

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Introduction and Background

This document presents a brief summary of the Mower Tract Restoration Environmental Assessment (EA) and documents my decision and rationale for the selected alternative.

This project seeks to restore native red spruce-northern hardwood ecosystems on the Mower Tract on Cheat and Shavers Mountain within the Shavers Fork watershed while improving watershed conditions and wildlife habitat. This area has been heavily influenced by previous timber production activities and surface mining prior to federal acquisition. This project proposes a suite of restoration activities on coal mine benches, including soil decompaction, wetland creation, woody (organic) material loading and native species planting to not only emphasize red spruce, but also to improve watershed conditions and create early successional habitat. As these areas develop through succession, they will revert to the red spruce-northern hardwood dominant forest type. Non-commercial spruce restoration to release red spruce in hardwood forests and thin young dense stands of red spruce will also improve the growth and quality of the existing red spruce regeneration. Early successional habitat will also be improved in young hardwood dominant stands where red spruce and hardwood species of wildlife and timber importance would be treated as a crop-tree. Additionally, we propose to improve recreational opportunities through the improvement of a sustainable trail network, improvement of motorized access through road maintenance and the construction of a short connector road between two NFS roads. Stream habitat improvements through large woody material additions and non-system road decommissioning will improve the watershed conditions within the project area.

The current condition of the Mower Tract greatly limits the variety of ecosystem services that this area can provide. Ecosystem services are commonly defined as the benefits people obtain from ecosystems. Ecosystem services include basic services - provisioning services like the delivery of food, fresh water, wood and fiber, and medicine - and services that are less tangible and harder to measure but equally critical: regulating services like carbon sequestration, erosion control, and pollination; cultural services like hunting, recreation, ecotourism, and educational and spiritual values; and supporting services like nutrient cycling, soil formation, and primary productivity. There is a need to intervene in the highly disturbed land and influence the current ecological state of the land in order to help conserve and ensure long-term viability of important plant and animal species that depend on spruce-influenced forests, while creating healthy early successional habitat to benefit a range of species.

Past reclamation efforts prior to Forest Service ownership has left approximately 1,100 acres of previously mined and reclaimed areas within the project areas stuck in a state of ‘arrested succession’. This left areas of heavily compacted soil on slopes that do not reflect the original contour of the mined area, resulting in disturbed hydrological functions. Planting consisted of nonnative trees, grasses, and forbs. Due to soil conditions and the dominant nature of nonnative plants, these areas are stuck in a condition referred to as ‘arrested succession’. This means that while the reclaimed areas are covered with vegetation, they lack the ability to reach full-growth potential and to further develop into later succession, more mature forest types. With no intervention, the thick grass mat will continue to prevent re-colonization of native trees and shrubs, and artificial water drainage characteristics that have formed will continue to adversely affect soil and watershed conditions. Red pine and other nonnative conifers were commonly used in early reclamation in order to return the minelands to forest. Unfortunately, the monoculture within nonnative conifers provide little quality wildlife habitat due to the lack of

vegetation diversity and structural complexity of the even-aged stands. These plantations are also of low commercial value due to stunted growth. Reclamation of highly disturb areas and mine lands within the headwaters of mountain streams and rivers, such as those found across the Mower Tract, can help improve watershed conditions downstream for healthier ecosystems and water resources for the public.

The central Appalachian landscape hosts one of the largest red spruce communities south of Maine and the current cover of red spruce dominated forest is merely a fraction of the expanse that existed historically (see EA Background, pg 7). Based on soils, geology, elevation, and the dominance of red spruce regeneration across various parts of the Mower Tract, conditions are such that management activities to benefit this forest ecosystem will restore a portion of the historical red spruce forest. As a result of our successful partnership with the NRCS to develop Ecological Site Descriptions (ESD) for soils that developed under red spruce forests in the higher elevations on the Monongahela National Forest, we learned soil development processes are different in forested systems with at least 30% red spruce in the overstory as compared to hardwood forests in the Central Appalachians. The ecosystem processes, habitats, and soil development will be restored by actively managing these high elevation areas for the red spruce forests that had previously existed.

The timbering in the 1970s-80s has resulted in vast areas of young, dense spruce. This condition is highly unnatural because the red spruce is overstocked. Without intervention, the dense young spruce stands will not have an opportunity to eventually develop into a healthy spruce-hardwood ecosystem.

Although a number of actions were identified in the 1990 Spruce Opportunity Area Analysis, most actions to improve and/or maintain public access were not implemented. The project area includes both the Cheat Mountain and Shavers Mountain ranges, and one of the highest river valleys in the East. These two rugged mountain ranges have 10 of the 25 highest peaks in West Virginia within the project area. This vast mountainous area with soaring peaks currently lacks designated non-motorized public access points. Additionally, there are currently no maintained trails in the area. Therefore, adequate and sustainable public access into the Mower Tract area is currently lacking. Trails and construction of a short-segment of new road (0.79 miles) would ensure safety and adequate public access into this area, while preserving the character of little motorized access. The emphasis of these actions is not to greatly increase motorized use, but focus on providing sustainable recreational access into the area. The proposed trail system includes the conversion of existing skid roads to low density, sustainable non-motorized trail loops for user access into these beautiful areas.

The red spruce-influenced ecosystem is globally rare, important in the climate change and carbon sequestration discussion, and an aesthetically pleasing environment for forest users. It also fosters conditions that provide drinking water to many downstream users. A management strategy that encourages a red spruce influenced forest and sustainable recreation opportunities would greatly enhance ecosystem services for the American public.

These existing conditions have created a need for action to achieve the desired future conditions prescribed by the Forest Plan. This project was shaped by Forest Plan goals and objectives described in both forest-wide and Management Prescription (MP) 4.1 (Spruce and Spruce Hardwood Ecosystem Management) direction (EA, p 5-6).

Some of the Forest-wide desired conditions that this project is anticipated to move the project area toward include:

- Have ecological and watershed integrity, meaning they have a viable combination of all the diverse elements and processes needed to sustain systems and to perform desired functions
- Soils are productive and in a condition that promotes vegetative growth, hydrologic function, long-term nutrient cycling, erosional stability, and carbon sequestration.
- Habitats support species diversity, with emphasis on maintaining or restoring populations of game and non-game wildlife.
- Reduce environmental effects from past mineral-related activity. Restore disturbed land to a productive condition.
- Inventory abandoned mines and prepare restoration plan to address biological and physical resource concerns, chemical stability, and human health and safety.
- Wetlands and floodplains function as detention/retention storage areas for floodwaters, sources of organic matter, and habitat for aquatic species
- Improve watershed conditions.
- Forested lands exhibit variable patterns of size classes, densities, structural stages, and species composition due to a combination of successional development, disturbance regimes, and management activities.
- Age class distribution ranges from openings maintained for wildlife habitat to a network of late successional stands.
- Use native species to revegetate, restore, or rehabilitate lands where natural regeneration in not likely to occur in a timely manner.

The desired conditions for this MP as prescribed in the Forest Plan are a "mosaic of spruce and spruce hardwood communities. Restoration management focuses on achieving spruce and mixed spruce species composition…developing the multi-age stand structure that likely existed in this community prior to exploitation". By increasing the availability of resources, such as space, nutrients, and sunlight, the restoration activities of the project will enhance or maintain the forest's resiliency and ability to adapt to environmental stressors, including climate change.

Among other things, this MP4.1 emphasizes the following:

- Active and passive restoration of spruce and spruce-hardwood communities
- Recovery or threatened and endangered species and other species of concern associated with spruce and spruce-hardwood communities
- Management of hardwood communities where spruce is a negligible or absent component

This MP also calls for 'generally restricted public motorized access and use'. There is a minimal road network within the project area. While Alternative 2 proposed some roads improvement activities including the construction of approximately 0.79 miles of NFS road, road densities would not substantially increase nor would the associated motorized access. With the exception of this additional segment, there will be no changes to motorized public access within the area. Additionally, the proposed trail system focuses on providing non-motorized recreational opportunities throughout the project area.

Location

The project area is located approximately 5 miles northwest of Durbin, in Randolph and Pocahontas Counties, West Virginia (Figure 1). The project area encompasses the majority of the tract bought by the United States Forest Service (USFS) in late 1980's from the Mower Limited Partnership. Approximately 32,980 acres (97%) of the 33,994 acre project area is National Forest System (NFS) land. The remaining 1,014 acres (3%) is in private or state (right of ways along the railroad grade) ownership.

Decision

After careful review of the Mower Tract Restoration Environmental Assessment (EA), the project record, having considered the existing conditions in and near the project area, and input from the interdisciplinary team, partners, USFWS, and the public, I have decided to implement Alternative 2, as described in the EA in Chapter 2, with adjustments to avoid Cheat Mountain Salamander (CMS) habitat and the associated 300-foot buffer. Clarifications or additions to the design features were provided in the final EA to address responses received during the 30-day comment period, as well as those brought forward during the interdisciplinary team planning process. These design features or additional information to address these comments are summarized below. Other responses to comments received are included in Appendix D of the EA.

- Ensure that all trails will be publically accessible and no one group or adjacent owners will have exclusive rights to trails on US Forest Service lands. Additional signage to trailheads might be necessary. As with any organized, commercial use of public lands by private businesses and organizations, a special use permit would be required for any group interested in using the trail system from such purposes.
- In addition to taking measures to avoid impacting the West Virginia northern flying squirrel (WVNFS) (seasonal clearing restrictions and/or WVNFS clearance surveys), we will be supportive of monitoring and/or research techniques for measuring impacts to WVNFS populations and the spruce-northern hardwood ecosystem throughout project implementation. Future monitoring and/or research will use the WVNFS as an indicator species to measure how our actions affect the WVNFS and its habitat (spruce-northern hardwood ecosystem). Monitoring and/or research will include hair snare work, acoustic detection and any other pertinent techniques. (EA, Appendix B, Design Feature Mower 30, pg. 133).
- Concerns about potential northern goshawk disturbance has developed into an opportunity to collect additional information about this species. In addition to design features to minimize disturbance during nesting periods near historic nesting areas, we will work with the West Virginia Division of Natural Resources (WVDNR) to either conduct dawn acoustical surveys or avoid activities during the nesting period for northern goshawk. Furthermore, we will work with the WVDNR to conduct surveys for goshawk in areas proposed for new trail construction. These are included in the EA, Appendix B under design features Mower 26-28 (pg. 133). There is also a Forest Plan

guideline (EA, Appendix C, WF 17, pg 152) which allows for the temporary, seasonal, or permanent closure in area or transportation routes to address this concern.

- Equestrian trail use was a concern in regard to aiding the spread of NNIS. Several design features and mitigations to minimize the risk of spreading NNIS are included in the EA Appendix B specific to project activity implementation. Additional details about these strategies are included in Appendix B under Reference No. Mower 38-41 (EA, pg. 135) and Appendix C under Reference No. VE21-24 (EA, pg. 145-146). Forest Service staff will monitor the trail system as part of routine trail management activities. If new NNIS populations are discovered, they can be inventoried, prescribed appropriate treatment, and incorporated into the Forest-wide NNIS Management EA.
- Internally, we discussed the sustainability of the proposed trail system and ensured that as the system develops, Forest Plan Standard and Guidelines, as well as BMPs and trail design features would be incorporated into the construction of trails. Consultation with resource specialists and the inclusion of implementation plans as described below (Schedule of Operations), as necessary would ensure that the trail system would result in a managed, sustainable system that minimizes impact to any resource of concern.
- Forest Service staff also including several design features to minimize or avoid impacts to Regional Forester Sensitive plant species known to occur or with potentially suitable habitat within the project area (EA, Appendix B, Design Features Mower 32-37, pg. 134). While some activities may impact individuals, these design features and the nature of the activities associated with the Selected Alternative will not result in loss of viability or a trend toward federal listing.
- Forest Service (FS) staff also included several design features to minimize or avoid impacts to threatened, endangered, and sensitive wildlife species such as northern long-eared bats and species dependent upon riparian, wetland, or rocky habitats that occur within the project area where activities will take place. These can be found in EA, Appendix B, design features Mower 17-18, Mower 24-25, and Mower 27 (pg 131-132).
- The mineland restoration sites as they exist now provide unique vistas and scenic environment. There is interest to retain vistas while completing the restoration and red spruce plantings to maintain the attractiveness of the project area. In response to these concerns, we will ensure that locations of higher scenic value along trail and road corridors will remain as open as possible by planting early successional species or allowing them to become established with lower growing herbaceous vegetation (EA, Appendix B, Design Features Mower 45-46, pg. 136).
- Shavers Fork has also been determine as an eligible recreational Wild and Scenic River. design features Mower 44 and 47 (EA, Appendix B, pg. 136) will ensure that project implementation does not jeopardize the high scenic integrity visible from the river, as well ensure that the free-flowing nature of the river is maintained.
- With the Selected Alternative in this decision avoiding all proposed activities (proposed trail segments, trailheads, mineland restoration, non-commercial red spruce restoration within mature hardwood stands, non-commercial thinning in young spruce stands, and early successional habitat and crop-tree release in young hardwood stands) in areas determined CMS habitat and a 300’ buffer surrounding CMS habitat, the design features

Mower 19-23 are not applicable to this decision. Additionally, we will not move forward with implementing any trail segments or trailheads affected by the exclusion of trail segments within CMS habitat or the associated 300' buffer until further analysis of CMS habitat and/or formal consultation with USFWS is in place if any potential adverse effects are determined.

Project activities as moved forward as the Selected Alternative will meet the purpose and need of the project area, but the desired future conditions and restoration of this heavily impacted area can only be accomplished through full implementation of the original proposed action, as analyzed in the EA. I anticipate that FS staff will prepare a Biological Assessment to submit to USFWS for any potential take or potential adverse effect for Alternative 2 proposed actions within the delineated CMS habitat and 300-foot buffer for activities analyzed in the EA. Design features Mower 19-23 may be applicable to the project when these activities are moved forward and USFWS may provide additional guidance through the consultation process at that time. Any additional design features and/or mitigation would be reviewed and could be incorporated into a Review of New Information, amended EA and Decision Notice.

Briefly, my decision includes mineland restoration, non-commercial red spruce restoration within mature hardwood stands, non-commercial thinning in young spruce stands, and early successional habitat and crop-tree release in young hardwood stands. Public access in the area will be improved by general road maintenance, replacing an unsustainable, unmanaged road segment with 0.79 miles of a properly built NFS connector road, and the development of a trail system to provide non-motorized recreational access for a variety of trail uses. Watershed improvement activities will include decommissioning of existing skid trails that are showing resource impacts, as well as stream habitat enhancement of streams, including the First Fork tributary of Shavers Fork. Additional details are provided in Table 1, which also compares the acres/miles of each activities as originally proposed in Alternative 2 and as they pertain to the Selected Alternative. Maps showing all of these activities can be found in Figures 1-4.

Due to the programmatic nature of this project, there will be a need to coordinate with resource areas prior to actual implementation. As a team, we will develop a Schedule of Operations that includes out-year implementation plans, giving resource specialists 12-18 months of lead time to complete any remaining field surveys that may be necessary to protect resources and ensure that this project will achieve the anticipated results. This Schedule of Operations will become part of the project record, as well as any subsequent site-specific information analyzed prior to implementation.

Internally, an interdisciplinary team ensured that this alternative was compliant with the Forest Plan Standards and Guidelines and recommended additional design features, mitigation, and monitoring activities to minimize or eliminate potential impacts/concerns. It is my expectation that all of these items detailed in the EA, Chapter 2 pg. 17-19, and Appendices B and C will be applied accordingly. These have been consolidated and included as an attachment to this decision.

TABLE 1. SUMMARY OF PROPOSED ACTIONS FOR THE SELECTED ALTERNATIVE FOR THE MOWER TRACT RESTORATION PROJECT.

Restoration and Vegetation Treatments	**Acres in Final EA (% of Project Area)**	**Adjusted Acres based on ESA Consultation with FWS[1] (% of Project Area)**
Mineland Restoration	1126.3 (3%)	970.9 (3%)
Non-commercial Red Spruce Restoration in Mature Hardwood Stands	5180.9 (15%)	2,629.6 (8%)
Non-Commercial Thinning in Young Spruce Stands	4053.5 (12%)	2,310.7 (7%)
Early Succession Habitat and Crop Tree Release in Young Hardwood Stands	2236.8 (7%)	1,419.2 (4%)
Public Access Actions	**Miles**	**Miles**
Road Maintenance and Construction		
NFS FR227B and FR227C	3.3 miles	3.3 miles (No trees cut > 5” dbh)
New Construction between FR227B and FR227C	0.79 miles	0.79 miles (2.9 acres)
Trails		
Existing road/skid trail conversion	61.3 miles	54.5 miles (No trees cut > 5: dbh)
New Construction	16.5 miles	14.8 miles
Trailheads	8 locations	7 locations
Watershed Restoration and Aquatic Habitat		
Non-system road/skid trail decommissioning	As necessary, pending further field reconnaissance of roads/skid trails resulting from activities prior to federal acquisition	No trees cut >5” dbh
Stream habitat improvement	15 miles along First Fork	54 acres

[1] acreages associated with each activity that would potentially involve affecting trees > 5” dbh were derived due to the recommendation by USFWS that we obtain an ITS for the Indiana bat (Project Biological Assessment, updated September 2016, in project file).

Alternatives Considered

Alternative 1: No Action Alternative

Under the Alternative 1, no mineland restoration, spruce restoration, early successional habitat, watershed improvement, or recreation activities would be implemented to accomplish the purpose and need of the project. Existing conditions would continue. The arrested successional state of the project area would continue and no change in forest development, the short-term availability of quality early successional habitat, and management to enhance and restore historic red spruce forest ecosystem would occur. The reclamation efforts implemented prior to federal ownership on the existing mine lands would continue to provide little diversity, with dominant populations of nonnative vegetation and compacted soil, perpetuating hydrological concerns of poor drainage and soil loss on existing trails and roads. Public access would be limited, as well as the availability of quality recreational opportunities.

Alternative 2: Proposed Action

Alternative 2, as described above and in the Mower Tract Restoration EA, Chapter 2 (pg. 10-19), was developed in response to the need to restore mine lands and remediate the condition of 'arrested succession' that is occurring within those areas. Non-commercial spruce restoration and timber stand improvement activities would occur across the project area. Road maintenance and construction actions are proposed, as well as the development of a sustainable multiple-use trail system. Watershed improvement activities include skid trail/woods road decommissioning and stream habitat improvement.

Proposed activities would be implemented along with design features, mitigations, and monitoring recommendations included in the EA, Appendix B, to reduce or eliminate potential resource impacts/concerns brought forward during project planning (EA, Chapter 2) and as a result of the environmental analysis (EA, Chapter 3). All applicable Forest Plan Standards and Guidelines are included in the EA, Appendix C.

Public Involvement

This proposal first appeared on the District's quarterly Schedule of Proposed Actions (SOPA) in the July 2015 as the Mower Tract Restoration Project EA. However, the Mower Tract restoration project has its roots in Barton Bench and Lambert Run projects previously developed and currently being implemented. This landscape restoration proposal has grown out of the partner and public involvement that we have received the last 5 years. The mine land restoration with associated vernal pools, road decommission, revegetation and a host of other activities has been influenced by working with people outside of the US Forest Service. This project would not be possible without our support from interested partners and public. For instance, the mine site soil preparation (pre-planting ripping) was an outside of US Forest Service idea that we first implemented at Barton Bench. This partner suggested method to prepare the soil increased our revegetation success from 15% to over 90%. Over 15 partners have been involved with the Mower Tract Restoration project. Two schools are involved annually for volunteer planting and science-based outdoor classes.

Additional public outreach for this project has been restoration technique (You Tube) videos made by Northern Institute of Applied Science and US Fish and Wildlife Service National Training Center. These have been sent to restoration professionals and on the web as a model for landscape restoration. This unconventional model of reaching out to interested parties has defined the success of previous Mower Tract area landscape restoration projects (Barton and Lambert Run projects).

The recreation trails portion of the proposed action had extensive public input with four meetings in the summer and fall of 2014. This includes location input on trails and trailheads from West Virginia Mountain Biking association (International Mountain Biking Association), Back Country Horseman of WV, West Virginia Mountain Trail Runners, Hatchery Run Homeowners Association (Cheat Mountain Club area landowners), and local hikers.

After considering all public comments received throughout the planning process for the first two NEPA documents (Barton Bench, 2010 and Lambert Run Restoration, 2014), no significant or unresolved issues were brought forward. Because this is the third restoration project within the Mower Tract and the amount of previous public and partner involvement, the 30-day public scoping and notice and comment period are being combined prior to issuing a draft Decision Notice for the 45-day objection period. Notice of this EA has been being distributed to approximately 183 interested parties, in accordance with 36 CFR 218, and a legal notice was published in the paper of record, the Pocahontas Times as well as a public announcement in The Inter-Mountain. All distributed materials were also available on the Forest website.

Consultation with the U.S. Fish and Wildlife Service (USFWS) has been completed in accordance with Endangered Species Act requirements for the activities moved forward in this decision. The decision for this project will be posted on the Forest website and distributed to those people, organization, or agencies who received this EA. The initial Biological Assessment was submitted to USFWS in March 2016. Following review, USFWS and FS staff met on September 8th, 2016. During that meeting, USFWS recommended avoidance of CMS habitat for all proposed restoration and recreation actions. Additionally, staff from the National Forest met on September 16th, 2016, and decided to defer all activities not only in CMS habitat, but a 300-foot buffer surrounding CMS habitat. The exclusion of activities in CMS habitat and the associated buffer resulted in many of the units being dissected. In order to keep the acreage accurate and to ensure avoidance of CMS habitat and the buffer, any unit that was partially within the CMS habitat or buffer was dropped. The updated Biological Assessment was submitted to USFWS on September 16th, 2016. The Biological Opinion was received on September 27, 2016 and additional design features/mitigations have been incorporated into this decision.

The draft environmental assessment was released and distributed for a 30-day notice and comment period, in accordance with 36 CFR Part 218, with a legal notice published in the *Pocahontas Times* on May 26th, 2016. The EA and accompanying legal notice was posted on the Forest website as well. Six responses were received. Their input was taken into consideration when finalizing the EA and drafting the DN/FONSI for the objection period. The response to these comments are included in the EA, Appendix D.

The final EA and draft Decision Notice and Finding of No Significant Impact for this project was posted on the Forest website and a legal notice was published in the newspaper of record, the *Pocahontas Times*, to begin the 45-day objection period, in accordance with 36 CFR Part 218.

These documents were also directly forwarded to those who responded during the 30-day comment period and hardcopies will available upon request.

Decision Rationale

I have chosen to implement the Selected Alternative with modifications described above because, compared to the other alternatives I considered, they best address the following concerns:

- Ecological and social needs related to the project's Purpose and Need,
- Legal, Forest Plan, and technical requirements, and
- Internal and public issues and concerns, including those brought forward during the 30-day comment period.

Throughout the project planning process, potential negative impacts were discussed among the interdisciplinary team. The design features and implementation strategies outlined in the EA under Alternative 2 and Appendices B and C minimize or avoid the impacts that were brought forward.

This is a large area of the District at over 35,000 acres. It has had a tremendous amount of management actions in the recent past that have positioned the ecosystem to not meet our Forest Plan desired conditions, as previously stated. The actions listed in the Environmental Assessment, Decision Notice and Finding of No Significant Impact documents represents our attempt to take some non-commercial corrective actions to meet our commitment to the public and follow the Forest Plan. All the actions have not been funded and I am sensitive to the fact that this has some repeated actions from 1999 Spruce Opportunity Area EA that were not implemented. We plan to fully implement this EA to the best of our ability.

This proposed action was vastly improved by partner input from the past 5 years of restoration actions north of this area. Our experience from the adjacent Lambert Run restoration has evolved this proposed action into a better product. I fully expect that we will learn as we implement this decision and improve our restoration techniques over the next few years.

A few concerns that I have been tracking through the process include view shed management by keeping open vistas, road decommissioning, adding trails to the trail system and non-native invasive species. Several vistas are planned at locations that provide view point across the Mower Tract and within the valleys. These areas will be managed as early successional habitat. Road decommissioning is a way to ensure that we are able to have and maintain a road network within the project area that meet Forest Plan goals and objectives, as well as provide safe, sustainable access for administrative and public use. In the past few years I have closed 32 miles of trails on other areas of the District that had little to no use. Signed loop trails from trailheads are in demand and the Mower Tract Restoration Project area is an amazing place for these trails. This 'trade' of closing one way trails and opening new loop opportunities is the only way I feel we can make progress on changing recreational trends and making our trails valuable to the visiting public.

All of these concerns (complete list in Chapter 3 of the EA) were considered as I made the decision to implement the Selected Alternative. I feel that they have been addressed by ensuring that all project activities will incorporate required Best Management Practices (BMPs), design features, mitigation measures, and monitoring as indicated in the EA under Alternative 2 and Appendices B and C to reduce or eliminate these impacts.

Findings Required by Other Laws

Multiple Use Sustained Yield Act

The Mower Tract Restoration Project alternatives and subsequent environmental analyses were developed and finalized through an interdisciplinary team of resource professionals (EA, Chapter 4, pg. 113, and project file) and through public involvement (EA, Chapter 2, pg. 8-9, and project file). Mineland restoration and non-commercial vegetation management is being used to meet goals and objectives identified in the Forest Plan and the purposes and needs of the project area. Other project activities would also help move the project area toward the desired future conditions described in the EA, Chapter 1. The effects of these actions are described in Chapter 3 of the EA and in the specialist reports in the project file.

National Forest Management Act (NFMA)

The activities approved under this decision meet the requirements of the NFMA and its implementing regulations for the following criteria:

Forest Plan Consistency (16 USC 1604(i)). All actions implemented as part of the Selected Alternative will be consistent with management direction identified in the Forest Plan (EA, Chapter 3). Approved activities will comply with Forest-wide standards and guidelines and direction for Management Prescriptions 4.1.

Vegetation Manipulation. NFMA and its implementing regulations require that manipulation of tree cover for any purpose must comply with the following seven requirements found at 36 CFR 219.27(b).

- *Be best suited to the goals in the Forest Plan.* The applicable Forest Plan goals and objectives are given beginning in Chapter 1 of the EA. This decision is responsive to those goals and is best suited to meet those goals.

- *Assure that technology and knowledge exists to adequately restock lands within five years after final harvest.* Monitoring of successful regeneration will occur as part of the project and surveys will take place to ensure that desired stocking levels are achieved. Within the mineland restoration areas, tree planting will ensure that red spruce forest will be established as is the goal of these areas.

- *Not to be chosen primarily because they give the greatest dollar return or the greatest output of timber (although these factors shall be considered).* All vegetation management activities for this project are non-commercial and are driven by active management techniques of red spruce spruce-hardwood forests. As discussed, this alternative will move the area toward desired conditions while protecting resources as economically as possible.

- *Be chosen after considering potential effects on residual trees and adjacent stands.* Potential effects on residual trees and adjacent stands have been considered in the environmental analysis and the silvicultural prescriptions for this project.

- *Be selected to avoid permanent impairment of soil productivity and to ensure conservation of soil and water resources.* Potential effects to soil productivity are within Soil Management direction in FSH 2509.18 and Forest Plan direction. Mitigation measures and design features are included in my decision to further protect the soil and water resources.

- *Be selected to provide the desired effects on water quality and quantity, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation users, aesthetic values and other resource yields.* This decision is consistent with the Forest Plan and I believe it would provide beneficial effects on the above resources.

- *Be practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration.* The activities in this decision have been designed to be practical and to accomplish project objectives. There are no commercial harvesting associated with this project and all materials will be left on-site.

Environmental Justice

In consideration of the local communities and area, as well as the state economics, I do not believe any groups will be disproportionately affected by this decision because of the implementation of the Selected Alternative.

Other Legal Requirements

I have reviewed the Mower Tract Restoration EA and the project file and have determined that my decision does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment (EA – Chapter 3 by resource, as well as in specialist reports in project file). As documented in the Mower Tract Restoration EA and in reports in the project and Forest files, my decision is consistent with applicable laws, regulations, and executive orders.

Objection Response

This Decision has been prepared in accordance with an objection process identifies in 36 CFR 218, Subparts A and B. Objections could be filed based on unresolved concerns for the actions outlined in the July 2016 Draft Decision Notice. A legal notice was published on July14th, 2016, initiating a 45-day objection period. All respondents of the scoping and comment periods were contacted and were provided the final EA and draft Decision Notice and Finding of No Significant Impacts. No objections were received at the conclusion of the objection period. The process is now complete.

Implementation

As per 36 CFR218.12, this decision can be implemented immediately.

Project Contact

For additional information concerning this decision, contact: Jack Tribble, Responsible Official. Contact information is included on the cover page. Additional project information can be found on the project webpage at http://www.fs.usda.gov/project/?project=46804.

Signature of Responsible Official

/s/ Jack Tribble 9/28/2016

Jack Tribble
Greenbrier District Ranger
Monongahela National Forest

Date

Finding of No Significant Impact

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that Alternative 1 (no action) and Alternative 2 (proposed action) will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared.

To determine significance, I considered both the context and the intensity of these actions.

Context

For the proposed action and alternatives the context of the environmental effects is based on the environmental analysis in the Mower Tract Restoration EA.

Significance of an action is to be considered in several contexts such as society as a whole, the affected region, affected interests, and the locality, depending on the setting of the proposed projects. This decision notice and finding of no significant impact is for a set of projects that are site-specific in nature, and their effects were analyzed as such. Significance in this case is heavily based on the effects in the local area rather than the larger regional, national, or global context where effects would be diluted to a relatively meaningless level.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency and interdisciplinary team assigned to this project has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. **Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

   My finding of no significant impact is not biased by the beneficial effects of the Selected Alternative. I have considered the environmental analyses provided by resource specialists and disclosed any potential adverse impacts in my decision rationale. I did not use beneficial impact to "balance" out the significance of adverse impacts. In fact, to ensure that these potential impacts brought forward from resource specialists, partners, and the public are reduced or eliminated during project implementation, an extensive amount of thought and collaboration was put into the proposed action, review of the Forest Plan, and recommended design features and mitigation measures (EA, Chapter 2, pg. 10-19; Appendices B and C) as summarized in pages 6-7 of this document.

2. **The degree to which the proposed action affects public health or safety.**

   Public health and safety will not be affected by implementing the Selected Alternative.

   - While all NFS Roads within the project area are open to motorized vehicle use, there is currently very little development within the project area to a large number of visitors to the area. Many of the activities will occur outside of road corridors and away from these open roads. As necessary, signs along public access roads within the immediate vicinity of project activities will be placed as necessary to inform individuals of increased traffic resulting from

implementation of project activities. If necessary, closure orders may be issued to prevent public access to units and areas being treated; roads being constructed or maintained; and areas (e.g., dispersed camping and picnic sites) where the safety of individuals or property could be impacted by project activities.

- Herbicide will be used in conjunction with some of the activities of the Selected Alternative. By focusing on direct application, there is very little risk to the environmental or human health (EA, throughout Chapter 3). Application will occur as described in the Selected Alternative and as instructed by the manufacturer, with design features included in the EA, Appendix B (Mower01, Mower13, Mower19, Mower21, Mower 31, Mower 36) and Forest Plan Standard 4109.

3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no significant impact on unique characteristics of the geographic area. Although Shavers Fork (an eligible recreational Wild and Scenic River) goes through the project area, several design features to ensure that any management activities within 0.25 miles of the river will have as less impact as possible to the scenic quality and characteristics of this cooridor (EA, Appendix B, Mower44-47). Historic and cultural resources are discussed in the Mower Tract Restoration EA (pg. 94-97) and in the specialist report found in the project file.

This action tiers to the Forest Plan analysis that has reviewed the forest for unique characteristics. None of the activities of the Selected Alternative will not occur within, nor will they significantly impact any congressionally designated areas, including Wilderness, Wilderness Study Areas, National Parks or Monuments or Wildlife Refuges, or National Recreation Areas (EA, Chapter 3, pg. 98-100). Activities will not occur within or affect Research Natural Areas (RNAs), candidate RNAs, ecologically critical area, or other special areas on the Forest. No inventoried roadless areas, including those identified under the Roadless Area Conservation Rule will be affected by activities of the Selected Alternative (EA, Chapter 3, pg. 98-100).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Controversy in this context refers to cases where there is substantial scientific dispute as to the size, nature, or effect of a major Federal action on some human environmental factor, rather than to public opposition of a proposed action or alternative. MP 4.1 (Spruce and Spruce Ecosystem Management Emphasis) covers approximately 154,922 acres of the MNF. The Mower Tract Restoration project area represents 33,994 acres (22%) of this MP. Approximately one-third of the project area will receive some level of non-commercial vegetation management and additionally just over 1,100 acres (3%) would include mineland restoration activities to achieve the goals and objectives set out in the Forest Plan. These activities will be consistent with the Forest Plan. Implementation of the Selected Alternative will occur over an estimated 10 years. We do not plan on disturbing more than a fraction of those acres in any one year. These activities represent normal work that we accomplish on a routine basis. Activities included in this decision will help move existing conditions toward desired conditions for the project area as described in the Forest Plan.

- The effects of the Selected Alternative on various resources are not considered to be highly controversial by professionals, specialists, and scientists from natural resource fields. I do not believe that there is significant controversy over the effects of this project in that context.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

   We have considerable experience with the types of activities that will be implemented in the Selected Alternative. The effects analysis shows the effects are not highly uncertain, and do not involve unique or unknown risks. I have made this determination because:

   - No highly uncertain, unique, or unknown risks have been identified. The analyses conducted for determinations of the impacts to the resources are supportable with the use of accepted techniques, reliable data, and professional judgment documented throughout the EA and the specialist reports in the project file. The best available and relevant scientific information was used to evaluate the site-specific effects of these activities (EA throughout Chapter 3, and in resource specialist reports found in the project file).
   - Mineland restoration activities, active red spruce management, crop-tree release and early successional habitat management, and road work associated with the Selected Alternative are similar to other forest projects that have been successfully conducted in these types of ecosystems in the past on this Forest and across the Region. Results have been similar to the effects described in Chapter 3 of the EA and the specialist reports in the project file. Forest Plan Monitoring Reports of similar projects across the Forest and on adjacent projects (Barton Bench and Lambert Run) support the fact that these activities do not involve unique or unknown risks. The Selected Alternative does not contain new types of activities for which the possible effects would be highly uncertain or involve unique or unknown risks (Chapter 3 of the EA and Specialist Reports in the project file).

6. **The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

   The Selected Alternative will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration. The activities are commonly implemented management activities and they do not compel additional actions by their completion (EA throughout Chapter 3). These activities have been implemented on the same soil types and in the same watersheds types in the past across the Forest and Region. No actions are expected in the project area that would cause selected projects to establish a precedent for future actions with significant effects (Cumulative Effects sections throughout Chapter 3 of the EA and Table 3on pg. 20-21). All activities in the Selected Alternative are within the scope of the Forest Plan EIS analyses and will comply with the Forest Plan (EA, Forest Plan Consistency sections throughout Chapter 3 and Appendix C).

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.**

   At the beginning of Chapter 3 in Table 3 of the EA (EA, p. 20-21), the past, present, and reasonably foreseeable future actions that may have a bearing on the cumulative effects of implementing the project are described. The “Cumulative Effects” sections throughout Chapter 3 of the EA, as well as in the Specialist Reports in the project file, explain how the past, present, and reasonably foreseeable future actions were considered and why the impacts of the Mower Tract Restoration project will not

be cumulatively significant. Based on my review of the project environmental analyses, the Selected Alternative will not result in significant cumulative effects.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Selected Alternative will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor will impact any scientific, cultural, or historic resources. I have made this determination because:

- Much of the area where proposed actions could disturb the surface have been surveyed for heritage resources. Survey information is contained in the MNF heritage files. Heritage resources have been located, mapped, and marked so that the Selected Alternative can be implemented on the ground in a manner that avoids impacts to them (EA, Chapter 3, pg. 94-97, and in the specialist report in project file). As included in the heritage resource section of the EA, any use of the mulcher off-road (outside of the current survey area) will be monitored by the Forest Archeologist or Heritage Program Manager in order to ensure these resources are protected or avoided.
- Known heritage sites will be avoided as described in design features and mitigation measures included in the EA, Appendices B and C (pg. 137 and 148), as supported by the specialist report. Should additional or potential prehistoric or historic sites be identified during the course of project implementation, the Forest Archeologist will be notified and activity in that area will cease immediately until protection measures can be applied. Thus, the analysis shows that there will be no significant effects to heritage and cultural resources (EA, Chapter 3, pg. 94-97, and in the specialist report in project file).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Potential impacts to species listed as threatened or endangered (T&E) under the Endangered Species Act were evaluated in the Biological Assessment (BA) for the Mower Tract Restoration project EA (March 2016, updated September 2016). As supported in the updated Mower Tract Restoration BA, the project activities are not likely to result in significant direct, indirect, or cumulative effects to any T&E species or their critical habitats, and they are not anticipated to cause any loss of viability of populations of sensitive species or create a trend toward federal listing (EA, Chapter 3, pg. 53-61).

Analysis of the activities in the Selected Alternative resulted in the following determinations for species listed as threatened or endangered under the Endangered Species Act:

- No Effect: Federally-listed plant species (Running buffalo clover (*Trifolium stoloniferum*), Shale barren rockcress (*Arabis serotina*), Small whorled pogonia (*Isotria medeoloides*), Virginia spiraea (*Spiraea virginiana*), and Cheat Mountain salamander (*Plethodon nettingi*)
- May affect, but is "not likely to adversely affect": Virginia big-eared bat (*Corynorhinus towsendii virginianus*)
- May affect, but is "likely to adversely": Indiana bat (Myotis sodalist) and Northern long-eared bat (*Myotis septentrionalis*)
- Gray wolf, eastern cougar, and the gray bat are not believed to exist in the area, and therefore there will be no effect on them (Mower Tract Restoration BA, pg 15).

The U.S. Department of Interior Fish and Wildlife Service (USFWS) has been consulted regarding this project, the project alternatives, and with the findings in the Mower Tract Restoration BA (USFWS correspondence, March 25, 2016, in project file). Following USFWS review, USFWS and

FS staff met on September 8th, 2016. During that meeting, USFWS recommended avoidance of CMS habitat for all proposed restoration and recreation actions. Additionally, FS staff met on September 16th, 2016, and decided to defer all activities not only in CMS habitat, but a 300-foot buffer surrounding CMS habitat. The exclusion of activities in CMS habitat and the associated buffer resulted in many of the units being dissected. In order to keep the acreage accurate and to ensure avoidance of CMS habitat and the buffer, any unit that was partially within the CMS habitat or buffer was dropped.

Additionally, the project area does fall within the 5-mile foraging habitat of Indiana bat for three caves. However, due to the cool moist climate of the project area, Indiana bat usage presence is thought to be unlikely, as evidenced by no Indiana bat captures over the last fifteen years at 5 locations within the project area (BA, pg 17). There are no known caves in the project area used by Indiana bat. The Selected Alternative is not expected to have negative direct or indirect effects, and would have a beneficial effect on foraging habitat for the Indiana bat through the restoration activities. Given the proximity to known hibernacula, the potential for negative effects cannot be dismissed.

It is unknown if there is still a viable population of northern long-eared bat (NLEB) in the project area since the onset of WNS. There seemed to be much more maternity activity in the project area prior to the arrival of WNS in West Virginia. Since WNS, maternity activity has only been detected once (2009). There was no documented maternity activity in 2011 and 2013. However, for the purposes of the effects analysis, it was assumed that the entire project area could support NLEB. No maternity roosts have ever been identified in the project area. For a summary of anticipated effects to the NLEB and its habitat, please see the relevant sections within the "Potential Effects of Management Activities" of the Conferencing Report (pages 6 and 8-9); the "Effects of the Action" section of the CO (pages 14-16); the Regional BA (pages 50-82); and the Regional BO (pages 38-77) in the project file. As previously described, NLEB maternity activity has been confirmed in the project area at one of the mist net locations. The only proposed activity within 5 miles of the documented NLEB maternity activity is mineland restoration. Design features have been incorporated into implementation to ensure that mineland restoration and other Selected Alternative activities, follow the conservation measures included in the Regional BA.

The updated Biological Assessment was submitted to USFWS on September 16th, 2016. The Biological Opinion from USFWS was received on 9/28/16.

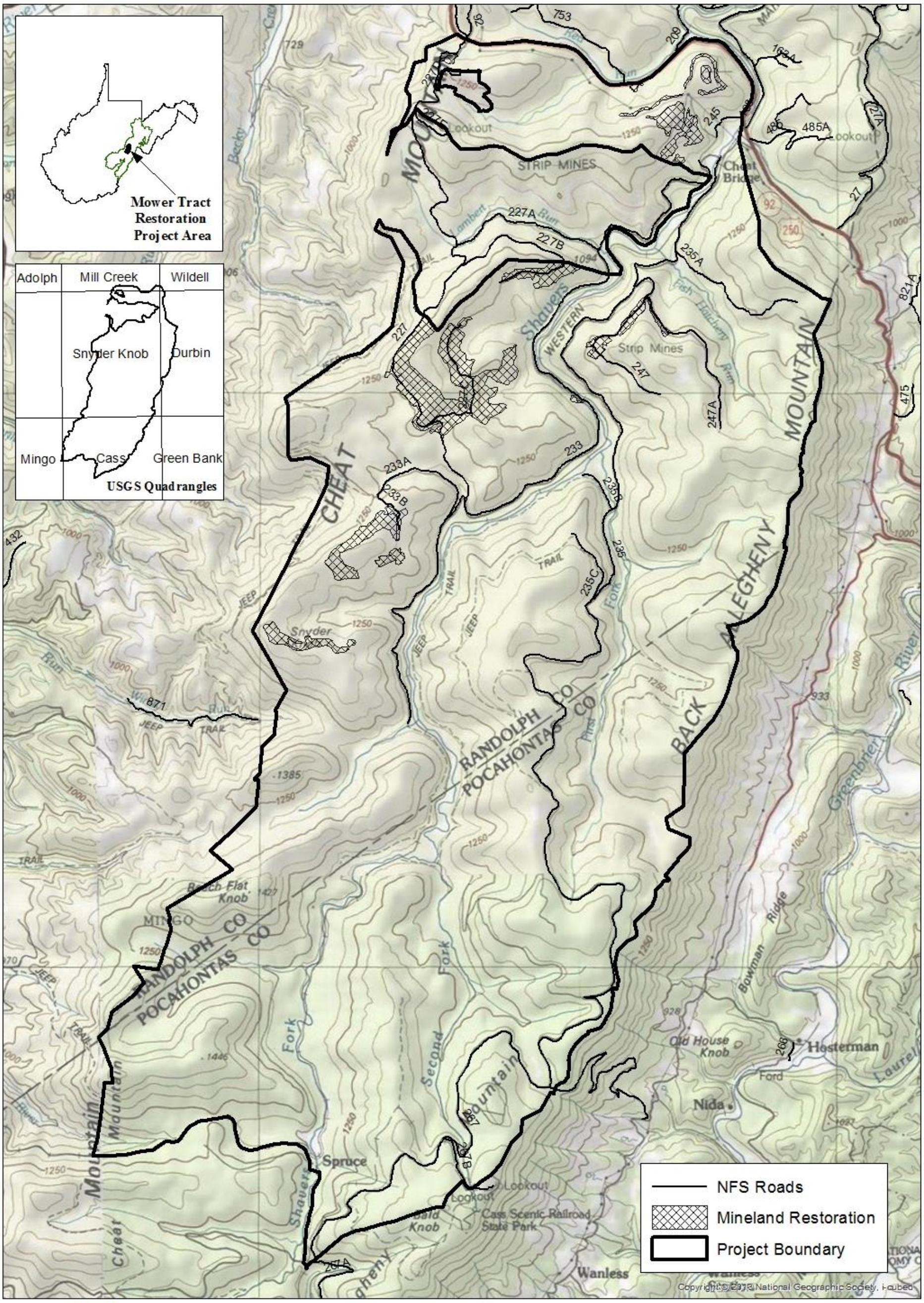
Design features and mitigation measures described within Alternative 2 and clarified on page 6-7 of the Decision, as well as those detailed in Appendix B of the EA, along with any applicable measures described in the USFWS concurrence letter for this project, will be followed to help reduce the potential for adverse effects to threatened, endangered, and sensitive species. If any federally-listed species are found during project design or implementation, and they are not already protected by Forest Plan standards and guidelines or the design features and mitigation measures, all activities that could impact the listed species within that area will cease until additional consultation with USFWS has been concluded.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Selected Alternative will not violate Federal or State laws or requirements for the protection of the environment (EA, Chapter 3 and information in the project file).

Based upon the review of the test for significance and the environmental analyses conducted, I have determined that the Mower Tract Restoration project implementation will not significantly affect the

quality of the human environment. Therefore, this EA is a sufficient and appropriate level of NEPA-related analysis, and an EIS is not needed.



Mower Tract Restoration
Mineland Restoration

MNF GIS/NEPA
UTM, Zone 17
NAD 83
EKT

Monongahela National Forest

Original data was compiled from multiple source data and may not meet the U.S. National Mapping Accuracy Standard of the Office of Management and Budget.

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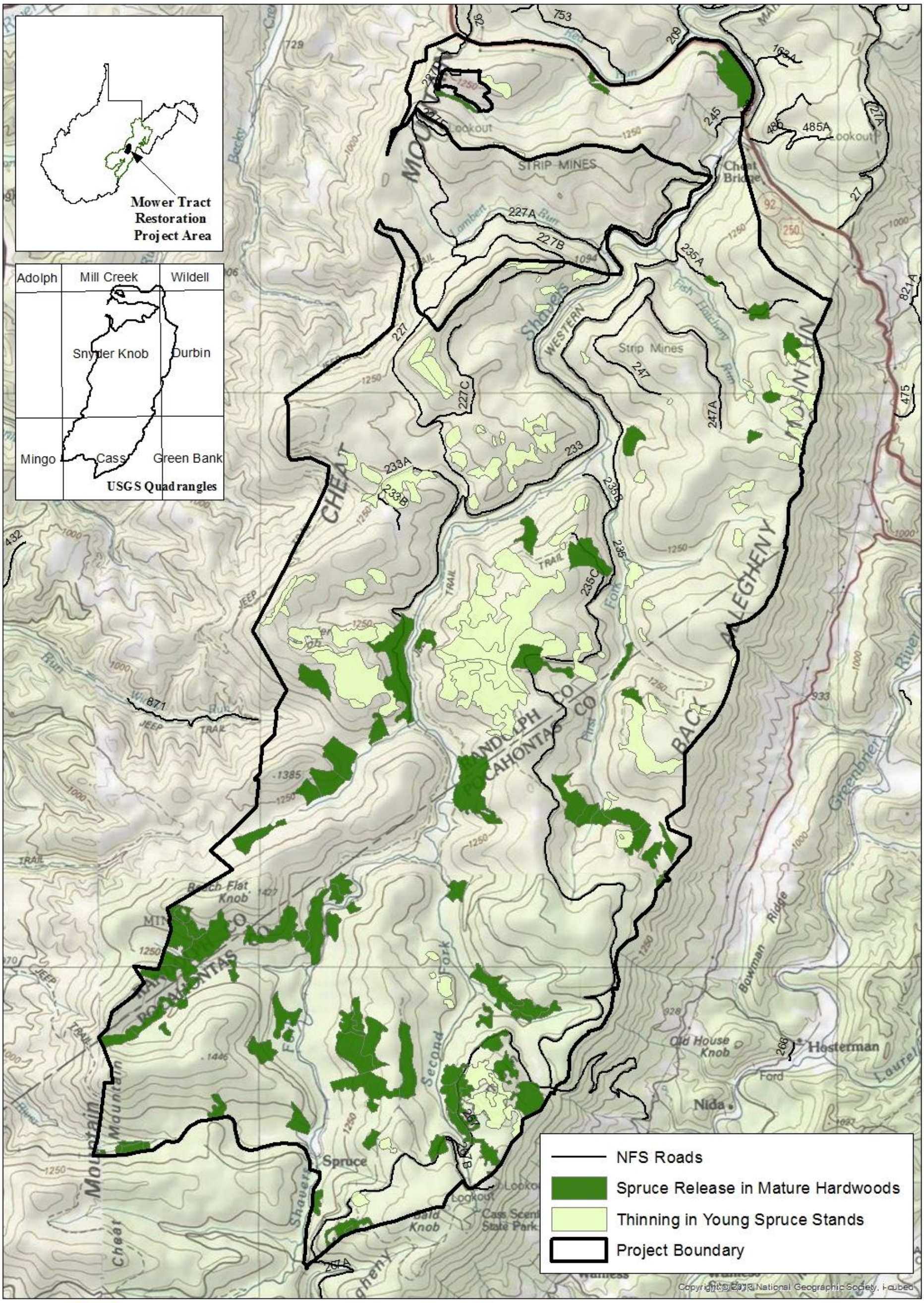
Miles

FIGURE 1



MNF GIS/NEPA
UTM, Zone 17
NAD 83
EKT

Mower Tract Restoration
Spruce Release in Mature Hardwoods and Thinning in Young Spruce

Monongahela National Forest

Original data was compiled from multiple source data and may not meet the U.S. National Mapping Accuracy Standard of the Office of Management and Budget.

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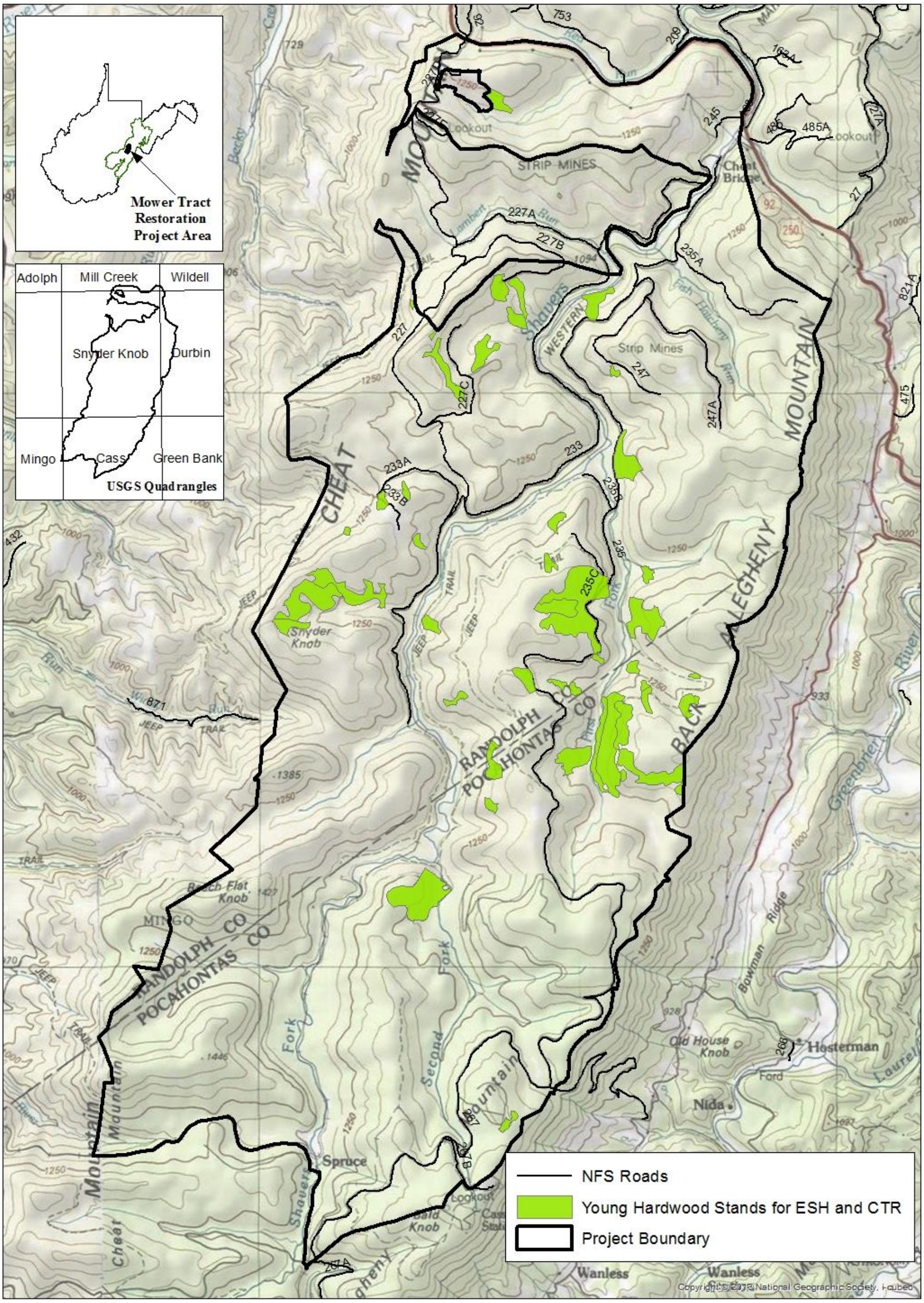
FIGURE 2



MNF GIS/NEPA
UTM, Zone 17
NAD 83
EKT

Mower Tract Restoration
Early Successional Habitat and Crop-Tree Release in Young Hardwood Stands

Monongahela National Forest

Original data was compiled from multiple source data and may not meet the U.S. National Mapping Accuracy Standard of the Office of Management and Budget.

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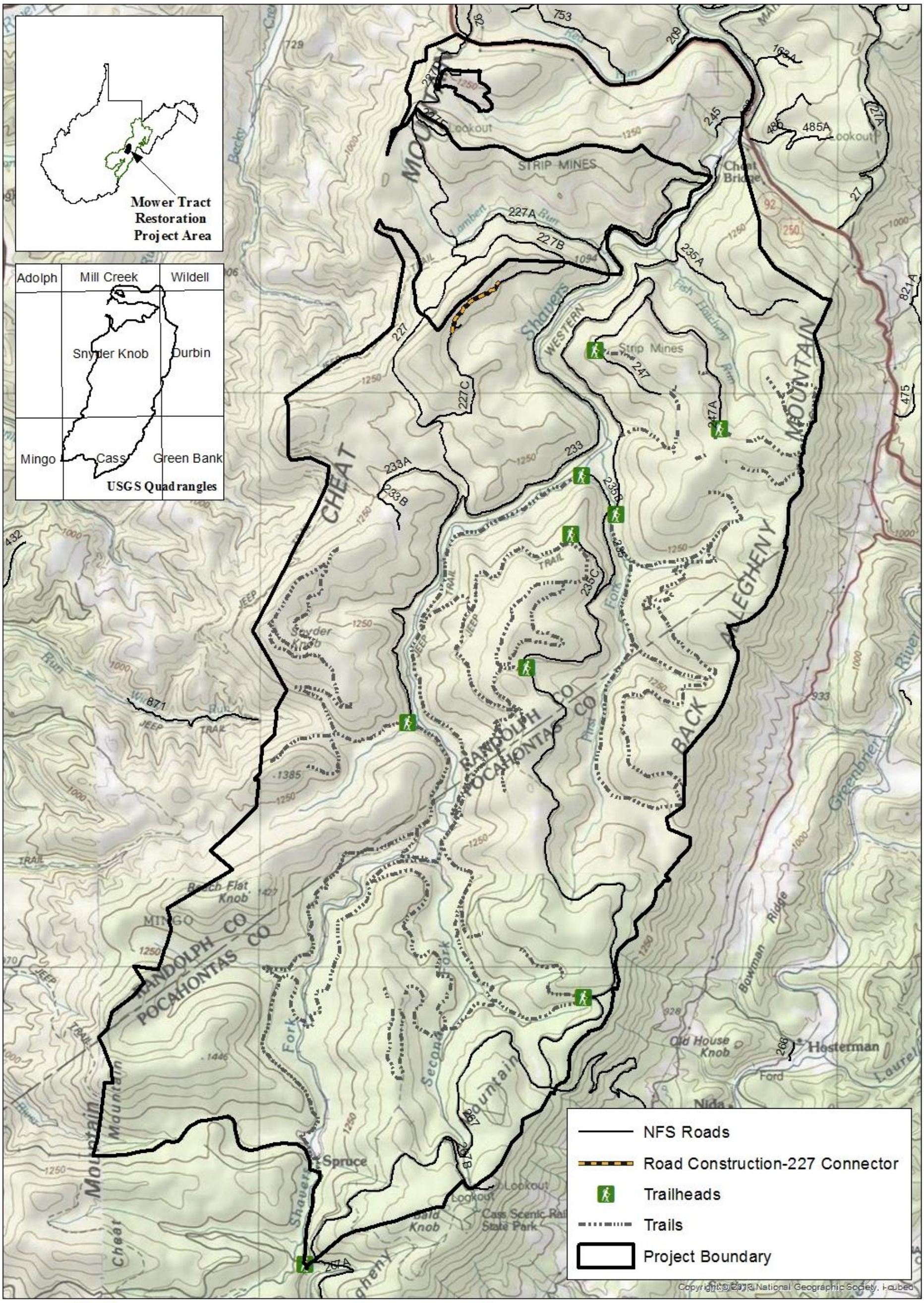
FIGURE 3



MNF GIS/NEPA
UTM, Zone 17
NAD 83
EKT

Mower Tract Restoration
NFS Road Connector Construction
Trails and Trailheads

Monongahela National Forest

Original data was compiled from multiple source data and may not meet the U.S. National Mapping Accuracy Standard of the Office of Management and Budget.

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FIGURE 4