

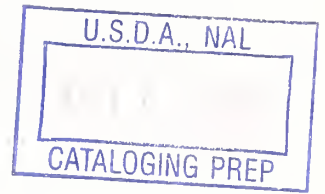
aQL84
.22
.P4R43
2000

**United States
Department of
Agriculture**



National Agricultural Library

RECORD OF DECISION
for the
Environmental Impact Statement
for
Threatened and Endangered Species
on the
Allegheny National Forest



July 2000

ALLEGHENY NATIONAL FOREST

UNITED STATES DEPARTMENT OF AGRICULTURE

**Forest Service
Eastern Region**



Caring for the Land and Serving People

RECORD OF DECISION
for the
Final Environmental Impact Statement
for
Threatened and Endangered Species
on the
Allegheny National Forest

USDA – FOREST SERVICE
ALLEGHENY NATIONAL FOREST
WARREN, PENNSYLVANIA
RESPONSIBLE OFFICIAL: JOHN PALMER

July 2000

The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political affiliation, sexual orientation, and marital or familial status (not all prohibited bases apply to all programs). Persons with disabilities who require alternative means of communication or program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202/720-2600 (voice or TDD).

To file a complaint of discrimination, write the USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, Washington, DC, 20250-9410 or call 202/720-5964 (voice or TDD). The USDA is an equal opportunity provider and employer.

This document is available in large print.
Contact the Supervisor's Office 1-814-723-5150

Printed/photocopied on Recycled Paper



INTRODUCTION

This Record of Decision documents my decision to authorize a non-significant amendment to the 1986 Land and Resource Management Plan (Forest Plan) of the Allegheny National Forest (ANF). I have selected Alternative 1, as described in the accompanying Forest Plan Amendment for Threatened and Endangered Species Final Environmental Impact Statement (T&E Species FEIS). Items that will be amended under this decision are identified in the description of Alternative 1 in the T&E Species FEIS (pp. 37-39).

This amendment to the Forest Plan is needed in order to incorporate new information that pertains to five threatened and endangered species (T&E species) that are known to occur on or near the ANF. I have determined that this amendment is not significant after an extensive review of requirements of the National Forest Management Act (NFMA), and Forest Service Manual (FSM) 1922.50.

ENVIRONMENTAL IMPACT STATEMENT

I have elected to document the analysis of impacts of implementing changes to Forest Plan Standards and Guidelines, and Forest Plan Monitoring Plan Requirements through an environmental impact statement. I made this decision after considering the direction and guidance found in the National Environmental Policy Act (NEPA), the Council of Environmental Quality regulations, and the Forest Service Manual.

The decision, as documented herein, is based upon my consideration of the environmental impacts in the T&E Species FEIS, analysis of comments received from the public, my 25 years experience as a professional manager of natural resources, and all applicable legal and policy requirements, particularly NEPA, NFMA and the Endangered Species Act (ESA).

The U.S. Department of Agriculture – Forest Service (Forest Service) is the lead agency that prepared the T&E Species FEIS. The Forest Service followed Council of Environmental Quality regulations and Forest Service manual direction in completing and documenting the environmental analysis. An Interdisciplinary Team of foresters, wildlife biologists, recreation specialists, transportation planners, and archaeologists oversaw all aspects of the environmental analysis, including public involvement.

PURPOSE AND NEED

New information concerning T&E species resulted in the preparation of the Biological Assessment for Threatened and Endangered Species on the Allegheny National Forest, December 1998 (T&E BA (12/98)). Conclusions reached as part of the analysis indicated that there is a need to amend the Forest Plan to include new or revised standards and guidelines and additional monitoring requirements. Formal consultation with USDI Fish and Wildlife Service, which resulted in the issuance of the June 1999 Biological Opinion (BO), was initiated. The BO confirmed the need for amendment to the Forest Plan. The purpose of this analysis is to: 1) identify how new information and requirements pertaining to the four T&E species contained within the T&E BA (12/98), the BO (June 1999), and the five species contained within the Conservation Program for T&E Species on the Allegheny National Forest (ANF CP) (Appendix A), affect the implementation of the Forest Plan; and 2) identify what changes are needed in current Forest Plan standards and guidelines and monitoring requirements. The five T&E species that are known to occur on or near the ANF and are a part of this Forest Plan amendment are the Bald eagle, Indiana bat, Clubshell mussel, Northern Riffleshell mussel, and Small whorled pogonia.

FOREST PLAN

The Forest Plan was approved in March 1986 by former Regional Forester, Floyd J. Marita. The selected alternative for the Forest Plan (Alternative D) was documented in a 1986 FEIS and Record of Decision. The Forest Plan is the guide for the management and use of the ANF and, as such, identifies a desired mix of resource uses and permits under which these uses may be authorized. The Forest Plan was developed as required by the National Forest Management Act of 1976 (NFMA). Direction and guidance in law and regulations requires that the Forest Plan be amended as necessary. To date, 10 amendments to the Forest Plan have been processed.

Chapter 4 of the Forest Plan lists Standards and Guidelines (S&G's) that guide the implementation of activities on the ANF. The S&G's include specifics on the management of threatened and endangered species and habitat found on the ANF. Appendix B of the Forest Plan is the monitoring plan that lists requirements for monitoring of

the Bald eagle. Current Forest Plan S&G's that pertain to T&E species are displayed in Table 5 (pp. 21-28) of the EIS; the current monitoring plan requirement that pertains to Bald eagle is found in Table 9 (p. 40).

SIGNIFICANCE

I have made a thorough review of NFMA and FSM 1922.50 and have determined that this amendment to the Allegheny National Forest land and Management Plan is non-significant (pp. 2-3). I have determined that this amendment meets the criteria for a non-significant amendment for the following reasons:

1. The multiple-use goals and objectives are not significantly altered in the long term. The Forest Plan Goals and Objectives as stated on pages 4-1 and 4-2 of the Forest Plan are not altered in any way.
2. No changes in management area boundaries are being proposed.
3. There are 45 existing standards and guidelines that were examined in this analysis to determine what changes, if any, were indicated based upon new information contained in the BO and ANF CP. There are no changes proposed for 41 existing S&G's. Revision is proposed for three S&G's, the reference to Bald eagle is proposed to be removed from one S&G, and one S&G is proposed to be dropped. There are 12 new S&G's proposed to be included in Forest Plan direction. These changes result in minor effects when implemented, as evidenced by the effects discussion included in Chapter 4 of the FEIS.

I have determine that this amendment does not meet the criteria for a significant amendment for the following reasons:

1. The long-term relationship between the outputs of multiple-use goods and services originally projected will not be substantially altered, as documented in the effects analysis of the FEIS. The effects section of the FEIS discloses that there are not substantial effects or substantial changes expected to any of the outputs of multiple-use goods and services originally projected by the Forest Plan. Therefore, the long-term relationships between multiple-use goods and services will not be substantially altered.
2. While the amendment is important, its effects are primarily limited to assuring that jeopardy to Northern riffleshell mussel does not occur and that activities that implement the Forest Plan minimize potential incidental take by following the terms and conditions outlined in the BO. The actual effect on other lands and resources throughout the planning area is minimal.

PUBLIC INVOLVEMENT

The ID Team followed direction found in NEPA, and the Forest Service NEPA handbook for public consultation and public involvement throughout this environmental analysis process. A chronology of public involvement efforts is listed in Appendix C, pages 1 and 2.

Public comments were solicited through the Notice of Intent to prepare an Environmental Impact Statement that was published in the Federal Register on February 8, 1999 (Vol. 64, No. 25, pp. 6034 to 6037). In addition, a scoping letter was mailed to approximately 350 interested parties on February 4, 1999. This letter requested comments on the proposed Amendment be sent to the Forest Supervisors office in Warren, PA. The comment period ended on March 10, 1999.

Ten letters were received in response to public scoping. Comments were identified and categorized by issue area (appendix C, pp. 2-6). These comments assisted in the formulation of issues and alternatives that were addressed during the analysis. The *Forest Plan Amendment for T&E Species Draft Environmental Impact Statement (DEIS)* was issued in March 2000.

In accordance with NEPA regulations, the public was given the opportunity to comment on the DEIS. The public comment period began on March 11, 2000. The Notice of Availability for the DEIS was published in the March 10, 2000 issue of the Federal Register (Vol. 65, No. 48, pp. 12992). The DEIS, or its summary, was mailed to 215 individuals, groups, and organizations on March 1, 2000.

The close of the Forest Service comment period on the DEIS was April 24, 2000. Seventy-six comment letters were received from individuals, organizations, and agencies. The process that was followed and our response to comments is published in the T&E Species FEIS as Appendix F.

DECISION

The decision to be made is which alternative best responds to the need to amend the Forest Plan in light of new information pertaining to five Federally-listed T&E species known to be found on or near the Allegheny National Forest. I have made this decision by considering: 1) how alternatives addressed in the T&E FEIS respond to the issues raised for this analysis; 2) how alternatives fulfill Forest Service responsibilities under the Endangered Species Act, National Forest Management Act, the National Environmental Policy Act and other applicable laws; and 3) whether or not alternatives meet the purpose and need as defined for this analysis.

AUTHORIZATION OF ALTERNATIVE 1

I have read the FEIS for the *Forest Plan Amendment for T&E Species* and fully understand the environmental effects disclosed therein. After careful consideration of the analysis, applicable laws, the Forest Plan, and public comments, I have selected Alternative 1 for implementation for the following reasons:

1. Alternative 1 responds best to the issues raised through scoping for this analysis:
 - a. Alternative 1 minimizes incidental take for Indiana bat, Bald eagle, Clubshell mussel and Northern riffleshell mussel by incorporating those mandatory terms and conditions from the BO that are needed to revise or supplement existing Forest Plan S&G's and modify the Forest Plan Monitoring Plan.
 - b. Alternative 1 reduces the risk of jeopardy for the Northern riffleshell mussel by minimizing the risk of introduction of Zebra mussel at Forest Service boat launching facilities on the Allegheny River and Allegheny Reservoir. This is accomplished by implementing the Zebra mussel Action Plan, which is a part of the ANF Conservation Program.
 - c. Alternative 1 emphasizes multiple use concepts by maintaining recreational boating and associated recreation opportunities on the Allegheny River and Allegheny Reservoir.
 - d. Alternative 1 does not broaden the scope of the analysis by modifying current even-aged management practices authorized in the Forest Plan to uneven-aged or zero cut.
 - e. Alternative 1 does not broaden the scope of the analysis by establishing special protection areas or designating seasonal management periods.
 - f. Alternative 1 does not broaden the scope of the analysis to address the needs of sensitive species.

Alternative 1 fulfills Forest Service responsibilities under the Endangered Species Act (ESA) by addressing changes needed in the Forest Plan to minimize incidental take for T&E species and by reducing the risk of jeopardy for the Northern riffleshell mussel. These changes were needed in order to fulfill Section 7(a)(1) and 7(a)(2) requirements of the ESA (pp. 1-2; pp.8-10). The FWS concurs that the implementation of the Zebra Mussel Action Plan satisfies the requirements of the Reasonable and Prudent Alternative 1 from the BO. Alternative 1 fulfills Forest Service responsibilities under NFMA by addressing the need to amend the plan to be more consistent with information in the BO and ANF CP (pp. 2-3). Alternative 1 sustains the multiple use goals and objectives of the Forest Plan. Alternative 1 fulfills Forest Service responsibilities under NEPA by addressing the issues that are ripe for decision at this time and by deferring actions to future analyses for issues that are not yet ripe for decision (pp. 3-4; pg. 34).

Alternative 1 meets the purpose and need defined for this analysis.

ISSUES

I have reviewed the comments received through scoping (Appendix C), addressed management concerns, considered information from the BO and carefully reviewed and considered comments received in response to the DEIS (Appendix F), and have identified six issues that pertain to this analysis (p. 34). These issues were used to formulate three alternative that were considered in detail and five alternatives that were considered but dropped from detailed analysis.

1. Provide management direction that minimizes take for Indiana bat, Bald eagle, Clubshell mussel and Northern riffleshell mussel.

2. Reduce the risk of jeopardy for the Northern Riffleshell mussel and Clubshell mussel by minimizing the risk of introduction of Zebra mussels at Forest Service boat launching facilities on the Allegheny River and Allegheny Reservoir.
3. Maintain recreational boating facilities and opportunity for associated activities on the Allegheny River and Allegheny Reservoir.
4. Broaden the scope of the analysis to include alternatives that emphasize/prioritize T&E species through the use of uneven-age management or zero cut.
5. Broaden the scope of the analysis to include alternatives that emphasize/prioritize T&E species through the establishment of special protection areas or the designation of seasonal management periods.
6. Broaden the scope of the analysis to include needed Forest Plan changes to address the needs of sensitive species.

After carefully reviewing the issues, I have made the following determinations with respect to Alternative 1:

1. **Provide management direction for T&E species** - I have determined that the S&G's contained in Alternative 1 provide the necessary direction to minimize incidental take for T&E species. There are 41 existing S&G's that remain unchanged (Table 5, pp 21-28). There are 3 S&G's that will be revised, 1 S&G where the reference to Bald eagle will be dropped and 1 S&G that will be dropped. There are 12 new S&G's that will be added (table 8, pp. 37-39). The Monitoring Plan will be amended to include monitoring requirements for the five T&E Species (Table 10, p. 40). These changes ensure that needed terms and conditions from the BO, as well as additional requirements from the ANF CP are incorporated in the Forest Plan.
2. **Reduce the risk of jeopardy for mussels** - I have determined that the S&G's contained in Alternative 1 provide the necessary direction to reduce the risk of jeopardy for the Northern Riffleshell mussel by incorporating the requirements of one of the Reasonable and Prudent Alternatives from the BO. The Zebra Mussel Action Plan has been developed to outline procedures that will be conducted at Forest Service boating facilities located on the Allegheny River and Allegheny Reservoir (Appendix A, Attachment A). This plan has been developed through extensive consultation with FWS personnel. The plan will be reviewed and updated periodically as needs change, through informal consultation with FWS.
3. **Maintain recreational boating opportunities** - I have determined that the recreational boating opportunities associated with Forest Service boat launches will continue to be offered under Alternative 1. All facilities will remain open. Implementation of the Zebra Mussel Action Plan may cause some inconveniences to boaters who will be asked to provide information to determine if their boat is at risk, and if found to be at risk, will be required to follow decontamination procedures. This inconvenience is expected to be minimal, and in light of benefits achieved by reducing risk to the Northern Riffleshell mussel, is necessary (p. 88).
4. **Broaden scope to include T&E species management through uneven-aged or zero cut management** - I have determined that the scope of this analysis should not be broadened to include management issues that are more appropriately addressed in Forest Plan revision. The BO finds that continued implementation of the Forest Plan, when amended to include one of the Reasonable and Prudent Alternatives, does not jeopardize the continued existence of T&E species. My analysis of the terms and conditions of the BO and additional requirements of the ANF CP, and consideration of the analysis completed for the Forest Plan shows that this non-significant amendment to the Forest Plan should be completed now, in order to address the needs of T&E species. Consideration of broader planning decisions such as the wide-spread use of uneven-aged management or the total cessation of timber harvest on the ANF entail a much larger task that goes much farther than the purpose and need stated here (pp. 41-43). We are in the process of preparing for Forest Plan revision and will address these broader planning questions then.
5. **Broaden the scope to establish special protection areas or designate seasonal management periods** - I have determined that the scope of this analysis should not be broadened to establish special protections areas or designate seasonal management periods. My review of scientific literature and Recovery Plans (or drafts) for these T&E species leads me to conclude that special protection areas are not warranted. Similarly,

seasonal management periods are not suggested. My conclusion is affirmed by the BO, which finds no jeopardy to these T&E species with continued implementation of the Forest Plan (when amended to include one of the Reasonable and Prudent Alternatives) (pp. 43-45).

6. **Broaden the scope to consider the needs of sensitive species** - I have given considerable thought as to whether or not this analysis should be expanded to consider the needs of sensitive species. The sensitive species list for the ANF was revised in February 2000, and the BA prepared for this FEIS addresses the impacts of proposed actions on these species. Comments were received in response to the DEIS that requested that the analysis include consideration of the needs of sensitive species. I have consulted with Forest Service NEPA experts, legal advisors, our Forest Planner and others and have determined that the focus of this analysis is best kept to T&E species, and that it should not be complicated with unrelated issues such as sensitive species (pg. 45). I have made this determination for the following reasons:
- a. Sensitive species management is an independent program managed under different laws and policies than T&E species.
 - b. Management considerations for sensitive species will be identified as Conservation Assessments and Strategies for a species are completed. These plans are in the process of being developed.
 - c. Future amendment to the Forest Plan will be considered based upon findings of the Conservation Assessments and Strategies for each species.

ALTERNATIVES

Alternatives 1 through 3 were considered in detail; Alternatives 5 through 8 were not considered in detail.

Alternative 1 (Preferred Alternative) - Amend the Forest Plan to include changes to S&G's and the Monitoring Plan that address terms and conditions from the BO, elements of the ANF CP. This alternative incorporates Reasonable and Prudent Alternative 1, which is satisfied by implementing the Zebra Mussel Action Plan at ANF boat launches on the Allegheny River and Allegheny Reservoir.

Alternative 2 - Amend the Forest Plan to include changes to S&G's and the Monitoring Plan that address terms and conditions from the BO, elements of the ANF CP. This alternative incorporates Reasonable and Prudent Alternative 2, which requires the closure of ANF boat launches on the Allegheny River and Allegheny Reservoir

Alternative 3 - No action. None of the terms and conditions, or Reasonable and Prudent Alternatives are incorporated into the Forest Plan.

Alternative 4 - Expands Alternative 1 to include modifying Forest Plan vegetative management objectives to remove timber harvest activities.

Alternative 5 - Expands Alternative 1 to include modifying Forest Plan vegetative management objectives to replace even-aged management with uneven-aged treatments.

Alternative 6 - Expands Alternative 1 to include the designation of special protection areas for T&E species.

Alternative 7 - Expands Alternative 1 to include the specification of seasonal management periods.

Alternative 8 - Expands Alternative 1 to include S&G's that address the needs of sensitive species.

BIOLOGICAL OPIONION AND ANF CONSERVATION PLAN

We entered into formal consultation with the FWS in December 1998 on four T&E species. Issues related to Small whorled pogonia were resolved through informal consultation in December 1998 (pg. 8). FWS delivered the Biological Opinion on the Impacts of Forest Management and Other Activities to the Bald Eagle, Indiana Bat, Clubshell Mussel and Northern Riffleshell Mussel on the Allegheny National Forest, Pennsylvania in June 1999. The BO identifies terms and conditions to minimize incidental take for these four T&E species. It also identifies three reasonable and prudent alternatives that reduce the risk of jeopardy for the Northern riffleshell mussel. Completion of this consultation process satisfies our compliance with Section 7(a)(2) of ESA (pp. 8-10).

We developed the ANF Conservation Plan to satisfy our compliance with Section 7(a)(1) of ESA. It also includes actions identified in the BO. While there are distinctions in the requirements of each of these sections of ESA,

there is a great deal of similarity in the actions being proposed. For purposes of developing a comprehensive plan that provides for continuity in implementation and ease of reference, the actions are presented in one plan (p. 10).

The BO and ANF CP were reviewed to determine which elements should be included in this Forest Plan amendment. The comparison of the BO and Forest Plan is found in Appendix B of this EIS. Appendix A displays the ANF CP and details which elements are being carried forward here.

Table 1 displays the changes to the Forest Plan S&G's that are included in Alternative 1. Table 2 displays changes to the Forest Plan Monitoring Plan that are included in Alternative 1.

Table 1. Additions to Standards and Guidelines in Alternative 1

Bald Eagle

Habitat Protection And Enhancement

1. The following buffer zones and time of year restrictions shall apply to Bald eagle nests, including those abandoned for ≤ 3 years*:
 - a. Year-round, all activities that may disturb eagles or significantly alter habitat including, but not limited to, timber harvesting, land clearing, federal oil and gas development, road construction and operation, and trail construction and operation, shall be prohibited within a zone extending at least 660 feet from the nest. This prohibition does not apply to the implementation of measures that are necessary to protect or monitor the nest.
 - b. From January 15 to July 31 of each year, people and aircraft (under FS control) should not be allowed within 660 feet of the nest. This distance should be increased if topography and/or vegetation permit a direct line-of-sight from the nest to potential activities. This prohibition does not apply to qualified persons conducting necessary eagle research and management.
 - c. From August 1 to January 14 of each year, hunting, fishing, and other recreational activities are allowable within 660 feet of the nest; however, these activities should be restricted within 330 feet of the nest.
 - d. From January 15 to July 31 of each year restrict management activities that result in disturbance to nesting birds within approximately 1,320 feet of each active nest location. Examples of management activities that should be restricted include road and trail construction and maintenance, timber cutting and hauling and federal oil and gas development, etc.

*Abandoned nests include those nests abandoned for any reason (e.g. movement of adults, fallen nest tree, fallen nest, and damaged nest)

2. Three or more super-canopy trees should be identified and maintained within one-quarter mile of each nest as roosting and perching sites. These trees may be large white pines, dead deciduous trees, or trees with dead or broken tops.
3. On the side slopes surrounding the Allegheny Reservoir and on the side slopes along the Allegheny River, Tionesta Creek, Clarion River, Kinzua Creek, and Salmon Creek maintain scattered white pines and other trees with potential for use as nesting or roosting trees. Consider not only trees that are super-canopy trees but also trees that may provide nesting or roosting sites in the future, such that a sustainable supply will be available.

Abandoned Nest Trees

4. When a nest is classified as a remnant, that is, one that has been unoccupied for five consecutive years, and is not being maintained by eagles, retain only the 330-foot buffer zone. Prohibit disturbances within this buffer zone as stated in #1.

Roosting Areas

5. Bald eagle roosting areas shall be identified and protected. Activities that may result in the incidental take of roosting eagles or degradation of roosting habitat shall be restricted within 0.25 mile (1,320 feet) of identified roosting sites.

Indiana Bat

Habitat Protection and Enhancement

6. This species was found to occur within the Allegheny National Forest in August 1998. Summer roost and foraging habitat is found in great abundance throughout the ANF. Habitat for this species will be provided through implementation of standards and guidelines. The following standards and guidelines provide specific diameter requirements for live and dead trees that provide habitat for Indiana bat. Trees retained to fulfill snag and den tree requirements (see Forest Plan, p. 4-32) can also be counted towards these requirements.
7. For both partial and final harvests in green units (harvested material consists primarily of live, healthy trees) retain all snags. Retain at least 8-15 live trees ≥ 9 inches d.b.h. per acre in final harvest units, and at least 16 live trees ≥ 9 inches d.b.h. per acre in partial harvest units.
8. For both partial and final harvests in salvage units (dead or dying trees make up 50 percent or more of the harvested volume), and clear-cut, retain at least 5-10 snags ≥ 9 inches d.b.h. per acre, and of these one snag ≥ 16 inches d.b.h. per two acres. Also retain at least 16 live trees ≥ 9 inches d.b.h. per acre, and 3 live trees ≥ 20 inches d.b.h. per acre in partial harvest units; and retain at least 8-15 live trees ≥ 9 inches d.b.h. per acre, and 1 live tree ≥ 20 inches d.b.h. per acre in final harvest units and clear-cut.
9. Live residual trees to be retained under terms and conditions 7, 8, and 10 shall, where available, be Class 1 or Class 2 trees (as identified by Romme et al., 1995), or other trees exhibiting or likely to develop characteristics preferred by Indiana bats (e.g., exfoliating bark).
10. Designate and retain living residual trees in the vicinity of about 1/3 of all large diameter (≥ 12 inches d.b.h.) snags with exfoliating bark to provide them with partial shade in summer.
11. For partial/intermediate harvests (e.g., thinnings, shelterwood seed/prep, selection cuts) in healthy stands (stands where volume being removed is predominantly healthy, living trees), reduce canopy closure to >50 percent.
12. All known roost trees on the ANF will be protected until such time as they no longer serve as a roost (e.g., loss of exfoliating bark or cavities, blown down, or decay). In the event that it becomes absolutely necessary to remove a known Indiana bat roost tree, such a removal will be conducted through consultation with FWS, during the time period when the bats are likely to be in hibernation (November 15 through March 31). Trees identified as immediate threats to public safety may, however, be removed at any time following consultation with the FWS.

Protection of Individuals

13. Demolition or removal of buildings or other man-made structures that harbor bats should occur while bats are hibernating. If public safety is threatened and the building must be removed while bats are present, a bat expert should examine the building to determine if Indiana bats are present.

Clubshell Mussel And Northern Riffleshell Mussel

Protection Of Individuals

14. At the marina and boat launches on the Allegheny Reservoir, boats shall be screened for potential Zebra mussel contamination, and boats found through screening to be at risk shall be decontaminated using a FWS-approved decontamination method. These same procedures shall apply to commercial use of the boat launch at the Buckaloons Recreation Area on the Allegheny River. Screening and decontamination procedures are conducted in accordance with the Zebra mussel action plan (ANF CP), which is approved by the FWS and updated by agreement as needed.

Protection of Habitat

Concerning perennial and intermittent streams:

15. A filter strip will be maintained to minimize the movement of silt, humus, and other organic matter into the stream. The standard width is 50 feet plus 4 feet for every one degree of slope adjacent to each side of the stream or the actual size of the riparian area, whichever is larger.

Table 2. Additions to the Forest Plan Monitoring Plan In Alternative 1

Source and Purpose of Monitoring Action	Activity Effect Practice Output	Unit of Measure	Frequency of Measure	Techniques and/or Data Sources	Expected Precision	Expected Reliability	Responsibility
36 CFR 219.19							
Monitor threatened and endangered species to protect, maintain, or enhance key habitat	Bald Eagle	Nesting success, Nest productivity	Annual	Field surveys	Moderate	Moderate	Allegheny National Forest
	Indiana bat	Use of Foraging and Roost Habitat	Annual	Field surveys	Moderate	Moderate	Allegheny National Forest
	Clubshell mussel	Potential impacts to habitat quality	Annual	Water quality monitoring	Moderate	Moderate	Allegheny National Forest
	Northern Riffleshell mussel	Potential impacts to habitat quality	Annual	Water quality monitoring	Moderate	Moderate	Allegheny National Forest
	Small whorled pogonia	Identify high potential habitat and the occurrence of plants	Annual	GIS and focused field surveys	Moderate	Moderate	Allegheny National Forest

ENVIRONMENTAL CONSEQUENCES

The FEIS documents the analysis of the expected consequences of implementing each alternative, on a programmatic level, in terms of the physical, biological, and social-economic effects. I am satisfied that the analysis is adequate. It has been completed to the satisfaction of the Environmental Protection Agency (EPA) and in coordination with the U.S. Fish and Wildlife Service. A complete discussion of the Environmental Consequences can be found in Chapter 4 of the FEIS.

PHYSICAL ENVIRONMENT

There are only a few minor effects to the physical environment as a result of proposals in Alternative 1. Affects to roads, rights-of-way, water quality, and oil and gas development are disclosed. The impacts to these resources have been determined to be minor in all respects, especially when considered at the programmatic level (pp. 72-75).

BIOLOGICAL ENVIRONMENT

Vegetation

Forest Type and Age Class Distribution

There is no effect to forest type or age class distribution as a result of proposals in Alternative 1 (pp. 76-77).

Forest Vegetation and Habitat for T&E Species

There may be minor changes in vegetative structure as a result of S&G's that provide potential nest trees and help protect existing or abandoned nest trees for Bald eagle. There may also be minor changes in vegetative structure as a result of S&G's that specify the numbers and sizes of dead and live trees to be retained following timber harvest. These S&G's ensure that minimum habitat standards for Indiana bat will be found (pp. 77-78).

Harvest Treatments

The adoption of Alternative 1 will have negligible impacts on harvest treatments and perhaps minor impacts on harvest volumes (pp. 78-80). When considered at the programmatic level, there is virtually no change to effects previously discussed in the Forest Plan FEIS (Forest Plan FEIS, pp. 4-15 through 4-30 and 4-43).

Reforestation

There are negligible impacts to current reforestation practices resulting from S&G's proposed in Alternative 1 (pp. 80-81). When considered at the programmatic level, there is virtually no change to effects previously discussed in the Forest Plan FEIS.

Wildlife

Composition and Structure of Communities

The S&G's presented under Alternative 1 would result in slight modification of the composition and structure of the mature hardwood, conifer, and riparian communities by requiring the retention of super canopy white pines, larger snags and live trees, and minimum canopy closures. However, these differences are minor and would positively affect wildlife habitat across the landscape (pp. 81-82).

Federally Proposed, Endangered, or Threatened Species and Regionally Sensitive Species

S&G's presented under Alternative 1 are designed to minimize take of T&E species and to remove the risk of jeopardy to the Northern Riffleshell mussel. Sensitive species would not be affected by the adoption of the new S&G's and monitoring requirements found in Alternative 1 (pp. 83-84).

Aquatic Resources

The S&G's presented in Alternative 1 will have negligible effect on aquatic resources beyond those already described in the current Forest Plan (Forest Plan FEIS, pp. 4-20, 34, 35, 50, 58, 59, 78-82). The S&G's in Alternative 1 will reduce the risk of jeopardy to Northern riffleshell mussel and minimize potential negative impact to Clubshell mussel through the implementation of the Zebra Mussel Action Plan at ANF boat launches on the Allegheny River and Allegheny Reservoir (p. 85).

SOCIAL/ECONOMIC ENVIRONMENT

Three social/economic elements - visual resources, heritage resources, and wild and scenic rivers are not impacted by the S&G's presented in Alternative 1 (p. 86). There will be no effects on these elements.

Recreation Resources

Recreation Facilities

Alternative 1 maintains the current level of developed recreation sites and offers the same recreation opportunity as is currently available. S&G's proposed in this alternative could have a negligible effect on the development of future facilities (pp. 86-88).

Recreation Use

Recreation use as a result of S&G's proposed in Alternative 1 is not expected to change, therefore comparable use and effects as described in the Forest Plan FEIS Chapter 4 are anticipated (pp. 88-89).

ECONOMICS

Recreation

There are no changes anticipated in recreation receipts as a result of the S&G's in Alternative 1. There should be no impact to local recreation employment as a result of changes in Alternative 1 (pp. 89-90).

Timber Harvest Values

At the programmatic level, there are no changes anticipated to timber harvest values as a result of the S&G's in Alternative 1. There may be a small reduction in harvest volume and value at the site-specific level in salvage harvest units where live black cherry trees are retained for habitat requirements. I have determined that the potentially reduced values are insignificant to the total timber harvest program on the ANF (p. 90).

Other Agencies

The S&G's proposed in Alternative 1 could result in an insignificant reduction in payments to counties from reduced timber receipts. The reduction would be small, if any at all, and is not expected to cause any change to local economy (p. 91).

SOCIAL CONSIDERATIONS

Other Agencies

I do not anticipate that implementation of the S&G's in Alternative 1 will result in changes to other agencies. Recreational boating opportunity will remain at current levels on the ANF; therefore, no measurable shift in boater use from ANF facilities to other local facilities is expected (p. 91).

Safety

On some sites, a greater number of larger diameter, dead trees will be retained following timber harvest with S&G's proposed in Alternative 1, thus creating conditions that are slightly more hazardous than what currently exists. Overall, though, I expect the difference to be negligible as these S&G's apply to a small number of acres (generally less than 3% of the ANF annually) and the risk of harm from falling trees or tree limbs is small (p. 91).

REASONS FOR NOT SELECTING THE OTHER ALTERNATIVES

Alternative 2

I did not select Alternative 2 because it does not respond to the issues raised for this analysis as well as Alternative 1 and does not fulfill Forest Service responsibilities under NFMA. Alternative 2 minimizes take for the T&E species and reduces risk of jeopardy for the Northern riffleshell from Forest Service boat launch facilities. Multiple use opportunities are decreased as a result of closing ANF boat launches and reducing associated recreation opportunities on the Allegheny Reservoir. Risk of jeopardy to Northern riffleshell mussel remains because although ANF launch facilities are closed, many boaters will elect to use other launch facilities. These facilities do not employ the measures included in the Zebra Mussel Action Plan. Alternative 2 maintains an appropriate scope for this analysis. Alternative 2 fulfills the requirements of ESA and NEPA, however Alternative 2 does not satisfy the multiple use objectives of NFMA as well as Alternative 1. Alternative 2 meets the purpose and need as defined for this analysis.

Alternative 3 (No Action)

I did not select Alternative 3 because it does not respond to the issues identified in this analysis. If the mandatory terms and conditions of the BO are not implemented, and if the Forest Plan is not changed to respond to one of the Reasonable and Prudent alternatives presented in the BO, then incidental take of T&E species is not minimized and risk of jeopardy to Northern riffleshell mussel remains. Recreational boating and other associated recreational opportunities are maintained. Alternative 3 maintains an appropriate scope for this analysis. Alternative 3 does not fulfill the requirements of ESA, NFMA or NEPA and does not meet the purpose and need as defined for this project.

FINDINGS REQUIRED BY OTHER LAWS

Consistency with the Forest Plan

The proposed amendment will not change the basic purpose and need of the Forest Plan nor will it change the Goals and Objectives originally established in 1986. The proposed changes to the S&G's are consistent with the direction found in the Forest Plan. The intent of the S&G's is to provide direction for implementing site-specific projects on the ANF. I find that this amendment is consistent with the Forest Plan.

National Forest Management Act (NFMA)

I have reviewed the National Forest Management Act (NFMA) direction for management requirements [36 CFR 219.27(a)-(g)]. I find that this amendment is in complete compliance with the Act. Specifically I find that this amendment is not significant, as it does not meet the requirement for a significant amendment as defined in Forest Service Manual (FSM) 1922.5. The S&G's found in Alternative 1 do not propose any timber management activity that is not in compliance with the Act. The S&G's do provide standards to minimize incidental take of T&E species on the ANF and adopts one of the Reasonable and Prudent Alternatives proposed in the BO to reduce the risk to Northern riffleshell mussel from the introduction of the Zebra mussel from boats launched at ANF facilities on the Allegheny River and Allegheny Reservoir.

Threatened and Endangered Species Act (ESA)

This Forest Plan amendment is made in direct response to new information evaluated in the T&E BA (12/98). The FEIS takes into consideration the formal consultation between ANF and FWS personnel in order to satisfy all the requirements of the ESA. FWS personnel prepared the BO for the continued implementation of the Forest Plan and projects predicated upon it. The BO includes Reasonable and Prudent Alternatives that if implemented in a timely manner would assure that the implementation of the Forest Plan would not jeopardize the continued existence of the Northern riffleshell mussel. It also specifies mandatory terms and conditions that minimize incidental take of T&E species. This amendment incorporates appropriate elements of the BO as either modifications to existing S&G's or additions to S&G's, or modifications to the Forest Plan Monitoring Plan. FWS has reviewed the FEIS and concurred that the selection of Alternative 1 meets ESA requirements (Appendix F, p. F-66). I have determined that this amendment is in full compliance with the requirements of ESA.

Other Relevant Laws

I have considered other relevant laws and regulations that this amendment may affect. This includes, but is not limited to, the Weeks Act of 1911, the Multiple Use-Sustained Yield Act of 1960, The Forest and Rangeland Renewable Resources Planning Act of 1974, the Clean Air Act, the Clean Water Act, Protection of Wetlands Executive Order 11990, Exotic Plants Executive Order 11987, The Safe Drinking Water Act, The National Historic Preservation Act of 1966, and The Native American Religious Freedom Act. In addition, I have considered the relevant planning documents (i.e., Forest Plan) in relationship to the amendment and find that it is in compliance with these documents. I have fully considered the effects of the amendment on the public, as well as the public's concerns/issues brought forward during the two comment periods (scoping, DEIS review) and feel that these concerns/issues are adequately addressed in the FEIS with Appendices and/or this ROD. I have determined that my decision to approve the amendment, with all necessary mitigation measures, meets all applicable laws, regulations, and land policies, as well as Forest Service direction and guidance as outlined in the Forest Service Manuals and Handbooks.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The specification of the environmentally preferred alternative or alternatives is required by the regulations for implementing the procedural provisions of the National Environmental Policy Act [40 CFR 1505.2(b)]. A review of the National Environmental Policy Act (NEPA) of 1969 was completed to determine the criteria for the environmentally preferred alternative.

I have reviewed the six criteria in NEPA 101(b) and have determined that Alternative 1 is the environmentally preferred alternative. Alternative 1 responds favorably to these criteria. Alternative 1 fulfills Forest Service responsibility under ESA, NFMA and NEPA. It minimizes incidental take of T&S species and reduces the risk of jeopardy to Northern riffleshell mussel through the implementation of the Zebra Mussel Action Plan. Neither Alternative 2 nor Alternative 3 reduces the risk of jeopardy to Northern riffleshell mussel.

PROJECT IMPLEMENTATION

Appeal Rights

My decision is subject to appeal pursuant to 36 CFR 217.8 and 217.9, as amended. To appeal this decision, a person or organization must file a written notice of appeal, in duplicate, with the Reviewing Officer, Regional Forester, USDA Forest Service, Eastern Region, 310 West Wisconsin Avenue, Milwaukee, WI 53203.

At a minimum, the notice of appeal must 1) list the name, address and telephone number of the appellant; 2) identify the decision about which the requester objects; 3) identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the Deciding Officer; 4) identify specifically that portion of the decision document to which the requester objects; 5) state the reasons for objecting, including issues of fact, law, regulation or policy, and, if applicable, specifically how the decision violates law, regulation or policy; and 6) identify the specific change in the decision that the appellant seeks.

The appeal period closes 45 days following publication of the legal notice announcing the decision in the Warren Times Observer.

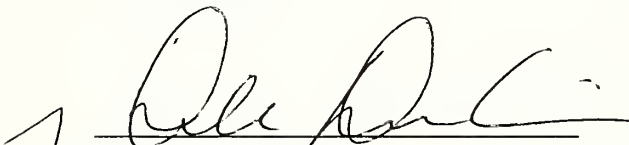
Implementation

Pursuant to 36 CFR 217.10(a), implementation of this decision may occur no sooner than 7 calendar days following publication of the legal notice announcing the decision in the Warren Times Observer.

CONTACT PERSON

For further information, contact: Gary Kell, Forest Planner
Box 847
222 Liberty Street
Warren, PA 163645
(814) 723-5150
FAX (814) 726-1465

APPROVAL


JOHN E. PALMER
Forest Supervisor

7-28-00
Date

NATIONAL AGRICULTURAL LIBRARY



1022513408

* NATIONAL AGRICULTURAL LIBRARY



1022513408