United States Department of Agriculture

South Branch Kinzua Creek Supplemental Environmental Assessment

Decision Notice and Finding of No Significant Impact

Forest Service Allegheny National Forest Marienville Ranger District March 2021

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Introduction

This decision notice describes my decision and rationale for selecting vegetation management activities in the South Branch Kinzua Creek Supplemental Environmental Assessment project area. This project will implement the Allegheny National Forest Land and Resource Management Plan, or forest plan, and includes management activities that are designed to contribute to achieving the desired conditions outlined in that plan. This decision notice incorporates by reference the original South Branch Kinzua Creek Environmental Assessment and the supplemental environmental assessment.

The South Branch Kinzua Creek project area includes 4,748 acres of National Forest System and private lands located in Lots 263, 302, and 303 and Warrants 3093, 3097, 3122, 3123, 3124, 3130, 3131, and 3132 in Wetmore and Hamlin Township, McKean County, Pennsylvania. All the stands proposed for supplemental treatments are located within Management Area 3.0–Even-aged Management.

Purpose and Need

The proposed action for the South Branch Kinzua project was designed to help achieve forest plan goals and objectives. The proposed supplemental activities are needed to manage vegetation for forest plan desired conditions and improve terrestrial habitat that will:

- Maintain a diversity of age classes, including early age classes spatially distributed across the landscape in Management Area 3.0 within the project area. As existing young age classes develop and mature into older age classes, there is a need to maintain a young age class component into future decades.
- Maintain or enhance seedling, shrub, and herbaceous diversity in the project area where a legacy of deer browsing has resulted in reduced understory diversity.
- Provide a wide variety of habitat conditions across the landscape to meet the needs of game and non-game wildlife species and maintain or enhance species diversity and abundance within the project area.
- Provide a mix of vegetative conditions and quality timber products that would contribute to the local and regional economy.

Supplemental regeneration harvests, along with reforestation treatments, will allow for the establishment of an early structural forest, which is characteristic of Management Area 3.0 and helps achieve the desired condition of a diversity of healthy vegetation patterns across the landscape (USDA-FS 2007a, pages 113-116).

The Forest Service is proposing to add shelterwood removal cuts and associated reforestation treatments to 11 stands within the South Branch Kinzua Creek project area. The proposed shelterwood removal cuts and additional associated reforestation treatments are being proposed for these stands to ensure timely removal of their overstories when adequate regeneration becomes established within these stands.

Decision

After reviewing the environmental analysis, supporting documents and public response, I propose to implement the modified proposed action as described on pages 2 and 3 and map 2

of the supplemental environmental assessment. Please note that multiple treatments and activities will occur on the same area. Any unfinished activities from the original South Branch Kinzua Creek Pine Bear decision will continue, as will routine maintenance activities.

My decision and findings are based on my expertise and knowledge of the area; the original South Branch Kinzua Creek Environmental Assessment, and the supplemental environmental assessment, including the project biological assessments and evaluations prepared to support the environmental assessments; the project record; and direction found in the forest plan.

As mentioned above, the Forest Service is proposing to add shelterwood removal cuts and associated reforestation treatments to 11 stands (189 acres) within the South Branch Kinzua Creek project area. The proposed shelterwood removal cuts and additional associated reforestation treatments are being proposed for these stands to ensure timely removal of their overstories when adequate regeneration has been established.

In the original South Branch Kinzua Creek, 280 acres of regeneration harvests were selected for implementation, accounting for six percent of the National Forest System lands in the South Pine Bear project area. This decision will add another 189 acres of regeneration harvests (shelterwood removal harvests), on about three percent of the project area, which will result in approximately 469 acres of regeneration harvests in total or ten percent of National Forest System lands in the South Branch Kinzua project area.

My decision will also implement several associated reforestation activities. These activities will only be implemented as needed on the approximately 189 acres proposed for shelterwood removal harvests and will be done to ensure the establishment of desired regeneration. Proposed reforestation treatments include fertilization, fencing, installing tree shelters, planting for species diversity, and release from competing vegetation. The stands proposed for shelterwood removal harvests could receive more than one of the reforestation treatments.

Reasons for the Decision

The supplemental timber harvests and reforestation treatments in the modified proposed action are being proposed for these stands to ensure timely removal of their overstories once adequate regeneration has been established. The modified proposed action will help to maintain a resilient landscape that provides a range of wildlife habitat, structurally and genetically diverse vegetative cover, and continued ability to function as a healthy and effective watershed.

The purpose and need for this project includes a number of components around which the modified proposed action was developed. All these components are interconnected by the need to maintain habitat diversity and move forward on building a resilient, healthy forest within the project area and on the Allegheny National Forest. The interaction of age classes, structural classes, and plant species contributes to the creation and maintenance of this habitat diversity and a resilient forest. Based on my review of the modified proposed action, the affected environment, and guidance contained in the forest plan, I have made the following determinations:

- The modified proposed action contributes to achieving specific objectives for management areas as described in the forest plan
- The modified proposed action is consistent with strategies described in the forest plan which are relevant and specific to the affected resources and resource concerns

- The modified proposed action is consistent with the rationale for choice of vegetation management practices, described in terms of appropriateness and optimality, as defined in appendix A of the forest plan
- The modified proposed action incorporates all relevant project-specific design criteria that are consistent with standards and guidelines from the forest plan, and
- The modified proposed action is similar to other multiple-use management projects on the Marienville Ranger District based on the size of the project area, size of individual treatment areas, scope of activities, duration of implementation, and prescribed methods.

Conclusions and recommendations in FY 2008 - FY 2013 Monitoring and Evaluation Report (USDA Forest Service 2014) for Allegheny National Forest, completed in 2014, further support the decision for the project. Specifically:

- The forest plan projected that early structural habitat stages resulting from timber harvest would comprise 8 to 10 percent of the forested landscape (USDA Forest Service 2007a, pages 11 and 19). Even-aged regeneration harvests have been lower than the stated forest plan objectives. From 2007 to 2020, early structural habitat has declined from approximately 8 percent to 3.1 percent (recent raw data) of the forested landscape.
- Because of this, landscape-level desired vegetative structural stages and age classes will not be sustained at sufficient levels to meet desired forest plan ecosystem conditions (USDA Forest Service 2014, page 121).

Implementing these regeneration harvests and the associated reforestation activities will provide for more young forest and help remedy forest health concerns. This project is necessary to move it closer to the projected forest plan levels.

Considering all of these factors, I am confident that the modified proposed action will implement the forest plan as a guiding document, is consistent with recommendations from the FY 2008–FY 2013 Monitoring and Evaluation Report and subsequent monitoring data, and that all elements of the modified proposed action are fully responsive to the purpose and need for action.

Environmental Consequences

I have carefully reviewed the analysis framework and environmental consequences for each affected resource, including the proposed design criteria (appendix B of the supplemental environmental assessment). Because the modified proposed action is similar to other multiple-use management projects on the Marienville Ranger District, I am confident that resource specialists on the interdisciplinary team are familiar with potential effects.

The effects of the various elements of the modified proposed action have been studied from implementation of similar past projects for over two decades. Monitoring information concerning effects and mitigation efficacy was a key part of the analysis for this proposal. The interdisciplinary team considered the best available scientific information as well as opposing viewpoints to complete all components of the environmental analysis and support a finding of no significant impact for my decision.

Other Alternatives Considered

Federal agencies are required by NEPA to rigorously explore and objectively evaluate a range of reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives

that were not considered in detail (40 Code of Federal Regulations 1502.14). No other action alternatives were developed. Therefore, only the modified proposed action and no change alternative were fully analyzed. I have determined this range of alternatives is adequate and follows Forest Service environmental analysis regulations at 36 Code of Federal Regulations 220.7 for consideration of alternatives.

No Change Alternative

Under the no change alternative, none of the activities proposed in the supplemental analysis would be implemented, and it implies continuation of all activities selected in the original South Branch Kinzua Creek decision notice. Activities such as routine road and trail maintenance would also continue.

For details on what activities were previously selected for implementation, and thus, make up the no change alternative, see the original South Branch Kinzua Creek Environmental Assessment and decision notice on the forest web site at https://www.fs.usda.gov/project/?project=17077.

I am not selecting the no change alternative for implementation because it would not meet the purpose and need for this project. This alternative would not implement the shelterwood removal cuts of the 11 stands to ensure timely removal of their overstories when adequate regeneration becomes established within these stands. The no change alternative would delay or prevent the creation of 189 acres of early structural habitat needed to help achieve forest plan goals and objectives for early structural habitat.

Public Involvement

On December 19, 2019, a scoping package for the South Branch Kinzua Creek Supplemental Environmental Assessment project was mailed to interested parties, including subsurface landowners and those individuals and organizations that commented on the original South Branch Kinzua Creek project. The scoping documents were also posted to the Allegheny National Forest website on December 19, 2019. A news release was sent to the local media on December 18, 2019. The project was listed in the January 2020 Schedule of Proposed Actions and has remained on the schedule since that time.

The Forest Service consulted with federal, state, tribal, and local agencies as stated in the supplemental environmental assessment. The Forest Service works closely with the local office of the U.S. Fish and Wildlife Service in State College, Pennsylvania and has informally consulted with them on the analysis for the supplemental environmental assessment.

Two individuals and organizations supplied comments during the scoping comment period. Potential concerns were identified from the public comments and considered during the analysis. All comments and how they were responded to may be found in the appendix A of the supplemental environmental assessment. Copies of the submitted comments can also be found in the project file.

None of the scoping comments provided any new site-specific information, either in the form of focused, applicable peer-reviewed studies conducted at the local or regional level, or in the form of site or resource conditions not previously identified by the interdisciplinary team. Therefore, I did not find it necessary to develop any other action alternatives.

The supplemental environmental assessment was made available to the public for review during a designated 30-day comment period on November 30, 2020 when the legal notice was published in *The Kane Republican* (newspaper of record). No comments were received during the 30-day comment period for the supplemental environmental assessment.

I have reviewed comments received as a result of public scoping and the responses to these comments composed by resource specialists on the interdisciplinary team and approved by me. I appreciate the time and effort taken by members of the public to share their thoughts and concerns regarding this action, and I recognize that my decision may not satisfy all concerns expressed in the comments. All site-specific comments relevant to this analysis were considered.

Consistent with the record of decision for the forest plan (USDA Forest Service 2007a, page ROD-15), I believe that the South Branch Kinzua Creek supplemental modified proposed action balances sustainable resource use and ecological sustainability in a manner that accounts for competing public demands.

National Forest Management Act

The National Forest Management Act requires the development of long-range land and resource management plans, and that all site-specific project activities be consistent with direction in the plans. The Allegheny National Forest Land and Resource Management Plan, or forest plan, was completed and approved in 2007 as required by the National Forest Management Act. The forest plan provides the direction for all resource management activities on the Allegheny National Forest.

The forest plan has been reviewed in consideration of this project. I have determined that the actions included in modified proposed action are consistent with forest plan direction including goals, objectives, standards and guidelines (forest plan design criteria), and management area direction (forest plan, parts 1 through 4). The project area contains both Management Areas 2.2 and 3.0; however, all the acres proposed for treatment with the modified proposed action lies within Management Area 3.0. The modified proposed action will move the project area toward the desired future condition for Management Area 3.0 – Even-aged Management (USDA-FS 2007a, page 26). The project is also consistent with management area direction for Management Area 3.0, as shown on pages 113-115 of the forest plan, along with all necessary design criteria (USDA-FS 2007a, Part 4). This decision tiers to the Record of Decision for the Allegheny National Forest Land and Resource Management Plan Final Environmental Impact Statement dated March 2007 (USDA Forest Service 2007b). All the expected impacts from this project are consistent with, and within the range of, the impacts disclosed in the Forest Plan Final Environmental Impact Statement.

Other Laws and Regulations

This decision is also in full compliance with the laws and regulations cited below:

- Archaeological Resources Protection Act, as supported by the heritage specialist report available in the South Branch Kinzua Creek environmental assessment project record and design criteria included in appendix B of the supplemental environmental assessment.
- Clean Air Act, as supported by the specialist report available in the South Branch Kinzua Creek environmental assessment project record.

- Clean Water Act, as supported by the water section of the supplemental environmental assessment, pages 6–8 and design criteria included in appendix B of the supplemental environmental assessment.
- Endangered Species Act, as supported by the project biological assessments and biological evaluations found in the specialist reports for botany and wildlife; the wildlife and botany sections of the supplemental environmental assessment, pages 9–16 and 19–21; and design criteria included in appendix B of the supplemental environmental assessment.
- Environmental Justice (Executive Order 12898): public involvement did not identify any adversely impacted local minority or low-income populations. My decision is not expected to adversely impact minority or low-income populations.
- Federal Cave Resources Protection Act: no known cave resources would be affected by my decision.
- Floodplains (Executive Order 11988), as supported by the Water Resources section of the supplemental environmental assessment, pages 6-8 and design criteria included in appendix B of the supplemental environmental assessment.
- National Environmental Policy Act: this act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with the National Environmental Policy Act.
- National Historic Preservation Act: the forest consulted with the Pennsylvania Historical and Museum Commission (State Historic Preservation Office) for the original South Branch Kinzua Creek project.
- Native American Graves Protection and Repatriation Act: no Native American grave sites are known nor were any identified as a result of public scoping or consultation with tribal representatives.
- Wetlands (Executive Order 11990), as supported by the Water Resources section of the supplemental environmental assessment, pages 6–8 and design criteria included in appendix B of the supplemental environmental assessment.
- Wild and Scenic Rivers Act: the project area in not near either designated Wild and Scenic Rivers on the Allegheny National Forest, and therefore, this decision would not affect any designated Wild and Scenic Rivers.
- Further supporting documentation for compliance with these laws and regulations may be found in the project record for the original South Branch Kinzua Creek project analysis.

Regional Forester Sensitive Species

This decision is in full compliance with the requirements to address Regional Forester Sensitive Species (Forest Service Manual 2670). See the project specialist supplemental reports for wildlife and botany. See also wildlife and botany sections of the supplemental environmental assessment, pages 9–16 and 19–21. See also the wildlife and botany design criteria included in appendix B of the supplemental environmental assessment.

The Regional Forester Sensitive Species list for the Allegheny National Forest was updated on January 8, 2018. Thirteen (13) new species have been added to the list and 23 species have been removed.

- The following invertebrate (insect) species was added to the list: monarch butterfly.
- The following plant species were added to the list: red baneberry; twining screwstem; lanceleaf grapefern; bluntlobe grapefern; little grapefern; large toothwort; fairy wand (also known as blazing-star); showy orchid; lesser rattlesnake-plantain; autumn coralroot; crippled cranefly; strict blue-eyed grass.
- The following species have been removed:
  - Birds: yellow-bellied flycatcher; bald eagle.
  - Fish: bluebreast darter; Tippecanoe darter; channel darter; gilt darter; longhead darter.
  - Invertebrates (Insects): black-tipped darner; green-striped darner; comet darner; ocellated darner; American emerald; northern bluet; boreal bluet; midland clubtail; Uhler's sandragon; amber-winged spreadwing; crimson-ringed whiteface; riffle snaketail; brush-tipped emerald; white-faced meadowhawk; band-winged meadowhawk.

In addition, the northern long-eared bat has also been removed from the list. In practice, however, that change has already been made since the species was federally listed and has been addressed in the wildlife specialist report for the South Branch Kinzua Creek Supplemental Environmental Assessment.

The above changes to the Regional Forester Sensitive Species list for wildlife and botany have been included in the wildlife and botany specialist reports. On January 5, 2021, the Regional Forester Sensitive Species list for the Allegheny National Forest was updated adding the eastern box turtle (*Terapenne carolina carolina*). Previously, the eastern box turtle was an Allegheny National Forest species with viability concern and was analyzed as a species of concern in the South Branch Kinzua Creek Supplemental Environmental Assessment wildlife report and biological evaluation on pages 38–39, 42–50, and 53.

According to PAHERPS (Pennsylvania Herp Identification, Online Guide to Reptiles and Amphibians of PA), the eastern box turtle has been documented in Warren and Elk Counties, but no data exists for Forest or McKean counties in PAHERPS. The eastern box turtle has been documented on the Allegheny National Forest three times in the last 13 years but not in the South Branch Kinzua Creek project area. The eastern box turtle is one of the most terrestrial turtles compared to other turtles in Pennsylvania but uses both terrestrial and riparian habitats.

The effects analysis for the eastern box turtle uses the same spatial and temporal analysis boundaries as those described in the project wildlife report and biological evaluation for all regional forester sensitive species. The direct and indirect effects of management activities discussed for the wood turtle (another regional forester sensitive species) in the project wildlife report and biological evaluation would also apply to the box turtle. Timber harvest and reforestation treatments that utilize heavy equipment could impact individual eastern box turtles directly, if present during implementation, and their habitat indirectly. Forest Plan standards and guidelines protect riparian habitat in the form of streams, seeps, vernal pools, and wetlands (USDA-FS 2007, pages 75-79). Suitable habitat for eastern box turtle would remain in the modified proposed action and no change alternatives.

The modified proposed action includes the use of heavy equipment when the eastern box turtle may be presentand could potentially result in detrimental impacts to the species, if present. and its habitat.

However, due to the eastern box turtle's uncommon presence on the Allegheny National Forest, these impacts are unlikely to occur. Considering these factors, a 'may adversely impact individuals, but not likely to result in a loss of viability in the Planning Area, nor cause a trend toward federal listing' (shown as MIIH, in Table 5) determination is reached for the eastern box turtle. This project is not expected to cause a trend toward federal listing or loss of viability for the eastern box turtle. Under the no change alternative, activities will continue as analyzed in the original South Branch Kinzua Creek Environmental Assessment. These activities and anticipated effects are similar to the anticipated effects of the modified proposed action; therefore, the determination for the eastern box turtle is the same under the no change alternative alternative.

The Allegheny National Forest Land and Resource Management Plan or Forest Plan has the following guideline for protection of the eastern box turtle, which applies to this project:

> When box turtles or nests are documented, habitat integrity should be maintained by restricting management activities that may result in substantial adverse habitat disturbance (e.g. road and trail construction and timber harvest) within 10 acres of home ranges (USDA-FS 2007, page 87).

After recent updates, there are a total of 71 regional forester's sensitive species on the forest. The project area contains suitable or occupied habitat for 21 regional forester sensitive wildlife species. Habitat was identified for three mammal species, two bird species, four reptiles and amphibians, one mollusk, ten invertebrates, and one fish species. These 21 species have a determination of may adversely impact individuals, but not likely to result in a loss of viability in the planning area or cause a trend toward federal listing. The remaining 14 wildlife species have a no impact determination.

Thirty-six (36) sensitive plant species were considered for effects analysis. All 36 species have suitable unoccupied habitat within the project area. Botany surveys were completed in all 11 stands proposed for shelterwood removals in 2019 for any undiscovered populations of new additions to the regional forester's sensitive species list. All 36 sensitive plant species with suitable unoccupied habitat have a determination of may adversely impact individuals, but not likely to result in a loss of viability in the planning area nor cause a trend toward federal listing. Therefore, in summary, project effects to regional forester's sensitive wildlife and plant species would be expected to be negligible, with little or no direct impact.

Appropriateness Pursuant to the National Forest Management Act Section 1604(g)(3)(F)(i)

The appropriateness of even-aged management was given careful consideration by the interdisciplinary team and responsible official. The determination to use even-aged management is based on best available science and on field evaluation and recommendations from local resource experts, along with science-based application of the forest plan and past experience with implementing even-aged management systems on the Marienville District and Allegheny National Forest. The silvicultural and resource management objectives determined the choice of harvest method as supported by the project record and Appendix A – Rationale for Choice of Vegetation Management Practices of the forest plan (USDA Forest Service 2007a). Furthermore, the even-aged harvesting systems selected in the modified proposed action were not chosen primarily because it will give the greatest dollar return or the greatest unit of output of timber (National Forest Management Act Section 1604(g)(3)(E)(iv)).

Soils Concerns

Careful attention was given to potential soil resource effects during project development. Site-specific field work using the best available science and appropriate soil analysis techniques was completed. The interdisciplinary team evaluated the efficacy of forest plan design criteria and Pennsylvania best management practices in protecting soil and water quality. Monitoring results from past projects, as well as scientific information contained in the forest plan, was used in this analysis. Based on the analysis documented in the project record, I find that the modified proposed action will not irreversibly damage soil, slope, or watershed conditions (National Forest Management Act Section 1604(g)(3)(E)(i)).

Migratory Bird Treaty Act

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

Best Available Science

My decision is based on a review of the project record that shows consideration of relevant scientific information, including responsible opposing views, and as appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. No scientific information or viewpoint presented to the agency has been ignored and opposing scientific views have been disclosed in the record. This project analysis was informed by the considerable body of scientific information and data compiled for revision of the forest plan, as well as project monitoring from past vegetation management actions which are incorporated by reference.

The interdisciplinary team was composed of resource experts with considerable experience in synthesizing scientific information and analyzing environmental effects. The interdisciplinary team's work is based upon its scientific expertise in fields that are continually seeing new information compiled about the ecological functions and processes of forested communities. The team searched for the best available scientific information and also strived to consider all scientific views from other sources, especially with regard to potential environmental effects. As appropriate, the team collected field data and surveyed local resource conditions to augment the scientific information set forth in published studies. The project record documents the scientific basis for the proposed selected alternative and the conservation measures subsequently adopted.

Administrative Review and Objection Process

This decision was subject to an objection review process pursuant to 36 Code of Federal Regulations 218, Subparts A and B. The regulations are available at: http://www.gpo.gov/fdsys/pkg/FR-2013-03-27/pdf/2013-06857.pdf. No objections were received during the 45-day time period for the draft decision.

Final Decision and Implementation

This decision may be implemented any time after the decision is signed. For additional information concerning this draft decision and the South Branch Kinzua Creek supplemental environmental assessment, please refer to the Allegheny National Forest web site for the project at https://www.fs.usda.gov/project/?project=57331.

Further information on the original South Branch Kinzua Creek environmental assessment and decision notice on the Allegheny National Forest web site at https://www.fs.usda.gov/project/?project=17077.

You may also contact Kevin Treese, Planning Team Leader, at the Marienville Ranger Station, 131 Smokey Lane, Marienville, PA 16239 or by email at kevin.treese@usda.gov.

I, District Ranger Robert T. Fallon, am the responsible official for this decision.

ROBERT T. FALLON

March 8, 2021
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 Council on Environmental Quality Regulations found in 40 Code of Federal Regulations 1508.13, and in the Forest Service Handbook 1909.15, Zero Code chapter. "Significant" as used in NEPA requires consideration of both context and intensity of the expected project effects.

I have reviewed and considered the environmental assessment, supplemental environmental assessment, and documentation included in the project record. Based on my review and as explained below, I have determined that the modified proposed action will not have a significant effect on the quality of the human environment considering the context and intensity of impacts as explained in 40 Code of Federal Regulations 1508.27. As a result, the preparation of an environmental impact statement is not necessary. The following is a summary of the project analysis to determine significance.

Context

Context means that the significance of an action must be analyzed in several contexts, including local, regional, worldwide, and over short and long-time frames. For site-specific actions, significance usually depends upon the effects in the local area rather than in the world as a whole. This project is limited in scope and duration.

The South Branch Kinzua Creek project area includes less than one percent (4,748 acres) of National Forest System lands within the approximately 513,653-acre Allegheny National Forest. The total of 469 acres proposed for regeneration harvests for the complete South Branch Kinzua Creek project, which includes 280 acres from the original decision and 189 acres proposed in this supplemental, comprises approximately 10 percent of National Forest System lands within the project area and approximately 0.09 percent of all National Forest System lands within the Allegheny National Forest. Combined with reforestation, wildlife habitat enhancement, non-native invasive plant treatment activities, and timber management activities, approximately 2,500 acres of National Forest System lands within the project area could be treated in some manner over 20 years when combining the activities of the original decision with those of this supplemental decision. Please note that multiple treatments may occur on any given acre.

This project was proposed to be implemented over a short timeframe, roughly 20 years, and to work toward long-term desired conditions identified in the Allegheny National Forest Record of Decision for the Final Environmental Impact Statement and the Land and Resource Management Plan. The modified proposed action will help achieve Forest Plan goals and meet specific objectives for early structural habitat, structural and age class diversity, and wildlife habitat diversity. All applicable Forest Plan standards and guidelines were applied to project design.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this environmental assessment and the references in the project record. I have determined that the interdisciplinary team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. They took a hard look at the environmental effects, both beneficial and adverse, using relevant scientific information and their knowledge of site-specific

conditions gained from field visits. Benefits of this project were not used to offset adverse impacts, and adverse impacts of this project are not significant even when separated from benefits (Environmental Consequences discussion in the Pine Bear original environmental assessment, pages 23-75; and in the Pine Bear supplemental environmental assessment, pages 19-99). My finding of no significant impact is based on the intensity of effects using the ten factors identified in 40 Code of Federal Regulations 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.*

The interdisciplinary team fully analyzed effects of the modified proposed action and no change alternative, looking closely at and disclosing both potential adverse and beneficial effects. The analysis documented potential effects in the Environmental Effects section of the supplemental environmental assessment on pages 6–17 and states that some direct and indirect effects are expected in the context of the analysis area. Beyond forest plan standards and guidelines, the interdisciplinary team has developed project-specific design criteria for the modified proposed action to ensure that direct and indirect effects to these resources will not be significant. I have determined that, upon implementation, none of the potential direct and indirect effects are expected to result in a significant cumulative effect to any resource.

The original environmental assessment, supplemental environmental assessment, appendices, and project records also include detailed analyses of the effects of all analyzed alternatives on vegetation and forest health; wildlife and sensitive plants; non-native invasive plants; soils and hydrology; air quality; heritage resources; recreation opportunities, forest settings and unique areas; and human health and safety. These analyses contribute to my understanding of the effects of the alternatives and confirm that there will be no significant effect to those resources.

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

The modified proposed action will avoid adverse impacts to public health and safety through implementation of forest plan standards and guidelines, Pennsylvania best management practices, project design features, Office of Safety and Health Administration requirements, and standard operating safety procedures. Actions, such as warning signs and others, are standard precautionary measures that will be employed.

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.*

Please see the discussion below under intensity factor #8 regarding historic or cultural resources. Regarding other potentially unique characteristics:

- The modified proposed action is not located within and will not affect any of the following areas: wilderness, wilderness study areas, wild and scenic rivers, national recreation areas, scenic areas, historic areas, research natural areas, or experimental forests.

- The modified proposed action will not irreversibly affect soils that are designated as prime farmland or farmland of statewide importance. None of the proposed activities

would result in designated farmland being converted to non-forest or non-agricultural uses.

- There are no National Wetland Inventory wetlands or floodplains located within the 11 stands proposed for shelterwood removal and additional reforestation activities. Any streams, springs, and seeps will be buffered. Under the modified proposed action and no change alternatives, Forest Plan standards and guidelines and Pennsylvania best management practices will be followed to protect these areas.

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

The activities proposed here are routine on the Allegheny National Forest and throughout the National Forest System. The effects are well known, and do not present any substantial scientific controversy. Proposed treatments are based on well-established methods applied throughout the region on private and public forest lands. The rationale for choice of vegetation management practices to be applied is well described in appendix A of the forest plan.

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

The activities proposed here are routine on the Allegheny National Forest and throughout the National Forest System. The effects are well known, and do not involve highly uncertain, unique, or unknown risks. No evidence was revealed in the environmental analysis, nor is there any evidence in the project file that indicates any substantial uncertainty or unknown risks regarding effects of the modified proposed action. The effects of the various elements of the modified proposed action are known from past projects for several decades. Monitoring information concerning effects and mitigation efficacy was a key part of the analysis for this proposal (USDA-FS 2014). The interdisciplinary team considered the best available scientific information.

The conclusions of these resource experts are described in the original environmental assessment and supplemental environmental assessment effects discussions. I have reviewed these conclusions and the detailed resource specialist reports that they are based upon. Much is known regarding the outcomes of using the various silvicultural methods available for use on the Allegheny National Forest, including the use of even-aged management which is the primary method related to this supplemental decision. The effects of my decision on resources such as vegetation; wildlife; threatened, endangered, and sensitive species; botany, soil and water; scenic integrity; and heritage resources, along with considerations of climate change, have all been thoroughly considered. I find that none are highly uncertain or involve unique or unknown risks.

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.*

This project is limited to the activities proposed above in context of vegetative management. As a result, the decision made here will not establish a precedent for future actions with significant effects and will not represent a decision in principle about a future consideration.

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.

Cumulative effects have been addressed in context of beneficial and adverse effects on pages 6–17 of the supplemental environmental assessment. No cumulatively significant impact on the environment is anticipated based on environmental analysis for this project.

The interdisciplinary team considered the potential for the modified proposed action to contribute to potentially significant cumulative effects based on an analysis area and time frame unique to each affected resource. The supplemental environmental analysis found that the modified proposed action was not likely to contribute to any significant effect to any resource based on this relationship.

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.

A cultural resource survey and report, *South Branch Kinzua Creek Project CRR #09-19-02-424*, were completed for the original South Branch Kinzua Creek project area and included the 11 stands proposed for supplemental treatments. The report was submitted to the State Historic Preservation Office for their review. Concurrence was received from the State Historic Preservation Office on the *No Historic Properties Affected* finding for the original South Branch Kinzua Creek project. In addition, any contracts would contain a provision for the protection of cultural resources should any sites be discovered during operations.

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.

There is no designated critical habitat for any federally threatened or endangered species on the Allegheny National Forest; therefore, implementation of the modified proposed action will not affect any designated critical habitat. Project-specific wildlife and botany specialist reports were prepared for this supplemental environmental assessment, are available in the project file, and are incorporated by reference. The reports concluded that implementation may affect, and is likely to adversely affect, the northern long-eared bat for both alternatives. The northern long-eared bat will be protected through forest plan standards and guidelines (USDA-FS 2007a, pages 81–82) and project design features (see appendix B). A no effect determination was reached for all other federally listed threatened or endangered species (small whorled pogonia, northeastern bulrush, northern riffleshell, clubshell, rayed-bean, sheepnoes, snuffbox, and rabbitsfoot) for the Allegheny National Forest for both alternatives.

Based on several factors (including survey data), the U.S. Fish and Wildlife Service revised the Indiana bat's range for Pennsylvania to reflect that the distribution of potential Indiana bat summer and winter habitat and its range no longer includes the Allegheny National Forest (USDI Fish and Wildlife Service 2014). As such, the Indiana bat is not considered as a threatened and endangered species for the Allegheny National Forest.

Although implementation may affect, and is likely to adversely affect, the northern-long eared bat under both alternatives, this project will not jeopardize the continued existence of the species. The primary factor cited in the proposed listing rule responsible for the decline of northern long-eared bat populations is white-nose syndrome. The U.S. Fish and Wildlife Service (2013) determined that although several activities, such as construction of physical barriers at cave accesses, mining, development, and timber harvest may modify or destroy northern long-eared bat habitat, these activities alone do not have significant, population-level effects on the species.

The impact of this project on individuals and habitat is not expected to adversely affect the conservation and recovery efforts for the species for several reasons, including but not limited to the following:

a. Forest management and silviculture are vital to the long-term survival and recovery of the northern long-eared bat and the U.S. Fish and Wildlife Service have determined that when the prohibitions for the species included in the final 4(d) rule are applied to forest management activities, the potential impacts would be significantly reduced (USDI-FWS 2016).

b. Conducting timber harvest activities or tree removal outside the hibernation period could conceivably result in direct mortality or injury to northern long-eared bat by incidental felling of roost trees, particularly if non-volant bats are present. In areas of extensive intact forest, the likelihood that a given harvest would result in the loss of a maternity colony is small. Suitable habitat, as well as potential maternity roosts and day roosts, are abundant and widely distributed across the project area. Additionally, there are well over 18.9 million potential roost trees on the Allegheny National Forest (Miles 2015). Timber harvest is an important tool that could improve forest structure by creating canopy gaps and snags, by reducing stand density and mid-story clutter, and by increasing forest diversity to maintain suitable roosting and foraging habitat.

c. This project would provide protection for the northern long-eared bat during its most sensitive life stages. There are no known occupied maternity roosts in the project area, and there are no activities proposed within ¼ mile of known hibernacula. Should maternity roosts be found in the vicinity of proposed activities in the future, conservation measures will be applied to avoid cutting or destroying them unless they are in immediate safety hazard.

d. Forest Plan standards and guidelines implemented for Indiana bat (USDA-FS 2007a, pages 81–82, USDI-FWS 2007) will minimize potential harm or harassment to this species and retain key habitat components at the stand and landscape level.

On September 29, 2020, the U.S. Fish and Wildlife Service published in the Federal Register a proposed rule to list the longsolid mussel (*Fusconaia subrotunda*) (a regional forester sensitive species) as a threatened species, to designate critical habitat, and to identify prohibited take under section 4(d) of the Endangered Species Act. The proposed rule includes designation of a critical habitat unit within the Allegheny National Forest proclamation boundary (a 99-mile stretch of the Allegheny River starting at the Kinzua Dam). The public comment period on the proposed rule closed on December 28, 2020. The potential effects to the longsolid mussel are discussed in the project biological evaluation and considered in the

supplemental environmental assessment. No effect on the longsolid mussel, or its habitat, is anticipated with implementation of this project.

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

The modified proposed action complies with all applicable laws, regulations, and policies. These include the Clean Water Act, Wetlands and Floodplains Executive Orders, the Endangered Species Act, The National Historic Preservation Act, the National Environmental Policy Act, and the National Forest Management Act. The modified proposed action complies with all forest plan desired conditions, objectives, standards, and guidelines. See pages 21–22 of the supplemental environmental assessment.

Literature Cited

Miles, P. D. 2015. Forest Inventory EVALIDator web-application version 1.6.0.01. St. Paul, MN: U.S. Department of Agriculture, Forest Service, Northern Research Station. Available only on internet: http://apps.fs.fed.us/Evalidator/evalidator.jspage Accessed March 7, 2015.

U.S. Department of Agriculture (USDA), Forest Service. 2007a. Allegheny National Forest Land and Resource Management Plan and Record of Decision. Warren, PA.

U.S. Department of Agriculture (USDA), Forest Service. 2007b. Allegheny National Forest Final Environmental Impact Statement for the Land and Resource Management Plan. Warren, PA.

U.S. Department of Agriculture (USDA), Forest Service. 2014. Allegheny National Forest FY 2008 – FY 2013 Monitoring and Evaluation Report. Warren, PA: USDA Forest Service, Allegheny National Forest. 294 pages.

U.S. Department of Interior (USDI), Fish and Wildlife Service. 2007. United States Fish and Wildlife Service concurrence letter regarding determinations in the Revised Forest Plan Biological Assessment. January 2007. 21 pages.

U.S. Department of Interior (USDI), Fish and Wildlife Service. 2013. Endangered and threatened wildlife and plants; 12-month finding on a petition to list the eastern small-footed bat and the northern long-eared bat; listing the northern long-eared bat as an endangered species. Federal Register 78: 61046-61080.

U.S. Department of Interior (USDI), Fish and Wildlife Service. 2016a. Programmatic biological opinion on final 4(d) rule for the northern long-eared bat and activities excepted from take prohibitions. Bloomington, MN: USDI Fish and Wildlife Service, Midwest Regional Office. 109 pages.

U.S. Department of Interior (USDI), Fish and Wildlife Service. 2016b. Endangered and threatened wildlife and plants; 4(d) rule for the northern long-eared bat. Federal Register 81: 1900-1922.