

**Decision Notice and
Finding of No Significant Impact
Adjustments to Management and Improvements on Four Grazing Areas
USDA Forest Service
Monongahela National Forest
Tucker, Randolph, Pocahontas and Greenbrier Counties, WV**

Background

Administration of grazing permits and monitoring of grazing areas by Monongahela National Forest personnel has indicated that, on four selected grazing areas, changes could be made to livestock facilities and in the way livestock are being grazed, to improve the management and resource conditions of these areas.

In April 2004 the Monongahela National Forest completed an environmental assessment (EA) analyzing the impacts of making adjustments to the management and improvements on these four grazing areas. Based on comments received during project scoping three alternatives were developed and analyzed. This document explains the rationale for why the Decision Maker selected the Proposed Action as the selected alternative.

Decision

I have reviewed the EA for Adjustments to Management and Improvements on Four Grazing Areas, and the project file, and I feel I have adequate information to make a reasoned decision.

Laws, regulations and Policy discussed on pages 2-3, 24, 43, 47, 51, 56-57, 59, and 62-63 of the EA, as well as the response to comments received on the EA, pages 1-2, in the project file, provide my direction and decision space related to this project.

Based upon my review of the analysis I have decided to implement the Proposed Action.

The Proposed Action includes:

For All Four Project Areas

- Continue to use livestock grazing as a vegetation management tool to assist in maintaining these areas in a relatively open, non-forested, herbaceous condition;
 - a. To provide an important habitat type for selected wildlife species.
 - b. To support the local farming economy and farmers.
 - c. To provide visual/scenic diversity, vistas, and maintain the character of the rural landscapes on the National Forest
- Maintain/repair and/or reconstruct/replace structural improvements, such as fences, corrals, and watering facilities, as needed. In most instances, in the same location where they occur now.
- To improve soil productivity and vegetation types, apply lime and/or fertilizer to selected portions of these areas based on soil test results. Reseed grasses and legumes, usually through frost seeding. Use native species of vegetation as much as feasible. [Frost seeding is the application of seeds to the soil surface during late winter/early spring when snow is off the ground and freezing nights and warm days heaves and cracks the soil surface. Seeds are worked into the soil surface for germination without mechanical seed bed preparation.]
- Use an EPA registered and approved herbicide according to label directions and supervised by a certified pesticide applicator to control noxious, non-native, invasive, or poisonous brush and weeds, such as multi-flora rose, various thistle species, autumn olive, St. John's wort, bush honeysuckles (e.g. Japanese, Amur, Morrow and Tartarian), Japanese privet, teasel, and other undesirable encroaching woody vegetation, within and growing in and over the fence lines of these areas. More than one application may be needed. Only individual stem/foliar treatments or spot applications would be made.
- Mow, chainsaw lop, or use hand tools as needed to selectively control weed and brush invasion.

For the Rimel Allotment

- Use an EPA approved herbicide for use near water to control the numerous, large multi-flora rose bushes growing within the fenced out riparian area of Cockran Creek. Also treat the multi-flora rose bushes growing within the allotment pastures and within 10 feet of the perimeter of the allotment.

- Initially, permit the grazing of 10 animal units from approximately May 1st to Oct 1st. Exact put on and take off dates would depend on readiness or condition of the vegetation. Rotate pastures when average forage height decreases to approximately 3 inches. Strive to rest a pasture at least three weeks before grazing again. Alternate which pasture is entered first each year. Adjust livestock numbers as management practices, such as weed and/or brush control, liming, fertilization, and reseeding is completed, and as grazing capacity improves.

For the Allegheny Battlefield Allotment

- Repair portions of the road system leading to and within the allotment by grading, draining, spot graveling, and water barring, as needed.
- Develop two new livestock watering facilities.
 - o One would be in the western portion of the allotment. It would be a small pond constructed in a no-channel, ephemeral drain. This pond would be fed by surface runoff. The pond would be fenced and a graveled lane down to the pond would be provided to allow livestock to drink.
 - o The other would be in the eastern portion of the allotment. This would be a spring development with either a spring box or a headwall. Water lines from the spring development to a new trough and from the trough back to the riparian area of the spring would be installed. The area around the trough would be hardened with gravel and the two close-by springs would be fenced out.
- After a reliable water source is developed in the western portion of the allotment the allotment would be converted to a two pasture rotational grazing system. A short amount of new interior fence, and a gate, would be constructed where the allotment narrows down, near the present main entrance gate/cattle guard.
- After installing the spring development on the east side of the allotment, monitor stream channel and riparian area conditions of the wooded drain in the eastern portion of the allotment. If livestock grazing causes adverse effects to the channel and riparian area, fence this area to prohibit livestock access.

- Initially, permit the grazing of 20 animal units from approximately May 15th to October 1st. This is a high elevation allotment. Exact put on and take off dates would depend on readiness or condition of the vegetation. Adjust livestock numbers as management practices, such as rotational grazing, liming, fertilizing, and reseeding are implemented, and as grazing capacity increases.

For the Queens Allotment

- Restore the wetland. Plug a section of the two drainage ditches that presently drain the wetland with soil containing clay. On the southern drainage ditch that drains the wetland, install a culvert in the earthen plug to allow excess water from the wetland to drain into the Shavers Fork. Rip rap should be placed below the culvert outlet to prevent back washing of the earthen plug. Fence out the wetland, the associated spring-seep/riparian areas flowing into the wetland, and the two ditches leading from the wetland to the Shaver's Fork River. The linear earthen/spoil mound that runs through the length of the wetland from when the wetland was drained would be placed back into the adjacent parallel ditch from where it came.
- Exclude from the allotment the small southwest portion that is presently within the floodplain/riparian zone of the Shaver's Fork River. Construct a new section of allotment boundary fence along the terrace above the floodplain/riparian zone.
- Fence out the spring and riparian area in the northern portion of the allotment.
- Develop a new livestock water source by constructing either a spring box over, or a headwall below, the southeast spring that feeds the wetland. Install a water line from the spring development to a new water trough located on an upland area nearby. Install an overflow line from the trough back to the riparian area. Harden the area around the trough with gravel.
- Restrict group/reunion type camping within the allotment.
- Initially, permit the grazing of 8 animal units from approximately May 1st to October 1st. Exact put on and take off dates would depend on readiness or condition of the vegetation. Adjust livestock numbers as implementation of approved management practices and improvements increases grazing capacity.

For the Callison/Clark Tract grazing special use permit area

- Convert this grazing special use permit area to a grazing allotment.
- Reconstruct the existing interior fence presently in disrepair to allow for two pasture rotational grazing. Install two new gates in the interior fence.
- Replace the old, existing cement water trough that straddles the interior fence line with a new water trough. Construct a ditch from the base of the trough out into the pasture to drain water from around the trough area. Remove the old trough. Add fill material to the old trough site to level the area and to reduce standing water. Clear the multi-flora rose and other woody vegetation from the vicinity of the trough. Harden the area around the new trough with gravel.
- Remove the old cattle guard at the end of the road within the allotment near Anthony Creek at the no longer used low water crossing.
- Add fill material to a mud hole where the road within the allotment goes through the allotment's interior fence line.
- Relocate a portion of the perimeter fence in the southwest portion of the pasture that runs along Anthony Creek. Move this section of the fence farther back from the creek so it is less likely to be damaged by future flooding.
- Clean out the cattle guard at the main gate to the allotment. Clean up litter and remove brush from this area.
- Initially, permit the grazing of 10 animal units from approximately May 1st to October 1st. Exact put on and take off dates would depend on readiness or condition of the vegetation. Adjust livestock numbers as management, such as, conversion from continuous to rotational grazing, liming, top seeding, noxious weed and brush control, is completed, and as grazing capacity increases.

Completion of any of the above work is subject to available funding.

Mitigation Measures _____

To reduce potential negative impacts or concerns of planned work, the following mitigation measures are a part of my decision. They will be applied to project implementation.

1. In all project areas, in places that are steep (> 30 degrees) and/or rocky (surface rocks sufficient to prevent safe operation of farm tractors), such as along riparian areas or on hillsides, retain all hawthorn trees and other soft or hard mast tree species that are considered beneficial to wildlife for food. On more level places, where mechanical equipment such as tractors and mowers can operate, retain all hawthorn and other soft or hard mast tree species considered beneficial for wildlife over 2 inches dbh (diameter at breast height). This will not apply to non-native, invasive soft mast producing shrubs such as multi-flora rose or autumn olive that are considered noxious weeds that should be controlled.

2. In all project areas, leave the large trees for livestock shade, wildlife habitat, and visual quality.

3. In all project areas, leave the domestic fruit trees, such as apple trees or pear trees.

4. Liming will always be done before fertilizers are applied, unless soil testing indicates that the soil pH is above 5.5. Soil supplements will normally only be applied to relatively level areas where they can be applied with trucks or tractors. Lime and fertilizers will not be applied within 25 feet of water courses, both permanent and intermittent. Before soil supplements are applied to an allotment, facilities such as fences and watering sources would first need to be in acceptable condition. Otherwise, funding planned for use on application of soil supplements should be used for attaining acceptable facilities first.

5. If soil material with a high clay content, for use to plug the two drainage ditches that drain the Queens wetland, is to be taken from National Forest land, assessments or surveys for cultural resources and threatened, endangered and sensitive plant and animal species will be completed before removal of the material.

6. Prior to the selection of the exact location for the proposed livestock watering pond in the western end of the Allegheny Battlefield Allotment, and prior to selection of the exact location for the proposed new interior fence and gate at the Allegheny Battlefield Allotment, the person(s) involved in project layout will consult with the Forest Archeologist. This would ensure that recorded cultural resource sites within this allotment will not be disturbed.

7. When using the herbicide Rodeo (glyphosate) to control noxious/non-native invasive weeds and brush, the following mitigation measures will be used during herbicide applications:

- a. The herbicide will not be applied aerially. Only low volume backpack sprayers or sprayers mounted on trucks, ATV's, or trailers will be used.
- b. To reduce drift, spray equipment will be calibrated to emit a droplet size greater than 200 microns.
- c. Herbicide application will be under the supervision of a certified applicator.
- d. Areas treated will be signed to identify the material used and the date of application.

- e. To help keep track of plants treated and to reduce the chance that the same target plant will be treated more than once, one half ounce or less of Bullseye blue spray pattern indicator/colorant will be added per gallon of spray mixture.
- f. Spraying will not be done if winds exceed 10 mph, or if heavy rain is expected within 2 hours.
- g. To reduce exposing the applicator(s) to spray contact, a step stool/ladder will be used to apply the herbicide to the tops of vegetation over 10 feet high.
- h. All label directions will be followed.
- i. Applicators will wear a long sleeved shirt and long pants (both required by the label). Other protective equipment not required to be worn by the label, but which will be required to be worn by Forest Service employee(s) or contractor(s) applying herbicide include: boots, a hard hat with a plastic liner, rubber or nitrile gloves, and safety goggles or a face shield. Clean clothing will be worn everyday. Upon coming home after work, applicators will shower and change clothes. Clean wash water, soap, and towels will be available for the crew. Eyewash bottles and a change of clothing will be available at the job site in the case of personal contamination. Applicators should wash their hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- j. Rodeo will not be mixed, stored, or applied with galvanized steel or unlined steel (except stainless steel) containers or spray tanks.
- k. Project areas will be monitored the same growing season after initial treatment to determine how effective the treatment has been. The areas will also be monitored the following growing season after initial treatment to determine if a 2nd (follow up) treatment is necessary.
- l. Because non-ionic surfactants, as recommended by the Rodeo label to be added to Rodeo sprays, are not known to be approved for aquatic use, Rodeo sprays used to treat noxious/non-native invasive weeds that are growing within 50 feet of surface waters, such as Cockran Creek or the wetland in the Queens Allotment, will not contain a surfactant. The Forest Plan, page 59, also states that “Unless specifically registered for aquatic weed control, no herbicide will be applied within 50 feet of free water or sink holes in cavernous limestone areas”. Although a surfactant is technically not an herbicide, if label recommendations are followed, a surfactant would be a part of the herbicide spray mixture. It is not mandatory that a surfactant be used with Rodeo and not using a surfactant with Rodeo does not violate label directions. However, the use of a surfactant with Rodeo does increase the effectiveness of the herbicide. Areas treated with a Rodeo spray not containing a surfactant may require more herbicide applications to obtain satisfactory control of target plants, compared to areas treated where the herbicide spray that does contains a surfactant. When spraying noxious/non-native invasive species growing along or hanging over the banks of Cochran Creek, or other surface waters, the applicator should direct the spray away from the water. This may require the applicator to stand in the water and spray from the water and toward land. These measures should minimize any potential adverse impacts from surfactants and herbicides to surface waters.

8. Any seeding to be done on these project areas, such as top seeding, frost seeding, seeding for erosion control, or to re-vegetate disturbed areas, should strive to use native or naturalized grasses and legumes that are also considered good forage for livestock and wildlife. Recommended species include:

Native Warm season grasses

Switch grass
Little bluestem
Big bluestem
Indian grass
Side oats grama (eastern variety)
Blue grama
Sand love grass
Eastern grama grass

Native cool season grasses

Canadian wild rye
Bottlebrush grass
River bank wild rye
Silky wild rye
Virginia wild rye

Naturalized grasses

Meadow foxtail
Perennial rye grass

Legumes (native or naturalized)

Partridge pea
Round headed bush clover
White Dutch clover
Flat pea

Any annuals, such as oats, rye, winter wheat, annual rye grass, etc. may also be used in seed mixes as a nurse crop and/or to further improve soil stabilization success.

9. Any mulching that will be done in conjunction with the seeding of disturbed areas will use straw or other weed free organic material as mulch. To reduce the chances of bringing new weed seeds into these grazing areas, pasture hay will not be used as mulch.

10. Any vehicle operation in wetlands, such as during the filling in of the drainage ditch that drains the wetland at the Queens Allotment, can cause rutting and

compaction of soils if done during wet periods. To minimize this potential effect, this work will be done during the driest times of the year with low pounds per square inch (psi) equipment. Also, to further minimize wet working conditions in the wetland, prior to backfilling the drainage ditch that drains the area, the two ditches that drain the wetland to the Shavers Fork River will not be plugged until after the drainage ditch work has been completed.

Any grazing permits and/or annual operating plans stemming from this decision will include terms and conditions of this decision.

Rationale for the Decision

When compared to the No Action alternative the Proposed Action complies to a greater degree with Forest Plan direction and its standards and guides. For example, the Forest Plan, pages 60-63, calls for the introduction of legumes into pastures, and that soil supplements will be added to grazing areas, that most spring developments will be protected by fencing of bog and seep areas, that streams will be fenced from cattle except for selected access points, and that rotational grazing be encouraged as the dominant grazing system. Page 169 of the Forest Plan provides direction and standards and guides for range/grazing in 6.1 management prescription areas. All four project areas occur within 6.1 management prescription areas. This 6.1 management direction includes: “Open areas will be maintained predominantly for wildlife by grazing cattle. Range management will emphasize maintaining an adequate mixture of grass species suitable for supporting livestock through the grazing season. Planting of exotic forage plants will not be favored without EA evaluation...”. The No Action alternative would not move these project areas toward this Forest Plan direction.

The Proposed Action will be most effective in improving natural resource and livestock management on these project areas. It will protect wetlands and riparian areas through fencing or relocation of boundary fences; reduce nutrients entering streams and wetlands; convert two more allotments on the Forest to a rotational grazing system; most effectively control noxious, non-native invasive species and invading brushy over the long term; improve soils and resulting vegetation by approving application of lime and fertilizer; restore a wetland and protect it from grazing, compaction by livestock use, and ATV/OHV damage; increase the amount of legumes on these areas via seeding; control brush invasion; maintain, and reduce soil movement from, roads; improve water quality; improve fisheries; and reduce human disturbance to wildlife.

The selected alternative will do the most to improve the non-structural improvements of these areas. Unlike the No Action alternative and the No Herbicide Use alternative, it will use a combination of mechanical treatments, handtools, grazing (including the Queens allotment) and a herbicide to control noxious, non-native invasive species of weeds and brush. There will be less brush and more herbaceous vegetation on these areas through use of a combination of four treatments, compared to just using two to three types of treatments.

Compared to the No Action alternative, the Proposed Action and the No Herbicide Use alternatives will benefit to a greater degree the local farmers and income to the Federal Treasury. This is because the Queens allotment will be grazed and not abandoned as a grazing allotment, more grazing fees will be generated, and the Queens allotment will provide an opportunity for a local farmer to graze his livestock in the summer months on National Forest land. The permittee can therefore use his own private lands to grow winter food for his livestock and operate a larger herd. It will also allow the use of fee credits on the Queens allotment to make improvements on this area.

After the Proposed Action is implemented, a grazing demonstration area (the Rimel allotment) will again be usable for public tours, and cooperative relations with our partners will be maintained. This would not be the case under the other two alternatives.

The selected alternative will best demonstrate good grazing practices to the public. Such practices as rotational grazing, protection of wetlands and riparian areas, adding soil supplements, controlling noxious non-native invasive species with a combination of four treatments, etc. will be observable by forest visitors.

Maintenance of these relatively large, herbaceous, non-forested areas for use by various species of wildlife and for selected Management Indicator Species will be accomplished most economically under the Proposed Action. Only the Proposed Action and the No Herbicide Use alternative would enforce the No group/reunion type camping in the Queens allotment and would reduce the amount of human disturbance to wildlife species attempting to use this area. The No Action alternative would not increase the number of new watering facilities for use by both livestock and wildlife, and would not improve the distribution over, and use of, these grazing areas by livestock and wildlife.

The Proposed Action will be most effective in maintaining the open character of the portion of a Civil War Battlefield that is on National Forest land. It will also be most effective in maintaining the visual/scenic diversity, vistas, and character of the rural/pastoral landscapes within the National Forest.

All of the above decision items assist in fulfilling the purpose and need of the project.

Other Alternatives Considered

In addition to the selected alternative (Proposed Action), I considered two other alternatives. A summary comparison of the effects of the three alternatives can be found in the EA on pages 21-23, Tables 2 and 3.

Under the **No Action Alternative** livestock grazing would continue to be permitted and occur in the Rimel, Allegheny Battlefield, and Callison/Clark Tract areas. Grazing in the Queens Allotment would not be re-initiated because under this alternative the wetland and riparian areas in the Queens Allotment would not be fenced. As it has demonstrated in the past, the Monongahela National Forest prefers not to allow grazing if the wetland is not protected. For the other three grazing areas, normal maintenance/repair of existing

facilities, such as fences, gates and corals would continue, but no new facilities such as new interior fences to implement rotational grazing, or new watering facilities, would be constructed. Some encroaching woody brush and noxious weeds would still get cut through normal maintenance activities by mowing or hand tools, but herbicides would not be used to control noxious/non-native invasive weeds or brush. The additions of lime and fertilizer would not occur.

For the Rimel Allotment, the numerous, large multi-flora rose bushes growing within the fenced-out riparian area along Cochran Creek would not be treated with an herbicide. Other noxious weeds within the allotment pastures may get mowed or cut, but would not be treated with an herbicide. Noxious brush growing in the fence lines, or within 10 feet of the outside of the allotment boundary fence, would also not be cut or sprayed and would not be controlled.

For the Allegheny Battlefield Allotment, two new livestock watering facilities would not be constructed. Two springs, in close proximity, would not be protected by fencing and a pond would not be constructed. A new interior fence would not be constructed and rotational grazing could not be implemented.

For the Queens Allotment, the existing wetland would not get fenced. The riparian area in the eastern part of the allotment would not get fenced. The riparian area along the Shavers Fork River in the southwest side of the allotment would not get fenced. Springs and the associated riparian areas that feed the wetland would not get fenced. A drainage ditch that runs through the wetland would not be re-filled, and the two drainage ditches that drain the wetland into the Shavers Fork would not be plugged. A new source of livestock watering would not be created from the spring on the southeast side of the allotment. Enforcement of “No group/reunion type camping inside the allotment” may not occur. Since the wetland would not be protected from grazing the allotment would be abandoned as a grazing area. However, due to the interest in this area as an herbaceous opening for wildlife, the area would still continue to be maintained in an open, non-forest condition by other means such as mowing and/or chainsaw lopping of encroaching woody vegetation.

For the Callison/Clark Tract Grazing Special Use Permit Area the interior fence would not be reconstructed and two new gates would not be installed in the interior fence. Rotational grazing would not be implemented. The existing broken water trough would still be replaced under normal maintenance activities, but a ditch to drain water from around the base of the trough would not be completed. A portion of the areas boundary fence would not be relocated farther back off Anthony Creek and would continue to be susceptible to flood damage. This pasture would still be converted from a grazing special use permit area to a grazing allotment.

This alternative is consistent with the Forest Plan. However, I did not select this alternative because:

1. Livestock grazing would not be re-initiated on the Queens grazing allotment and the allotment would be abandoned. At least one less local farmer would be able to graze their livestock on an established National Forest pasture. Other methods of maintaining this allotment in a primarily non-forested, herbaceous condition for use by selected species of wildlife in a 6.1 management prescription area where wildlife is an emphasis, such as mowing and/or handtools, would be needed to maintain this area in a predominantly herbaceous condition. These methods would need to be carried out at regular intervals over the long term to prevent invading woody vegetation and noxious, non-native invasive species of weeds and brush from taking over this area. Because the majority of woody species re-sprout after cutting, cutting of woody species alone is not an effective method of controlling woody vegetation over the long term. Repeated cutting of woody vegetation would be more expensive and less effective than using livestock grazing in combination with mechanical treatments, handtools, and with the use of an herbicide, to help maintain this area in a primarily non-forested, herbaceous condition. It is unlikely that this non-forested area could be maintained in its present condition over the long term through mechanical methods alone.
2. Fewer grazing fees would be generated for the Federal Treasury since no grazing would occur on the Queens allotment and no grazing fees would be assessed.
3. Soils and vegetation in the four grazing areas would not be improved because liming or fertilization would not take place.
4. For the Rimel allotment, the numerous, large multi-flora rose bushes growing within the fenced out riparian area along Cochran Creek would not be treated with herbicide. It is unfeasible to cut these bushes with hand tools or mowers and cutting alone will not control this vegetation. They would continue to produce seed to infest other portions of the allotment and adjacent private and National Forest lands. The Rimel allotment could not be used by various government agencies as a demonstration area of good grazing practices. Noxious brush growing in the fence lines, or within 10 feet of the outside of the allotment boundary fence, would not be controlled. Fence repair, or fence replacement on the same location, could not occur.
5. For the Allegheny Battlefield Allotment, two new livestock watering facilities would not be developed. Two springs in close proximity would not be protected by fencing and used to supply water to a new trough on level ground, and a pond would not be constructed and fenced. Livestock distribution and use across the allotment would not be improved. A new interior fence would not be constructed and rotational grazing could not be implemented.

6. For the Queens Allotment, the existing wetland would not get fenced because the allotment would be phased out and no longer grazed. There would be no need to continue to maintain the boundary fence and locked gates on this area. Being in a area of the Forest where law enforcement patrols are less frequent, yet with a history of law enforcement problems, while being adjacent to an open county road, it is highly likely that off highway vehicles (OHV's)/all terrain vehicles (ATV's) will eventually begin driving through this vacant allotment and the unfenced wetland and the riparian areas within the allotment and causing damage to them. Maintaining this allotment as an active allotment, with a boundary fence and with the wetland and riparian areas within it fenced, will more likely insure these sensitive areas will not be disturbed by illegal OHV/ATV use. If the Queens allotment was abandoned there would be no presence of a grazing permittee to assist the Forest Service in monitoring and reporting illegal activities on the area and enforcement of "No group/reunion type camping inside the allotment" would likely not occur to the same degree as if the area was an active allotment with a permittee and with government owned improvements to protect. Law enforcement and resource problems in this portion of the National Forest would likely increase if this allotment is not maintained as an active allotment.
7. The wetland within the Queens allotment would not be restored. The lateral flow of water within this wetland would not be re-established. The wetland would not move back towards its original type and condition. Groundwater in the local area would not be recharged because two drainage ditches would continue to drain the wetland into the Shavers Fork. Habitat for wetland associated wildlife and plants would not be increased and improved.
8. For the Callison/Clark Tract Grazing Special Use Permit Area, the interior fence would not be reconstructed and two new gates would not be installed in the interior fence. A rotational grazing system could not be implemented on this grazing area. A ditch to drain water from around the base of the water trough would not be completed and muddy conditions around this area of heavy livestock use would persist. A portion of the areas boundary fence would not be relocated farther back from Anthony Creek, would continue to be susceptible to flood damage, and the filter strip between the allotment boundary fence and Anthony Creek would not be increased in width.

The **No Herbicide Use Alternative** addresses the issue/concern that an EPA approved herbicide would be selectively applied under the supervision of a certified pesticide applicator to non-native invasive/noxious weeds and/or brush within and closely adjacent to the four project areas. In this alternative all proposed work as stated in the Proposed Action would still be conducted except that no herbicides would be used on any of the four project areas. Only cutting of non-native, invasive/noxious weeds and brush through such techniques as tractor brush hogging/mowing, chainsaw lopping, or cutting with hand tools would occur. Noxious, non-native invasive species growing in fence lines and/or in

steep or rocky areas where tractors could not operate, or where it would be dangerous to use chainsaws and hand tools, would not be treated.

This alternative is consistent with the Forest Plan. However, I did not select this alternative because:

1. This alternative would not approve and allow the use of an herbicide to assist in control of brush and noxious, non-native invasive species of brush and weeds on and within close proximity to the four project areas. I feel that allowing only manual or mechanical means to treat this undesirable vegetation would be less effective, more dangerous to operators, and more costly over the long term. Noxious brush growing within existing fence lines, and especially on the Rimel and Callison/Clark areas, could not be controlled and fence maintenance or re-construction could not be carried out. The large multi-flora rose bushes within the fenced out riparian area of the Rimel allotment could not be controlled. Therefore, the Rimel allotment could not be used as a demonstration area and our relationships with our partners would be at risk. Invasion of brush and noxious, non-native invasive species of weeds and brush on the Allegheny Battlefield allotment that contains a portion of a Civil War battlefield would not be as effectively controlled with out the use of an herbicide. This alternative would meet the project's purpose and need to a lesser degree compared to the Proposed Action.

Purpose and Need for Action

Opportunities exist to improve management and associated resources and livestock facilities on the Rimel, Allegheny Battlefield, and Queens grazing allotments, as well as on the Callison/Clark Tract Grazing Special Use Permit Area. Taking action responds to the goals and objectives outlined in the Monongahela National Forest Land and Resource Management Plan/Forest Plan (pages 33, 38, 54, 60-63, 164-165, 169) and helps move these project areas towards desired conditions described in that Plan.

On all four of these areas, structural improvements (such as fences and livestock watering facilities), and non-structural improvements (such as re-seeding, the application of soil supplements/soil amendments, and brush control) have deteriorated over years of use, exposure to the elements, low intensity of maintenance and management, and invasion by noxious/non-native invasive weeds and brush. There is a need to make major repairs to, or to re-construct, some of these structural improvements. Soils and resulting vegetation on these areas would benefit from the addition of lime, fertilizer and re-seeding. These areas and the surrounding National Forest and private lands would benefit greatly from selective control of the noxious/non-native invasive species that occur on these areas.

On the Rimel Allotment, the fenced out riparian area along both sides of Cockran Creek that runs through the allotment has been invaded with multi-flora rose. The proliferation of this state listed noxious weed in the riparian area reduces the value and use of this demonstration area for public field trips. The numerous, large multi-flora rose clumps within this riparian area are an annual source of seed that helps spread this aggressive, non-native plant to other portions of the allotment and to surrounding National Forest and

private lands. There is a need to control multi-flora rose not only in the riparian area of Cockran Creek, but also growing within fence lines and within and immediately adjacent to the allotment.

On the Allegheny Battlefield Allotment the addition of a livestock watering facility on the western one third of the allotment, and another on the eastern one third of the allotment would improve livestock distribution and forage utilization over the allotment. This would also allow the implementation of a rotational grazing system on the allotment.

Draining mud holes, spot graveling, water baring, and grading portions of the road leading to and inside the Allegheny Battlefield Allotment would improve access to and within this allotment and would reduce soil movement and further damage to the road.

The Queens Allotment contains an approximately ten acre wetland. Restoring this previously ditched and drained wetland and fencing it out from livestock grazing will restore this wetland to its former type while protecting it from damage from livestock grazing.

If the Queens wetland is fenced out there would be a need to provide an alternate source of water for livestock to drink. Providing an alternate source of livestock water would reduce the desire by livestock to enter the wetland and it would also demonstrate good grazing land management to the public.

Eliminating a portion of the Queens Allotment that is in the riparian zone of the Shavers Fork River by relocating the boundary fence to the top of the terrace above the riparian area will not only reduce effects of livestock use in this sensitive area, but also reduce the chances of this fence being damaged by future flooding of the Shavers Fork.

Restricting group/reunion type camping within the Queens Allotment will reduce human health, human safety, and resource damage concerns from this activity. It would also reduce disturbance to the wildlife that attempt to use this area, in a 6.1 management prescription area of the National Forest, where remote habitat for wildlife is an emphasis.

On the Callison/Clark Grazing Special Use Permit Area there is an urgent need to control the large and numerous multi-flora rose bushes growing amongst the allotment boundary and interior fences. Maintenance to these fences is nearly impossible due to this plants thorny canes.

The existing cement water trough on the Callison/Clark grazing area is very old and broken. The water overflow pipe in this trough does not operate, cannot be repaired, and water flows over the side of the trough causing muddy conditions around the trough. Installation of a new water trough would eliminate standing water and muddy conditions around the trough.

A portion of the boundary fence in the southeast portion of the Callison/Clark area is to close to nearby Anthony Creek. When the creek overflows during times of heavy

precipitation, woody debris accumulates on this portion of the fence, and in combination with the rapidly flowing waters, breaks fence wires and bends, breaks, or repositions fence posts. Moving this section of fence farther back from the creek will reduce the chance of flood damage and provide a wider vegetative buffer between the pasture and the creek.

The conversion of the Callsion/Clark Grazing Special Use Permit Area to a grazing allotment will comply with Forest Plan direction. If converted, the area can be advertised under competitive bidding, provide greater revenue to the Federal Treasury from higher grazing fees, and improvements to the area can be made through the use of fee credits.

Public Involvement

The project was listed in the Forest's Schedule of Proposed Actions (SOPA) in the March, June, and October, 2002 issues, in the February, May, August, and December 2003 issues, and in the April and July, 2004 issues. The SOPA is available on the MNF web site, as well as mailed out to those who have requested receiving a hard copy of this document.

The Proposed Action was provided to the public and other organizations and agencies for review and comment during scoping, June 28 through July 31, 2002. A copy of the scoping notice was mailed to 88 individuals or organizations believed to have an interest in the proposed project. In addition, as part of the public involvement process, the agency posted the scoping notice on the Monongahela National Forest website under the planning section. A public notice of a summary of the Proposed Action was also placed in the legal sections of the Pocahontas Times on July 11, 2002; the (Beckley) Register-Herald on July 9, 2002, the Parsons Advocate, on July 10, 2002, and the Elkins Inter-Mountain on July 6, 2002).

Using the comments received from the public, other agencies, and Forest employees, the interdisciplinary team developed a list of issues to address in the analysis.

The Forest Service separated the issues into two groups. (1) Substantial issues to be addressed in detail by developing an alternative to explore the concern, and (2) non-substantial issues that would not be addressed in detail because they were either outside the scope of the Proposed Action, already decided by law, regulation, Forest Plan, or other higher level decision, minor or irrelevant to the decision to be made, or conjectural and not supported by scientific or factual evidence.

Concerning significant issues, the Forest Service identified one raised during scoping. This issue was:

1. Use of an herbicide to selectively control non-native, invasive, noxious weeds/brush.

One organization opposed the proposal to use an herbicide to selectively control noxious and/or non-native, invasive weeds/brush.

To address this concern an alternative has been developed and analyzed in the EA that would not use an herbicide to selectively control noxious, non-native, invasive weeds/brush.

On April 15, 2004 a letter was sent to seven individuals or organizations that had commented on the Proposed Action during project scoping informing them that the EA and the Biological Evaluation (BE) was completed and was either being provided to them in hard copy, or that it was available on the Monongahela National Forest web page for 30 day public review and comment. In addition, on April 15, 2004 a legal notice was placed in the Elkins Inter-Mountain newspaper informing the public that the EA was available for 30 day review and comment.

One organization and one state agency responded to the EA and/or BE during the 30 day review and comment period. Responses to these comments have been addressed in writing and are available in the project file.

Finding of No Significant Impact

From the results of the site-specific analysis documented in the Environmental Assessment, I find that the Proposed Action/Selected Alternative is not a major Federal action and will not significantly affect the quality of the human environment, either individually or cumulatively, with other activities in the general area. Therefore, an Environmental Impact Statement is not needed. This finding is based on the following factors set forth in 40 CFR 1508.27.

Context

The setting of this project is in four localized areas with implications only for these immediate areas. This action is a continuation of livestock grazing and associated activities that has occurred for many years. The people most affected by the project will be local residents. All impacts are local but vary by the resource under discussion.

The cumulative effects area was based on the resource discussion in the EA. For example, the soils effects area is limited primarily to the area within the four grazing areas. Chapter 3 of the EA discusses the resources that will be affected by this project and displays the environmental consequences on those resources, including direct, indirect, and cumulative effects.

Intensity

1. Impacts that may be both beneficial and adverse: Both beneficial and adverse effects have been taken into consideration when making this determination of significance. This project does not rely on beneficial effects to balance potentially significant adverse environmental effects.

2. The degree to which the proposed action affects public health or safety: Implementation of the Proposed Action will have little or no effect on public health and safety. (EA, Mitigation Measures, item 7, pg. 18-19; Appendix A, item 3, pg. 66; Herbicides, pg. 53-57; Noxious Weeds/Non-native Invasive Species, pgs. 46-49; Monitoring, pg. 63)

3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farms, wetlands, wild and scenic rivers, or ecologically critical areas: Unique characteristics of the geographic area will not be significantly impacted by the project. Historic or cultural resources are covered in detail under Item 8 of this section. (EA, Soils, pgs. 27-32; Wetlands, Riparian Areas, Fisheries, pgs. 32-35; Mitigation Measures, item 10, pg. 20; Cultural/Archeological Resources, pgs. 35-37; Wild and Scenic Rivers, pgs. 51-53; Response to Comments in the project file; Other Resources, pgs. 62-63; Monitoring, pg. 63)

4. The degree to which the possible effects on the quality of the human environment are likely to be highly controversial: Based on my review of this project's analysis, I do not find that the effects on the quality of the human environment are highly controversial.

5. The degree to which the possible effects on the human environment are uncertain or involve unique or unknown risks: Based on my review of this project's analysis, I find that the possible effects on the human environment that are uncertain or involve unique or unknown risks are minimal.

6. The degree to which the action may establish a precedent for future actions with significant effects or presents a decision in principle about future consideration: None are known. The Proposed Action represents a site-specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any proposed future project must be evaluated on its own merits and effects. The activities are in accordance with the best available science we have to manage mid-Appalachian pasture lands for a variety of uses.

7. Whether the action is related to other actions with individual insignificant but

cumulative significant impacts: There are no foreseeable future actions that will have cumulative significant impacts. This Proposed Action does not represent potential cumulative adverse impacts when considered in combination with other past actions. The Affected Environment in Chapter 1 discloses the existing condition incorporating past and current actions. Direct, indirect, and cumulative effects of alternative implementation, in combination with the Affected Environment, are disclosed in Chapter 3 of the EA.

8. The degree to which the proposed actions may adversely affect districts, sites, highway 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 historic resources: The EA on pages 35-36 discusses cultural/archeological information relating to the project areas, surveys conducted, mitigation measures developed to protect cultural resources, etc. . Given the nature of the improvement projects, avoidance of all defined sites will be relatively easy and will present no additional impacts to this resource (EA, pgs. 4, 5, 7, 23; Cultural/Archeological Resources, pgs 35-36; Mitigation Measures, item 6, pg. 18)

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: A Biological Assessment for the Proposed Action alternative was completed to document impacts to listed species. This document concluded that implementation of the Proposed Action is not likely to adversely effect any endangered or threatened species. In addition, the US Fish and Wildlife Service concurred with the conclusions of the Biological Evaluation. (EA, pgs. 37-42, 42-44; Biological Evaluation for “Adjustments to Management and Improvements on Four Grazing Areas”; Letter of July 15, 2004 from the US Fish and Wildlife Service)

10. Whether the proposed action threatens a violation of Federal, State, or local law or requirements proposed for the protection of the environment: The Proposed Action meets Federal, State, and local laws and requirements imposed for the protection of the environment; and meets disclosure requirements of the National Environmental Policy Act.

Findings Required By Other Laws and Regulations

Numerous laws, regulations, and agency directives require that my decision be consistent with their provisions. I have determined that my decision is consistent with all laws, regulations, and agency policy relevant to this project. The following discussion is not an all inclusive listing, but is intended to provide information on the more important potential concerns of the public or other agencies.

National Environmental Policy Act (NEPA)

The purposes of NEPA are to "encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." I find that the Proposed Action alternative meets the purposes of the Act because of the reasons already stated and as further stated below.

National Historic Preservation Act, Archaeological Resources Protection Act, American Religious Freedoms Act, and Native American Graves and Repatriation Act

Except for a portion of the Rimel grazing allotment, all project areas have been surveyed on the ground by a qualified archaeologist or archeological technician. No soil disturbing activities are proposed for the Rimel allotment. Historic sites have been found and inventoried (EA, pp. 35-36, and the Project File). The proposed activities are designed to avoid these sites, or would occur on areas already disturbed in the past. As required by my decision and mitigation measure, item 6, pg. 18, areas planned for ground disturbing activity in the Allegheny Battlefield allotment will be inspected for additional cultural resource sites by the Forest Archeologist; any discovered sites will be protected from ground disturbing actions. No heritage resources are expected to be impacted by this decision.

There are no known Native American concerns from implementation of the Proposed Action.

Endangered Species Act

Two Monongahela National Forest Wildlife Biologists, the Forest's Aquatic Ecologist, and the Forest's Terrestrial Ecologist/Botany Program Manager evaluated my decision in regards to threatened and endangered species and their findings are summarized in the EA (pgs. 37-44) and in the associated Biological Evaluation. They concluded that no T&E animal species are likely to be adversely affected by my decision. The project's terrestrial ecologist/botany program manager concurred with the determination in the BE that no T&E plant species are likely to occur in the four project areas. The US Fish and Wildlife Service concurred with the determinations of the Biological Evaluation (Biological Evaluation for "Adjustments to Management and Improvements on Four Grazing Areas"; Letter of July 15, 2004 from the US Fish and Wildlife Service).

National Forest Management Act (NFMA)

The National Forest Management Act and accompanying regulations require that several other specific findings be documented at the project level.

Forest Plan Consistency - Management activities are to be consistent with the Forest Plan [16 U.S.C. 1604 (i)]. The Forest Plan guides management activities [36 CFR 219.1(b)]. Pages 2-3 of the EA list the pertinent Forest Plan management area direction for the project areas.

Resource Protection - The following 11 statements address resource protection requirements of NFMA (36 CFR 219.27 (a)):

1. The Proposed Action conserves soil and water resources and promotes the recovery and productivity of the four project areas (EA, pgs. 27-32 and 32-35).
2. Within the scope of the project and consistent with the other resource values involved, activities will minimize risks from serious or long-lasting hazards from flood, wind, wildfire, erosion, and other natural physical forces (see Item #1 above).
3. The Proposed Action will minimize hazards due to insects and disease by improving pasture conditions over the next 10 years through increased forage production, soil stability, and moisture-holding capacity on these grazing areas (EA, pgs, 23-27, 27-32). A slight increase in rangeland health, species composition, and residual cover is expected.
4. The Proposed Action will protect streams, streambanks, shorelines, lakes, and wetlands (see Item #1 above).
5. The Proposed Action will provide for and maintain a diversity of plant and animal communities by moving the project area toward the desired landscape (EA, pp. 23-27).
6. The Proposed Action will maintain sufficient habitat for viable populations of existing native vertebrate species (EA, pgs. 24-25).
7. The Environmental Assessment assesses potential physical, biological, aesthetic, cultural, engineering, and economic impacts of the Proposed Action and its consistency with multiple uses planned for the area.

8. The Proposed Action prevents the destruction or adverse modification of critical habitat for threatened and endangered species (EA, pgs. 37-42 and 42-44; Biological Evaluation for “Adjustments to Management and Improvements on Four Grazing Areas”; Letter of July 15, 2004 from the US Fish and Wildlife Service).

9. There are no transportation or utility right-of-way corridors needed to accommodate the project.

10. There is no proposed new road construction for this project.

11. There will be no effect on applicable Federal, State, and local air quality standards.

Riparian Areas

None of my decision actions will cause detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment. In fact, I expect my decision will improve the riparian conditions of Cockran Creek, Laurel Creek, Anthony Creek, North Fork of Anthony Creek, and of the Shavers Fork. (EA, pgs. 27-32, 32-34).

Diversity

Management practices shall preserve and enhance the diversity of plant and animal communities through habitat management so they are at least as great as what can be expected in a natural setting and what are present in the planning area. The discussion under the above references show that the diversity in the project area will likely improve by manipulating the pasture land and riparian/wetland areas within the project areas.

Environmental Justice

Environmental Justice (Executive Order 12898) – This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations. However, depending on who the high bidders for the grazing permits would be, it is possible that low income, minority, or disabled persons could benefit. EA page 63.

Document and Project File Availability

The Project File contains detailed information, data used, and selected references, used in selecting the Proposed Action for implementation. The Environmental Assessment, Decision Notice, and supporting documents are available for review during regular business hours, 8:00 a.m. until 4:45 p.m. Monday through Friday, at:

Forest Supervisor's Office
Monongahela National Forest
200 Sycamore St.
Elkins, WV 26241

For further information on this decision, contact myself or Harry Pawelczyk at the address listed above, by telephone (304-636-1800), or by the Internet (e-mail address: cnthompson@fs.fed.us or hpawelczyk@fs.fed.us)

Appeal Opportunities

This decision is subject to Forest Service administrative appeal pursuant to 36 CFR 215 by any person that commented during the 30-day comment period. A written Notice of Appeal must be submitted within 45 days after the date the notice of this decision is published in the Elkins Inter-Mountain newspaper in Elkins, WV. Send the Notice of Appeal to:

USDA, Forest Service, Eastern Region
ATTN: Randy Moore, Appeals Deciding Officer
Gas Light Building, Suite 700
626 E. Wisconsin Avenue
Milwaukee, WI 53202-4616

The Notice of Appeal may alternately be faxed to: Attn: Appeals Deciding Officer, (414) 944-3963, mailed electronically (in a format, pdf, txt, rft, or document compatible with Microsoft Office applications) to appeals-eastern-regional-office@fs.fed.us, or hand delivered between the hours of 7:30 a.m. – 4:00 p.m., Monday through Friday.

Appeals must meet the content requirements of 36 CFR 215.14

Implementation Date

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the 45-day appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Responsible Official and Contact Person

Clyde N. Thompson, Forest Supervisor, is the responsible official for the Adjustments to Management and Improvements on Four Grazing Areas EA. For further information you may contact:

Harry Pawelczyk
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200 Sycamore Street
Elkins, WV 26241
304-636-1800, extension 257
hpawelczyk@fs.fed.us

/s/ Clyde N. Thompson

September 1, 2004

CLYDE N. THOMPSON

Date

Forest Supervisor

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