



United States
Department of
Agriculture

Forest
Service

National Forests in North Carolina
Pisgah National Forest
Appalachian Ranger District

PO Box 128
Burnsville, NC 28714-0128
828-682-6146

File Code: 1950-1

Date: September 28, 2006

Dear Interested Citizen:

I have signed the Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Shinwhite Environmental Assessment (EA) within the Appalachian Ranger District, Mitchell and Yancey Counties. The DN discusses in detail my decision and rationale for reaching it. Copies of the DN and FONSI are enclosed.

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in *The Asheville Citizen-Times*. The Appeal shall be sent to National Forests in North Carolina, ATTN: Appeals Deciding Officer, 160-A Zillicoa Street, Asheville, North Carolina, 28801. Appeals may be faxed to (828) 257-4263. Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. Appeals may also be mailed electronically in a common digital format to: **appeals-southern-north-carolina@fs.fed.us**

Those who provided comments or otherwise expressed interest in a particular proposed action by the close of the comment period may appeal this decision (as per the recent *The Wilderness Society v. Rey* ruling). Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Linda Randolph, Project Leader, Appalachian Ranger District at 828-622-3202 or Michael Hutchins, Pisgah National Forest NEPA Coordinator at 828-682-6146.

Sincerely,

/s/PL Bradley

PAUL L. BRADLEY
District Ranger

Enclosure





United States
Department of
Agriculture

Southern Region
Forest Service

September 2006



Shinwhite

Decision Notice

And

Finding Of No Significant Impact

Appalachian Ranger District, Pisgah National Forest
Mitchell and Yancey Counties, North Carolina

Decision Notice
& Finding of No Significant Impact

Shinwhite Project

USDA Forest Service
Appalachian Ranger District, Pisgah National Forest
Mitchell and Yancey Counties, North Carolina

Decision and Rationale

Decision

Based upon my review of the alternatives, I have decided to select **Alternative C** (Selected Alternative) of the Shinwhite Project Environmental Assessment (EA – see Section 2.2.3, Chapter 2) on the Appalachian Ranger District, Pisgah National Forest and the Project Design Features listed in Section 2.4, Chapter 2 and Appendix F of the Shinwhite Project EA. The Selected Alternative will:

- Harvest about 103 acres using the two-age regeneration harvest prescription (20-25 ft² basal area retained per acre).
- Site prepare and the subsequently release, if needed with herbicide (Triclopyr) in all two-age stands harvested;
- Designate 70 acres of small patch old growth in compartment 65 and 54 acres of small patch old growth in compartment 68 (both designations are from the initial old growth inventory);
- Use Imazapic herbicide to eradicate fescue component within existing wildlife fields containing fescue, then refurbish the fields by using a clover/warm season grass mix, lime, and fertilizer. Within all existing fields, control other non-native invasive plants and daylight around existing fields to develop a brushy interface. Existing fruit trees in wildlife openings would be “released” and autumn olive would be eliminated in all existing fields and replaced with native soft mast species (i.e., spicebush, serviceberry, and/or dogwood). All landings constructed for harvest activities would be seeded following harvest with a clover and wildflower seed mix and on smaller landings, an old variety species of apple or other fruit trees would be planted.
- Develop two new wildlife fields near Beauty Spot (about 4 acres) that meet scenery standards.

- Daylight an average of 30 feet either side of Forest Service Roads (FSRs) 5572 and 5506, and Lewis Trail for about 3.5 miles (about 25 acres). Daylight the following existing wildlife fields: Bearwoods, Lewis Trail, Devil’s Fork Gap, White Oak Creek, Annie’s Cove, Beauty Spot (NCWRC), and Chestnut Mountain. Daylighting would not occur within existing harvest units and stream protection zones; and
- Use herbicides (Triclopyr and Glyphosate) to control non-native invasive plants along Forest Service roads, trails, and historic routes within the AA. Prior to harvest, treat non-native invasive plants within harvest stands with herbicides (Triclopyr and/or Glyphosate) or manually as appropriate.

Rationale

The purpose and need for the proposal is disclosed in Section 1.4, Chapter 1 and listed below:

- Balancing age-class distribution. Forest Plan standards provide for developing up to 10% early successional habitat (0-10 year age-class) in compartments with Management Area 4 lands designated within them (Forest Plan, page III-31). Currently, the percent of 0-10 age-class is 0% in Compartment 65; 10% in Compartment 68; 3% in Compartment 69; and 7% in Compartment 70.
- Improving timber stand conditions and providing for a continuous supply of timber. The last appreciable entry in the project area was about eight years ago (Sunshine Timber Sale, 98 acres).
- Reducing competition and improving species composition in proposed harvest units through herbicide use.
- Controlling non-native invasive species through herbicide use along existing roads and trails, and historical routes. Currently non-native invasive species are established in the project area.
- Improving conditions for wildlife by creating a diversity of habitat and maintaining and

enhancing existing fields. Currently, there is about 1% grass/forb in the 9,709 analysis area and Forest Plan standards state to use a desired density of 3% for permanent grass and forb openings (Forest Plan, page III-84).

- Improving water quality by rehabilitating or relocating away from areas of resource damage caused by equestrian use. Currently, existing equestrian use is impairing water quality. Forest Plan direction is to emphasize the protection of all developed stream channels and to protect the integrity of intermittent and ephemeral stream channels, including their banks and beds (Forest Plan, page III-40).

I believe the Selected Alternative will move the resources in the project area towards the desired future condition, achieving the purpose and need for the project while addressing the public's concerns. (See Appendix G for public comment highlights and the Agency's response.)

In reaching my decision, I began by once again reviewing the purpose and need for the project and all of the alternatives presented in the EA. I then carefully weighed the effects analyses of the alternatives analyzed in detail and the public comments received on the EA. The Shinwhite Interdisciplinary Team (IDT) conducted field surveys, database queries, and other localized analysis in order to determine effects the alternatives analyzed in detail could have on the area's ecology, including threatened, endangered, and sensitive species. During their analyses, they took a hard look at past, present, and reasonably foreseeable future actions that could be combined with expected effects from the Shinwhite proposal. I believe they provided me sufficient analyses and conclusions to make a reasoned decision.

The Selected Alternative will harvest about one percent of the ~9,709-acre analysis areas (AAs).

My decision will eliminate autumn olive (a non-native invasive plant) established within current wildlife fields and will plant a suitable native species in its place (i.e., spicebush, serviceberry, and/or dogwood). Wildlife Biologists with the North Carolina Wildlife Resources Commission and a representative of the Southern Appalachian Multiple-use Council provided detailed comments on removing autumn olive and were opposed to it. I believe it is important to take efforts that reduce further potential for non-native invasive species to become and remain established on

National Forest System lands—removing autumn olive in the Shinwhite project area is an important way to move forward in this direction.

I believe my decision adequately addresses public safety in relation to access management in the White Oaks area. A concern was raised by some residents in the White Oaks area that Forest Service Road 5570 was unsafe for year round travel and could be made impassable during harvest operations. The Forest Engineer reviewed the road and determined it was properly designed for its intended use. I anticipate there may be reasonable delays caused during harvest operations, but with proper application of timber sale contract clauses, access will be maintained (see also Comments 7-1 and 7-11 below; Section 3.10.3, Chapter 3; and Appendix F).

Other Alternatives Considered

In addition to the Selected Alternative, I considered two other alternatives in detail: Alternative A – No Action and Alternative B – Proposed Action. A comparison of these alternatives can be found in Section 2.5, Chapter 2.

Alternative A – No Action

Under Alternative A, current management plans, such as existing wildlife management, wildfire suppression, general road maintenance, and special use permit operations, would continue to guide management of the project area (see Section 2.2.1, Chapter 2). I did not select this alternative for several reasons. This alternative would not have provided habitat conditions for wildlife species; improved stand conditions and provided a continuous supply of timber; designated small patch old growth, nor used herbicides to control/manage pest populations. I believe active management is needed to move the area towards the Forest Plan's desired future condition.

Alternative B – Proposed Action

Under this alternative about 83 additional acres of two-age harvest and site preparation, and about 0.1 miles of temporary road construction would have occurred when compared to the Selected Alternative—all other actions are the same as the Selected Alternative. I did not select this alternative because I believe the project's objectives can still be achieved without harvesting the additional 83 acres of

two-age harvest and the temporary road construction. Potential adverse impacts to resources in the area are reduced slightly with the Selected Alternative implemented than Alternative B.

Other Alternatives Not Considered

Section 2.3 of the EA disclosed four alternatives I considered but eliminated from detailed study. Since they were not considered in detail in the EA, they were not considered in the range of alternatives for my decision.

Public Involvement

The proposal was listed in the January and April 2006 editions of the Schedule of Proposed Actions (SOPA). The proposal was provided to the public, agencies, and organizations for comment during scoping from December 9, 2005, thru January 9, 2006—fourteen individual comments were received during scoping and a petition was submitted by 32 local residents opposed to the proposal. On February 21, 2006, members of the Appalachian Trail Conservancy and the Tennessee Eastman Hiking Club met in the field with Forest Service employees to discuss the proposal and potential effects to the Appalachian Trail. On June 19, 2006, Forest Service employees met with landowner's who own property adjacent to the project area to discuss aspects of the proposal. A formal 30-day Notice and Comment period for the Shinwhite Project EA began July 21, 2006, and ended on August 21, 2006. Eight timely letters or e-mails were submitted by members of the public during this comment period.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action (Section 2.2.3, Chapter 3 and Appendix E).
2. There will be no significant effects on public health and safety and implementation will be in accordance with project design features (Section

- 2.4 Chapter 2; Sections 3.4 and 3.10 Chapter 3; and Appendix F).
3. There will be no significant effects on unique characteristics of the area, because there are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the project area, nor are there local law or requirements imposed for the protection of the environment (Section 3.11, Chapter 3).
4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (Sections 3.1.2, 3.2.2, 3.3, 3.4.2, 3.5.2, 3.6.2, 3.7.3, 3.8, 3.9, and 3.10.4, Chapter 3).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (Sections 3.1.2, 3.2.2, 3.3, 3.4.2, 3.5.2, 3.6.2, 3.7.3, 3.8, 3.9, and 3.10.4, Chapter 3).
6. The action is not likely to establish a precedent for future actions with significant effects, because the project is site specific and effects are expected to remain localized and short-term (Sections 3.1.2, 3.2.2, 3.3, 3.4.2, 3.5.2, 3.6.2, 3.7.3, 3.8, 3.9, and 3.10.4, Chapter 3).
7. The cumulative impacts are not significant (Sections 3.1.2.5, 3.2.2, 3.3, 3.4.2, 3.5.2.2, 3.6.2, 3.7.3.3, 3.8, 3.9, and 3.10.4 Chapter 3; and Appendix A).
8. The action will have no effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (Section 3.6, Chapter 3). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (Section 3.7, Chapter 3). A heritage report was completed for this project and mailed to the State Historic Preservation Office (SHPO) on August 24, 2006. No concerns have been identified.
9. A Biological Evaluation (BE, Appendix A) was completed for this project on July 2, 2006, that concluded: *No T&E species or their habitat is known to occur in or near enough the proposed activities to be affected by this proposal. There is no occupied or unoccupied habitat recognized as essential for listed or proposed species recovery, or to meet Forest Service objectives for S species. Formal*

consultation with the USDI Fish and Wildlife Service is not required.

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Nantahala and Pisgah National Forests Land and Resource Management Plan Amendment 5 (Sections 1.1, 1.2, and 1.4, Chapter 1).

Findings Required by Other Laws and Regulations

My decision to implement the Selected Alternative is consistent with the intent of the long-term goals and objectives listed on pages III-1 and III-2 of Forest Plan Amendment 5. The project was designed to meet land and resource management plan standards and incorporates appropriate land and resource management plan guidelines (Sections 1.1, 1.2, and 1.4, Chapter 1).

Administrative Review and Contacts

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in *The Asheville Citizen-Times*. The Appeal shall be sent to:

National Forests in North Carolina
ATTN: Appeals Deciding Officer
160-A Zillicoa Street

/s/ *PL Bradley*

PAUL L. BRADLEY
District Ranger
Appalachian Ranger District

Asheville, North Carolina 28801

Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. Appeals may be faxed to (828) 257-4263 or mailed electronically in a common digital format to: **appeals-southern-north-carolina@fs.fed.us**.

Those who provided comments or otherwise expressed interest in a particular proposed action by the close of the comment period may appeal this decision (as per the recent *The Wilderness Society v. Rey* ruling). Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Linda Randolph, Project Leader, Appalachian Ranger District at 828-622-3202 or Michael Hutchins, Pisgah National Forest NEPA Coordinator at 828-682-6146.

Implementation Date

As per 36 CFR 215.9, if no appeal is received, implementation of this decision may occur on, but not before, the 5th business day following the close of the appeal-filing period (215.15). If an appeal is filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition.

9/28/06

Date

**APPENDIX G – RESPONSE TO COMMENTS
FOR THE
SHINWHITE PROJECT
ENVIRONMENTAL ASSESSMENT**

General Discussion

The formal 30-day Notice and Comment period for the Shinwhite Project Environmental Assessment (EA) began July 21, 2006, and ended on August 21, 2006. Eight timely letters or e-mails were submitted by members of the public during this comment period. The following individuals provided comments on the EA:

- Commenter 1:** Jack Dalton
- Commenter 2:** Dave McHenry, North Carolina Wildlife Resources Commission (NCWRC)
- Commenter 3:** Donnie Abernethy
- Commenter 4:** Steve Henson, Southern Appalachian Multiple Use Council (SAMUC)
- Commenter 5:** John Welton
- Commenter 6:** Brian Cole, USDI Fish and Wildlife Service (USFWS)
- Commenter 7:** Dr. Charles & Charlene Thomas
- Commenter 8:** Bob Gale, Western North Carolina Alliance (WNCA)

Letter 1 – Jack DaltonComment 1-1

I have reviewed the EA dated July 18, 2006 and want to advise you that I prefer Alternative C. Also, I hope that you implement your suggestion of removing fewer of the hickory trees in the proposed wildlife opening on the NC side of the AT near Beauty Spot to preserve more of the hard mast. There is no need to remove any of the trees for viewing from the AT since there are existing views as we observed from the AT near Beauty Spot.

Agency Response

Preference for Alternative C is noted. The proposal has been reviewed by The Appalachian Trail Conservancy who concluded: *During the field inspection of 2/21 [2006] representatives of the USFS, Tennessee Eastman Hiking Club (TEHC), and ATC found the cutting units within Shinwhite project are not visible from the A.T. Therefore, we believe the project will have no significant impact upon the Appalachian National Scenic Trail.* The ATC further concluded that: *You may recall that the majority of our time discussing the project was spent looking at the proposed wildlife opening near the Beauty Spot. We ask that due to its proximity to the A.T., a representative of both the TEHC and ATC be involved in the final design of this new wildlife opening.* Plans for tree removal in the wildlife field proposed near Beauty Spot would be developed with ATC and TEHC involvement.

Letter 2 – Dave McHenry, NCWRCComment 2-1

The NCWRC is concerned about the lack of early successional habitat on National Forest lands in western North Carolina and supports timber harvest to create this habitat type. NCWRC biologists believe that neither alternative offers enough early successional habitats, but does support Alternative B (Proposed Action) as it will create the greatest amount of early successional habitat. We also support the proposal to create brush/shrub interface around wildlife openings and along selected access roads. This creates additional early successional habitat.

Agency Response

Support for Alternative B is noted. The following table displays the amount of early-successional habitat (ESH) by alternative by compartment:

Compartment	Alt A ESH	Alt B ESH	Alt C ESH
65	0%	13%	7%
68	10%	14%	13%
69	3%	15%	11%
70	7%	15%	12%

Two compartments currently meet the minimum 5% ESH Forest Plan standard for MA 3B and each compartment meets the minimum ESH standard under both Alternatives B & C.

Comment 2-2

The NCWRC supports release and establishment of old variety of apple trees as noted and control of most of the non native invasive species listed.

Agency Response

Support is noted.

Comment 2-3

The NCWRC does not support the elimination of autumn olive as outlined in the project plan. All the tree/shrub species listed for replacement of this plant species are common and exist throughout the forest and will not prove to be attractive to wildlife for hunting purposes. Additionally, if we want to enhance the value of these species, then we should release the tree/shrub species where they are presently growing. Many hunting clubs were solicited years ago to aid with planting autumn olive by the NCWRC and the U.S. Forest Service. It has proven especially attractive to bear, deer, and turkey and many hunters or bird

watchers use these autumn olive plantings to locate wildlife for hunting or viewing purposes during early autumn. These plantings have a long history of establishment and have become a focus area for bear, deer and bird hunters historically. Elimination of the plantings will result confusion by forest cooperators and in negative public relations for the USFS and NCWRC. Further, autumn olive tends to spread in riparian/wet sites and relatively low elevations, which is not typical of much of the project area. Containment of autumn olive has been successful in the fields where it was originally planted through annual mowing and regular field maintenance. There may be isolated areas where it is a problem in terms of its spread; those areas may need action. But full scale elimination of this very valuable wildlife food producing plant is not justified, reasonable, or wise with regard to potential negative impacts to wildlife and likely negative responses from sportsmen.

Agency Response

Allowing a non-native invasive plant species to remain established on National Forest System (NFS) lands is inconsistent with restoring damaged ecosystems. As stated by the national headquarters for the USDA Forest Service: *Healthy forests make for a healthy nation. Keeping America's forests and grasslands healthy requires restoring and rehabilitating damaged areas to: (1) prevent severe wildfires, (2) stop the introduction, establishment, and spread of invasive species, (3) reduce the conversion of forest and grasslands that leads to fragmentation of rural landscapes through subdivision, and (4) manage impacts of motorized recreation vehicles by restricting use to designated roads and trails.*

Over the next few years, the Forest Service will restore and rehabilitate damaged lands and will actively manage critical resources.

The Forest Service Strategic Plan provides a new framework for accomplishing the Agency's mission and incorporates actions to resolve four major threats to America's forests and grasslands. Forest Service leadership is committed to removing the "Four Threats" from the national landscape. This is a necessary action in order to achieve long-term outcomes: clean air, clean water, conserving wildlife, and protecting communities from wildfire.

Forest Service actions to achieve these outcomes are important contributions to enhancing the quality of life for Americans:

Actions needed to address the Four Threats include:

Fire and fuels—*Restore healthy, disturbance-resilient ecosystems on lands at risk from catastrophic fire, improving the condition and function of critically important watersheds, and sustaining critical wildlife habitat nationwide.*

Invasive species—*Protect forest and rangeland ecosystems by preventing the release of non-native species and by controlling the spread, or eradicating, invasive species.*

Loss of open space—*Conserve the nation's forests and rangelands most at risk due to subdivision and land conversion by working with partners, communities and landowners to balance development with sustaining ecosystem services and viable working landscapes.*

Unmanaged recreation—*Work with partners to develop travel management plans that regulate the use of OHVs on designated roads, trails, and parks in an appropriate manner.*

In addition, allowing a non-native invasive plant species to remain established on NFS lands is inconsistent with two Executive Orders (EO) specific to management of non-native exotic species, EO 11987 and EO 13112:

Executive Order 11987: Exotic Organisms

Signed May 24, 1977, this Executive Order requires Federal agencies, to the extent permitted by law, to: restrict the introduction of exotic species into the natural ecosystems on lands and waters owned or leased by the United States; encourage States, local governments, and private citizens to prevent the introduction of exotic species into natural ecosystems of the U.S.; restrict the importation and introduction of exotic species into any natural U.S. ecosystems as a result of activities they undertake, fund, or authorize; and restrict the use of Federal funds, programs, or authorities to export native species for introduction into ecosystems outside the U.S. where they do not occur naturally.

The Secretaries of Agriculture and Interior authorized to allow the importation of exotics and the export of native species if natural ecosystems will not be adversely affected. The Secretary of the Interior, in consultation with the Secretary of Agriculture and the heads of other agencies, is to develop and implement regulations pursuant to the Executive Order.

Executive Order 13112 of February 3, 1999 Invasive Species (Section 2. Federal Agency Duties)

(a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

As stated in the EA, spicebush, serviceberry, and/or dogwood would be used to replace autumn olive. The decision further explains rationale for eliminating autumn olive.

Comment 2-4

NCWRC personnel support alignment of trails outside of riparian areas and stream crossings, particularly on any horse/bike trails, are constructed with bridges to the extent possible to reduce erosion into streams.

Agency Response

Support is noted

Comment 2-5

Agency personnel do not note any proposed prescribed burning in the project proposal and would like to see some burning within the analysis area. Our agency would especially support repeat prescribed burning especially in stands of rhododendron and mountain laurel to control this species and provide a more diverse herbaceous understory.

Agency Response

Burning has been a regular proposal in the analysis area completed under separate NEPA analyses and decisions. It was not part of this proposal as a result.

Letter 3 – Donnie Abernethy

Comment 3-1

This letter is in response to the Shinwhite Project proposed timber harvest in Yancey and Mitchell counties. I emphatically support Alternative B (Proposed Action) for many reasons. Most importantly, it provides the most young growth habitat possible of the three alternatives. I spend many hours each year in the Appalachian Ranger District and the low percentage of 0-10 yr age class is very obvious and alarming. These young growth habitats are vital to the success of many wildlife species and especially small game. My favorite species happens to be the ruffed grouse. Grouse populations can make an amazing response to even the smallest habitat improvements. It is very important to me and many others I know that the Forest Service manage for all species. Whether some like it or not, timber harvest is still the best way to provide young growth habitat for grouse. My only other recommendation is that you should consider more timber harvests in the near future. I would like to see the maximum acreage allowed in each zone or compartment. We could accomplish this over a period of time if we spread it out over several years. This would make an incredible difference for all species that depend on and flourish as a result of young growth habitat. Finally, I would like to commend you and your staff for remembering small game species and promoting the habitat they need. Keep up the good work.

Agency Response

Preference for Alternative B is noted. Maximizing early successional habitat in each compartment in each timber sale proposal can be accomplished only when other resources such as water quality, cultural properties, threatened, endangered, and sensitive species, scenery, soils, and are not adversely affected. To achieve maximum early successional habitat often-times necessitates miles of new road construction—management actions that need to be weighed prior to project development and reaching a decision.

Letter 4 – Steve Henson, SAMUC

Comment 4-1

In general, we support the proposed activities outlined in Alternative B as they will vastly improve this area for wildlife, provide a more balanced age-class distribution of forest structure, and provide needed wood fiber for local forest product industries. It is clear that there are opportunities through regeneration harvesting and wildlife opening development to achieve the desired conditions described in the proposal.

Agency Response

Preference for Alternative B is noted.

Comment 4-2

*It is imperative to maintain a leave basal area **below 20 sq.ft./acre in the two-age regeneration areas** to allow for the development of quality early successional habitats for wildlife and promote a better mix of natural regeneration for future stands. The research conducted at Bent Creek Experimental Forest clearly shows that keeping the basal area below 20 sq.ft./acre will provide many regeneration benefits and higher stem densities for early successional wildlife habitat. We note that your target leave basal area is 20– 25, we would like to see the target below 20.*

Agency Response

As stated in Appendix D of the EA, “*Basal area of leave trees should not exceed 20-30 sq ft/acre fifteen years after harvest so they would not hinder further growth and development of the new stand*” except where additional basal area is needed for scenery concerns in relation to the Appalachian Trail (Section 2.4, Chapter 2). Basal area below 20 sq ft/acre is not required to meet objectives—basal area of 20-25 sq ft/acre as proposed meets early-successional objectives and the Forest Plan (Forest Plan, page E-2).

Comment 4-3

Were there opportunities to improve stand conditions in the analysis area by commercial thinning? We saw little discussion of thinning stands for forest health improvement, etc.

Agency Response

Thinning was not part of the proposal because stands in the two compartments were not of the age, density, and timber quality best suited to thinning objectives.

Comment 4-4

*We support the efforts in the proposal to develop wildlife openings as they are very important for wildlife in the analysis area. We are disappointed that you have chosen not to develop more than 2 additional acres for grass/forb openings. Clearly, there is a desperate need to have more wildlife openings in this area as indicated in the analysis. We are also pleased that you have chosen to create a brushy edge on **all** the wildlife openings in the project area. **We strongly urge you to go with an early successional edge (at least 100 feet deep around the openings) that will provide cover for numerous wildlife species that could take advantage of the opening’s browsing and bugging opportunities.** This improvement has been applied in other areas of the Pisgah and Nantahala national forests and promoted by wildlife biologists from the NC WRC and conservation organizations. We also disappointed that you are not daylighting the roads to establish early successional/shrubby strips along the roads to allow protection for numerous wildlife species that will take advantage of the protection for access to the wildlife seeded roads (linear wildlife openings) as well as to help keep the roads dryer during periods of*

wet weather. We question the wisdom of eliminating the autumn olive and replacing with native berry producing species. Autumn olive will out-produce any of the native species and provide a much better source of berries for wildlife. We don't think autumn olive is, or is going to be a problem on the forest landscape. It is most beneficial to many species of wildlife.

Agency Response

Comment is noted. Additional removal of vegetation was not part of the proposal. Both action alternatives were designed to improve wildlife habitat through several actions: *Within existing wildlife fields containing fescue, use Imazapic herbicide to eradicate fescue component then refurbish the fields by using a clover/warm season grass mix, lime, and fertilizer. Within all existing fields control other non-native invasive plants and daylight around existing fields to develop a brushy interface. Existing fruit trees in wildlife openings would be "released" and autumn olive would be eliminated in all existing fields and replaced with native soft mast species (i.e., spicebush, serviceberry, and/or dogwood). All landings constructed for harvest activities would be seeded following harvest with a clover and wildflower seed mix and on smaller landings, an old variety species of apple or other fruit trees would be planted. Develop two new wildlife fields near Beauty Spot (about 4 acres) that meet scenery standards (Section 1.3, Chapter 1 and Section 2.2.3, Chapter 2). Daylighting was considered for both action alternatives: Daylight an average of 30 feet either side of Forest Service Roads (FSRs) 5572 and 5506, and Lewis Trail for about 3.5 miles (about 25 acres). Daylight the following existing wildlife fields; Bearwoods, Lewis Trail, Devil's Fork Gap, White Oak Creek, Annie's Cove, Beauty Spot (NCWRC), and Chestnut Mountain. Daylighting would not occur within existing harvest units and stream protection zones (Section 1.3, Chapter 1 and Section 2.2.3, Chapter 2). See also Comment 2-3 and Agency response above. In addition, other activities within the area are ongoing to improve wildlife habitat (see Comment 4-7 below regarding prescribed burning).*

Comment 4-5

We have no problems with the construction and reconstruction of the roads necessary to carry out the proposed actions. They are assets for all management activities and provide access for many recreation activities, forest health manipulations, wildlife habitat work, etc.

Agency Response

Comment is noted.

Comment 4-6

We also support the use of herbicides in pre/post harvest, TSI activities, exotic invasive species control and other management activities. From our perspective, using herbicides on post harvest treatments is much preferred to mechanical treatments – it leaves the stems standing at least for a couple of years providing more dense cover for wildlife purposes.

Agency Response

Preference for herbicide use is noted.

Comment 4-7

We support the proposed use of prescribed burning as a wildlife management tool. It is widely recognized by wildlife specialists the benefits of regular prescribed burning to a number of important wildlife species across the landscape. We encourage you to consider a recurring burning plan for the area.

Agency Response

Burning has occurred in the analysis area, most recently spring 2006 in the Shinbone Creek area. As a result of existing decisions, prescribed burning was not necessary as part of the Shinwhite proposal.

Comment 4-8

We would also encourage you to consider clearly designating/restricting road uses (linear wildlife openings, bike riding, horseback riding, etc.) after the project is complete to reduce future conflicts.

Agency Response

Current road management would be maintained following implementation of the proposal.

Comment 4-9

In summary, we support the proposed action (Alternative B) but we are disappointed somewhat because of missed opportunities, such as timber stand thinnings, that would create a much improved proposal for the benefit of forest health and wildlife.

Agency Response

Preference for Alternative B is noted. See also Comments 4-2 through 4-4 and 4-8 above.

Letter 5 – John Welton

Comment 5-1

I prefer Alternative B as best addressing our immense backlog of wildlife habitat improvement needs; but, would be satisfied with Alternative C. Timber age class distribution is adequately considered and addressed. A better balanced distribution should result from execution of this project. Completion of this project will address overdue maintenance work on wildlife openings and significantly enhance them. I believe that this project reflects caring, thoughtful management of public lands for all multiple users with completely acceptable minimum, temporary degradation of scenic resources, enhanced opportunities for wildlife viewings for residents and tourists; thereby, improving property valuations. Summary: Prefer Alternative B. Accept Alternative C. Reject Alternative A.

Agency Response

Preferences for implementation are noted.

Letter 6 – Brian Cole, USFWS

Comment 6-1

We have no major objections to any of the possible alternatives. However, if an action alternative is selected, we prefer Alternative C because of the decrease in potential impacts to aquatic resources (as detailed in the EA). Based on information provided in the EA, and a review of our records, we concur with your assessment that none of the proposed alternatives will affect federally listed endangered or threatened species or critical habitat. Thus, the requirements of section 7(c) of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action

Agency Response

Preference for Alternative C is noted.

Letter 7 – Dr. Charles & Charlene Thomas

Comment 7-1

Safety and Forest Service Liability: a.) Road Conditions – *The initial portion of White Oak Flats Road has been improved, widened and surfaced. However, no timber cutting is proposed in this area. White Oak Flats Road to the right of Harmiller Gap (5570) is a narrow single lane dirt road with minimal gravel. The road is on the side of the mountain and was improperly graded in many areas. In multiple locations, the road slopes to the downhill side of the mountain. The road is arguably dangerous to a four wheel drive vehicle even during and after a moderate rainfall. Employing logging trucks on such a road for an extended period of time is a clearly foreseeable risk to logging company employees and residents. Given the size and scope of the planned logging operation, any reasonable person can clearly foresee that this single lane road will become blocked for extended periods of time raising serious concerns about the normal lawful access to homes and the very serious issue of emergency services access.*

Agency Response

The White Oak Flats Road from US 19W up to Harmiller Gap is not on National Forest System (NFS) land, it is a North Carolina State Road maintained by NC Department of Transportation. Forest Service Road (FSR) 5570 that connects to White Oak Flats Road near Harmiller Gap is an unpaved, single lane road with turnouts that provides access to NFS lands in the White Oak Creek area. The road was constructed in the late 1980s to replace an old, entrenched road that was in a poor location. The Forest Engineer reviewed the road on August 23, 2006, and determined it [i]s in excellent condition with little if any deferred maintenance. Generally the aggregate surface is 14 feet wide with an additional 1 to 2 foot shoulder. In most places the road varies between 2 and 3% outslope which is optimum. Since the road follows the contour of the slope the grades are less than 8% along most of the length. Again, this is ideal for construction of an outsloped road. Drainage is functioning as designed. This road was designed for use by log and dump trucks. These types of truck will not have any trouble utilizing this road safely while loaded. The aggregate surfacing is adequate to support loaded trucks during the normal operating season. There are enough turnouts on the road to allow for good traffic flow even during logging operations. Reconstructing this road to add a ditch would be a major project. It would involve widening the road into the cut bank by a minimum of 5 feet. In addition, a number of culverts will need to be installed to provide cross drainage. The action would also create a significant volume of excess excavation, would require significant clearing, and disturb stable slopes. The existing road is adequate to harvest the timber from this proposed project. Trucks and light vehicles can safely drive on this road.

Section 3.10.3, Chapter 3 stated: *Under this alternative there could be reasonable delays on FSR 5570 due to harvest-related activities as stands 65-1, 65-3, and 65-6 are logged; however timber sale clause B6.33 states: 'Along roads available for public use the Purchaser shall immediately remove slash from traveled surfaces, shoulders, and drainage facilities' (see also Appendix F). Access on FSR 5570 would not be denied as a result of this alternative. Logging related activities are typically shut down from December 15 to March 15 due to freeze-thaw conditions and resource protection. Logging activities are expected to last about one harvest season in this area (east of Harmiller Gap). Section 3.10.4 stated: Under this alternative, stand 65-3 would not be harvested. Effects are expected to be similar as Alternative B, but any potential delays would be even less than for Alternative B as one less stand in the area would be harvested with timber hauled on FSR 5570. As for Alternative B, access on FSR 5570 would not be denied as a result of this alternative. The purchaser would be responsible for maringating the road and adding gravel as necessary to protect the road during approved logging operations.*

Comment 7-2

We recognize that a private land owner in the area has recently elected to sell some timber to raise money to pay for his wife's health care bills at a local nursing facility. However, this was a small project and did not require the logging equipment to travel over such a distance as the proposed logging of Tract 65-6.

Agency Response

See Agency response to Comment 7-1 above.

Comment 7-3

b.) Normal Access and Safety – Residents continue to have concerns about access to their homes and property. We continue to seek answers to these questions- Will the Forest Service guarantee, in writing, that the residents will maintain access to and from their homes throughout this project? If so, how will this be accomplished? Will additional roads and/or turn around points be constructed? What will be the environmental effect of such?

Agency Response

See Agency response to Comment 7-1 above. No additional roads or turn around points would be constructed in the White Oak Flats area and as such, there would be no environmental effect.

Comment 7-4

After our meeting of June 19th, we have additional concerns about our personal safety as well. We all agree that the location of Tract 65-6 and the surrounding private property is a remote location. The remoteness of the area is one reason that we sought and received approval from the Forest Service to construct a locked gate across the old logging road to our property. We continue

to pay a fee to the Forest Service for this privilege. This road and other similar old logging roads had been used by the public to access and then trespass onto our private property. The public used these old abandoned logging roads to trespass onto our property heavily armed, on horseback, on ATVs and by foot. Logging Tract 65-6 will require that this gate be opened and free access be given to the public as well as the Purchaser. We informed you that unaccompanied females frequently travel alone to and from our private property during the day and evening. Logging of Tract 65-6 will make the Purchaser's employees and the public aware of the comings and goings of these ladies which has the potential for placing them at risk for their personal safety. How will the Forest Service address this concern?

Agency Response

National Forest System lands and the transportation systems on NFS lands are available to the public for a wide variety of non-commercial and non-commercial uses. The proposed logging activities will be monitored by Forest Service employees. Access by other Forest users will not be affected by this decision. See also Agency response to Comment 7-1 above.

Comment 7-5

c.) Emergency Access – Some of the residents have required emergency medical care and rapid evacuation in the past. We related to you at our meeting of June 19th, our own need for the emergency evacuation of a family member subsequent to a life threatening accident that occurred on our property. This emergency required that our son be relayed by a series of transport vehicles until reaching an adequate landing area for helicopter evacuation. Our family also had another emergency which required rapid transport to the Spruce Pine Hospital emergency room for an allergic reaction. Another resident has a history of bleeding ulcers that have required emergency medical treatment. One other family has a toddler child, who at any time may require emergency services. When the single dirt road to access Tract 65-6 is inevitably blocked by logging equipment and trucks, will the Forest Service provide emergency helicopter evacuation service? If so, how? Where will the landing zone(s) be constructed? The substandard road is the only access to our homes and the only access for emergency services. This unnecessary and clearly foreseeable risk is the total responsibility and liability of the Forest Service.

Agency Response

See Agency response to Comment 7-1 above. The Agency does not provide helicopter evacuation services for members of the public, but does provide reasonable access across NFS lands to private landowners where access does not harm resources in the area.

Comment 7-6

Environmental Concerns – *We understand that the required environmental impact study has been conducted however, we are concerned that the logging operation in Tract 65-6 may affect the condition of the streams located between this tract and the Nolichucky River. From this tract, these streams pass through private property as they flow to the river and we are concerned that disturbance along the banks and surrounding area will cause destruction and disruption of the natural flow and related flora and fauna.*

Agency Response

The environmental assessment analyzed potential impacts to water quality and aquatic habitat and concluded: *North Carolina Forest Practices Guidelines (NC-FPGs) and Forest Plan standards (BMPs) would be implemented during harvest activities. Applications of Forest Plan standards are intended to meet performance standards of the state regulations. Visible sediment derived from timber harvesting, defined by state regulations, should not occur unless there is a failure of one or more of the applied erosion control practices. Should any practice fail to meet existing regulations, additional practices or the reapplication of existing measures would be implemented as specified by state regulations (Section 3.1.2.3, Chapter 3).*

Comment 7-7

The EA calls for herbicides to be used. We are greatly concerned for the welfare of our private lands that adjoin Tract 65-6 due to the risk of these herbicides drifting onto our property since the plan calls for logging up to our private property lines.

Agency Response

Appendix F lists specific design features that would mitigate potential for adverse impacts to resources and non-NFS lands. Herbicide would be applied by hand and not aerially which reduces the risk of spread to non-target species or areas. Most of the herbicides will be applied basally (stems) by certified applicators. Herbicide applied to non-native invasives will be foliar (leaves) by certified applicators. Standards for application in Appendix F are designed to mitigate opportunities for applied herbicides to migrate from the site of application. For example, buffers are established along water sources to mitigate potential for herbicides to move off-site on water.

Comment 7-8

Preservation of Documents and Records – *We hereby formally request that the Forest Service, protect, preserve and safe guard for possible future litigation all documents, records, notes, facsimiles, e-mails and other media pertaining to this project, our property, my family and/ or me*

Agency Response

Comment is noted.

Comment 7-9

Extension of Public Comment Period – *We hereby formally request that the public comment period on this project be extended for at least two months. The Appalachian Trail, a true national treasure, passes very close to the area in question. It is only reasonable that other taxpayers who utilize this resource also be allowed to comment.*

Agency Response

Extending the official 30-day notice and comment period is not allowed pursuant to 36 CFR 215.6(a)(1)(iv). On February 21, 2006, members of the Appalachian Trail Conservancy (ATC) and the Tennessee Eastman Hiking Club met in the field with Forest Service employees to discuss the proposal and potential effects to the Appalachian Trail. A representative of ATC stated later that: *[w]e believe the project will have no significant impact upon the Appalachian National Scenic Trail* (see also Comment 1-1 above).

Comment 7-10

Recommendation – *It is our respectful recommendation that the Forest Service omit Tract 65-6 from any of the alternatives available for consideration.*

Agency Response

Comment is noted. Alternative C does not propose harvesting 65-3, but harvesting stand 65-6 is necessary to meet project objectives.

Comment 7-11

Conclusion – *Any logging operation that crosses, contacts or otherwise utilizes the existing road will create a clearly foreseeable, and therefore clearly avoidable, emergency event. The Forest Service clearly has other options available that would provide much greater benefit to the public interest. For the Forest Service to continue on its current course, with full knowledge of the hazards and alternatives associated therewith, is reckless and gives an impression of depraved indifference for the safety of all involved. We sincerely expect that after more thoughtful review and reflection, the Forest Service will recognize the significant risks so clearly inherent in the current plan and choose a more responsible alternative.*

Agency Response

The Agency is concerned about public safety (Section 3.10, Chapter 3 and Appendix F). The existing access to stand 65-6 is necessary for effective and efficient harvesting of the stand. Timber sale clauses would be used to safely manage access while meeting project objectives. The Forest Plan has designated the area as Management Area 3B (emphasis on a sustainable timber supply; Forest Plan, page III-71). Harvesting has

taken place in the past within this area and would continue in the future as long as the Forest Plan designates the land as suitable for harvesting.

Letter 8 – Bob Gale, WNCA

Comment 8-1

In our comments to the scoping notice for this project, we addressed several issues relating to: 1) apparent errors in identifying certain stands (65-5, 69-3, and 71-1); 2) unclear timeline for this project (not listed in earlier Schedules of Proposed Actions or SOPA's) and how this relates to timing of Biological Evaluation (BE) and opportunity for the public to visit the site; 4) non-native invasive species control with regard to timing of control efforts, location of such efforts (specifically forested edges of wildlife fields that are proposed to be turned into a "brushy interface") and importance of retreatment of control activity areas one year after initial treatment; and lastly 5) clarification of boundaries of the Nolichucky Significant Natural Heritage Area through close consultation with the Natural Heritage Program personnel.

Agency Response

1) The scoping document misidentified some stands and the EA corrected this. 2) The project was listed in the January, April, and July SOPAs. 4) The proposal would: *Use herbicides (Triclopyr and Glyphosate) to control non-native invasive plants along Forest Service roads, trails, and historic routes within the AA. Prior to harvest, treat non-native invasive plants within harvest stands with herbicides (Triclopyr and Glyphosate) or manually (Section 1.3, Chapter 1 and Section 2.2.3, Chapter 2). Project design features also stated: National objectives include reducing impacts from invasive species and to improve the effectiveness of treating selected invasive species on the Nation's forests and grasslands. Survey area would be established to monitor control efforts, and checked during treatment and within nine months after treatment. A post-treatment evaluation report would be completed and filed in the project file (Section 2.4, Chapter 2).* 5) The Nolichucky Natural Heritage Area was reviewed in the field by the North Carolina Department of Environment and Natural Resources and a Forest Service representative in March 2006 to discuss the proposed boundaries and its proximity to stand 69-3. The Natural Heritage Program director stated after the field review: [I] *conclude that this stand is not a significant natural community and was included in the significant area by mistake.*

Comment 8-2

We commend the Appalachian District in responding to these and other parties' comments in some of these areas as the EA has been developed. Alternative C appears to address some concerns that have been raised.

Agency Response

Comment is noted.

Comment 8-3

The confusion over the above listed stands has been cleared up insofar as none of these stands are contained in Alternatives B or C.

Agency Response

Comment is noted.

Comment 8-4

We note also that the timeline issue has been clarified with this project schedule now having been published in the quarterly SOPA's during 2006, and that the Biological Evaluation was conducted during the 2006 growing season rather than before the public scoping (December 2005). This allowed the opportunity for site visits during planning of this project. The combination of the lack of scheduling for this project in the October 2005 or earlier SOPA's, plus timing of the scoping notice led to a concern that a BE might have been performed in 2005 and that a project EA or Decision Notice would be rushed through before adequate analysis by the public.

Agency Response

Comment is noted.

Comment 8-5

Regarding the invasive species issues, we note that the EA specifically states that treatment will be conducted “prior to harvest” activities, as we urged. We commend the District for stipulating this and again stress that this is particularly important in the wildlife field edges that are to become “brushy interface” due to the extreme difficulty at controlling these plants if work must be done around fallen slash and brush piles. Brush, slash and logs offer extra features for invasives (especially vines) to obtain a stronghold, and create hard-to-get-at sites for root sprouts to become established.

Agency Response

Comment is noted. As stated in Comment 8-1 above, the pretreatment of non-native invasives would take place prior to harvesting timber stands.

Comment 8-6

Our other concern regarding invasive species control, however, was not addressed in the EA. We restate our concern that there needs to be included in any control plans a provision for retreatment within the first year after activities. Again, without such provisions any gains made over invasive growth would likely be lost and the initial well-intentioned efforts wasted. Past experience has shown that control efforts do not eliminate all sprouts, roots or banked seeds. Monitoring and followup treatment must be a part of any control efforts and we urge the Appalachian District to direct funding and efforts to include these two provisions in such efforts.

Agency Response

Retreatment would be based on follow-up treatment reviews. As stated in the EA: *National objectives include reducing impacts from invasive species and to improve the effectiveness of treating selected invasive species on the Nation’s forests and grasslands. Survey area would be established to monitor control efforts, and checked during treatment and within nine months after treatment. A post-treatment evaluation report would be completed and filed in the project file (Section 2.4, Chapter 2).*

Comment 8-7

In regard to the question concerning the boundaries of the Significant Natural Heritage Area, the EA states that Michael Schafale visited the area on March 3, but the document does not elaborate in any way about conclusions reached on this issue. We had to contact the Natural Heritage Program in order to learn if the agency still had concerns. We were told that the project as currently planned would not cause impacts to the SNHLA. In addition, Natural Heritage is planning a future site visit to adjust and clarify the boundaries to protect actual areas of ecological significance. We urge the Appalachian District to honor these boundaries when delineated and avoid them in any future planned activities.

Agency Response

See Comment 8-1 and Agency response above.

Comment 8-8

One new concern that we have as a result of the EA is the daylighting of Forest Service roads and Lewis Trail. We have concerns that daylighting will create more opportunities for non-native invasive species to take hold. If such daylighting is truly necessary to project activities (i.e. maintaining a hard dry surface for equipment), then the same invasive monitoring and (if necessary) yearly treatment/ retreatment must be included for the same reasons given above. We urge the District to add this provision. We do not see the need to daylight trails, however, and urge the Forest Service to remove Lewis Trail from this activity.

Agency Response

The Lewis Trail is a linear wildlife opening and not a designated recreational trail. See also Comment 8-6 and Agency response above.