



United States  
Department of  
Agriculture

Forest Service National Forests in North Carolina  
Supervisor's Office

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File Code: 1950-1

Date: August 11, 2003

Dear Interested Citizen:

Enclosed is a copy of the Decision Notice for the Miser Creek Wildlife Habitat Improvement Project Environmental Assessment (EA) on the Pisgah Ranger District, Pisgah National Forest. You may recall that during the 30-day review of the EA earlier this summer, I was the Responsible Official for this project. The Pisgah District Ranger position was vacant at the time and was being filled by an acting District Ranger. When I assigned the acting Pisgah District Ranger, I did not delegate timber sale authority with the acting assignment. Since then, the permanent Pisgah District Ranger has been assigned and he does have timber sale authority. As such, he has become the Responsible Official for this project and will sign the Decision Notice.

There are no changes to the EA; therefore, final copies of the EA are only being mailed upon request. A "Response to Comments" appendix (Appendix F), documenting comments and Agency response based on the 30-day review of the EA, has been included with the decision notice.

This decision is not subject to appeal pursuant to 36 CFR 215.12 because no substantive comments expressing concerns or only supportive comments were received during the comment period for this project. For additional information on the decision please contact Mae Lee Hafer, Project Leader at 828-877-3265 or Michael Hutchins NEPA Coordinator at 828-682-6146.

Sincerely,

*Kenneth L. Rago*

for  
JOHN F. RAMEY  
Forest Supervisor

Enclosure



Caring for the Land and Serving People

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Decision Notice  
& Finding of No Significant Impact  
**Miser Creek Wildlife Habitat Improvement Project**

**USDA Forest Service**  
**Pisgah Ranger District, Pisgah National Forest**  
**Transylvania County, North Carolina**  
Compartments 118, 119, and 120

## **Decision and Reasons for the Decision**

### Decision

Based upon my review of the alternatives, I have decided to select **Alternative C - Imazapic Herbicide Vegetation Control** (Selected Alternative) of the *Miser Creek Wildlife Habitat Improvement Project Environmental Assessment* (EA) on the Pisgah Ranger District, Pisgah National Forest and the Mitigation Measures listed in Section 2.2.2, Chapter 2, Miser Creek EA. The Selected Alternative will:

- Convert grassy openings to native warm season grasses and forbs;
- Use Imazapic herbicide to control vegetation in fields and one forested stand, including fescue and woody vegetation;
- Prescribe burn fields and one forested stand;
- Remove shrubs and small trees encroaching in two bogs;
- Plug an agricultural ditch to re-flood a drained bog;
- Remove trees to create several  $\frac{1}{4}$  acre slash down canopy gaps totaling no more than 5 acres;
- Create a feathered edge between field and forest;
- Create several brush piles along field edges;
- Harvest about 3 acres of 73 year old yellow poplar trees by clearcutting then planting “superior oaks”;
- Plant 5 acres of “superior oak” seedlings in two areas; and
- Eliminate exotic invasive plants by applying herbicides (Glyphosate and Triclopyr).

The Selected Alternative will also incorporate mitigation measures (Section 2.2.2, Miser Creek EA).

When compared to the other alternatives, I believe the Selected Alternative best meets the purpose and need for the project (Section 1.3, Miser Creek EA), which is to explore opportunities to increase species diversity and to enhance declining habitat types and critical resources so that the project will:

- Enhance nesting, foraging and cover habitat for several bird species, including American woodcock, yellow-breasted chat, golden-winged warbler, wild turkey, ruffed grouse, and gray catbird.
- Enhance nesting, foraging and cover habitat for other wildlife such as small mammals, butterflies and grasshoppers, bog turtles, salamanders, and damselflies.
- Enhance grass/forb habitat with native plantings.
- Enhance hard mast production that will benefit several species of wildlife such as wild turkey, ruffed grouse, and white-tailed deer.
- Enhance soft mast production that will benefit many songbirds, including cedar waxwing, as well as other wildlife.
- Restore mountain wetlands.
- Mimic natural disturbance to create a variety of early successional habitats and to enhance the vertical structure and understory of mid-successional forest.
- Provide suitable habitat in an area of low human disturbance.
- Decrease invasive exotic plant species in the area.

The Selected Alternative also addresses the 5 Key Issues for the project (Section 1.6, Chapter 1, Miser Creek EA), which were: Converting fields to native warm season grasses and forbs may not be ecologically or economically feasible (Sections 3.2.2.5, 3.3.2.1, 3.5.2.1, Chapter 3, Miser Creek EA); The use of herbicides in the fields may have detrimental effects on wildlife, non-target vegetation, the aquatic environment, or human health (Sections 3.2.2.6, 3.3.2.2, 3.4.2.1, 3.6.2.1, Miser Creek EA); Converting fields to native warm season grasses may impact the Forest Concern (FC) plant, *Oenothera perennis* (Section 3.3.2.3, Chapter 3, Miser Creek EA); Proposed activities may impact the aquatic environment, including water quality, aquatic populations and aquatic habitat (Section 3.4.2.2, Chapter 3, Miser Creek EA); and Converting fields to native warm season grasses may impact Heritage Resources (Section 3.7.2.1, Chapter 3, Miser Creek EA). This alternative meets requirements under the National Environmental Policy Act, National Forest Management Act, and the Endangered Species Act.

## Background

As stated in Section 1.3 of the EA, the objectives for the proposal are to:

- Convert to native warm season grasses, and
- Reintroduce a disturbance regime.

## Other Alternatives Considered

In addition to the Selected Alternative, I considered 3 other alternatives. A comparison of these alternatives can be found in Section 2.3 of the EA.

### **Alternative A – No Action**

Under the No Action alternative, current management plans would continue to guide management of the project area. I did not select this alternative because under it, the existing grass/forb habitat would not be improved, early successional habitat would not be enhanced, and invasive exotic species would not be treated.

### **Alternative B – Mechanical Vegetation Control**

Alternative B was similar to the Selected Alternative, but it did not propose using herbicides to convert the fields to native warm season grasses and to control invasive exotic vegetation. These treatments would be done by using a combination of prescribed burning, repeated disking and plowing, and hand tools. I did not select this alternative because using disking and plowing to convert the wildlife fields to native warm season grasses would have direct adverse effects to heritage resources in the fields by destroying artifacts across approximately 11 acres (Section 3.7.2, Miser Creek EA). I believe that using herbicides as per the risk assessments, product labels, and Material Safety Data Sheets will ensure proper and safe application for both workers and the environment.

### **Alternative D – Glyphosate Herbicide Vegetation Control**

Alternative D was similar to the Selected Alternative, but it proposed using multiple applications of glyphosate herbicide (up to 9 applications in one growing season) to convert the fields to native warm season grasses and to control invasive exotic vegetation. I did not select this alternative because use of glyphosate requires more work and more money over the course of the growing season (monthly applications during the growing season which would equate to up to 9 times in one year) (Section 3.5.2, Miser Creek EA), and these multiple applications present more of a cumulative exposure risk to aquatic populations and to humans (Sections 3.4.2 and 3.6.2, Miser Creek EA) than one application of Imazapic.

## **Public Involvement**

A proposal to manage the vegetation in the Miser Creek and Parker Creek areas was originally listed in the Schedule of Proposed Actions (SOPA) in 1998 under a project called Parker Creek Timber Management Project. The Miser Creek Wildlife Project was originally listed in the January 2002 SOPA. The proposal was provided to the public and other agencies for comment during scoping in September 2002.

Using comments received from members of the public and other agencies, the interdisciplinary team (IDT) identified 5 Key Issues regarding the effects of the proposed action: converting fields may not be ecologically or economically feasible; use of herbicides may be detrimental; converting fields may impact a Forest Concern plant; proposed activities may affect the aquatic environment; and converting fields may impact heritage resources (Section 1.6, Miser Creek EA). To address these key issues, the Forest Service created the alternatives described above.

A 30-day review of the pre-decisional Miser Creek EA was initiated on June 15, 2003, and was completed on July 14, 2003. Six written letters were received from individuals and organizations, three of which were withdrawn once the project was clarified. Appendix F, attached to this decision notice, discloses the comments received and the Agency's response.

## **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 (Sections 3.2.2.1, 3.3.2.2.2, 3.2.2.3, 3.2.2.4, 3.2.2.5, 3.3.2.1, 3.3.2.2, 3.3.2.3, 3.4.2.1, 3.4.2.2, 3.5.2.1, 3.6.2.1, 3.7.2.1, Chapter 3, Appendix D, Miser Creek EA).

2. There will be no significant effects on public health and safety, because the Selected Alternative is small in scale (about 40 acres treated), effects are expected to remain localized and short-term, and implementation will be in accordance with mitigation measures (Section 2.2.2, Chapter 2 and Section 3.6.2.1, Chapter 3, Miser Creek EA).
3. There will be no significant effects on unique characteristics of the area, because there are no park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas in the project area, nor are their local law or requirements imposed for the protection of the environment (Section 1.4, Chapter 1, Miser Creek EA).
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 (Section 3.6.2.1, Chapter 3, Miser Creek EA).
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 1.7.2.1, 1.7.2.2, 1.7.2.3, 1.7.2.4, 1.7.2.5, and 1.7.2.6 Chapter 1, and Sections 3.2.2.1, 3.3.2.2.2, 3.2.2.3, 3.2.2.4, 3.2.2.5. 3.3.2.1, 3.3.2.2, 3.3.2.3, 3.4.2.1, 3.4.2.2, 3.5.2.1, 3.6.2.1, 3.7.2.1, Chapter 3, Miser Creek EA).
6. The action is not likely to establish a precedent for future actions with significant effects, because the scale of the project is small (about 40 acres treated) and effects are expected to remain localized and short-term (Sections 1.7.2.1, 1.7.2.2, 1.7.2.3, 1.7.2.4, 1.7.2.5, and 1.7.2.6 Chapter 1, and Sections 3.2.2.1, 3.3.2.2.2, 3.2.2.3, 3.2.2.4, 3.2.2.5. 3.3.2.1, 3.3.2.2, 3.3.2.3, 3.4.2.1, 3.4.2.2, 3.5.2.1, 3.6.2.1, 3.7.2.1, Chapter 3, Miser Creek EA). This decision will likely set precedent for future actions using Imazapic on the Forest; however, future actions would first undergo separate analyses with a separate determination of significant or non-significant effects.
7. The cumulative impacts are not significant (Sections 1.7.2.1, 1.7.2.2, 1.7.2.3, 1.7.2.4, 1.7.2.5, and 1.7.2.6 Chapter 1, and Sections 3.2.2.1, 3.3.2.2.2, 3.2.2.3, 3.2.2.4, 3.2.2.5. 3.3.2.1, 3.3.2.2, 3.3.2.3, 3.4.2.1, 3.4.2.2, 3.5.2.1, 3.6.2.1, 3.7.2.1, Chapter 3, Miser Creek EA).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because Class II sites are either avoided or protected (Section 3.7.2.1 Chapter 3, Miser Creek EA). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources, because the Class II sites are either avoided or protected (Section 3.7.2.1 Chapter 3, Miser Creek EA). On August 8, 2003, the State Historic Preservation Office (SHPO) concurred with the findings of no adverse effect in the cultural report the Forest Service submitted for the Miser Creek Wildlife Habitat Improvement Project.
9. The action will not adversely affect any endangered or threatened species or their habitat that has been determined to be critical under the Endangered Species act of 1973, because the project enhances wildlife habitat and decreases the invasive exotic plant species in the Miser Creek area and is small in scale (Sections 3.2.2.1, Chapter 3 and Appendix A, Miser Creek EA). On July 1, 2003, the USDI Fish and Wildlife Service concurred that the proposed action will have no effect on any species that is federally listed as endangered or threatened.
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. The action is consistent with the Nantahala and Pisgah National Forests of North Carolina Land and Resource Management Plan and Forest Plan Amendment 5 (Section 1.3 and 1.4, Chapter 1, Miser Creek EA).

## **Findings Required by Other Laws and Regulations**

This decision to improve wildlife habitat within the Miser Creek area is consistent with the intent of the Forest Plan's long-term goals and objectives listed on pages III-1 – III-4 of Forest Plan Amendment 5. The project was designed to conform with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines by providing at least 0.5% in grass/forb openings and managing old home sites for wildlife (Forest Plan Amendment 5, pages III-23 – III-24) and providing early successional habitat (0-10 age class) for diversity and viability of animal populations (Forest Plan Amendment 5, page III-29 – III-32).

## **Administrative Review or Appeal Opportunities**

This decision is not subject to appeal pursuant to 36 CFR 215.12 because no substantive comments expressing concerns or only supportive comments were received during the comment period for this project.

## **Implementation Date**

Since this decision is not subject to appeal pursuant to 36 CFR 215.12, implementation of this decision may begin immediately. Implementation of this decision is expected to begin late summer 2003.

## **Contact**

For additional information of this project, contact Mae Lee Hafer, Project Leader at USDA Forest Service Pisgah Ranger District, 1001 Pisgah Highway, Pisgah Forest, North Carolina 28768, or phone 828-877-3265; or Michael Hutchins, IDT Leader at USDA Forest Service Appalachian Ranger District, US 19E Bypass, Burnsville, North Carolina, 28714, or phone 828-682-6146.

*/s/ Randall Burgess*

*8-12-2003*

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**RANDALL BURGESS**

Pisgah District Ranger  
Pisgah National Forest

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**Date**

**APPENDIX F – RESPONSE TO COMMENTS  
FOR THE  
MISER CREEK  
WILDLIFE HABITAT IMPROVEMENT PROJECT  
ENVIRONMENTAL ASSESSMENT**

**Miser Creek Wildlife Habitat Improvement Project  
Environmental Assessment**

**Response to Comments**

<b>Key Interest 1:</b>	<b>Use of Imazapic Herbicide</b>
<b>Key Interest 2:</b>	<b>Control of Exotic Invasive Plants</b>
<b>Key Interest 3:</b>	<b>Promotion of Habitat for Migratory Birds</b>
<b>Key Interest 4:</b>	<b>Establishment of Superior Oak Plantings</b>
<b>Key Interest 5:</b>	<b>Creation of early successional habitat through prescribed fire and slash down methods</b>

## **General Discussion**

The Forest Service received 6 letters during the 30-day Notice and Comment Period for the Miser Creek Wildlife Habitat Improvement Project Environmental Assessment. This formal comment period began June 14, 2003, and ended on July 14, 2003.

Comments received from the USDI Fish and Wildlife Service indicated support for the proposed action and concurred it would have no effect on any species that is federally listed as endangered or threatened. They did commend the U.S. Forest Service's efforts to control invasive exotics and promote habitat for migratory birds.

Comments received from the North Carolina Wildlife Resources Commission indicated that they favored the proposed action and that using imazapic herbicide will be effective in establishment of native grasses/forbs. They also supported the establishment of superior oak plantations, and they wished to see the creation of early successional habitat expanded.

Comments received from Mr. Charles Parris, an interested citizen, believed that the use of Imazapic would be the most effective for restoring more natural habitat. He also felt that we need an aggressive, efficient approach to stopping non-native grasses and non-productive trees.

Comments were received from three other individuals/organizations. Upon further clarification of this project, these comments were withdrawn.

### **Key Interest 1: Use of Imazapic Herbicide**

1-1 Comment: I believe the Imazapic herbicide vegetation control would be the most effective in restoring the habitat to its natural state.

1-1 Response: Comment noted. The proposed action accomplishes this.

1-2 Comment: We have no major concerns with the preferred alternative (Alternative C – Imazapic Herbicide Vegetation Control).

1-2 Response: Comment noted.

1-3 Comment: It is our understanding that imazapic has never been used for vegetation control on National Forests. However, the NCWRC has used this chemical on private lands and some public areas with more positive results for native vegetation restoration than the other proposed treatments. Treatment with imazapic appears to offer quicker and better establishment of native grasses/forbs than the other proposed treatments outlined in the EA.

1-3 Response: Comment noted. Although imazapic has not been used on the National Forests in North Carolina, it has been used at other U.S. Forest Service sites, especially in prairie restoration work. Researchers have established a protocol for establishing native warm season grasses in one growing season, which involves spring burning followed by pre-emergence application of Imazapic and no-till seeding. Studies comparing different management techniques show that spring herbicide application is most effective at reducing tall fescue coverage and establishing suitable nesting cover that lasts. According to studies, this route is especially effective when Imazapic is used (Miser Creek Wildlife Habitat Improvement EA: Chapter 3, Section 3.3.2.1).

**Key Interest 2: Control of Exotic Invasive Plants**

2-1 Comment: We want to again commend the U.S. Forest Service's efforts to control invasive exotics and promote habitat for migratory birds.

2-1 Response: Comment noted.

2-2 Comment: In order to stop non-native grasses and non-productive trees from taking over our forests, an aggressive, efficient approach needs to be taken.

2-2 Response: Comment noted. The proposed action accomplishes this.

**Key Interest 3: Promotion of Habitat for Migratory Birds**

3-1 Comment: We want to again commend the U.S. Forest Service's efforts to control invasive exotics and promote habitat for migratory birds.

3-1 Response: Comment noted.

**Key Interest 4: Establishment of Superior Oak Plantings**

4-1 Comment: The NCWRC supports establishment of superior oak plantings to insure a future source of seed for future oak restoration projects on National Forests.

4-1 Response: Comment noted. The proposed action accomplishes this.

**Key Interest 5: Creation of early successional habitat through prescribed fire and slash down methods**

5-1 Comment: The proposed prescribed burning and "slash down" tree cutting to create canopy gaps will provide positive benefits to wildlife. However, we would like to see this portion of the project expanded if possible. This would include increasing the amount of work in bog areas if sites are available. We believe that more of this activity than is proposed will be necessary to attract species like the golden-winged warbler, bog turtle and American woodcock.

5-1 Response: Comment noted. Future projects within the Miser Creek area may accomplish this