

DRAFT DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT LOWER COWPASTURE RESTORATION AND MANAGEMENT PROJECT

U.S. FOREST SERVICE GEORGE WASHINGTON AND JEFFERSON NATIONAL FOREST JAMES RIVER AND WARM SPRINGS RANGER DISTRICTS ALLEGHANY, BATH, AND ROCKBRIDGE COUNTIES, VIRGINIA

DECISION

Based upon my review of the Lower Cowpasture Restoration and Management Project Environmental Assessment (EA), I have decided to implement Alternative 3, which is a modification of the Proposed Action based on public input, further field study and evaluation of potential effects. The actions proposed are to achieve the goals and objectives of the Revised Land and Resource Management Plan (Forest Plan) for the George Washington National Forest by: moving toward the desired structural conditions for ecological systems; enhancing habitat conditions for declining early successional and other Species of Greatest Conservation Need in Virginia; restoring low diversity stands and systems severely altered from their historic range of variability (e.g., stands <40 years old, systems converted to white pine plantations, fire-dependent systems); enhancing trail opportunities within the project based on input from the public; protecting cultural resources; decommissioning NFS roads that are no longer needed; creating additional open areas (e.g. wildlife clearing); improving connectivity of streams; stabilizing areas of slope failures in watersheds; and planting blight resistant American chestnut.

This decision is a modification of Alternative 3 documented in the Final Environmental Assessment (EA) (dated July 2015) for the Lower Cowpasture Restoration and Management Project. Harvest Unit BM-09 was dropped due to slope concerns. Unit LK-42 and a portion of the SS-01 unit were dropped from commercial timber stand improvements due to biomass utilization concerns and were added to the non-commercial timber stand improvement treatments.

Due to the collaborative nature of the project development, a minimum of one public monitoring trip will be scheduled annually with the public throughout implementation of the activities within the Lower Cowpasture project. A Lower Cowpasture Project Update will also be provided to the public biannually throughout project implementation.

Alternative 3 will be implemented as described in the following sections. Appendix A of this document identifies the activities that would occur in each unit. Appendix B provides details regarding the temporal implementation of activities. A map of Alternative 3 is in Appendix C.

Vegetation Management/Wildlife Habitat Improvement

- Regenerate approximately 823* acres using the shelterwood with reserves method. This is the traditional regeneration method that has been used on the George Washington National Forest for the past 20 years. Approximately 10-20% of the canopy is left (15-25 square feet of basal area), creating a two-aged stand structure. Age is reset and a new age class is created while maintaining some hard mast production from the residual stems. Residual

stems would be clumped in groups to maximize sunlight to the forest floor and enhance dense woody growth. Early successional habitat is created by this treatment.

*BM-09 was dropped as a harvest unit.

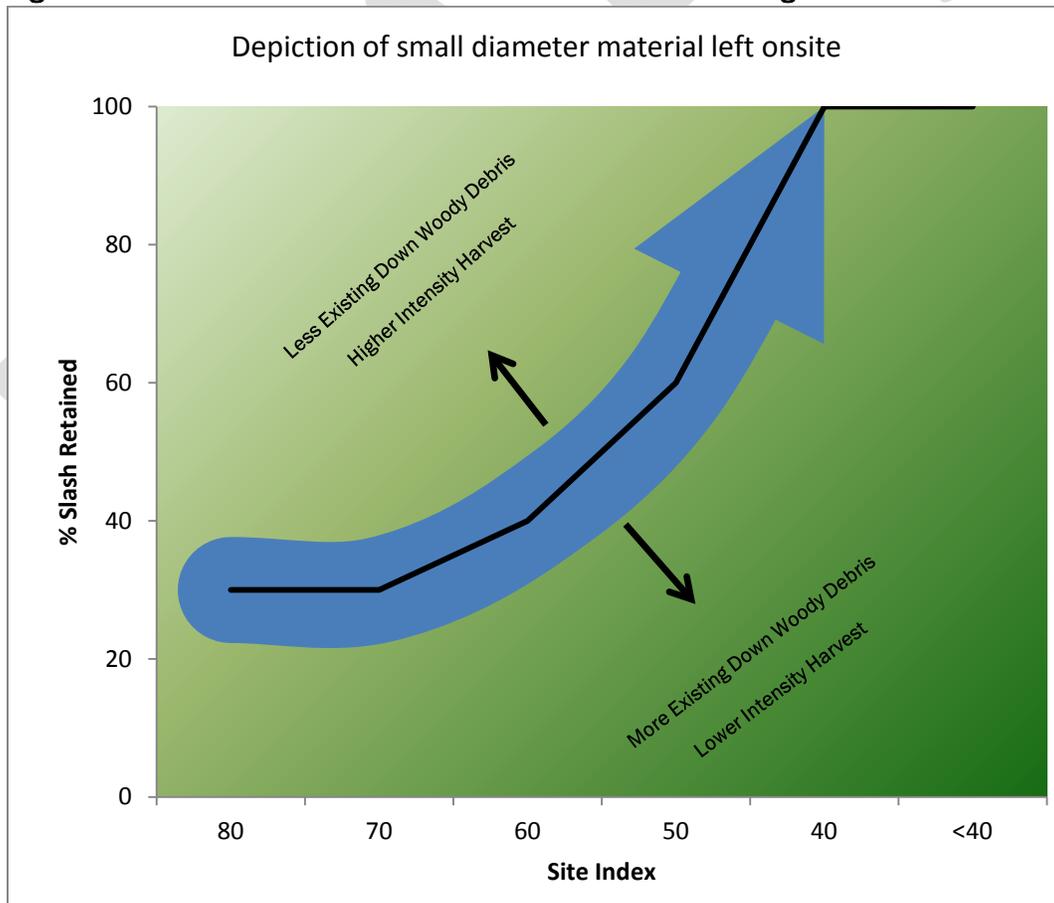
- Harvest approximately 166 acres using the shelterwood method. This is the first cut of a two-step shelterwood regeneration treatment. Approximately 35-45% of the canopy is left (40 – 50 square feet of basal area) to provide a partial shade environment and foster the development of seedlings. The residual stand would be evenly distributed through the treated area. A new age class would not be created by this first entry, but ultimately all or most of the residual stand would be removed to release the regeneration and create a new age class in approximately 10 to 15 years. The second, or removal cut, would result in an even-aged or two-aged stand structure depending on the residual stand left at that time. This treatment is prescribed where site quality and tree size allow the second entry to be economically feasible and on relatively gentle slopes where damage to residual stems is less likely. Late-open habitat is created by this treatment until the final harvest 10 to 15 years later which would result in early successional habitat.
- Thin approximately 163 acres using the free thinning method. A free thinning is an intermediate stand treatment where trees from any crown class (intermediate, co-dominant, or dominant) may be removed to achieve the desired condition. In this case, we are using the term to describe a treatment that would look very much like the first cut of a two-stage shelterwood as described above. However, the residual stand would not be removed in the foreseeable future and the ultimate purpose is not to regenerate a new stand. Instead, prescribed fire would be used to maintain the late-open habitat condition into the foreseeable future.
- Thin approximately 83 acres using the thinning from below method. This treatment is a commercial thinning that would remove trees in the intermediate and perhaps lower co-dominant crown positions. Generally 50-60% of the canopy would be retained (60-70 square feet of basal area). Late-open habitat conditions would be created, but open conditions are expected to last only 10-15 years as the canopy would close again over time.
- Thin approximately 454* acres using a commercial timber stand improvement (CTSI). This treatment is very similar to the thinning from below; 50-60% of the canopy would be retained (60-70 square feet of basal area). However, these stands are younger and have a smaller average diameter, resulting in stands that normally would not be economical to harvest commercially. The recent installation of a wood fired boiler at the MeadWestvaco mill in Covington provides a new market for this small diameter material that would be removed. Mid-open conditions would be created, but canopies would be expected to eventually close in 10-15 years.
*LK-42 and a portion of SS-01 were dropped from commercial timber stand improvement.
- Conduct hardwood restoration on approximately 220 acres. This commercial treatment is assigned to white pine plantations considered to be in an uncharacteristic habitat condition. These stands were often oak dominated stands on somewhat poorer sites that were converted to white pine as long as 30 years ago. While white pine was planted, many stands currently contain enough hardwood species to attempt restoring them back to a hardwood dominated stand in the future. The treatment would remove most, if not all, white pines and retain hardwood species. The percentage of the canopy left would vary widely depending upon the amount of hardwoods currently present in the stand; the residual canopy may be

from 20% to 60% of the existing stand. This treatment would result in early successional or mid-open habitat conditions depending upon the density of the residual trees.

- Allow woody biomass removal on up to approximately 1,162 acres. Allow woody biomass (defined as vegetation removed from the forest, usually logging slash, small diameter trees, tops, limbs or trees not considered merchantable in traditional markets) removal on areas identified for commercial timber stand improvements, free thinning, thinning from below, and hardwood restoration areas. Allow woody biomass removal, as part of an approved research study, on up to 25% of regeneration harvest acres (shelterwood and shelterwood with reserves methods) to monitor and study long, mid and short-term effects of small diameter woody biomass removal on soils and fauna in the area.

Woody biomass will not include below ground biomass, downed logs, or stumps. The amount of woody biomass left on site will vary according to the productivity of the site, the amount of existing down woody debris on the site, and the intensity of the harvest. Figure 2-1 illustrates the variable levels of slash that would remain on-site in regeneration harvests that were biomassed. At least 30 percent of all logging slash will be retained on regeneration sites. On poorer sites, like site index 50, about 60 percent of the logging slash will be retained.

Figure 2-1. Small Diameter Material Retention Guideline for Regeneration Harvest Areas



- Conduct timber stand improvement (TSI) on approximately 1,513 acres. This is a non-commercial intermediate stand treatment in stands less than 25 years old. Approximately 20 to 25 crop trees per acre are identified. Any trees whose crowns are touching the crop tree are cut and left. Stands in this condition would remain in the mid-closed canopy habitat condition since not enough trees would be removed to result in open habitat conditions.
- Conduct site preparation natural (SPN) on approximately 823 acres. This treatment is applied soon after a regeneration harvest, a shelterwood with reserves in this case, to enhance the regeneration success of desirable species. Competing undesirable vegetation 2”-6” in diameter is cut and left. Spring-poles and broken saplings may also be cut. The occasional “flat topped” oak sapling that has lost apical dominance may also be cut to foster resprouting of a well formed and vigorously growing stem.
- Conduct non-commercial thinning on approximately 544 acres: This treatment is quite similar to SPN, but may be applied in non-regeneration harvests (e.g. thinnings from below, shelterwoods, and/or hardwood restoration). The purpose of this treatment is to improve the visual appearance of the commercially harvested stands by cutting spring-poles and any broken saplings.
- Construct approximately 297 acres of permanent wildlife clearings approximately 15-20% of the canopy is left (approximately 30 square feet of basal area). Clearing are to be disked, limed, fertilized, and seeded with a non-invasive wildlife mix.
- Construct up to 22 waterholes.

Associated actions for vegetation management activities include construction of approximately 10.1 miles of temporary roads, pre-haul maintenance on Forest System Roads, and construction of 87 landings. Following completion of the proposed management activities all landings, temporary road surfaces, and skid trails would be closed and revegetated with a non-invasive wildlife seed mixture following their use. Temporary roads will be water barred and closed with an earthen berm after their use. Temporary road corridors necessary to access wildlife clearing would be gated, revegetated with a non-invasive wildlife seed mixture, and maintained as linear wildlife clearings.

Table 2-1. Summary (in Acres) of Proposed Vegetation Treatments for the Preferred Action (Alternative 3)

Area	Regeneration Harvest	Shelterwood	Thinning	Restoration	TSI	Total
Beards Mountain	195	36	13	32	399	675
Clifftondale	40	0	35	0	0	75
Craft Road	56	0	27	0	0	83
Limekiln	397	130	347	92	596	1,562
McGraw Hollow	81	0	54	29	126	290
Pads Creek	0	0	95	67	72	234
Sandy Springs	54	0	129	0	320	503
TOTAL	823	166	700	220	1,513	3,422

Prescribed Burns

- Prescribe burn approximately 11,971 acres of National Forest System lands in eleven (11) burn units. However, the decision is based on the analysis of burning 12,449 acres in eleven

(11) burn units which covers two (2) units that encompass Douthat State Park lands. Most of the burn units will use existing roads, trails, and existing burn boundaries as burn boundaries. In addition, there is a need to construct approximately 5.8 miles of dozer line and 0.6 miles of hand line, another 4.4 miles of dozer line is located within existing corridors. After the burn, all new construction, whether dozer or hand-line, will be water barred, revegetated, and blocked to vehicular traffic with necessary berms and signage. Units can be burned multiple times over the project duration based on fire effects, resulting vegetative development towards desired conditions, and funding. This acreage does not include prescribed burns approved in the Warm Springs Mountain Restoration Project decision.

A Prescribed Fire Burn Plan will be completed for each unit area before implementation. This tactical implementation plan will specify parameters, such as weather and fuel conditions, that must be observed before and during implementation. The tactical plan also includes resource coordination requirements. These coordination requirements include provisions for public and employee safety, contingency plans for escaped fire, burn day notified cation of appropriate agencies and persons, smoke management guidelines to ensure compliance with air quality regulations and to maintain acceptable visibility in smoke-sensitive areas, fireline placement, appropriate ignition methods in specific firing patterns, and mop-up and patrol procedures. An appropriate number of trained fire control specialists, as specified in the burn plan, will perform all burning operations.

Boundaries of the area may be ignited with drip-torches followed by strips through the interior to complete burning-out the area, or the interior of the burn area may use aerial ignition from a helicopter. The ignition patterns would be planned to foster cool to moderate burn intensity by igniting the uphill areas first thus creating a backing fire to minimize scorching of overstory trees and preventing large scale patches of overstory tree mortality.

Aquatic Passage/Watershed Improvements

- Stabilize slope failures in Simpson Creek drainage by diverting water from the I-64 culvert outflow to the base of the slope via a flexible pipe extension. An outlet control protection measure would be utilized at the base of the pipe extension. The failed slopes would be cut back to facilitate revegetation of exposed slopes.

If the proposed primary treatment is deemed ineffective after monitoring treatment effectiveness, the treatment would be adapted to meet the purpose and need for action. Class II Rip Rap would be placed in the area of the slope failure to restore the slope to approximate contour post I-64 construction. The site would be accessed from I-64 side of Simpson Creek.

- Replace approximately fifteen (15) impassible culverts with passable structures and remove eight (8) culverts on Slicky Slide road.
- Restore and maintain amounts of Large Woody Debris (LWD) sufficient to maintain habitat diversity for aquatic and riparian-dependent species in 8 streams (Mares Run, Panther Run, Lick Run, Little Wilson, Lick Block, Left Prong Wilson, Smith Creek and Simpson Creek). Supplement existing LWD in streams to attain approximately 200 pieces of LWD per stream mile by directional felling or intentionally placing trees within the stream channel. A piece of LWD is defined as a piece of wood at least partially within the bank full channel width, with a diameter of at least 4 inches (10 cm), and length of at least 4 feet.

Transportation

- Reconstruct FSR 194 (Limekiln) in an entrenched section and close approximately 19 unauthorized roads.
- Decommission approximately 0.9 miles of FSR 125S (Lick Block). Decommissioning this road requires removing culverts including those from all live stream channels, restoring stream channels where culverts are removed, constructing a permanent closure, and removing 0.9 miles of FSR 125S from the Forest Transportation System. This road is currently closed to the public and will no longer be needed once timber harvest operations have been completed in the Sandy Springs area.

Recreation/Wilderness

- Construct approximately 14.6 miles of National Forest System trails in the Pads Creek and Rich Hole areas. Trails would be constructed to the minimum standard necessary for protection of soil, water, vegetation, visual quality, user safety, and long-term maintenance. A Minimum Requirements Analysis using the Minimum Requirements Decision Guide will be completed prior to any new trail construction in designated wilderness. The Excellence by Design process will also be a prerequisite to any trail construction.
- Construct/improve connector trail segments that connect with Douthat State Park. The Excellence by Design process will be a prerequisite to any trail construction.

American Chestnut

- Establish a minimum of one (1) chestnut progeny site in cooperation with The American Chestnut Foundation.
- Plant chestnut seedlings, on approximately 15 acres, as a supplemental planting in proposed harvest units after harvest.

Archeological Resources

- Stabilize Wilson Creek dam.

No changes to open National Forest System Roads (FSR) are proposed. FSR 108 (from mile post 0 to 1.34), FSR 125, FSR 129, FSR 194, FSR 364, and FSR 637 would remain open year round for public use. FSR 108 (from mile post 1.34 to 2.24), FSR 125A, FSR 1745, FSR 194C, FSR 333, FSR 336 (from mile post 0 to 0.14), FSR 361, FSR 361A, FSR 362, FSR 446, and FSR 6021 would remain seasonally open for public use.

The need to treat non-native invasive plants within the project area will be assessed on a case by case basis depending upon the severity of any NNIP infestations. It is anticipated that some regeneration treatments and many shelterwood and hardwood restoration areas may require treatment. Other treatment areas that have been identified are along open and seasonally open National Forest System roads (FSR) and in the Mares Run and Walton Tract areas as needed. The

decision and environmental impacts of treating non-native invasive plants are covered under the George Washington and Jefferson National Forest Forest-Wide Non-Native Invasive Plan Control Project Environmental Assessment and Decision Notice and Finding of No Significant Impact dated December 14, 2010.

Mitigation Measures

Forest Plan direction and standards and guidelines were incorporated into the design of this project.

Other standards and guidelines, including State of Virginia Best Management Practices for Water Quality (BMP's), are mitigation measures to be applied to activities on a project specific basis. The interdisciplinary team also developed project-specific mitigation measures, (EA, Chapter 2 and Appendix G) which are included in my decision.

DECISION RATIONALE

I have chosen Alternative 3 for the following reasons:

The activities planned in Alternative 3 moves the Lower Cowpasture project area towards (1) attaining the Forest-wide Goals and Objectives identified in the Forest Plan; (2) the desired conditions for ecological systems diversity, species diversity, fire, timber management, recreation, cultural resources, roads and facilities, watersheds, and riparian corridors; and (3) the desired conditions for Management Prescriptions 1A, 1B, 2C3, 4C1, 4D, 5C, 7A1, 7B, 11, 12D, and 13.

To move toward the desired ecological systems diversity and species diversity there is a need to establish some young forests and thin other areas in this project area. There is also a need to create some open habitat. This, in turn, would provide forest products to the local economy. To move toward the desired conditions for watersheds there is need to stabilize slope failure in the Simpson Creek drainage, replace impassible culverts with passable structures, and remove culverts from Forest System roads to be decommissioned. To move toward the desired conditions for recreation, cultural resources, and transportation there is a need to create some additional trails in the Pads Creek area, stabilize Wilson Creek dam and decommission National Forest System roads that are no longer needed.

Management activities identified in Alternative 3 such as timber harvest, prescribed burns, wildlife clearings, waterholes, and other applicable habitat management techniques will primarily serve to promote ecological restoration by: 1) promoting desired structural conditions for ecological systems, 2) promoting oak reproduction, 3) enhancing habitat conditions for declining early successional species and other Species of Greatest Conservation Need in Virginia, 4) restoring low diversity stands and systems severely altered from their historic range of variability (e.g., stands <40 years old, systems converted to white pine plantations, fire-dependent systems), and promoting resilient ecological systems capable of absorbing negative effects associated with various natural and human-caused stresses.

Other management activities, such as culvert removal and replacement of standard culverts with crossing structures that allow for full passage of all aquatic organisms, will primarily serve to promote watershed restoration by improving connectivity of streams. Stabilizing slope failures in Simpson Creek will reduce potential for continued erosion and sedimentation. Placement of large woody debris will help promote watershed restoration. Wilson Creek dam a known cultural resource

will be protected.

I carefully reviewed and weighed the comments received during scoping and during the notice and comment period in the development of this decision and used them to guide my decision. I have also considered the issues identified during scoping and the comment period in developing and evaluating the alternatives. Implementing Alternative 3 as modified in this decision demonstrates the Forest's commitment to the public to protect soils, water quality and aquatic resources, wildlife resources, PETS, cultural resources, recreation opportunities and scenic quality and provides a diverse mixture of high quality aquatic and terrestrial habitat while providing for forest protection, public safety and forest timber products now and in the future. Comments are addressed in the EA in Appendices K and L.

The Lower Cowpasture Restoration and Management Project EA documents the environmental analysis and conclusions upon which this decision is based.

OTHER ALTERNATIVES CONSIDERED

Two other alternatives were analyzed and considered in detail. The following is a brief description of the alternatives and the reason for non-selection. The EA provides a complete analysis of all alternatives considered in detail.

Alternative 1: This was the "No Action" alternative. This alternative was not selected because it does not satisfy the primary purpose and need for the proposed action. This alternative does not move the project area towards the desired conditions for ecological systems diversity, species diversity, fire, timber management, recreation, cultural resources, roads and facilities, watersheds, and riparian corridors.

Alternative 2: This was the "Proposed Action" alternative. While this alternative meets the purpose and need for action as described in Chapter 1 of the EA, it does not address as many of the concerns and suggestions raised during the planning process. Public collaboration has been a key part of the planning process for the Lower Cowpasture project. Our goals for public collaboration associated with this planning process were: to ensure that all individuals and groups interested in or affected by the Lower Cowpasture project had the opportunity to be informed and participate in the process; to reach an informed understanding of the varying interests; and to consider these interests in developing the proposed action and alternatives. Alternative 2 is described in detail in the EA (EA, page 21-25).

The EA also documents 14 other alternatives that were considered but eliminated from detailed study.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on George Washington and Jefferson National Forests Schedule of Proposed Actions (SOPA) in the second quarter of calendar year 2013 as the Lower Cowpasture Restoration EA and updated periodically during the analysis. The name was changed to the Lower Cowpasture Restoration and Management EA in the first quarter of calendar year 2015.

When developing the proposed action, the interdisciplinary team hosted nine public workshops and three public field tours between 2013 and 2014. The purpose of these workshops and tours was to share information and ideas on how to effectively reach the objectives for the project.

People were invited to review and comment on the proposal through mailings and public workshops. A request for input was mailed to interested parties on February 4, 2014 to assist the Interdisciplinary Team (IDT) in determining issues, concerns, and potential projects. On July 14, 2014, a scoping letter was mailed to interested agencies, organizations, and individuals requesting input on the project. A draft environmental assessment was released to the public and Legal Notices were published in *The Recorder* on May 14, 2015 and the *Virginian Review* on May 16, 2015 initiating a 30-day comment period.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

I have determined that the actions associated with this project are not a major Federal action individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed and will not be prepared. This determination is based on the following factors:

CONTEXT

The physical and biological effects of this action vary according to the resource issue being analyzed. These impacts are primarily limited to the Lower Cowpasture Restoration and Management Project area of the James River and Warm Springs Rangers Districts. Both beneficial and adverse impacts of this project have been considered and these activities will not cause a significant effect to the quality of the human environment (EA, Chapter 3).

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.**

Consideration of the intensity of environmental effects is not biased by beneficial effects of the action (EA, Chapter 3). Both beneficial and adverse impacts of this project have been considered and these activities will not cause a significant effect on the quality of the human environment, because mitigation measures identified in the EA will be implemented to avoid or minimize environmental effects. Based on discussions in the EA, there are no known significant irreversible resource commitments or irretrievable loss of timber projection, diversity, wildlife habitat, soils production or nutrients, water quality, aquatic habitat, old growth, or recreation opportunities. Potential adverse effects of this project are expected to

be within thresholds that historically have not resulted in impacts that would be considered significant.

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

There will be no significant effects on public health and safety because Logging activities will not occur adjacent to areas of public concentrated use. The project area will be accessed using State Routes (SR) 39, SR 42, SR 606, SR 629, SR 632, SR 633, SR 683, SR 777, and SR 780; and Forest System Road (FSR) 125 (Sandy Springs), FSR 125S (Lick Block), FSR 129 (Pads Creek), FSR 194 (Limekiln), FSR 194A (Limekiln Spur), FSR 333 (Craft), FSR 336 (McGraw Hollow), FSR 336A (McGraw Hollow (Big Lake)), FSR 336B (McGraw Hollow Spur), FSR 337 (Walton), FSR 337G (Upper Boat Launch), FSR 361 (Beards Mountain), FSR 361A (Beards Mountain Spur), FSR 361E (Blueberry Hill), FSR 362 (Orebank), FSR 446 (Cliffondale), FSR 1901 (Brushy Ridge). "Caution Log Trucks" safety signs will be placed along State Route 629 and State Route 633 before the start of logging operations. Prescribed fire burn plans will be prepared prior to ignition and will identify needed personnel, weather conditions, and other safeguards to ensure that the prescribed burn is completed safely as planned. (See EA, Chapters 2 and 3)

3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no significant effects on unique characteristics of the area because these characteristics would not be affected by the action (See EA Chapter 3).

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

The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. The best available science was considered in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk (EA, Chapter 3).

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

The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (See EA, Chapter 3).

6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.

The action will not establish a precedent influencing approval of future actions with significant effects nor does it represent a decision in principle about a future action. The scope of this decision is limited to National Forest System lands within Lower Cowpasture Project area; the action is not likely to establish a precedent for future actions with significant effects, because the proposed control methods are well established and have been utilized in the past. (See EA, Chapters 2 & 3).

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The cumulative impacts are not significant. No other past, present, or reasonably foreseeable future project or activities that were identified whose effects could combine with this action and result in a significant cumulative effect (EA, Chapter 3).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

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 there are no effect to any cultural resources listed or eligible for inclusion in the National Register of Historic Places (EA, page 196). The State Historic Preservation Office (SHPO) has concurred with this finding by letters dated October 10 and October 17, 2014. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because there are no effects to any significant scientific, cultural, or historical resources. The State Historic Preservation Office concurred with this finding on October 10 and October 17, 2014.

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.**

The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because no unique habitats which would support any know T&E species were found within areas of ground disturbing activities. A Biological Evaluation/Biological Assessment of Threatened, Endangered, Proposed and Forest Service Sensitive Species of the Lower Cowpasture Restoration and Management Project dated March 13, 2015, considered all known federally listed species. This Biological Evaluation/Biological Assessment (BE/BA) documents the analysis of potential effects of the proposed project alternatives to these species and associated habitat. It serves as biological input into the environmental analysis for project-level decision making to ensure compliance with the ESA, National Environmental Policy Act (NEPA), and National Forest Management Act (NFMA). All Forest Plan mitigation measures will be integrated into all applicable management activities. Regarding the Indiana bat, planned activities will not exceed the activity limitations of the Biological Opinion's incidental take restrictions of the GW/Jefferson National Forests. (See EA, pages 158-160, and Project Biological Evaluation/Biological Assessment)

The BE/BA was submitted to the US Fish and Wildlife Service as part of the on-line project review system of the Virginia Field Office as part of the informal consultation process. Concurrence of effect determination was received on March 30, 2015.

The northern long-eared bat has been listed as a threatened species May 4, 2015. We are in the process of formally consulting with the US Fish and Wildlife Service on the northern long-eared bat. We do not expect this consultation and subsequent Biological Opinion to result in any changes to the project and the Decision Notice will not be signed before consultation is completed. If the Biological Opinion results in any changes to the project, we will put out a new legal notice and restart the objection period for this project.

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.**

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 (see EA pages 26). The action is consistent with the George Washington National Forest Land and Resource Management Plan.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

FOREST PLAN CONSISTENCY

The Forest Plan, as amended, has been reviewed to determine whether the decision being made is consistent with the present management prescriptions direction, the National Forest Management Act (NFMA), and other laws and regulations. This decision is consistent with the George Washington National Forest Land Management Plan. The project was designed in conformance with forestwide desired conditions, objectives, and standards for Ecological Systems Diversity, Species Diversity, Watersheds, Timber Management, Recreation, Cultural Resources, Roads and Facilities. The decision is also designed in conformance with specific management prescription desired conditions and standards for Management Prescriptions 1A, 1B, 2C3, 4C1, 4D, 5C, 7A1, 7B, 11, 12D, and 13.

Management activities identified in Alternative 3 such as timber harvest, prescribed burns, wildlife clearings, waterholes, and other applicable habitat management techniques will primarily serve to promote ecological restoration by: 1) promoting desired structural conditions for ecological systems, 2) promoting oak reproduction, 3) enhancing habitat conditions for declining early successional species and other Species of Greatest Conservation Need in Virginia, 4) restoring low diversity stands and systems severely altered from their historic range of variability (e.g., stands <40 years old, systems converted to white pine plantations, fire-dependent systems), and promoting resilient ecological systems capable of absorbing negative effects associated with various natural and human-caused stresses. (Forest Plan, pages 2-14 thru 2-16, 2-20, 2-23 and 2-24)

Other management activities, such as culvert removal and replacement of standard culverts with crossing structures that allow for full passage of all aquatic organisms, will primarily serve to promote watershed restoration by improving connectivity of streams (Forest Plan, page 2-2). Stabilizing slope failures in Simpson Creek will reduce potential for continued erosion and sedimentation. Placement of large woody debris will help promote watershed restoration. Wilson Creek dam a known cultural resource will be protected. (Forest Plan, page 2-2, 2-29 and 4-118)

SUITABILITY FOR TIMBER MANAGEMENT

All the cutting units described in Appendix A as being selected to receive treatments meet the criteria of being on land suitable for timber production as described by the Forest Plan, Appendix C. These lands have undergone a three stage process that considered physical suitability (site productivity), financial suitability, and consideration of the DC's for various management prescription areas. This analysis determined that some 452,000 acres across the George Washington National Forest, including the acres to be harvested under this site-specific analysis, are suitable for timber production. These stands contain chestnut oak, white oak, scarlet oak, black oak, northern red oak, yellow poplar, eastern white pine, Virginia pine, and pitch pine upland hardwood stands (EA, Chapter 3). Thus, they meet the final site-specific determination for suitable lands as described in Appendix

C of the Forest Plan. The land base within compartments, considered for harvest in this project area are suitable for timber harvesting as defined in the Appendix C of the Forest Plan.

APPROPRIATENESS OF EVEN-AGED MANAGEMENT

Although the modified shelterwood harvest method is technically a two-aged silvicultural system, it has traditionally been considered an even-aged management technique with respect to NFMA. This harvest treatment along with shelterwood harvest method is appropriate for all stands proposed with these harvest method as described on page C-11 of the Forest Plan. This harvest method is either recommended or recommended with conditions for the ecological systems contained within these stands.

Furthermore, even-aged management of these units will help achieve the purpose and need of promoting desired structural conditions for ecological systems, promoting oak reproduction, and enhancing habitat conditions for declining early successional species and other Species of Greatest Conservation Need in Virginia. The "Decision Rationale" section of this Decision Notice discusses specifically how the Lower Cowpasture Restoration and Management Project proposal will achieve these Forest Plan goals.

An alternative that would utilize uneven-aged management was considered but eliminated from detailed study for the Lower Cowpasture Project analysis. The Interdisciplinary Team determined that uneven-aged management in this area would not be consistent with the Forest Plan direction. Appendix C of the Forest Plan, page C-7, states that three criteria must be met for uneven-age management to be considered in an area: (1) be at least 100 acres in size, (2) have slopes from 0% to 20%, and (3) be near an existing road. These criteria were developed during the Forest Plan revision to identify the limiting physical features for a viable commercial timber sale utilizing uneven-age harvesting methods. In the absence of any of the three criteria, a viable uneven-age sale offering does not exist, irrespective of other biological and social considerations. The characteristics of each stand within the proposed sale area and adjacent compartments were reviewed to determine the location of lands meeting the above uneven-aged criteria. This area does not contain any land meeting all three criteria. Therefore, uneven-age management was dropped from further consideration.

ABILITY TO REGENERATE STANDS

Regeneration of these stands is expected to occur by the end of the 5-year period beginning from the date that logging is completed and the sale contract has been terminated. Regeneration will derive primarily from existing advanced regeneration and seed in place. Hardwood stump sprouting would supplement regeneration in all harvested stands (EA, Chapter 3).

VEGETATION MANIPULATION

These actions which alter vegetation comply with the seven requirements of 36 CFR 219.27(b) and are consistent with Forest Plan Direction.

This action is best suited to the multiple use goals established for the area. As previously stated, this action would help achieve the Forest Plan goals for ecological systems diversity, species diversity, fire, timber management, recreation, cultural resources, roads and facilities, watersheds, and riparian corridors; This action would achieve these goals while minimizing impacts to biological, cultural, aesthetic, and economic resources (EA, Chapter 3).

This action assures that all regenerated acres will be adequately stocked with desirable trees species, as previously described.

While this action will result in the approximate production of 29,990 CCF (hundred cubic foot) of wood products and an estimated net revenue of \$123,866, the action was not chosen primarily because it gave the greatest output and return. The action was chosen primarily because it would move towards the Desired Condition of the area by improving the ecological diversity including structural diversity and species diversity. This would also help provide a stable supply of wood products that contributes to social and economical well-being of the people living in the area and helps maintain a way of life long associated with those living within the area.

The potential effect on residual trees and adjacent stands was considered in choosing this alternative. The impacts of timber harvesting on risk of oak decline and susceptibility to gypsy moth impacts on the residual stands were considered.

This action will avoid permanent impairment of site productivity and ensure conservation of the soil and water resource through the application of mitigation measures found in the EA. Analysis of the impacts to the soil and water resource concluded that these impacts are not expected to be significant (EA, Chapter 3).

This action will adequately mitigate impacts to the water resource, wildlife resource, and fisheries resource. This action will also adequately mitigate impacts on the recreation and aesthetic values of the area.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

OBJECTION OPPORTUNITIES

This decision is subject to objection pursuant to 36 CFR 218 and must meet all of the requirements of 36 CFR 218.8. Objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with 36 CFR §218.5(a). Issues raised in objections must be based on previously submitted, timely and specific written comments regarding the proposed project unless based on new information arising after the designated comment opportunities. Incorporation of documents by reference is not allowed, except for the following items that may be referenced by including date, page, and section of the cited document, along with a description of its content and applicability to the objection: 1) All or any part of a Federal law or regulation; 2) Forest Service directives and land management plans; 3) Documents referenced by the Forest Service in the proposed project environmental analysis document that is subject to objection. All other documents must be included with the objection.

At a minimum, an objection must include the following: objector's name and physical mailing address; signature or other verification of authorship upon request; identification of the lead objector when multiple names are listed; name of the proposed project; name and title of responsible official; and name of national forest unit(s) on which the project will be implemented (36 CFR §218.8[d]).

A written objection, including attachments, must be postmarked or received within 45 days after the date that notice of this draft decision is published in *The Recorder* and *Virginian Review*. Electronic objections in common formats (.doc, .rtf, .pdf, or .txt) may be submitted to: objections-southern-georgewashington-jefferson@fs.fed.us with Subject: Lower Cowpasture Restoration and Management Project. Objections may also be faxed to (540) 265-5145 to the attention of "OBJECTION: Lower Cowpasture Restoration and Management Project," sent by mail to the following

address, or hand-delivered during normal business hours of 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays:

Tom Speaks, Forest Supervisor
ATTN: Objections
George Washington and Jefferson National Forests
5162 Valleypointe Parkway
Roanoke, VA 24019

If an objection is received, notice of an objection resolution meeting open to the public will be posted on the George Washington and Jefferson National Forests website.

IMPLEMENTATION DATE

As per 36 CFR 218.12, if no objection is received within the legal objection period, this decision may be signed and implemented on, but not before, the fifth business day following the close of the objection-filing period. If an objection is filed, this decision cannot be signed or implemented until the reviewing officer has responded in writing to all pending objections.

CONTACT

For additional information concerning this decision, contact: Patrick Sheridan, District Ranger, James River Ranger District, 810A Madison Avenue, Covington, VA 24426, by phone at (540) 962-2214 or Warm Springs Ranger District, 422 Forestry Road, Hot Springs, VA 24445, and by phone at (540)-839-2521.

PATRICK ROY SHERIDAN
District Ranger

Date

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