

Decision Memo
Timberline FR339 ATV Trail
Loop “E”
USDA Forest Service
Marienville Ranger District, Allegheny National Forest
Elk County, Pennsylvania

I. DECISION

A. Description of Decision

I have decided to implement the following activities: 1) place approximately 60 tons of topsoil (obtained from the Forest Road (FR)339 gravel pit (play area)) on a former dispersed campsite located on the E-loop and also on an open area located approximately 20 feet to the east of the campsite, 2) transplant approximately 50-60 (3’-9’) white spruce trees from the first Oil, Gas, and Mineral (OGM) road on the south side of FR339 located directly east of the FR339/FR136 intersection, 3) cut approximately 0.5 acres of small saplings and trees less than or equal to 6 inches in diameter located near boulders on the northern, western, and eastern side of the campsite to provide sufficient sunlight, 4) create brush piles for habitat using the slash from the felled trees, and 5) prohibit riding between the hours of 7:00pm and 6:00am on the section of trail between the Beuhler’s Corners parking area on FR136 and the intersection of the D-loop located south of the FR339/All-Terrain Vehicle (ATV) trail intersection from the Friday before Memorial Day to the last Sunday in September.

B. Purpose of Decision

After numerous surveys by District specialists over the past five years, it has been determined that a section of the E-loop on the Timberline ATV trail is in conflict with a sensitive resource. This decision is based on the need to: 1) minimize conflict between ATV riders and a sensitive resource, and 2) ensure the safety of the public.

The Land and Resource Management Plan (Forest Plan) for the Allegheny National Forest (ANF), as amended (1986), divides the Forest into different Management Areas (MA). The Forest Plan provides management direction for each MA. This project area falls into MA 6.1. The goals and objectives for MA 6.1 are described on pages 4-110 through 4-124. The purpose of this project is to protect a sensitive resource.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.12 or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

This project is within the categories of exclusion **31.12(1)**, **31.12(4)**, and **31.2(6)** that includes 31.12 (1): “Prohibitions to provide short-term resource protection or to protect public health and safety.”

31.12 (4): “Repair and maintenance of roads, trails, and landline boundaries.”

31.2 (6): “Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction.”

B. Relationship to Extraordinary Circumstances

1. Proposed, Threatened, or Endangered Species or their Critical Habitat and Sensitive Species -

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. There is no designated critical habitat for any federally threatened or endangered species on the ANF. Preliminary surveys have been completed at this site. There is a high probability that this decision will have no effect on proposed or listed species. Additionally, this decision will not adversely modify or destroy critical habitat or jeopardize the continued existence of listed species.

Forest Service manual 2670 requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. On February 29, 2000, the Regional Forester approved the sensitive species list. There is a high probability that the decision, when implemented with specific design features, will have no impact on sensitive species and will not cause a trend toward federal listing of these species.

2. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “... the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

This decision does not include activities within or adjacent to floodplains. This has been validated by map and site review. This decision will not affect floodplains.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction.

Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

This decision does not include activities within or adjacent to wetlands. This has been validated by map and site review. This decision will not affect wetlands.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in forest plans. The only municipal watershed on the district is the Ridgway municipal watershed. The project is not located in or near this area. This has been validated by map and site-review. This decision will not affect municipal watersheds.

3. Congressionally Designated Areas -

Wilderness:

This project is not in or near designated wilderness. Wilderness is identified on the Forest as Management Area 5 (Forest Plan, p. 4-97). The project is located in Management Area 3.0 (Forest Plan, pp. 4-82 through 4-96). This decision, with impacts limited to the immediate area of activity, will not affect Wilderness Areas.

Wilderness Study Areas:

There are no Wilderness Study Areas on the Forest. This decision will not affect Wilderness Study Areas.

National Recreation Areas:

The Allegheny National Recreation Area (NRA) is the only NRA on the ANF (Forest Plan FEIS, p. 4-151). The project is not located in or near this area. This has been validated by map and site-review. This decision will not affect the Allegheny NRA.

Wild and Scenic Rivers:

There are two Wild and Scenic Rivers, the Allegheny and Clarion Rivers, on the ANF. This project is not located adjacent to or near these rivers. This has been validated by map and site-review. This decision will not affect either of the Wild and Scenic Rivers.

4. Inventoried Roadless Areas -

There are no inventoried roadless areas (RARE II or Forest Plan) in or near the decision area. This decision will not affect inventoried roadless areas.

5. Research Natural Areas -

The Tionesta Research Natural Area is the only Research Natural Area on the ANF (Forest Plan FEIS, p. 3-31). This project is not located in or near the Tionesta Research Natural Area. This decision will not affect Research Natural Areas.

6. Native American Religious or Cultural Sites -

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register of Historic Places. The

Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes' reserved rights are protected. There are no reserved tribal rights on the Allegheny National Forest. The ANF is in the process of contacting the Seneca Nation of Indians, Tribal Historic Preservation Office (THPO) regarding this project.

7. Archaeological sites or historic properties or areas -

While Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects on eligible and unevaluated cultural resources, the Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts. A heritage resource review and field survey was completed for this project. This project will not impact any known heritage resources or sites nor is it likely to impact any unidentified heritage sites. The Forest Service is in the process of consulting with the State Historic Preservation Office (SHPO) and the Seneca Nation of Indians (THPO).

No other extraordinary circumstances related to the project were identified.

III. PUBLIC INVOLVEMENT

The following methods were used to inform the public of the opportunity to comment on this proposal:

1. A meeting was held at the Marienville District Office on February 10, 2006. Various members of the ATV riding organizations voiced their concerns pertaining to this project.
2. A field meeting was held on-site on March 22, 2006. Two members of an ATV riding organization and a Pennsylvania Fish and Boat Commission volunteer voiced their concerns pertaining to this project.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Forest Plans). The Allegheny Forest Plan was approved in 1986, as required by this Act. It has since been amended 14 times. The amended plan provides for guidance for all natural resource management activities on the Forest. The Act requires all projects and activities are consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project. This decision is responsive to

guiding direction contained in the Plan, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the Forest Plan.

Vegetation Manipulation (National Forest Management Act) - This Act requires that vegetation manipulation of tree cover for any purpose will comply with the requirements in the forest-wide standards and guidelines, direction for Management Area 3.0, and mitigation measures specific to this project.

- *The purpose and need for action are stated in the Section I of this document. This decision is responsive to the purpose and need for action.*
- *Assure that technology and knowledge exists to adequately restock lands within five years after final harvest. Restocking is not applicable, as not timber harvesting is taking place.*
- *This decision was based on a variety of reasons. Economics was only one of the many factors considered.*
- *The effects on residual trees and adjacent stands have been considered. The overall direction and standards and guidelines contained in the Forest Plan are designed to provide the desired effects of management practices on the resource values. This decision is consistent with the Forest Plan and provides the desired effect on residual trees and adjacent stands.*
- *This decision avoids impairment of site productivity. The nature of the project and use of Forest Plan standards and guidelines and attached design features will protect soil and water resources.*
- *The overall direction and standards and guidelines contained in the Forest Plan are designed to provide the desired effects of management practices on water quality and quantity, wildlife and fish habitat, regeneration of desired tree species, recreation users, aesthetic values, and other resource yields. This decision is consistent with the Forest Plan and provides the desired effect on the above resources.*
- *The project area is adequately roaded; no new permanent or temporary roads are necessary to implement this decision. The treatment in this decision is appropriate to accomplish project objectives, and is economically practical.*

Endangered Species Act – See Section II, Item B1 of this document.

Sensitive Species (Forest Service Manual 2670) – See Section II, Item B1 of this document.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) - See Section II, Item B2 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B2 of this document.

Clean Air Act - Under this Act areas of the country were designated as Class I, II, or III attainment areas for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. There are no Class I attainment areas on the ANF. The Forest is classified as Class II attainment areas. A greater amount of additional human-caused air pollution may be added to these areas but must still meet Commonwealth and National Air Quality Standards. No areas on the Forest have been designated as Class III at this time.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical.

Site features and field review substantiate that no caves are in the decision area. No known cave resources will be affected by this decision. Subsequently, identified caves will be protected.

National Historic Preservation Act – See Section II, Item B6 and B7 of this document.

Archeological Resources Protection Act – See Section II, Item B6 and B7 of this document.

Native American Graves Protection and Repatriation Act – See Section II, Item B6 and B7 of this document.

Wild and Scenic Rivers Act – See Section II, Item B3 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

V. DESIGN FEATURES

- If a rattlesnake is observed at any time during the implementation of the activities included in this project, then any and all activities will stop and all USFS personnel will leave the area. Activities can then resume the following morning.

- All mast-producing trees and shrubs will be retained.
- All tree-cutting will be performed before 10:00am EST.
- A USFS biologist will be on-site for the following activities; top soil transport and placement, tree transport and planting, tree and sapling removal, and brush pile creation.
- No trees over 6” in diameter will be cut.
- All trees will be felled in a direction away from boulders and cobblestones.

VI. ADMINISTRATIVE REVIEW OR APPEAL

This decision is not subject to appeal pursuant to 36 CFR 215.12(f).

VII. IMPLEMENTATION DATE

Implementation of this decision can begin immediately.

VIII. RESPONSIBLE OFFICIAL AND CONTACT PERSON

The Responsible Official is:

Robert T. Fallon, Acting District Ranger
 Marienville Ranger District
 Allegheny National Forest
 HC 2 Box 130
 Marienville, PA 16239

Questions regarding this Decision Memo should be directed to the Responsible Official or Kevin Treese, District NEPA Coordinator, at (814) 927-6628.

IX. CONCLUSIONS, SIGNATURE, AND DATE

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15, Sections 31.12 or 31.2 and there are no extraordinary circumstances related to the decision that may result in a significant or cumulative environmental effect. My conclusion is based on information presented in this document and the Project File.

/s/ Robert T. Fallon

4-13-2006

ROBERT T. FALLON
 Acting District Ranger

Date

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