

## **Appendix A**

### **Allegheny National Forest**

### **Timberline ATV Trail Relocation Project**

### **Scoping Content Analysis Report**

This report summarizes the public involvement process for the Timberline ATV Trail Relocation (TATR) Project and presents analyses based on the public comments received. The U.S. Department of Agriculture-Forest Service (USDA-FS), Allegheny National Forest (ANF), Marienville Ranger District is proposing to implement the TATR Project, which includes the relocation and construction of a new section of the Timberline ATV Trail, pit expansion, trail decommissioning, and timber harvest.

The scoping period began on December 20, 2007, when the Marienville Ranger District sent a scoping letter to 17 interested parties and organizations. The scoping letter included a description of the process for submitting scoping comments and a project map. On December 18, 2007, a scoping news release was sent to local newspapers and other media. The project was also included in the ANF Schedule of Proposed Actions (SOPA) beginning with the April, 2007 issue. Lastly, the USDA-FS posted information about this project on the ANF website on December 18, 2007.

The public scoping period for this project ended January 22, 2008. Comments were received by regular mail and electronic mail (e-mail) from 94 respondents. Of these, 76 were form letters and three of the form letters included additional comments (Sachau, Rice, and Stambaugh). One of the respondents, (Ryan Talbott, Allegheny Defense Project) in addition to submitting written comments, also submitted photographs and comments via an internet slideshow. The comments from this slideshow are included in this scoping summary in Appendix B. Some respondents also submitted ATV trail reroute locations for consideration. Appendix C contains a map showing each section of their respective proposals, and includes the Forest Service rationale for not including these sections in our trail relocation proposal.

The following is a list of the respondents who submitted comments for the scoping period:

1. Ryan Talbott, Allegheny Defense Project
2. Dick Lepley
3. Don A. Clymer
4. David J. Zaber
5. Michael A. Babusci
6. Ed Atwood
7. Richard J. Mauk
8. Adam Jeffery
9. D. David Hayes
10. Barbara Sachau
11. Form letter (79 form letters received)
12. Ribello M. Bertoni
13. Bob Bernhardt
14. Chad Peeling
15. Robert E. Lioi
16. Mike Torocco
17. Ruth Stambaugh
18. Rebecca R. Leas
19. MaryEileen Rice

The original respondent letters are included in the project file. Comments were analyzed by coding each statement by subject, comment type, and disposition. All scoping comments were reviewed to identify those comments dealing with site specific effects to resources versus process or beyond the scope of the project comments. Comments from Jeffery, Lioi, Peeling, Bernhardt, Bertoni, Torocco, Mauk, and Hayes were supportive of the proposed action. Site specific comments or information requests are addressed below.

### **Comment #1-A**

There are two critical points to take away from this. First, male rattlesnakes “can move several miles from a den.” In this case, the proposed relocation is no more than one mile from the existing trail and in many areas is actually much closer. So clearly, the proposed relocation is still within range of free-ranging and dispersing adult males. (ADP)

#### ***Forest Service Response:***

*There are multiple travel corridors in this area and in other areas of the ANF which may impact dispersing rattlesnakes. Our main objectives for this project are to decrease the amount of human activity at or near the crucial habitat of the den site and prohibit ATV traffic at the current trail location in order to protect gravid females, neonates, and juvenile snakes, which rarely travel far from the den (Gibson, 2003). The Pennsylvania Fish and Boat Commission, in their Species Impact Review of this den site, noted that “the short home range of these animals, particularly gravid females and neonates, makes snakes in this area vulnerable to predation, take and other disturbances (e.g. ATV traffic).” (PFBC Species Impact Review, August 15, 2006).*

*The high probability of snake/vehicle collisions is due to the trail being located in an area where snakes congregate and are present and above ground for approximately six months of the year. Due to the location of the current ATV trail in relation to the den, there is an increased probability that a rattlesnake could be run over by an ATV on the trail at this den site and, as snakes disperse away from the den in late spring/early summer, the less likely that snake will be involved in an ATV collision – our objective is to decrease the probability that a snake will be involved in a vehicle collision at the den site.*

*Protecting the integrity of the den site, as described in this project, means eliminating a potential and probable conflict with ATV traffic, due to the trail being located through the den site, and relocating that traffic to an area where rattlesnakes may still travel through, but do not congregate in.*

### **Comment #1-B**

Second, “the majority of the individual timber rattlesnakes, which are found at a given den site, spend much of their time in these areas basking, feeding, mating and giving birth within several hundred yards of the den site.” As we just mentioned, many areas of the proposed trail relocation are not very far from the existing trail, particularly the area of trail proposed for new trail construction. In fact, the segment proposed for new trail construction parallels the existing trail for some distance before veering west over Red Lick Run. At that point, the two trails (existing and proposed) are between 1/8 and ¼ mile apart, or “several hundred yards of the den site.” Thus, the distance of the proposed trail relocation is insufficient to actually protect timber rattlesnakes. (ADP)

#### ***Forest Service Response:***

*Please refer to the response to Comment #1-A.*

**Comment #1-C**

There are other wildlife concerns as well. The Forest Plan FEIS identified at least five active northern goshawk nests in the IUA's under the selected alternative Cm.<sup>1</sup> Are any of these nests within the Highland/Owl's Nest/Twin Lakes IUA? Are any of the nests within or near the project area? The impacts to these and other sensitive, threatened, and endangered species must be considered in an EA or EIS. (ADP)

***Forest Service Response:***

*After performing a search in the FAUNA database, it was determined that, according to our records, there have been no goshawk nests near the project area. If a goshawk (or other species of raptor) nest is discovered in or near the project area, ANF Land and Resource Management Plan standards and guidelines will be implemented.*

*In addition, a Biological Assessment and Biological Evaluation (BA/BE) were prepared for this project. These documents analyze the effects and or impacts of the federal action(s) being proposed.*

**Comment #1-D**

After ADP's survey of the area proposed for new trail construction, we were struck by the way the trail seemed to needlessly double back towards the existing trail, cross Red Lick Run and its tributary twice, then turn north toward a natural gas pipeline. As demonstrated in our slideshow, there are many valuable black cherry trees in this area. Is this at least part of the reason the Forest Service proposed this route for the trail relocation? It would certainly appear that there are better alternative locations for rerouting the trail without the need for new trail construction. The Forest Service needs to consider these other alternatives. How much timber is the Forest Service planning to cut? How much of that timber will be black cherry? Will the amount of timber cut count toward the Allowable Sale Quantity? (ADP)

***Forest Service Response:***

*Generally, on the ANF, the construction of ATV trails does not include a substantial amount of timber harvesting. Typically, an eight foot subgrade is all that is necessary in order to construct a six foot wide trail tread. As demonstrated in other ATV trail projects, timber harvest is kept to a minimum. The intention is to give ATV riders a trail experience in a natural forested setting. Most of the trees to be cut would be < 6 inches DBH. All sawlog sized trees would be left standing unless they pose a hazard to the contractor building the trail and/or ATV riders after the trail is completed. Timber harvested under this project would contribute to the Allowable Sale Quantity.*

*The presence or absence of black cherry trees was not a factor in the proposed reroute location. Please refer to Appendix C, which includes trail reroute locations submitted by the public and the rationale as to why we did not propose the trail relocation at these locations.*

**Comment #1-E**

The black cherry monoculture area is adjacent to the "play pit" on FR 339. As demonstrated in ADP's slideshow, this area is an inappropriate use of public forestland, not to mention just an embarrassing mess. The Forest Service should reclaim the "play pit" adjacent to FR 339 and restrict its use by ATV riders. (ADP)

***Forest Service Response:***

*This is one of five pit play areas identified in the preferred alternative (E), for the Timberline ATV Trail EA decision signed on May 2, 1990. These "pit play areas" were thoroughly analyzed feature*

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<sup>1</sup> Final Environmental Impact Statement, Allegheny National Forest, March 2007. p. 3-233.

*incorporated into the project in order to eliminate illegal unmanaged ATV activity adjacent to the trail.*

*This pit play area is located in an old rock pit on the plateau and therefore is a depression with no surface water flowing out of the pit area. Water that enters the pit remains there until it evaporates or infiltrates to the water table being filtered as it goes. As a result, the pit is not a surface or subsurface concern.*

### **Comment #1-F**

The Forest Service needs to amend the forest plan to remove the IUA designation within 2 miles of the timber rattlesnake den sites here and across the forest.

The Forest Service claims:

“This project falls within category of exclusion 31.2(1). This category allows the, ‘Construction and reconstruction of trails.’”

Interestingly, the Forest Service did not include the rest of the language associated with this CE. The whole CE reads as follows:

- 31.2(1) Construction and reconstruction of trails. Examples include but are not limited to:
- a. Constructing or reconstructing a trail to a scenic overlook.
  - b. Reconstructing an existing trail to allow use by handicapped individuals.

Categorically excluding this trail relocation is inappropriate. It is clear from the plain language of the regulation that it was intended for projects much more benign than this project. While the Forest Service qualified the CE, it is clear from the examples cited that the construction and reconstruction of nearly 2 miles of ATV trail in a project area with multiple extraordinary circumstances exceeds the intent of this CE. The Forest Service is improperly stretching the meaning of the CE to fit the proposed action. The Forest Service, however, must prepare at least an EA for this project. (ADP)

### ***Forest Service Response:***

*Amending the Forest Plan to remove the IUA designation within 2 miles of the timber rattlesnake den sites here and across the forest is beyond the scope of this project.*

*As described in FSH 1909.15 30: “The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is (1) the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and (2) if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.” There are no extraordinary circumstances related to this project proposal. Please refer to the Proposed Decision for considerations of resource conditions and rationale related to extraordinary circumstances.*

*The Decision Notice for the Timberline ATV Trail Environmental Assessment (EA) was signed on May 2, 1990. This decision approved the construction of approximately 29 miles of ATV trail. This trail has been in use since 1992 and, based on our proposal to relocate 1.6 miles of trail, 1.3 miles of which would be located on existing corridors, in order to protect a sensitive species, we believe that this project can be categorically excluded from further analysis.*

### **Comment #1-G**

We request that the Forest Service reconsider its plans to CE this project. It does not fit the intent of CE 31.2(1) and there are numerous extraordinary circumstances that necessitate the need for an EA or EIS. Additionally, the proposed action does not appear to actually protect timber rattlesnakes or their

habitat and would increase impacts on the Red Lick Run watershed. Finally, there appears to be several reasonable alternative locations for rerouting the trail that should be explored in an EA or EIS. (ADP)

***Forest Service Response:***

*This project proposal would relocate 1.6 miles of this trail to protect a sensitive species.*

*Please refer to the response to Comment #1-F and the Proposed Decision for a discussion on categorical exclusions and extraordinary circumstances.*

*Please refer to the response to Comment #1-A for the rationale of how the proposed action would protect rattlesnakes and their habitat.*

*Please refer to the response to Comment #6-A for anticipated impacts after design features, standards, and guidelines are implemented, to the Red Lick Run watershed.*

*Also, Forest Service management requires an integrated approach to all federal actions, including those which involve wildlife species and recreation use. We believe that relocating this section of trail is a reasonable compromise to meet the “needs” of the ATV riders and to protect crucial habitat for the timber rattlesnake and sustain the viability of this population.*

*Please refer to Appendix C, which includes trail reroute locations submitted by the public and the rationale as to why we did not propose the trail relocation at these locations.*

**Comment #1-H**

Even if that is not the case, there are still several “non-system” roads that connect to the existing ATV trail. While the trail itself may be “decommissioned” to ATV activity, will it be “decommissioned” to other activities, such as oil and gas drilling or future timber sales? The section of ATV trail hardened with the special interlocking concrete trail blocks is constructed parallel to an existing roadway currently not in use - but never the less, that road section running downhill and parallel to the ATV section to Red Lick Run is not being decommissioned as far as we can tell and can be used by oil and gas operators. That means that the Forest Service allowed construction of a roadway and an ATV trail through rattlesnake den and habitat. Now it wants us to trust its plan to categorically exclude this trail relocation for a sensitive species when neither of these constructions should have taken place in the first place. (ADP)

***Forest Service Response:***

*Currently, the road corridor located at the rattlesnake den is utilized by National Fuel Gas employees approximately once a month in order to access their equipment and perform maintenance and upkeep duties. The Forest Service has proposed a Memorandum of Understanding (MOU) between National Fuel Gas, Inc. (NFG)/Seneca Resources and the Forest Service. This proposed MOU includes provisions for NFG/Seneca to contact the Marienville District Office a minimum of twenty-four hours in advance of transporting motorized vehicles through the section of access road adjacent to the den. The twenty-four hour notice would give district biologists a sufficient amount of time to assess potential and/or actual snake activity at the den site, and, based on time of year, weather, precipitation, temperature, etc., may lead to a biologist’s presence at the den site during the time(s) in which motorized traffic is scheduled to be present. While we do not propose to decommission this OGM access road, it will have more strict regulations concerning its use.*

*The den site is located on federally owned land in Warrants 3654, 3656, and 3657 of Highland Township, Elk County, Pennsylvania. National Fuel Gas, Inc currently owns the subsurface rights. The ANF’s management objective, as defined by the courts, is to negotiate to the greatest extent possible with individual developers to manage and protect the surface resources while allowing the*

*development of their mineral rights. The area currently serves as a storage field for OGM operations. No OGM development has occurred in this area since the initial rattlesnake surveys were conducted (2001). At this time, there are no known proposals for new development in this area.*

### **Comment #1-I**

There are numerous reasonable alternative locations for the Timberline ATV trail that would better protect timber rattlesnakes and the Red Lick Run watershed. Certainly, there is enough evidence to explore these alternative routes in an EA or EIS. These alternative routes include, but are not limited to:

- FR 339 to FR 136
- Pipeline corridor to FR 136
- FR 129 east of project area
- FR 339 to non-system road in Warrant 3654 to FR 136
- Pipeline to FR 339 to non-system road in Warrant 3654 to FR 136

We are not endorsing any of these alternative trail locations. We list them only to demonstrate that the Forest Service is putting the cart before the horse by proposing this one option without the benefit of further environmental analysis and public comment. It may well be that an ATV trail in this area is inappropriate and should be decommissioned entirely. That would certainly protect timber rattlesnakes better than the current proposal. **(ADP)**

### ***Forest Service Response:***

*Please refer to Appendix C, which includes trail reroute locations submitted by the public and the rationale as to why we did not propose the trail relocation at these locations.*

### **Comment #1-J**

The fact that the existing ATV trail was constructed in timber rattlesnake habitat and portions of the proposed relocation are still near the existing trail in other rocky areas that could be timber rattlesnake habitat demonstrates that at least an EA is necessary in order to fully examine a broad range of alternatives. There appears to be several reasonable alternatives to the Forest Service's proposal that would relocate the trail further away from the existing trail to better protect rattlesnake habitat while utilizing existing corridors, therefore eliminating the need for new trail construction. **(ADP)**

### ***Forest Service Response:***

*Please refer to Appendix C, which includes trail reroute locations submitted by the public and the rationale as to why we did not propose the trail relocation at these locations.*

### **Comment #1-K**

There are clearly alternatives to the proposed project that could substantially reduce ecological impacts from existing conditions without causing further damage to TES habitat and other important natural resources. **(ADP)**

### ***Forest Service Response:***

*Please refer to Appendix C, which includes trail reroute locations submitted by the public and the rationale as to why we did not propose the trail relocation at these locations.*

### **Comment #2-A**

“it seems to me the OHV trail is a positive influence on the rattlesnake population living there. And, I believe the rattlesnake species in question is far more resilient than they’re being given credit for...especially if you consider the industrial history of the Forest. **(Lepley)**”

**Forest Service Response:**

*The opening created by the trail can be utilized by snakes for basking but this also makes them more vulnerable to mortality due to OHV traffic. A more positive addition to habitat features within this area is a result of trees blowing over and creating gaps in the canopy. Because of the extensive rock outcrops and boulder fields, trees in this area are generally not very deeply rooted, are unstable and are susceptible to wind events. In addition, we are not aware of any research providing evidence that the OHV trail has a positive influence on the den site, nor are we aware of the data you used to support the statement “it seems to me the OHV trail is a positive influence on the rattlesnake population living there”. Conversely, all data and conclusions from past and ongoing research indicates that vehicular traffic of any kind is detrimental to wildlife, especially snakes (Trombulak and Frissell, 2000), (Adams, 2005. unpublished), (Mitchell, Breisch, and Buhlmann, 2006) and in this instance the probability of conflict is increased because the OHV traffic bisects habitat that is crucial to the viability of this population.*

*To address the comment pertaining to the “resiliency” of rattlesnakes, “Reports suggest that some dens in the east historically had more than 100 to 200 snakes at one den site. Today, however, most dens appear to have only a fraction of their historical numbers” (Center for Reptile and Amphibian Conservation and Management. December 2003.*

*[http://herpcenter.ipfw.edu/outreach/accounts/reptiles/snakes/Timber\\_Rattlesnake/TimberRattlerFactSheet.pdf](http://herpcenter.ipfw.edu/outreach/accounts/reptiles/snakes/Timber_Rattlesnake/TimberRattlerFactSheet.pdf)*

**Comment #2-B**

If the Forest Service insists on moving forward with this proposal it should do so only after making an informed decision by conducting a site specific population trend study in order to confirm a conflict between OHV use on this section of trail and the den site. **(Lepley)**

**Forest Service Response:**

*Den sites are the limiting critical habitat feature for rattlesnake population viability, and the protection of these den sites and the surrounding habitat is crucial to rattlesnake conservation (Urban, 2004).*

*The Pennsylvania Fish and Boat Commission, in their Species Impact Review of this den site, noted that “Over time, if kill rates remain the same, it is highly probable that snakes will be extirpated from this site.” (PFBC, Species Impact Review, August 15, 2006). The PFBC also noted in their report that “Rattlesnakes are particularly vulnerable to human-snake interactions.”*

*In addition, Keyler and Oldfield, 1992, noted “the loss of an adult specimen via human predation or vehicular accident may have impact on the reproductive status of a given population.”*

*Based on the findings of the PFBC Review, if the current trail remains open to ATV traffic, this would most likely result in additional mortality of individual snakes and, eventually, the extirpation of snakes from this den site.*

**Comment #2-C**

It appears there has never been any sort of conflict between users of the trail and the members of the den in the dozen or so years the trail has been in place. My understanding is that a purpose and need must be established to make the proposed relocation, and there is no data suggesting there is a conflict or impact on this site. **(Lepley)**

**Forest Service Response:**

*On the ANF, the rattlesnake is a Species with Viability Concerns, Regional Forester’s Sensitive Species, Management Indicator Species, and a Candidate species for Threatened status by the state of*

*Pennsylvania. As such, management objectives, standards, and guidelines for protecting this species and its crucial habitat and the management of recreational trails are emphasized in the ANF LRMP:*

- *The ANF Land and Resource Management Plan (LRMP) includes an objective for the management of these species that states “Manage the following to ensure a stable or increasing population trend for species with viability concerns:... Known and historic den locations for the timber rattlesnake.” (USDA-FS 2007, p. 20)*
- *A forestwide guideline for the management of species with viability concerns: “Direct impacts to less mobile species (e.g. reptiles, amphibians, and small mammals) may be mitigated through trail relocation.” (USDA-FS. 2007. p. 81)*
- *A forestwide standard for the management of trails: “System trails shall be restricted seasonally or under certain weather conditions as needed for safety, to prevent resource damage, or to meet specific management objectives.” (USDA-FS. 2007 p. 60)*
- *A forestwide standard for the management of ATV/OHM trails: “ATV/OHM trails will be constructed and maintained to limit erosion or impacts to natural resources. Temporary rerouting on a case-by-case basis will be allowed to facilitate other resource activities.” (USDA-FS. 2007 p. 61)*
- *A forestwide guideline for the management of species with viability concerns: “Existing motorized trails and Forest Service roads should be managed to mitigate impacts to species with viability concerns. Where impacts cannot be avoided, an evaluation will be completed to assess impacts and determine if management changes are necessary.” (USDA-FS. 2007 p. 80)*
- *A forestwide guideline for the management of timber rattlesnakes: “Known den sites and basking areas should be protected with a 450-foot buffer zone. Within the buffer zone, new trails, roads, and log landings should be prohibited. Protect the integrity of the den site by not moving rocks larger than two feet in diameter and by not creating excessive soil compaction.” (USDA-FS. 2007 p. 87)*

*The NatureServe comprehensive report for the timber rattlesnake notes “Protecting a viable population depends on protecting the den itself as well as adequate areas of habitat around the den.” In addition, the Center for Reptile and Amphibian Conservation and Management states on their website: “known den sites should be strictly protected and activities or disturbance should never take place in the vicinity of a den as these areas are critical for timber rattlesnake survival.” ([http://herpcenter.ipfw.edu/outreach/accounts/reptiles/snakes/Timber\\_Rattlesnake/TimberRattlerFactSheet.pdf](http://herpcenter.ipfw.edu/outreach/accounts/reptiles/snakes/Timber_Rattlesnake/TimberRattlerFactSheet.pdf))*

*Pennsylvania Fish and Boat Commission (PFBC) personnel met onsite with USFS personnel on June 6, 2006 to evaluate the current location of the Timberline ATV Trail in relation to the known rattlesnake den site, state their concerns, and provide recommendations in order to protect rattlesnakes at this den site and to maintain this crucial habitat. As a result of this onsite meeting, the PFBC submitted a Species Impact Review to the ANF which stated “As the number of people who utilize the trail increase, human-rattlesnake encounters will also increase.” The Species Impact Review also stated “we recommend the relocation of this portion of the Timberline ATV trail.”*

*Rattlesnakes are vulnerable to a variety of threats on the Allegheny National Forest including, but not limited to; habitat destruction, disease, predation, poaching, and shade-over of den sites. The added threat of vehicle collisions is a factor that the USFS can prevent at this site by the proposal to relocate a relatively short section of the trail.*

*In the summer of 2007, our trail technician reported that he talked to “approximately a dozen” ATV riders who reported seeing rattlesnakes on the trail at the den site. The trail technician also reported*

*that he received two separate reports of riders moving the snakes off of the trail at this location (Herb Clevenger, personal communication). This interaction between ATV riders and snakes has the potential to result in the rider(s) being bitten and/or the snake being killed.*

*We are not aware of the data you used to support the statement “it appears there has never been any sort of conflict between users of the trail and the members of the den...”. We, however, consider mortality of the snakes to be a conflict and have documented several snakes that have been killed on the trail and mortality was documented at the den site during the spring monitoring of 2007. The PFBC, in their Species Impact Review of this den site, noted that “Over time, if kill rates remain the same, it is highly probable that snakes will be extirpated from this site.” (PFBC, Species Impact Review, August 15, 2006). The PFBC also noted in their report that “Rattlesnakes are particularly vulnerable to human-snake interactions.”*

*Documenting all snakes that have been killed by ATV’s or from someone killing them is virtually impossible. Researchers have video taped vehicles on roads and trails have collisions with a variety of wildlife species and that snakes are purposely run over if drivers see them (Langley, Lipps, and Theis, 1989). Another telemetry research project found that **all** of the snakes involved in the study that had been run over by ATV’s did not die on the trail but crawled off of the trail into brush or under a rock and succumbed to their injuries (Adams, 2005).*

*Also, please refer to Section I of the Proposed Decision for the purpose of this project.*

#### **Comment #2-D**

Additionally, substantial sums of taxpayer dollars have been invested paving a portion of this trail to insure the integrity of the site. Not only will those dollars be wasted, a significant amount of money will be invested in a section of trail that can’t possibly duplicate what is already in place. **(Lepley)**

#### ***Forest Service Response:***

*We recognize the effort and cost that was incurred when this hill climb was built. However, new ecological studies are often revealing that past practices or continued use of certain materials are detrimental to populations of a variety of species. Research is showing that rattlesnake populations have been extirpated from some states and portions of Pennsylvania and are declining across their remaining range in Pennsylvania. Our responsibility is to promote the conservation of this species based on new information provided by research while meeting the needs of a variety of user groups, including ATV riders. Relocating the trail is a reasonable compromise for ATV users and will protect the timber rattlesnake.*

#### **Comment #3-A**

Therefore it would appear that the OHV trail must have a positive influence on the den site and the rattlesnake population. I don’t see how you could reach any other conclusion. **(Clymer)**

#### ***Forest Service Response:***

*Please see response to Comment #2-A.*

#### **Comment #3-B**

If you insist on proceeding with this project proposal at least you should make an informed decision by conducting a site specific rattlesnake population trend study to establish that there might indeed be some conflict between the OHV trail and the den site. **(Clymer)**

#### ***Forest Service Response:***

*Please see response to Comment #2-B.*

**Comment #3-C**

In the purpose and need section there is no need established for this project. The section presents management guidance that would apply state wide and forest wide if a site specific need arose somewhere, but there is no data suggesting that a conflict or impact has arisen on this site. In fact isn't this location the best known den site on the Forest? And hasn't the den site co-existed with the OHV trail for the last 12 +/- years? (Clymer)

***Forest Service Response:***

*Please refer to the response to Comment #2-C and Section I of the Proposed Decision for the purpose and need for this project.*

*While the trail itself may have some beneficial value (opening potentially used for basking) the presence of hundreds of ATV's and riders traveling on it in this location is not beneficial to rattlesnakes due to documented snake mortality and human-snake interactions.*

*There is little information available to compare the viability of the den in 1991 (before the trail opened) to 2008 (current viability of den). This den site is well known, but this makes it even more imperative to protect it based on the loss of historic den sites and the current threats to rattlesnakes at this den, based on scientific research and findings of snake/vehicle interaction. An indication of the perpetual decline of timber rattlesnakes in this region can be documented in McKean County (located in the north-eastern portion of the ANF) which, historically, was occupied by large populations of rattlesnakes. Current monitoring of historic den sites by the PFBC reveals that, at the present time, there is not a single confirmed den in that county.*

*The function and utilization of a den depends on a variety of features. The rocks must have fissures and crevices below the frost line, be on a south, south west facing slope for optimum solar exposure and have adequate basking opportunities for gravid females. Once a den is established, which, in this case, may have occurred during the early 1900's, the population of the den will continue to return to that same den by following a scent trail. Additionally, the offspring of the den will also continue to return to that same den thus defining this crucial habitat feature as having ancestral or inherited use. The population of timber rattlesnakes has not chosen to stay at this den site, nor can they choose to move, but are intuitively conditioned to stay at their ancestral den.*

**Comment #3-D**

And aren't the very characteristics of this den site that make it a very good den site the direct result of the existence of the trail, such as the more open canopy and the paved trail surface? (Clymer)

***Forest Service Response:***

*Please refer to the response to Comment #2-A.*

**Comment #4-A**

We urge you to prepare a full NEPA review of this project and reject the categorical exclusion of this important project. (Zaber)

*Please refer to the response to Comment #1-F.*

**Comment #4-B**

The presence of rattlesnake habitat and the complex hydrology of the proposed relocation would actually make problems with the existing trail worse. A full NEPA analysis would clearly show the potential damage that would occur to sensitive spring systems as well as other wetlands in the area. (Zaber)

***Forest Service Response:***

*Please refer to the responses to Comments #1-F and #6-A. Also, no wetlands are disturbed by this proposal as mentioned in the Wetland Report for this project (report located in Project File: Book 2, Tab 11).*

**Comment #4-C**

The failure to adequately address the impacts of roads, road-reconstruction, road-use changes and current road usage in the project area means that critical issues in TES species management will be ignored. **(Zaber)**

***Forest Service Response:***

*Please refer to the response to Comment #6-A.*

*A Biological Assessment and Biological Evaluation (BA/BE) are being prepared for this project. These documents analyze the effects and or impacts of the federal action(s) being proposed. Also, please refer to the Proposed Decision for anticipated effects to TES.*

**Comment #5-A**

The existing trail has been in place for more than 30 years and, given the size of the "ancestral den" that has been reported to us, it's obvious that both the trail and the den have coexisted for most if not all of that 30 year period. Furthermore, it's our understanding that neither a snake sighting nor snake injury or death has ever been associated with or attributed to motorized use of the trail. Combined with the fact that the timber rattle snake is neither threatened nor endangered, indicates to us there is little reason to believe that a trail relocation is even required. **(Babusci)**

***Forest Service Response:***

*Please refer to the response to Comment #3-C pertaining to the statement "the trail and the den have coexisted."*

*Please refer to the response to Comment #2-C and the Proposed Decision for the purpose and need of this project.*

*We have documented mortality at the den (May, 2007). Partners in Amphibian and Reptile Conservation (PARC) recommended the following management guideline "Exclude ATV access especially in the vicinity of sensitive habitat elements used for nesting, breeding, or denning areas. ATV and other vehicular traffic can compact soil, increase erosion and sediment, provide corridors for invasive plant species along trails and kill animals, especially snakes." (Mitchell, Breisch, and Buhlmann, 2006). Therefore, the probability increases when a motorized trail bisects a den.*

**Comment #5-B**

However, while we reserve our personal judgment that the "apparent" decline of the timber rattlesnake necessitates the relocation of this section of the Timberline Trail, we do not wish to express an objection to relocating the trail provided the following conditions can be accommodated.

- 1) All planning, permitting, designing, bidding, and construction of the relocated trail take place while the current trail remains open.
- 2) No additional operational restrictions regarding seasonal or daily use be placed on the existing/remaining or completed/relocated Timberline Trail. **(Babusci)**

**Forest Service Response:**

*Please refer to the cover letter for the Proposed Decision for additional factors considered pertaining to project implementation and how utilization of the current trail will be managed.*

*The overall decline of timber rattlesnakes has been documented in numerous publications, including, but not limited to:*

- *“Recognizing the scarcity of objective data to show trends in numbers, an overall consensus among virtually all scientists and field observers is that the timber rattlesnake indeed is declining over most parts of its range.” (NatureServe, 2007)*
- *“Although still fairly common in some local areas, the timber rattlesnake has been extirpated or greatly reduced in numbers in most areas where it was once numerous due to unregulated collection and indiscriminate killing.” (New York Department of Environmental Conservation; Timber Rattlesnake Fact Sheet (<http://www.dec.ny.gov/animals/7147.html>))*
- *“Timber rattlesnake numbers have decreased significantly from historic records. This species was once widespread across the state. The remaining populations are usually found in remote, isolated areas. Collection and destruction of habitat are likely the main reasons for reductions in population size. Den sites have been targets for collection and should be the focus of conservation efforts for this species.” (Timber Rattlesnake Fact Sheet - PA Dept. of Conservation and Natural Resources (<http://www.dcnr.state.pa.us/wrcf/factsheets/TimberRattlesnake.pdf>))*
- *“The timber rattlesnake is endemic to North America, including 27 States; it has been extirpated from Canada, Maine, and Rhode Island, and has declined significantly in 20 other States.” (USFWS: 12/4/1998. Exhibit 2, 251 FW 1, Sample Issue Paper, <http://www.fws.gov/policy/e2251fw1.html>)*
- *“Presently, the timber rattlesnake appears to be declining across its range and in Pennsylvania.” (Urban, 2004)*

*The ANF Land and Resource Management Plan includes the following forestwide standard for the management of trails: “System trails shall be restricted seasonally or under certain weather conditions as needed for safety, to prevent resource damage, or to meet specific management objectives.” (LRMP p. 60). We appreciate the commenter’s concerns, but there are many circumstances that may require temporary closure or restrictions. We must maintain the flexibility to address such circumstances when they occur, wherever they occur.*

**Comment #6-A**

After taking the time to walk parts of the proposed reroute and reviewing the map and the photos posted on the ADP site on the internet, we agree with others that are expressing concern over the route proposed for the trail reroute. Our Board feels that you need to rethink the entire project. We have concerns about the streams/wetlands/stream crossings, etc for any wheeled motorized trail. We wouldn't consider it for a snowmobile trail or a pedestrian trail because of the sensitive areas. We are also concerned about allowing more oil activity in those areas. We fear that if drilling will be allowed free reign in this area, the future doesn't look bright for the environment, the timber rattlesnakes or any other wildlife in that area. (Atwood)

**Forest Service Response:**

*As the Forest Service works to manage the ANF for a number of multiple uses, including recreation, timber, wilderness, minerals, water, fish, and wildlife, we are constantly searching for solutions that will "provide the greatest amount of good for the greatest amount of people in the long run." While the*

*trail reroute location is not "hydrologically" ideal, it is a reasonable solution which has been specifically designed to minimize impacts to the areas streams, wetlands, and wildlife (e.g., rattlesnakes.). This project is not intended to, nor will it, be beneficial to one species while resulting in detrimental effects to another species. The proposed action is not a trade-off of impacts from one species to one or more other species or habitats.*

*The new construction associated with the trail reroute includes two new stream crossings (Red Lick Run and tributary which will result in a net increase of one stream crossing) and no wetland crossings. This location was chosen as the best option as it avoids crossing a large wetland along Red Lick Run. The proposed trail reroute utilizes existing roadways wherever possible. The Forest Service recognizes the need to mitigate erosion and sedimentation concerns related to the existing road network in this area in order to authorize OHV use on these roads as well as to protect the hydrological features and aquatic wildlife habitats which are present. The conversion of these non-system roads into the Timberline ATV trail system would result in design and construction improvements to the current corridor condition. Raising the surface of the road, replacing insufficient culverts, and limestone surfacing adjacent to stream crossings are just some of the improvements which would be implemented as part of the proposal. The only other wetland crossings on the re-route are along existing oil and gas roads. These undersized crossings will be removed and replaced with improved crossings incorporating French mattress systems. The French mattress will help restore natural water flow instead of allowing the road to act like a dam.*

#### **Comment #6-B**

We also have a comment concerning the "play area". That is not something you would want people to see who are not sympathetic to ATV riding. We think the shale pit needs to be straightened out and seeded. Not an appropriate use of Federal Land. **(Atwood)**

#### ***Forest Service Response:***

*Please refer to the response to Comment #1-E.*

#### **Comment #7-A**

As presented in the Timberline ATV Relocation Project (TARP) proposal, the Chief of Natural Diversity for the Pennsylvania Fish and Boat Commission states that "the majority of the individual timber rattlesnakes, which are found at a given den site, spend much of their time in these areas basking, feeding, mating, and giving birth within **several hundred yards** of the den site." Yet, a LRMP guideline for the management of timber rattlesnakes only provides for a 450-foot buffer zone (LRMP p. 87). I propose that this guideline be revised to require a 1200-foot buffer. For each den site this would account for about 104 acres, or 0.02% of the Allegheny National Forest, or one acre in 5000. As recommended by the PA F&BC, "protecting these dens and the surrounding habitat is crucial to rattlesnake conservation". **(Mauk)**

#### ***Forest Service Response:***

*This comment is beyond the scope of this project. The Allegheny National Forest management plan strategy tries to adhere to documents and recommendations provided by the state and by other federal agencies. This gives consistency to conservation management strategies and is easier for the public to follow and understand. These buffers were established in the wildlife action plan that was written in 2005 ([http://www.wildlifeactionplans.org/pdfs/action\\_plans/pa\\_action\\_plan.pdf](http://www.wildlifeactionplans.org/pdfs/action_plans/pa_action_plan.pdf)), and the crucial habitat feature (where birthing occurs at or adjacent to, and where rattlesnakes congregate) is the actual den site.*

**Comment #7-B**

I have attached a map with an alternative proposed new route that remains further west than the proposed new route. It includes approximately .4 mile of new corridor and .9 mi of existing corridor. This 1.3 mile new route would replace 1.2 mile of existing route. This would reduce the total amount of new corridor, and keep the total trail miles more consistent. It would also provide additional buffer for the timber rattlesnake den. Ideally, the bottom of the “D” loop would remain north of FR339.

**(Mauk)**

***Forest Service Response:***

*Please refer to Appendix C, which includes trail reroute locations submitted by the public and the rationale as to why we did not propose the trail relocation at these locations.*

**Comment #8-A**

On a second note, moving the trail also reduces the chances of people being bitten by a timber rattler. We all know that people will stop and either out of curiosity or hatred, end up harassing the snakes and either the snake or the person end up paying for it. **(Jeffery)**

***Forest Service Response:***

*Past research supports this assumption and states that snake bites usually occur while a person is trying to catch or carelessly handle one of these snakes (<http://www.fish.state.pa.us/factsnake.htm>). Timber rattlesnakes are a docile species that try to avoid confrontation when possible. Research states that poaching is one of the main causes of population decline. At a den, the snakes most often encountered during the summer months are pregnant females that spend their days basking in the sun and gestating their young. This behavior is also cited from *The Center for Reptile and Amphibian Conservation and Management*, which, in their report on the timber rattlesnake, found that “due to the propensity of gravid females to utilize more open habitat than non-gravid timbers, pregnant snakes are often the ones found and killed or collected”*

*([http://herpcenter.ipfw.edu/outreach/accounts/reptiles/snakes/Timber\\_Rattlesnake/TimberRattlerFactSheet.pdf](http://herpcenter.ipfw.edu/outreach/accounts/reptiles/snakes/Timber_Rattlesnake/TimberRattlerFactSheet.pdf))*

*These snakes will take advantage of the open trail corridor for basking thus making them more vulnerable to being harmed and harassed, and increasing the possibility of someone being bitten. Even if these snakes aren't purposely harmed or harassed, if they are basking on the trail there is a high probability of them suffering mortality due to OHV traffic.*

**Comment #9-A**

I have no objections to this effort and think it is a great idea. However...I was under the impression that the decline of the timber rattlesnake was due to increased UV due to ozone depletion rather than the reasons you stated (habitat alteration, overhunting and poaching). This was stated as early as 10 years or so ago in the *British Journal of Science*. They were one of the first ones to come up with a plausible explanation...the snakes' food sources (toads, lizards, frogs and salamanders), they said, were vulnerable to increased UV because their young were encapsulated in clear gelatinous sacks, not protected by egg shells or carried in the mothers and the UV was ruining the DNA/RNA composition. With the depletion of these frogs, lizards, toads and salamanders, the food source for the snakes was greatly reduced. In my office in town (Erie) I have the article still on my refrigerator with a magnet. I also saw the article concurred somewhere else by a reliable source. I believe it was an American college study. **(Hayes)**

***Forest Service Response:***

*We are unsure of the exact article which Mr. Hayes is referring to. A search was conducted on the Google Scholar website (<http://scholar.google.com>) for this article, but without the name of the article or the name of the author, it is difficult to determine the article being referenced. Please refer to the response for Comment #5-B. Habitat alteration and destruction continue to be the primary reasons for the timber rattlesnake's decline across its range (Urban, 2004).*

*Our analyses do consider factors such as air quality and we will continue to incorporate new science as it becomes available.*

**Comment #10-A**

why let oil & gas trucks run over the snakes? (Sachau)

***Forest Service Response:***

*Please refer to response to Comment # 1-H.*

*Infrequent use of the trail for access to OGM equipment can be regulated much easier than hundreds of ATV's using the trail every day. The probability of a snake/vehicle collision is greatly reduced with infrequent access.*

**Comment #11-A**

I am writing to ask that you prepare an Environmental Assessment for the Timberline ATV Trail Relocation Project. A categorical exclusion is inadequate due to the fact that the proposal addresses impacts to the timber rattlesnake, a Regional Forester's Sensitive Species, as well as watershed impacts from increased stream crossings and increased wetlands encroachment. This warrants a higher analysis than is provided by a categorical exclusion. **(Form letter)**

***Forest Service Response:***

*Please refer to the response to Comment #1-F.*



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### **Personal Communication**

Herb Clevenger, personal communication, 2008.