APPENDIX I

RESPONSE TO 45 DAY COMMENTS TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

FINAL
ENVIRONMENTAL IMPACT STATEMENT

SPRING CREEK PROJECT

Spring Creek Project Appendix – I

Forest Service Response to 45-Day Comments

Federal agencies with jurisdiction by law or expertise and the public were invited to comment on the Spring Creek Draft Environmental Impact Statement (DEIS). Comments on an environmental impact statement or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both. (40CFR1503.3(a)).

This appendix displays the public and governmental agency comments received during the Spring Creek Draft Environmental Impact Statement 45-day comment period. Each letter is divided into individual comments by letter followed by the Forest Service response. Fifteen (15) individuals, organizations, or governmental agencies submitted emails, letters, or verbal comments (via telephone) on the Spring Creek DEIS. No new information was received that either brought forward new issues or would cause a change in the analysis for the Spring Creek DEIS. As a result of some comments, there were, in addition to editorial changes, minor changes made in the Spring Creek DEIS and in Appendices B, C, D, and F. These changes are noted in the Forest Service response to comments. References cited in the responses are located in Chapter 7 in the FEIS

Possible responses to comments are to (40CFR1503.3(a)):

1) Modify alternatives including the proposed action.
2) Develop and evaluate alternatives not previously given serious consideration by the agency.
3) Supplement, improve, or modify its analyses.
4) Make factual corrections.
5) Explain why the comments do not warrant further agency response, citing sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

Comments were analyzed for site specificity to the Spring Creek project. Some comments were judged to be "beyond the scope of the project", because they addressed broader issues than the implementation of activities proposed in the Spring Creek documents. For example, 'I don't like logging on the National Forests (a national-level issue)' or 'I don't want logging on the Allegheny National Forest (a national/Forest-level issue)'. A comment such as "I don't think you should cut unit ___ because there is critical habitat there" would be an example of a comment site-specific to the Spring Creek project. Some comments were opinions and not specific comments about the proposed activities or the adequacy of the document, 'I do (don't) support road building.' Some "comments" were not comments at all, but simply quotations. As noted in the comment responses, most responses point to where the comment was addressed in the document, some required a correction to the document, and some were beyond the scope of the Spring Creek project.

Although 15 comment letters were received during the 45-day comment period, there were many comments that were the same or similar within the same letter or between letters. Therefore, we have responded to the body of the comments in their entirety. The first time a comment is encountered a response is provided. Individual comments are identified by the number of each letter and the corresponding comment number within that letter. For example the third comment derived from the eighth letter would be labeled "Comment 8-3."

The Forest Service response follows each comment and is in italic type. For example:

Letter #3

Comment 3-1

We shouldn't be logging on National Forest land

This is a national issue and beyond the scope of the site-specific Spring Creek project.

Letter #5

Comment 5-7

You need to provide an alternative that returns the project area to pre-clearcut conditions.

See Chapter 2 – Alternatives, Alternatives Considered But Eliminated From Detailed Study.

In order to eliminate redundancy and reduce paperwork, the next time the same or similar comment is encountered the previous response is referenced. For example:

Letter #20

Comment 20-18

All logging on National Forests should be stopped and the land should be ecologically restored to presettlement conditions.

See responses to comments 3-1 and 5-7.

The Spring Creek Draft Environmental Impact Statement was published on 01/23/2004. The following letters/comments were received during the forty-five day comment period:

Contact Number	Commentor Name/Organization	Type	Page #s of Response
1	Heartwood, Jim Bensman	Email	3-36
2	Frank Stewart	Letter	37
3	Robert Stoudt	Email	37
4	Ted Lutz	Email	37
5	Robert Stoudt	Telephone	38
6	National Park Service	Letter	38
7	Chuck Ensminger	Telephone	38-40
8	Ruffed Grouse Society	Letter	40
9	Allegheny Forest Alliance	Letter	40-43
10	Leroy Young, Pennsylvania Fish and Boat Commission	Telephone	43
11	Al Woomer, Pennsylvania Fish and Boat Commission	Letter	43-46
12	Ed Henshel	Letter	46-48
13	Robert Stoudt	E-mail	48-57
14	Ryan Talbott, Allegheny Defense Project	Letter	57-125
15	Environmental Protection Agency	Letter	126-127

Comments and Responses to the Spring Creek Project DEIS

LETTER (E-MAIL) # 1 – HEARTWOOD, JIM BENSMAN

Comment 1-1

Thank you for the opportunity to comment on the proposed Spring Creek timber sale.

Comment noted.

Comment 1-2

Logging is an inappropriate use of public forests and is contrary to the public interest. Heartwood, therefore, opposes this sale.

Comment noted.

Additionally, the Purpose and Need needs to indicate the true purpose and need for the project (i.e., to approve logging so that money can be illegally skimmed from the KV fund to support the Forest Service bureaucracy.)

See the Purpose and Need section on pages 2-10 of Chapter 1 of the FEIS. All laws and regulations have been followed during the Spring Creek analysis process.

Comment 1-4

The Forest Service is so far out of control that many times it claims it does not have to obey the law, because there were no comments indicating the law should be followed. Therefore, we wish to raise the issue that of all laws that apply to the project need to be followed.

All laws and regulations have been followed during the Spring Creek analysis process.

Comment 1 -5

A scientific poll conducted for the Forest Service revealed that most Americans oppose logging, mining, and grazing on public forests.[1] In May 1996, ICR Survey Research Group conducted a nation-wide public opinion survey for Lake Research. The survey found most Americans support "ending commercial logging…on all federal publicly owned lands." Several states also have conducted public opinion surveys which have found most people in that state do not want their National Forest logged. The most recent nationwide public opinion survey[2], asked: "In general, do you favor or oppose allowing logging, mining, and other industrial activities on National Forest lands?" Sixty percent (including 43% strongly) were opposed and only 3 1 %, (including IO% strongly) were in favor. Another nationwide public opinion survey[3] asked:

> There has been a national debate about whether the U.S. Forest Service should continue to sell timber from our national forests. Do you favor or oppose continuing to allow timber companies to log in our national forests? (IF Favor/Oppose ASK:) And do you STRONGLY (favor/oppose) this or just SOMEWHAT (favor/oppose) this?
>
> The results were: Strongly favor, 7%; Somewhat favor, 17%; Neither, 2%; Somewhat oppose, 19%, Strongly oppose, 50%; Don't know, 5%; Refused to answer 0%. Note: Even voters in the West, by a two-to-one margin (62%-3 1 %), oppose continuing to allow timber companies to log in national forests. Opposition is 70% or more in other regions of the country.

[1]Bruce Hammond, "Forest Service Values Poll Questions Results and Analysis." The question was, "Natural Resources in Public Forests and Grasslands Should be Made Available to Produce Consumer Goods." Forty-seven percent disagreed with 26% strongly disagreeing.

Seventeen percent had no opinion and 36% agreed. Statistically this represented a significant disagreement with the statement.

[2]Republican Pollster American Viewpoint conducted a national survey of 1,000 registered voters for the Heritage Forests Campaign from December 28, 1999 through January 2, 2000. All interviews were conducted by telephone. The margin of error for this study is ±3.2%.

[3]National Survey conducted by Market Strategies, Inc. and Lake, Sosin, Snell, Peny and Associates. Inc. N=800 Registered Voters June 22-25, 1998. * Market Strategies, Inc. has conducted polls for 4-lwt Gingrich, Bob Dole, George Bush, and Gerald Ford.

Comment noted.

Comment 1-6

In an interview, former Chief Thomas, referring to public opinion, stated: "For example, it was just about evenly split about whether we should harvest timber from national forests or not. That's an interesting fact for us to have at our disposal."[4] The Forest Service should consider public opinion in its analysis as the National Forests belong to U.S. citizens, not the logging corporations. What do with words, "government of the people, by the people, and for the people" mean to the Forest Service? As former Chief Thomas stated on May 21, 1996, "These lands belong to the people and must be managed by democracy. If we don't have the people with us, we fail." As the Declaration (SIC) of Independence states, "Governments are instituted among men, Deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it. . ."

[4]April, 1995 issue of "Wisconsin Natural Resources.

Comment noted.

Comment 1-7

Alternatives, which are not connected to logging, must be developed and considered to respond to the majority of Americans who do not want their National Forests cut down.

Alternative 1 (no action) evaluates and considers the effects of no logging. See Alternatives Considered but Eliminated from Detailed Study on pages 35-38 of Chapter 2 of the FEIS for a discussion of alternatives, other than no action, which do not propose any timber harvesting. This is a National issue and beyond the scope of this project.

Comment 1-8

In *Sierra Club* v. *U.S.D.A.*, 1997 WL 295308 (S. D. 111. September 25, 1995) *aff'd by order adopting opinion* 116 F.3d 1482 (C.A. 7 (111) 1997), the Court ruled that while the Forest Service is allowed to log National Forests, the Forest Service is not required to cut down the public's forests. "The Forest Service was created by and for the people. Hence, we communicate with and listen to the public . . . The results on the ground reflect . . . full and fair consideration of public opinion." *The Forest Service Ethics and Course to the Future October 1994*. The Forest Service should "serve the people" as it claims to do. Claiming that what the majority of Americans want is "beyond the scope of the analysis" is ignoring the public and subverting democracy. We think James Fumish's departing comments put it well:

> What remains confusing and troubling to me is that the Forest Service seems to consider itself as our most important constituency. We are much more adept at being aware of and acting on the "best interests" of the Forest Service than we are the best interests of the public. This

introversion hasn't served us well for the last 20 years and it won't in the future. We will never truly "serve people" until we have the courage to tell our own employees that we need to set our own precious views aside.

Comment noted.

Comment 1-9

Additionally, defining the purpose and need so narrowly to exclude alternatives that do not cut down the public's forests is illegal.

Chapter one (pgs. 2-10) of the FEIS defines the purpose and need for the Spring Creek project, based on management direction set forth in the Forest Plan (see FEIS pages 1-11). Alternatives considered for the Spring Creek Project are described in Chapter 2 of the FEIS.

Comment 1-10

Since there is legislation in Congress to end logging on public lands, an alternative must be developed to manage the area in the manner prescribed in HR 2789, the National Forest Protection and Restoration Act.[5]

[5]More than 175 environmental & religious groups &businesses have endorsed the legislation. List is available upon request.

Comment noted. See FEIS, Alternatives Considered but Eliminated from Detail Study on pages 35-38 of the FEIS.

Comment 1-11

The no-action alternative does not adequately respond to the wishes of the majority of Americans who do not want their natural heritage converted into stumpland.

Comment noted. See Alternatives Considered but Eliminated from Detailed Study on pages 35-38 of Chapter 2 of the FEIS for a discussion of alternatives, other than no action, which do not propose any timber harvesting. This is a national issue and beyond the scope of the Spring Creek project.

Comment 1-12

The no-action alternative has almost no chance of being selected due to all the time and money invested in developing the project. For example, in an May 9, 1997, appeal resolution meeting, Hoosier National Forest Supervisor Ken Day stated, "I don't want to go through all these documents and then declare, all this work, and then say 'Okay I'm gonna select a no-action alternative and not do anything afterwards.' Why do the analysis?" Image did not reproduce- above this paragraph was a graph depicting Logged vs. No-Action Alternative Last Five Years. See letter #8, page 3 in the project file available at the Marienville Ranger Station.

Comment noted. Implementing the Forest Plan entails performing pre-NEPA analysis on many areas of the Allegheny National Forest every year. Resources such as recreation, vegetation, transportation, heritage, wildlife, soils, water quality, visuals, and socioeconomic are examined. Only those project proposals with the greatest need to be moved towards the DC are moved forward to the point where a proposed action is formulated and NEPA is initiated through the scoping process. In essence, no action is selected for many potential project proposals in the pre-NEPA phase of planning. The No Action alternative is still a viable option in project proposals. However, the pre-NEPA analysis screens potential project proposals, which reduces the likelihood of the selection of the No Action. See the Record of Decision for the rationale for selection of the preferred alternative.

Comment 1-13

In 1998, we did a nationwide FOIA request to find out how often the Forest Service selects the no-action alternative for a proposed timber sale. The results were: Number of proposed timber sales in the last 5 years with No-Action Alternative selected: 8. Number of sales with No-Action Alternative selected since Michael Dombeck became Chief on January 6, 1997: 0. Last time No-Action Alternative Selected: December 1st, 1996. Acres of timber proposed to be cut for which No-Action Alterative selected in last five years: 7,362. Acres logged in the last five years (from TSPIRS reports): 4,168,282. In the last five years, the Forest Service logged 567 times more acres than they selected the no action alternative for. "[The]Forest Service prepares 4,000 to 5,000 environmental assessments annually, of which about one-half are for timber sales. In FY 1997, Forest Service awarded contracts for 232,110 timber sales." USDA/OIG-A/08801-10-At at 4.

Comment noted. See response to comment 1-12.

Comment 1-14

If there is a range of alternatives that have projects other than logging, the Deciding Officer would have alternatives that respond to public will and provide projects for all the time and money invested in the analysis.

See response to comments 1-7 and 1-12.

Comment 1-15

If there is not an alternative with only non-logging projects, the Forest Service will have ended its inquiry at the beginning as there will be a predetermined result of logging in the project area.

Comment noted. See response to comments 1-7 and 1-12. See Alternatives Considered but Eliminated from Detailed Study on pages 35-38 of Chapter 2 of the FEIS for a discussion of alternatives, other than no action, which do not propose any timber harvesting.

Comment 1-16

Over 200 scientists have signed a letter which calls for an end to commercial logging on National Forests. The letter and list of signers is at: http://www.sierraclub.org/logging/letter. The analysis needs to consider this letter.

Comment noted.

Comment 1-17

The analysis needs to address the need for the timber sale. Just because the Forest Plan allows timber sales, one cannot conclude there is a need for the sale.

Chapter one of the FEIS defines the purpose and need for the Spring Creek project, based on management direction set forth in the Forest Plan (see FEIS pages 1-10).

Comment 1-18

The Forest Service must disclose site-specific monitoring data which demonstrates that there is a need for the sale.

See the Background and Purpose and Need sections of Chapter 1, pages 1-12.

Comment 1 -19

The need analysis must also address why natural processes will not create enough early successional habitat. If the analysis claims a need for early successional habitat, the analysis must demonstrate that there is a need for the type of habitat that the Forest Service creates as opposed to the type of early successional habitat that is created naturally.

The Forest Plan considers natural processes, historical influences, and established objectives

that incorporated this information. The desired condition for the SCPA is based on the Forest Plan; not natural processes as cited in this comment. See pages 1-12 of Chapter 1 of the FEIS for a description of the purpose of the proposal, need for the proposal, and background/management direction for the SCPA.

Comment 1-20

We also request that the MIS species for early successional habitat be changed to the only creature that truly requires the type of habitat (devastation) created in Forest Service timber sales: Forest Service bureaucrats.

Comment noted.

Comment 1-21

The issue of biodiversity and forest fragmentation needs to be considered.

We agree that elements of biodiversity and fragmentation need to be considered and biological diversity concepts, including species composition and diversity, structural considerations, genetic diversity and landscape, sub-watershed and stand level diversity are discussed on pages 71-73, 159-160, and 221-234 of the FEIS. Whereas effects of proposed actions that affect biodiversity can be found on pages 245-277, and 287 of the FEIS. Forest fragmentation, including an evaluation of potential effects of fragmentation from proposed actions, are discussed on pages 230-233, 261-265, and 276 of the FEIS.

Comment 1-22

In an interview, former Chief Jack Ward Thomas summed up why these issues are so important:

> First don't let habitat situations get so bad that species get listed. That's playing Russian roulette. Once a species gets listed as threatened or endangered, it quickly slips out of anybody's hands and into the hands of the regulatory agency. That means you get ahead of the situation. You ask "How are we going to address this circumstance in a rationale, reasonable fashion, in a coordinated manner so that it is not necessary to list the plant or animal?". . . One would not want to repeat the exercises of the Pacific Northwest where nobody would face the issue and everybody continued to twist away from the inevitable. If you look at the history if that particular issue, solutions were proposed and rejected, back and forth. The social and economic impacts kept increasing with each ratchet. The earlier you can address these issues, the more chance it will be addressed rationally with minimal impact. The longer you wait, the more options you lose, and the more dramatic the effect becomes in the end.
> Seeing the Forests and the Trees: An Interview with Jack Ward Thomas. "Wisconsin Natural Resources," April 1995.

Comment noted. See response to comment 1-21.

Comment 1-23

It is time to act to protect neotropical migrants and biodiversity in general.

Comment noted. Pages 221-243 of the FEIS provides an assessment of habitat conditions and wildlife diversity found within the SCPA. Effects on wildlife and wildlife habitat were also addressed at three scales (FEIS pp. 221-222 and 287). Habitat and effects on songbirds, including neotropical migrants are specifically addressed on pages 247-251, 253-255, 262-265, 268-277, and 277-283 (Management Indicator Species) of the FEIS. See response to comment 1-25.

Comment 1-24

The longer the Forest Service waits, the worse the problem becomes.

Comment noted.

Comment 1-25

Biodiversity and forest fragmentation must be addressed in regard to all species, not just birds. This includes, but is not limited to: mammals, invertebrates, plants, insects, micro-organisms, reptiles, and amphibians.

See response to comment 1-21. Pages 221-288 of the FEIS provide an assessment of the habitat conditions and wildlife diversity presently found within the SCPA, as well as an evaluation of potential effects on wildlife and wildlife habitat, resulting from proposed actions. As described on pages 287 (FEIS), although wildlife distribution and use may shift as preferred habitats either become available or are lost, based on the analysis provided, effects to the wildlife resource would be kept below any reasonable level of significance and available habitat for wildlife that presently use the project area would continue to be available and viable populations of local wildlife would be maintained.

Comment 1-26

The degree to which this area provides a biological corridor and its value should be considered.

The Spring Creek FEIS includes an assessment of landscape level considerations (pp. 159-160, 221-222, 224, and 230-234). Whereas landscape level effects of proposed actions, are discussed on pages 193-201, 261-265, 268-272, 276-277, and 287 of the FEIS. Also see response to comment 1-21.

Comment 1-27

Sampling effects and minimum area requirements of all species should be addressed.

See response to comment 1-25.

Comment 1-28

The impact of cowbird parasitism and predation to forest interior birds should be prominently considered.

See response to comment 1-21. Additionally, effects of brood parasitism and nest predation to interior birds are discussed on pages 231-232, 250-251, and 272 and as described, due to the predominantly forested nature of the SCPA and based on Forest-wide monitoring, nest parasitism and predation to forest interior songbirds is not expected to be significant (FEIS pp. 250-251, 272).

Comment 1-29

The analysis of the impacts to forest interior birds needs to address nesting success. Some studies have documented forest interior birds in recently logged areas. The presence of these species in these areas normally indicate that the species are being harmed. Forest interior birds normally do not successfully reproduce in recently logged areas. These areas, in essence, have become ecological traps. The need for large tracts of forests should be considered.[6]

[6]Robbins, Chandler S., Deanna K. Dawson, and Barbara A. Dowell, "Habitat Area Requirements of Breeding Forest Birds of the Middle Atlantic States." Wildlife Monographs No. 103, July 1989

Solheim, S.L., W.S. Alverson, and D.W. Waller, "Maintaining Biotic Diversity in National Forests: The Necessity for Large Blocks of Mature Forests." Technical Bulletin Vol. 4 No. 8, School of Natural Resources, the University of Michigan.

Robinson, Scott K. And David S. Wilcove, "Forest Fragmentation in the Temperate Zone and its Effects on Migratory Songbirds." Bird Conservation International 4:233-249.

See response to comments 1-21, 1-25 (fragmentation and biodiversity) and 1-28 (brood parasitism and predation). Effects to MIS, including forest interior birds are discussed on FEIS pp. 277-283.

Comment 1-30

A study published in Science contained these findings and recommendations for neotropical migrants: Nest predation and parasitism by cowbirds increased with forest fragmentation in nine Midwestern landscapes that varied from 6 to 95 percent forest cover within a 10-kilometer radius of the study areas. Observed reproductive rates were low enough for some species in the most fragmented landscapes to suggest that their populations are sinks that depend for perpetuation on immigration from reproductive source populations in landscapes with more extensive cover.

Our results suggest that a good regional conservation strategy for migrant songbirds in the midwest is to identify, maintain and restore the large tracts that are most likely to be population sources. Further loss or fragmentation of habitats could lead to a collapse of regional populations of some forest birds. Land managers should seek to minimize cowbird foraging opportunities within large, unfragmented sites. In more fragmented landscapes, the reduction of cowbird parasitism may require trapping and large scale restoration efforts, whereas reduction of local forest edges may reduce nest predation and increase mating success….Increasing fragmentation of landscapes, however, could be contributing to the widespread population declines of several species.

Robinson, Scott K., Frank R. Thompson III, Therese M. Donovan, Donald R. Whitehead, & John Faaborg, "Regional Forest Fragmentation and the Nesting Success of Migratory Birds." Science Vol. 267 March 31, 1995 pages 1987-1990.

The analysis needs to consider these findings and recommendations.

***Comment noted. See response to comments 1-21 (fragmentation and biodiversity), 1-23 (songbirds and neo-tropical migrants), 1-28 (nest predation and brood parasitism),* and 1-29**

Comment 1-31

A follow-up study conducted in a heavily forested area concluded:

The conclusion is that some management practices (clearcuts, forest openings, and possibly regeneration openings) may cause a reduction in the reproductive success of birds nesting in adjacent forest. Rates of parasitism are significantly higher for many species in these contexts and daily nest mortality is also slightly higher. Cowbirds appear to be preferentially attracted to openings within the forest and then direct much of their nest-searching activity into forest adjacent to the openings.

It follows from this that the quality of a forest tract as a "source" will depend on the structure of the landscape within the forest tract. Tracts with many internal openings and edges will, in general, produce fewer young per nesting attempt than tracts with few disturbances. Accordingly, management for viable populations of NTMB should involve minimizing the amount of internal opening and edge.

Whitehead, Donald R. "The Effect of Landscape Pattern and Timber and Wildlife Management Practices on the Reproductive Success of Neotropical Migrant Landbirds in South-central Indiana." November 1995.

Effects of proposed activities on fragmentation, including effects on brood parasitism, predation and the creation of temporary and permanent openings are discussed on pages 246-251, and 258-265 (direct and indirect effects) and 268-277 (cumulative effects). Cumulative effects for MIS and T&E species are discussed on pages 277-287. As described on pages 287 (FEIS), wildlife distribution and use may shift as preferred habitats either become available or are lost, based on the analysis provided. See response to comment 1-25

Comment 1-32

The following additional studies also need to be addressed: Winslow, Donald E., Patrick J. Doran, Donald Whitehead, Grant M. Greenberg, Matthew A. Koukol, Elizabeth A. Geils, R. Bernadette Slusher, & Thomas B. Ford, "The Reproductive Success of Forest-Dependent Songbirds in South-Central Indiana: Effects of Forest Management Practices" and Doran, Patrick J., Donald R. Whitehead, Donald E. Winslow, "Within-Landscape Patterns of Land Cover and the Nesting Success of Neotropical Migrant Birds in South Central Indiana". The analysis needs to consider these findings

Comment noted. The fragmentation analysis presented in the FEIS (pp. 230-233, 261-265, and 276), is based on project specific considerations and Forest-wide monitoring. See also response to comment 1-23 and 1-25.

Comment 1-33

The analysis needs to consider Desrochers, Andre, & Susan J. Hannon "Gap Crossing Decisions by Forest Songbirds during the Post-Fledging Period" Conservation Biology, Vol 11, No. 5 October 1997, pp 1204.1210.

Comment noted. See response to comment 1-32.

Comment 1-34

The issue of the impacts to herbaceous understory needs to be addressed. Research indicates herbaceous- understories never recover from logging. [17]

[7]Duffy, David and Albert J. Meier, "Do Appalachian Herbaceous Understories Ever Recover from Clearcutting?" Conservation Biology Vol. 6 No. 2 June 1992).

The article you referenced summarizes observations from contrasting second growth forests herbaceous plant vegetation 45 to 87 years after clearcutting, with that occurring in old growth forests in the southern Appalachians. It concludes that the herbaceous plant communities found in old growth stands may not recover within 40 to 150 years of such harvest activity, suggesting a future loss of diversity of understory herbaceous plants.

Harvesting, reforestation, and other management practices (as is also the case with natural disturbances) do affect shrubs and herbaceous plants. Deer browsing has and will continue to substantially influence these species as well. All of the stands proposed for treatment were clearcut in the late 1800's and early 1900's (FEIS pp. 152-153, and Table 8 on pages 7-26 of Appendix B), since then, selective deer browsing has substantially impacted herbaceous plant development (FEIS pp. 153, 159-161, 191-193, 226, 235-236, and Appendix B, pp. 3). While we expect herbaceous plant composition of areas proposed for final harvest to differ from current conditions once final harvest is complete, we expect no overall loss of herbaceous plant species diversity. We anticipate the forest floor would actually have a greater abundance of various herbaceous plants than the current conditions for alternatives that provide for greater control of interfering plants (FEIS pp. 163-166, 186-188, 189-193,196, 198-199, and 229), and which provide measures to reduce deer browsing impacts. More recently, portions of the SCPA have started to show signs of recovery from decades of deer browsing, with re-establishment of understory plants preferred by deer. This recovery is due to a combination of

1) good hunter access and pressure, which reduces deer numbers, and 2) adequate forage availability, which helps to reduce browsing impacts. Experience on the ANF has shown, that when deer numbers are reduced, 1) improving hunter access into more remote areas, 2) reducing interfering vegetation, 3) creating desired light conditions to promote the development of understory vegetation, and 4) providing enough forage to reduce over-browsing by deer can result in the establishment of tree seedlings and shrubs and improved understory diversity.

Effects on herbaceous understory plants as a result of proposed activities in the Spring Creek project are discussed in the FEIS (pp. 186-188, 195-196, 198-199, 207, 247-251, 255-256, 260-261, 267, and 274-277), Appendix B (pp. 62-65), and Appendix C (pp. 20-21 and 73-79). Effects on wildlife resulting from changes in understory conditions from activities proposed in the Spring Creek EIS are described on pages 245-288 of the FEIS. Tables 8 and 14 of Appendix B (pp. 7-26 and 66-109) display present condition data and stand by stand outcomes anticipated under each alternative, including outcomes for understory vegetation.

Comment 1-35

The analysis needs to consider the degree to which the alternatives would impede the movement and dispersal of closed-canopy forest wildlife species between stands and larger regions.

Comment noted. Landscape level considerations, including the amount and distribution of available interior habitat and the availability of mature forest and the associated wildlife community are discussed in the FEIS on pages 221-228, 230-233, 237-239, 245-252, 261-265, 268-272, 276, 279-281, and 287.

Comment 1-36

The analysis should present and quantify the degree of fragmentation within the project area that has already taken place and those that will occur as a result of the various alternatives.

See response to comment 1-21.

Comment 1-37

These patterns need to be compared to the historical patterns that existed prior to human disturbance.

This is beyond the scope of this project. The desired condition for the SCPA is based on the Forest Plan. See pages 1-12 of Chapter 1 of the FEIS for a description of the purpose of the proposal, need for the proposal and background/management direction for the SCPA. See also response to comment 1-19.

Comment 1-38

Analysis needs to be conducted and presented to show the range of potential impacts for the following variables: total amount and distribution of late-successional and mature forest habitat.

See response to comment 1-35.

Comment 1-39

Analysis needs to be conducted and presented to show the range of potential impacts for the following variables:

- total amount and distribution of late successional and mature forest habitat.
- total amount and distribution of important wildlife habitats now uncommon due to past human activity (e.g., riparian forests, native grasslands, etc.),
- total amount and percentage of forest habitat compromised by edge effects,
- Size distribution of habitat patches by seral stage and forest type.

FEIS pages 160-163 describe the current age class distribution found in the project area. Effects to late successional or potential old growth are discussed in the FEIS pp. 166-16, 195, and 224-225. Available wildlife habitat within the SCPA is discussed on pages 221-245 of the FEIS. Fragmentation and its effects are discussed on pages 230-233, 261-265, and 276 (FEIS). See also response to comment 1-40.

Comment 1-40

Analysis needs to be conducted and presented to show the range of potential impacts for the following variables: forest patch perimeter to edge ratios.

This comment is noted. Interior to edge ratios are only one measurement of fragmentation effects and were considered in the buffers established around forested core areas. Fragmentation and its associated effects are discussed and evaluated on pages 230-233 and 261-265, 276 of the FEIS. As described, elements of fragmentation evaluated were based on project level considerations such as; the amount of intact forest and non-forest habitat, the degree of isolation or the immediate availability of similarly forested areas, the amount and distribution of temporary and permanent openings.

Comment 1-41

Analysis needs to be conducted and presented to show the range of potential impacts for the following variables: amount and distribution of roadless area within and adjacent to the planning area.

As defined within the RARE II Roadless analysis, there are no areas within or adjacent to the SCPA that meet the definition of roadless. The closest designated Rare II area is the Clarion River Roadless Area. Therefore, no analysis was necessary. Effects to unroaded areas are discussed in the FEIS in Chapter 3 pages 139-140, 143, 264-265, 291-296, 323-324, and 337-338.

Comment 1-42

Analysis needs to be conducted and presented to show the range of potential impacts for the following variables:

- degree of connectivity between both individual forest stands and larger habitat blocks,
- degree of structural contrast between habitat patches,
- population viability analysis for species or feeding guilds most prone to fragmentation effects (e.g., area sensitive mammals, forest-dwelling songbirds).

Comment Noted. See response to comments 1-39, 1-40.

Comment 1-43

Existing conditions regarding these variables must be considered within the historical ranges of natural variability (i.e., what was likely there before large-scale human alteration of the landscape).

The scale used to complete the analysis of this EIS is commensurate with the risks associated with the project, the species involved, the likelihood of species occurrence and the level of knowledge already at hand. In addition, the Forest Plan considers historical influences and incorporated this information into objectives.

Comment 1-44

The analysis must define and measure biodiversity both in terms of the existing condition and the condition that would result if each of the alternatives is implemented. The analysis must consider the vulnerability, reduction from historical abundance, and the regional importance of all species in the project area. The analysis must use the pre-settlement condition of the project area as a benchmark for comparison with the existing condition and proposed changes to the project area. The

analysis must consider the functional, structural, and compositional attributes of biodiversity. The analysis needs to evaluate the existing condition of biodiversity, and compare it with the natural range of variability.

Comment noted. See response to comment 1-21 (biodiversity).

Comment 1-45

The Project Area needs to be considered within a landscape context. The analysis needs to consider the importance of maintaining connectivity between both individual and larger habitat blocks. To adequately consider the impacts of the project on biodiversity at the landscape scale, the following analysis must be conducted for all of the alternatives:

- size distribution of habitat patches for all community types and forest seral stages,
- patch size diversity index,
- degree of connectivity maintained between habitat patches at various scales, particularly between those patches that are now uncommon in the landscape (e.g., late successional forests, roadless areas),
- vegetation mosaic patterns,
- cumulative effects at scale of watershed and regional ecosystem,
- comparison of landscape patterns created by development to those created by natural disturbance regimes for all the above variables,
- maintenance of uncommon' or unique landscape elements (e.g., rare plant communities, natural ecotones, undistributed vegetation along environmental gradients, etc.)

Comment noted. See response to comments 1-21 (biodiversity), 1-26 (landscape considerations), 1-31 (habitat availability), and 1-40 (project level considerations related to fragmentation analysis).

Comment 1-46

Existing conditions regarding these variables need to be considered within the context of their historical ranges of natural variability (i.e., what was there before large-scale human alteration of the landscape?).

Comment noted. The historical scale used to analyze the effects on these variables and all resources is commensurate with the level of activities proposed in the Spring Creek project, with the objective of sustaining the ecosystems being considered. In addition, the Forest Plan considers historical influences and incorporated this information into objectives.

Comment 1-47

The analysis needs to consider the cumulative and site specific effects of logging on biodiversity. The analysis must consider impacts on the following levels of diversity: 1) regional landscape, 2) community-ecosystem, 3) population-species, and 4) genetic. The analysis area must be large enough to consider biodiversity on all these levels.

The regional landscape analysis needs to: 1) Identify the distribution, richness, and portions of patch (habitat) types and multipatch landscape types; 2) Consider the collective patterns of species distributions (richness, endemism); 3) Consider heterogeneity, connectivity, spatial linage, patchiness, porosity, contrast, grain size, fragmentation, juxtaposition, patch size frequency distribution, perimeter area ratios, and the pattern of habitat layer distribution; and 4) Consider the disturbance processes (area extent, frequency, or return interval, rotation period, predictability, intensity, severity, and seasonality), nutrient cycling rates, energy flow rates, rates of erosion and geomorphic and hydrologic processes, and human land-use trends.

The community-ecosystern analysis needs to: 1) Identify relative abundance, frequency, richness, evenness, and diversity of species and guilds; 2) Identify proportions of endemic, exotic, threatened, and endangered species; 3) Identify dominance-diversity curves, lifeform proportions, similarity coefficients, and C4:C3 plant species ratios. 4) Consider the substrate and soil variables, slope and aspect, vegetation biomass and physiognomy, foliage density and layering, horizontal patchiness, canopy openness and gap portions, abundance, density, density and distribution of key physical features (e.g., cliffs, sinkholes, and outcrops) and structural elements (snags and down logs), water and resources (mast) availability, and snow cover. 5) Consider the biomass and resource productivity, herbivory, parasitism, and predation rates, colonization and local extinction rates, patch dynamics (fine scale disturbance processes), nutrient cycling rates, and human intrusion rates.

The population-species analysis needs to: 1) Identify absolute or relative abundance, frequency, importance or cover value, biomass, and density. 2) Consider dispersion (micro-distribution), range (macro-distribution), population structure (sex and age ratio) habitat variables, and within-individual morphological variability. 3) Consider the demographic process (fertility, recruitment rate, survivorship, mortality), metapopulation dynamics, population genetics, population fluctuations, physiology, growth rate (of individuals), acclimation, and adaptation.

The genetic analysis needs to: 1) Identify allelic diversity and presence of rare alleles, deleterious recessive, or karyotpic (SIC) variants. 2) Consider the effective population size, heterozygosity, chromosomal or phenotypic polymorphism, generation overlap, and heritability. 3) Consider inbreeding depression, outbreeding rate, rate of genetic drift, gene flow, mutation rate, and selection intensity.

Comment noted. See pages 71-72 (ecological overview), 72-151 (physical environment), 151-207(vegetation) and 221-288 (wildlife) of the FEIS, for a discussion of predictable and applicable environmental considerations and effects. Additionally, based on the analysis provided, sufficient information exists to make an informed decision.

Comment 1-48

For all state and Federal threatened and endangered (including candidate species), sensitive species, species of concern, and rare species the analysis needs to: 1) Describe the desired future condition (habitat quality, quantity, and configuration needed to support the desired population levels), 2) Disclose any known or suspected limiting factors, 3) Define suitable habitat and the status of the habitat ion the project area for the species, and 4) List management recommendations which would remove or mitigate any adverse effects.

The BA/BE (Appendix C, pages 4-89) contains an assessment of the status and habitat conditions for all Threatened, Endangered and Regionally Sensitive (TES) species found within the SCPA. The BA/BE also contains an evaluation of anticipated effects on TES species and their habitat from proposed actions, including necessary mitigation measures and recommendations. Habitat availability and effects on species of concern and rare species (including mitigation measures) are discussed on pages 222-288 of the FEIS. All mitigation measures are also summarized in Appendix D

Comment 1-49

All old growth opportunities should be evaluated independently of potential timber stands. Opportunities must be based on both landscape and structural characteristics. Any stand that meets either or both characteristics should be designated old growth. Riparian areas deserve priority for inclusion in old growth designations for watershed protection and wildlife benefits.

FEIS pages 160-163 describe the current age class distribution found in the project area.

Potential old growth habitat is discussed on pages 224-225, and 166-169 of the FEIS. While the Forest Plan considers a forest to be old growth when it reached 111 years of age or older (FEIS p. 166, 224), we now recognize that age is only one criterion and that true old growth contains values that can only be developed over time (FEIS p. 224).

Currently, 551 acres were identified as being 111+ years old and they all fall within MA 3.0. One hundred forty-two acres of 111+ years old were identified as not exhibiting old growth characteristics but in need of silvicultural treatment due to forest health concerns. The potential for future 111+ year old stands is good. The SCPA has over 9,000 acres that are between 91 and 110 years old and in Alt. 3, over 7,700 acres could move into the 111+ year old class within the next 20 years.

Additionally when looking for potential old growth, surveyors looked for areas that best provide some the structural conditions or functional value characteristics of old growth. Due to the greater number of larger diameter trees and greater hemlock component, as well as other unique features, the best opportunities to provide future old growth within the project area occur along the riparian areas of Hunter Run, Warner Run, Spring Creek, and East Branch Spring Creek (FEIS p. 225). Stands in this area also contain concentrations of spring seeps and boulders. Additionally there have been no recent timber harvests in these areas and these stands are expected to provide the natural conditions that will contribute toward desired old growth values. While there are no areas receiving formal designation as old growth at this time, old growth will be provided in the future within the SCPA (FEIS p. 167) and as a result, Forest Plan direction related to old growth will be achieved.

Appendix B provides year of origin and timber stand outcomes for timber stand treatment proposals.

Comment 1-50

An alternative to manage this area for forest interior species (by changing its management prescription if needed) must be considered. Projects that reduce the fragmentation of the area should be considered.

A Forest Interior Species Alternative was considered but eliminated from detailed study (FEIS p. 37). As described, this alternative was not evaluated in the FEIS because it did not address the purpose and need identified in Chapter 1, implement Forest Plan direction, or meet MA 3.0 management area objectives. Alternative 3 was developed to address the issue of fragmentation effects. Additionally, the action alternatives (2-4) consider in detail interior forest species needs, especially in MA 6.1. Changing management area prescriptions as suggested, is outside the scope of this project. See also response to comment 1-23.

Comment 1-51

The analysis needs to address the predation impact of logging. The analysis needs to consider the impact of increased populations of nest predators such as blue jays, raccoons, and black snakes. The analysis needs to also consider the impact of logging roads (both providing feeding areas and a source of calcium for cowbirds) on forest interior species.

This comment is noted. Effects of proposed logging on nest predation, competition and brood parasitism is discussed on pages 231, 250 -251 and 272 of the FEIS. Based upon the analysis provided, including on-Forest monitoring (FEIS p. 287), there are no significant effects anticipated (FEIS p. 287). Additionally, available habitat for wildlife that presently utilizes the project area will continue to be available and viable populations of local wildlife will be maintained (FEIS p. 287). Effects to wildlife species from roads are discussed in the FEIS pp. 264-265 and 276-277. See also response to comments 1-21, 1-28, and 1-29.

Comment 1-52

The analysis must cumulatively consider whether interior species can escape extinction if the project area is not protected. The issue of how forest interior species such as the wood thrush can maintain a Minimum Viable Population without protecting this area needs to be addressed.

Cumulative effects, including an evaluation of past, present and foreseeable future activities that would result in fragmentation and adversely affect interior species habitat are discussed on pages 268-288 of the FEIS. Additionally, see response to comment 1-23 (neo-tropical migrants).

Comment 1-53

The results of the USFWS Breeding Bird Survey must also be considered.

Applicable PA breeding bird data was considered and used in the analysis (FEIS p. 236-240).

Comment 1-54

The relative availability of early successional habitat on private land needs to be considered.

The wildlife cumulative effects analysis includes an assessment of past, present and foreseeable future early successional habitat on private land within the cumulative effects boundary (FEIS p. 268-288).

Comment 1-55

The issue of secondary impacts of the project needs to be considered. There will be many secondary impacts associated with the project. All these impacts, such as the effects of logging on the balance of interdependent species populations, must be considered.

This comment is noted. Anticipated direct, indirect and cumulative effects of actions proposed in the Spring Creek FEIS can be found on pages 72-151(physical environment), 151-207(vegetation), 207-221(noxious weeds/invasive plants), 221-288 (wildlife), 288-296 (aquatics), 305-344 (scenic resources and recreation), 344-348 (economics) and 348-356 (health and human safety).

Comment 1-56

The impact of increased deer on other species needs to be considered. The deer could eat endangered plants. On-going research in Wisconsin indicates deer overpopulation may be contributing to the oak decline problem, Deer apparently eat the oaks and leave the sugar maple.[8]

[8]Alverson, William S., Donald Waller and Stephen L. Solheim. "Forests Too Deer: Edge Effects in Northern Wisconsin, Conservation Biology Vol. 2 No. 4 December 1988.

The commentor's concern for deer impacts on vegetation is noted. Potential impacts of deer browsing were recognized early in the analysis (FEIS p. 6). Activities proposed under the preferred alternative (Alt. 3) improve hunter access, a continual supply of browse may allow for the recovery of forbs and shrubs, which has been noticed in small localized areas. See Needs for action statement #2 (FEIS p. 6).

Effects of deer browsing on forest resources are discussed in the FEIS (pp153, 159-161, 163-166, 186, 191-193, 226, 229, 235-236).

Comment 1-57

The impacts of increased deer should be considered. For example: 1) Deer consume or otherwise damage agricultural crops. The value of the crops should be determined and considered. 2) More deer means a higher likelihood of deer/vehicle collision. The economic losses, i.e. damage to

cars, lost work time, and medical bills needs to be considered. 3) Deer can also over browse an area. This impact must be considered.

This comment is noted. Assessment of damage to agricultural crops on private land and the economic loss due to deer vehicle collisions is outside the scope of the Spring Creek project. However, effects of deer browsing are discussed and evaluated. See response to comment 1-56.

Comment 1-58

The issue of the impact of songbird declines on forest growth needs to be addressed. Research in southern Missouri shows that neotropical songbirds increase oak growth by consuming leaf-chewing insects. The study found that oaks have an enormous decline in biomass production when song birds are kept away. The Study concluded: Our results imply that declining populations of many neotropical migrant insectivorous bird species may result in decreased forest productivity. Where such population declines in certain bird species have been documented, they have not been offset by increases in populations of other insectivorous bird species . . . .Our research suggests that forest management practices that promote the conservation of insectivorous birds are imperative to maintain forest productivity. Such management practices would emphasizes strategies that maximize bird species diversity and the viability of their populations.

Marquis, Robert J. and Christopher J. Whelan, "Insectivorous Birds Increase Growth of White Oak Through Consumption of Leaf-Chewing Insects" Ecology, 75(7), 1994, pp. 2007-2014.

The coarse filter approach of using management indicators species (MIS) addresses bird species diversity and sustainability, which in combination with landscape ecology, addresses viability of populations. This approach considers the spatial distribution and abundance of 8 habitat types, several based on seral stages, including mature forest. This approach assumes that if the species, genetics, functions and processes are monitored and protected at the landscape/community level, then the bulk of the biotic species, both known and unknown, will also be protected (FEIS pgs 221, 230, and 234-242).

See also response to comment 1-23 (songbirds and neo-tropical migrants).

Note: As shown in Table 1 of the FEIS Appendix B, the SCPA does not contain a white oak component, although a few white oak trees may occur. Most of the oak is mature red oak, in which biomass production is slowing due to its maturity. The Spring Creek project proposes oak regeneration (Appendix B, Table 12, pp. 37-54) in compartments 706 and 904 in order to maintain a productive red oak forest.

Comment 1-59

The issue of the impacts of roads needs to be addressed. The analysis needs to address the impacts of increased mortality due to road kills. The analysis needs to address the impacts from fragmentation and isolation of species with an aversion to roads.

Effects of fragmentation, including road related effects of proposed activities can be found on pages 230-233, 261-265, 268, and 276-277 of the FEIS. Based on the analysis provided, including on-Forest monitoring of wildlife from similarly roaded areas, effects are not expected to be significant (FEIS p. 287). Additional documentation of the impacts of roads on wildlife can be found in the Spring Creek Roads Analysis (USDA-FS 2002a).

Comment 1-60

The issue of the effects the project will have on other stands in times with high wind needs to be addressed. The analysis needs to address if the openings will funnel the wind to other trees that

will result in blowdown. By the same token, the analysis needs to address if the trees left standing can survive high winds.

We have added further discussion of the historical impacts of wind on trees and of the future blowdown potential from the management prescribed in the Spring Creek FEIS p. 151-152. Some blowdown trees will occur in stands adjacent to those where final harvest occurs. Past experience indicates that overall it will not differ appreciably from that observed if no final harvest were to occur. From past experience, we also expect a large majority of the residual standing trees in harvest areas to be able to withstand non-catastrophic winds. Topography plays a major role in funneling winds and protecting stands. Also, winds tend to blowdown mature large crowned trees much more frequently than small crowned trees

Comment 1-61

The Forest Service misrepresents its project by using sanitized language, such as "harvest," to describe the proposed action. The reality of a timber sale is that the Forest Service kills thousands of creatures and many of these creatures suffer long and agonizing deaths. The analysis needs to disclose the true impact of the Forest Service converting our natural heritage into devastated stumpland. The Forest Service always claims that early successional species require the devastation of Forest Service timber sales. The Forest Service, however, neither provides any proof nor evidence of this claimed need or addresses the impacts to the species currently living in the area.

This comment is noted. Anticipated effects to wildlife and plants are discussed on pages 207-221 and 245-288 of the FEIS and in the BA/BE (Appendix C). This evaluation includes an assessment of direct mortality (FEIS p. 246-253, 270, and Appendix C) and documents regional declines for early successional species (FEIS p. 222-236).

Comment 1-62

The analysis needs to disclose the impacts to the plants and animals currently living in the project area. For example, scientists estimate the Forest Service kills 250 million songbirds a year, many of whose population is declining. Most killed are defenseless nestlings. The Forest Service kills many other species when it cuts the sale. The analysis needs to estimate the number of each different species that will be killed when the sale is cut. The population trend of the each species that will be killed needs to be disclosed. For species with a downward population trend, the analysis needs to disclose how killing all these creates will impact the trend. Population trends must be calculated from site-specific inventory and monitoring data, not computer models.

The analysis also needs to disclose what kind of death these defenseless creatures will suffer. Will they be instantly killed when the trees are cut or when they are ran over by logging equipment? Or will they suffer a slow and agonizing death from starvation, exposure, or dehydration? The analysis also needs to estimate how long the creatures will suffer before they die.

The Forest Service needs to develop alternatives and mitigation measures to minimize the death and suffering the logging causes. For example, the alternative/mitigation measure of not cutting in the nesting season needs to be developed and considered.

The analysis also needs to disclose the indirect impacts to the species that are not directly killed by the trees being cut down or run over by logging equipment. The analysis needs to disclose how many additional plants and animals will be die because of the major and sudden modification to their habitat. The analysis needs to disclose what kind of death these creatures will suffer. Will it be a quick and painless death? Or will the creatures suffer a long and agonizing death from starvation,

dehydration, or exposure. The analysis needs to disclose how long these creatures will suffer before they die. The Forest Service needs to develop mitigation measures/alternatives to minimize the deaths and suffering. If the Forest Service claims that some of these species will just go some place else, the Forest Service needs to provide proof of this. For example, the Forest Service would need to provide site- specific data showing other areas are not already occupied by other members of the species.

The analysis needs to address the humane and anti-cruelty laws. The analysis needs to disclose each law and indicate whether it would apply to a timber sale. (Please discuss both the Forest Service's and loggers compliance with the law.) Even if the Forest Service claims the laws do not apply to their logging, please disclose if all the animals in the sale area are being treated in the manner that would be considered humane under the laws. In the Response to Comments, please explain why you believe killing and causing pain and suffering to forest creatures is justified so that you can get the cut out.

Comment noted. Anticipated effects to wildlife and plants, including direct mortality to wildlife (FEIS pp.246, 270), are discussed on pages 207-221, and 245-288 of the FEIS and in the BA/BE (Appendix C). As described on page 287 and based on the analysis provided, effects to the wildlife resource are not expected to be significant and although wildlife distribution and use may shift as preferred habitats either become available or are lost, available habitat for wildlife that presently use the area would continue to be available and viable populations of local wildlife would be maintained. Additionally, the Spring Creek complies with all applicable laws and regulations.

Comment 1-63

While the USFWS says it is not a criminal violation of the MBTA for the Forest Service to approve a timber sale, the USFWS says it is a crime for the loggers to kill birds. For example, the USFWS has stated: Federal Agencies are required to ensure that their decisions comply with the Migratory Bird Treaty Act (MBTA) (I 6 U.S. C. 703-712; Ch. 128; July 13, 1918; 40 Stat 755, as amended). The NIBTA prohibits the take of migratory birds, nests, eggs and nestlings. The Federal list of migratory birds (SOCRFIO April 15, 1985) includes nearly every native bird species found in the State of Idaho, including Northern flicker. The DEIS does not accurately represent MBTA requirements. The FEIS should reflect the analysis below.

The DEIS states: "Trees with unidentified but occupied nest may be felled during logging or thinning activities, destroying the nests. ... The proposed management activities comply with the MBTA." The MBTA prohibits the direct take of migratory birds, nestlings and eggs by persons. Actions undertaken by contractors of the Forest Service that include cutting occupied trees, resulting in the death of migratory birds, nestlings or eggs, are not in compliance with the MBTA. However, federal agencies are not considered "persons" under the MBTA, and federal employees are not liable for taking migratory birds while performing their official duties for federal actions within the authority of the federal agency. For instance, prescribed bum actions implemented by Forest personnel are in compliance with the MBTA, even if such actions result in the take of migratory birds, nestlings or eggs.

In this case, however, contractors felling trees with nestlings or eggs would result in take of migratory birds, and persons that cut such trees are liable under the MBTA. If actions were done in the winter, or other times when nests are not occupied by nestlings or eggs, the action would be in compliance with the MBTA, because the MBTA addresses only direct take, but does not address habitat loss.

The Service recommends the FEIS include project design, timing and implementation requirements to protect migratory birds and their habitats, and correctly describe liability associated with the take of birds, nestlings and eggs. *USFWS comments on the proposed Deadwood timber sale on the Boise NF*.

The analysis needs to address this and develop mitigation measures to assure the loggers will not violate the MBTA.

The Spring Creek project complies with all applicable laws and regulations, including the MBTA (FEIS p. 247). See also response to comment 1-61.

Comment 1-64

Before carrying out the project, the Forest Service needs to obtain baseline data for all MIS species, forest interior birds, and reptiles and amphibians. This needs to be done with field surveys. See Sierra Club v. Glickman, 974 F.Supp. 905 (E.D.Tex. 1997). Survey methodologies must be disclosed. An adequate monitoring plan also needs to be in place. The Forest Service needs to conduct plant and animal surveys in all seasons.

The need for project level field reconnaissance is commensurate with the risks associated with the project, the species involved, the likelihood of species occurrence and the level of knowledge already at hand. Through its Forest-wide wildlife monitoring efforts (wetland plant surveys, breeding bird transects, etc.), as well as project level surveys the ANF has been collecting data on a wide variety of wildlife, including threatened, endangered and sensitive plant and animal species. As a result, sufficient survey data has been conducted to adequately assess wildlife diversity within the SCPA. Survey work and monitoring completed for the Spring Creek project can be found on pages 223-245 of the FEIS and Appendix C (BA/BE pp. 1-89) and in the project file. See also response to comment 14-104.

Comment 1-65

The analysis needs to disclose all the site-specific data that is being used for this project. For all the data, the analysis should reveal when it was gathered, who gathered it (including their qualifications) and the methodologies used. We have been on many Forest Service tours of proposed timber sales when the Forest Service could not find the site. Thus, we are concerned that the people who gathered the data for the project area may have been in the wrong place and not known it. The analysis needs to disclose the technology used to determine the location when the site-specific data was gathered and provide proof that the data is for the correct area.

Comment noted. See response to comment 14-104. Site specific data is incorporated into the Project file and is physically available at the Marienville Ranger Station. ANF Monitoring and Evaluation Reports and Fish and Wildlife Management Indicator Species Monitoring Reports (containing survey information) are also available for review.

Comment 1-66

The population trends of threatened, endangered, sensitive species, and MIS needs to be disclosed for the Ranger District, Forest and Region. The trends of threats to these species in each Ranger District, Forest and Region needs to be disclosed.

The status of Management Indicator Species are discussed on pages 234-242, and 277-283 of the FEIS. Whereas, TES species status are discussed on pages 243-245, and 283-287 of the FEIS and in the BA/BE (Appendix C). This discussion includes an evaluation of the State, Forest and project level status for each species, habitat and population trend information and factors leading to their decline.

Comment 1-67

The analysis needs to disclose and consider all the monitoring data that has been conducted in the project area. If there has been no monitoring done in the project area, the Forest Service should not be proposing any projects until it obtains monitoring data for the area. If there is no monitoring data for the area, the analysis needs to explain why the NFMA and NEPA's monitoring requirements are not being followed. Computer model projections cannot replace field monitoring and surveys.

The Spring Creek FEIS complies with all applicable laws and regulations. See response to Comment 1-64 (project level survey work and monitoring) and 14-104.

Comment 1-68

The issue of carbon holding capacity needs to be addressed. An older forest holds more carbon than a young forest[9]. The issue of the impact of increased nitrates needs to be addressed. As forests are forced to absorb ever higher levels of nitrates from the atmosphere, their systems become saturated. When forest disturbances occur (fires, logging, etc.) these nitrate levels are released into streams and into the air as gaseous nitrates. High levels of nitrates in the soil can lead to cation loss, acidification, with obvious long-term forest health implications

[9]Mark E., William K. Ferrell, Jerry F. Franklin, "Effects on Carbon Storage of Conversion of Old-Growth Forests to Young Forests." Science, Vol. 9,17, 9 February 1990, pp. 699-70.

See FEIS p. 78-84 regarding this topic. When considering the carbon consequences of forest management alternatives, there is an important distinction which must be made. Carbon storage refers to a "snapshot" view of how much carbon is stored in the forest now, while carbon sequestration is more of a process view. For any given management alternative, short- and long-term results will often be quite different. The most useful way to compare alternatives is to employ the concept of average annual yield. While an old forest generally contains more carbon than a young forest, the older forest's rate of carbon storage will most likely either be very low, zero, or perhaps even negative. Younger, rapidly growing forests, while actually containing less carbon, are actually removing carbon and storing it at a faster rate than an older forest. The best carbon storage strategy provides a mix of older stands with large carbon storage (but low net sequestration) and younger stands which are rapidly accumulating carbon. Management simulations based on actual inventory data from the Southeastern United States (Hoover et al. 2000) indicate that the carbon consequences of forest management actions depend strongly on initial forest conditions, especially age class distribution, forest composition, and stocking level. In general, a mixture of older trees with high current carbon storage and younger trees with rapid carbon accumulation rates will provide the best opportunities for maximizing the carbon storage potential of a forest. It is also desirable to maintain stands in a well-stocked state and ensure successful regeneration.

Regarding the potential for nitrogen saturation on the ANF, Adams et al. (2000) state that:

> ***"It is commonly believed that most forests are N-limited, and the response to additional N from acidic deposition would be a positive growth response (Tamm, 1991). This probably is still true for many forests. Recently, however, a number of forested ecosystems in the US have been found to display symptoms of N saturation (Fenn et al., 1998). N saturation occurs when the inputs of N to an ecosystem are greater than the demand by the biota, coupled with decreased terrestrial N retention capacity (Aber et al., 1989). Potential soil effects of N saturation include: increased soil acidification (van Breeman et al., 1982) and aluminum mobility (Johnson et al., 1991), increased nitrate leaching (Aber et al., 1989), altered emissions of greenhouse gases from soil (Steudler et al.,***

1989; Castro et al., 1994), and elevated base cation leaching (Fenn et al., 1998). One symptom of N saturation is rapid N cycling, particularly in the process of nitrification. As the highly mobile nitrate anion moves through the soil solution, base cations are removed from the soil exchange sites and leached from the soil. These nitrate pulses also can result in considerable increases in aluminum (Al^{3+}) in soil solution, to levels that may affect base cation uptake (Johnson et al., 1991; Raynal et al., 1992; Cronan and Grigal, 1995)."

While these potential impacts of N-saturation are serious there is no evidence to support N-saturation is occurring on the ANF. Fertilization has resulted in three times the growth rates of black cherry for 1 to 2 years after application and effects have been noticed for up to 5 years (Auchmoody, 1986, pp. 213). This indicates that N is still a limiting nutrient and is not likely in excess in the system. Monitoring following aerial N application in Mudlick Run showed no increase of Nitrogen in adjacent streams (USDA-FS 1994 [1993 M&E report]). Monitoring following fertilizer application in 1977 and 1978 did show small increases in N in the stream immediately following application (USDA-FS 1979), but the specifics of application are unknown. The immediate increase in N during the 1977 and 1978 monitoring implies the increase was likely due to either direct application to the stream (which is now protected through the use of buffers) or overland flow of water carried fertilizer into the stream. The observed increase in growth and lack of change in stream chemistry indicates that soils on the ANF are not N-saturated and are not experiencing the negative effects of N-saturation.

Nitrate is a plant-ready form of nitrogen. Harvest activities may result in decomposition of organic matter and denitrification, however plants regenerating in the lower canopy layers rapidly use up the nitrate that becomes available. In aerated soils, (Groups 1 and 2), denitrification commonly results in the production of nitrite, which is quickly re-oxidized to nitrate for further plant uptake (Kimmins 1997, p. 104-107). In soils where denitrification advances further (waterlogged soils high in organic matter, i.e. Group 3 soils and riparian areas), mitigation measures (Appendix D) will reduce the disturbance that accelerates the process, preventing the nitrogen by-products from entering streams.

Comment 1-69

The issue of the impacts to soil and water quality needs to be addressed. The effects of soil compaction and vegetation/nutrient removal must be considered. The analysis needs to address the impacts of decreased water quality due to increasing rates of soil erosion and mass wasting events. The effects of sedimentation, nutrient removal, and increased temperatures resulting from logging must be considered. The analysis needs to address the cumulative impacts on aquatic communities, including fisheries.

See the Environmental Consequences sections of the Physical Environment portion of the FEIS, pages 74-100, and 107-131 for a discussion on affects to soil and water quality. Pages 78-79 discuss nutrient cycling. Appendix D (pages 1-14) lists site specific mitigation measures designed to protect soil health and water quality.

Comment 1-70

Some of the factors which need to be considered in the analysis of the cumulative effects include: 1) coarse particulates organic matter, 2) fine particulate matter, 3) algal abundance, 4) temperature extremes, 5) turbidity, 6) diurnal cycle of dissolved oxygen, 7) nutrient input into the stream, 8) amount of suspended solids, 9) stability of substrate and banks, 10) uniformity of water depth, 11) habitat heterogeneity, 12) flow extremes, 13) diversity of microhabitat velocities, 11) primary and secondary production, 15) abundance of shredders versus scrapers, 16) abundance of omnivores verses piscivores.

This comment is beyond the scope of this project.

Comment 1-71

The analysis needs to identify all site-specific "Best Management Practices" for controlling non-point source pollution. The analysis needs to identify and consider any water quality monitoring done to demonstrate the adequacy of the Best Management Practices.

Refer to the Mitigation Appendix D for site-specific BMP's. Pages 105-106, 130-131, and 350-353 of the FEIS discuss water quality monitoring completed that demonstrates the adequacy of BMP's to be applied with proposed activities in the Spring Creek project. See discussions on the benefits of limestoning roads in the FEIS pp. 77-78, 114-118, 130-131, and 292-296.

Comment 1-72

The issue of all cumulative threats to water quality, including logging, illegal dumping, oil and gas leasing, wildlife openings upstream of the project area must be addressed. The analysis needs to identify all these threats. The analysis needs to identify and protect all riparian areas, wetlands, and floodplains.

Cumulative effects to the physical environment, including water resources are discussed on pages 87-95 and 124-131 of the FEIS. The Forest Plan has Standards and Guidelines to accomplish the protection of riparian areas, wetlands, and floodplains during various land-disturbing activities. These are incorporated into the site-specific mitigation measures in Appendix D of the FEIS.

Comment 1-73

The issue of the nutritional value of the plants growing in the resulting openings needs to be addressed. Research in the Pacific Northwest and Alaska indicates that the nutritional value of plants in open areas, such as a clear-cuts, is significantly less than in a forest. Preliminary results from research being conducted on the Daniel Boone National Forest in Kentucky show the same thing for all forms of logging.

Comment noted. Although your comment did not specify what type of nutritional value of plants you are referring to, as forage or as soil nutrient recycling, the analysis considers the decrease of organic materials due to timber harvest. See nutrient recycling, Chapter 3, pages 78-79.

Comment 1-74

The analysis needs to address how the timber sale will increase the fire danger. The analysis needs to discuss how far a fire could spot and the danger to nearby structures.

Comment noted. Fire is currently not a significant factor influencing vegetation in the SCPA (FEIS p.152).

The timber sale would only affect the local intensity of the fire and the cost to control it. Fire spotting is highly dependent upon weather and fuels.

Comment 1-75

The analysis needs to address what impact the timber sale would have on the possible introduction and spread of invasive exotic species.

Comment noted. Noxious Weeds/Invasive Plant Species are addressed in Chapter 3 of the FEIS pp. 207-221 and in Appendix D page 10 which addresses mitigation measures concerning these species.

Comment 1-76

Timber sales increase water flow and sediment. Caves and springs many miles away can be adversely affected by logging 20 or more miles away and in different watersheds. For example, a timber sale could result in increased water entering a cave and in a major storm event, the increased water could result in a flood large enough to kill (i.e., drown) or harm creatures in the cave. Or it could kill someone exploring the cave. It could also adversely affect or kill creatures living in a cave or a spring by changing the temperature or increasing sediment. Thus, the analysis of effects must also consider groundwater and subsurface water flow.

See the analysis of streamflow regime on pages 104-105 and the effects of each alternative on pages 108-113 and 124-126 in the FEIS. Studies from several areas of the northeastern U.S., including the Leading Ridge Watershed Research Unit in Pennsylvania, provide an understanding of how forest disturbance influences water yield over time. This research, summarized by Hornbeck et al. (1993), identifies three generalizations relative to water yield change. These include the following: 1) Initial water yield increases can occur following forest cutting, with the magnitude being roughly proportional to the percent reduction in basal area; 2) Water yield increases can be prolonged for an undetermined length of time by controlling natural regrowth; otherwise they diminish rapidly to predisturbance levels within three to ten years; and 3) Changes in water yield also respond to changes in species composition.

Reductions in basal area that approach 25 percent were found to have measurable increases in annual water yield by Hornbeck and Kochenderfer (2000). Annual increases in water yield due to timber removal are largely a result of increases in summer low flow, primarily during the growing season (Megahan and Hornbeck 2000). It is assumed that watersheds on the ANF respond to forest disturbance in a similar manner as presented in the preceding studies from across the northeast.

Site-specific mitigation measures to be implemented to protect soil and water are located in Appendix D.

Comment 1-77

The analysis needs to determine if there are any roads in the project area that are not included in the Forest Transportation Plan inventory. If any roads are not in the inventory, they need to be permanently closed to the motorized travel by using permanent physical obstructions and by ripping, recontouring, and revegetating the road bed and prism. The Forest Service needs to determine if the number of open roads in the project area exceeds Forest Plan standards. If the standards are exceeded, the roads need to be permanently closed. If any road in the project area is already subject to a closure order, a site inspection needs to be conducted to determine if motorized use of the road is occurring. If such use is occurring, the Forest Service needs to block the traffic with physical barriers and ripping, recontouring, and revegetating the road. Law enforcement must be employed to ensure appropriate compliance.

A detailed analysis of all roads in the SCPA, including Forest Service system roads, privately-owned oil and gas roads, and other non-system roads was completed in 2002 (USDA-FS 2002a). This analysis evaluated all roads in the project area, and describes opportunities and sets priorities for road management in the project area, including opportunities to seed or decommission existing roads. Appendix B of the Spring Creek Road Analysis (USDA-FS 2002a) describes the existing condition of all known existing Forest Service roads in the project area. Those that are needed for resource management, now or in the future, are added to the system, while those that are not needed for resource management are recommended for seeding or decommissioning. Table 20 on page 137 and Table 26 on page 142 of the FEIS display the current and projected road density by alternative. In all alternatives, the road density does not approach the limits in the standards and guidelines set in the Forest Plan.

Table 8 in the FEIS in Appendix F – Transportation (pp. 46-49 of the FEIS) displays the current and proposed road management status (open, closed, restricted) that change as a result of the project proposals in the project area under each alternative.

Where needed, law enforcement is employed to ensure compliance with road management decisions.

Comment 1-78

The analysis needs to disclose the conditions and weight limits of all the roads and bridges that will be used to haul trees to the main roads. The analysis needs to disclose if any of these roads or bridges will need to be upgraded or repaired in order to carry out this project. The analysis also needs to disclose the amount of damage the logging trucks will do to existing roads and bridges, and the cumulative direct and indirect effects the transportation of logs will have on local residents and landowners.

Appendix F Tables 1-8 in Sections 1-4 of Appendix F indicate any roads that require construction, reconstruction – improvement, or reconstruction – maintenance, or decommissioning in order to implement each alternative considered for this project. There are no bridges that require work to implement this project. Implementation of this project, with the associated roadwork, will result in a transportation system that is improved over the current condition. Also see the Transportation discussion on pages 131-144 and Appendix F of the FEIS.

Comment 1-79

The issue of impacts to the microorganisms such as fungi and bacteria in the soil needs to be addressed. Logging will kill off many of these. An inventory of these organisms needs to be done so the impacts could be determined. The impacts of compaction, vegetation removal and erosion must be considered.

The prescription for all land management activities is to keep surface disturbance to the minimum when completing prescribed treatments. Some loss of invertebrates, fungi, and microorganisms may occur on 15% of the harvest area due to surface disturbance and compaction from timber harvesting. New mitigation measures described on pages 93-95 of the FEIS and listed in Appendix D will minimize disturbance on wet soils.

Comment 1-80

Forest Service research indicates dead and decaying wood accounts for about 25% of a forest's biodiversity.[10] The impacts of removing trees on this component of the forest ecosystem needs to be considered. The Forest Service generally contends that trees are somehow wasted when they die. If the trees die, they need to be allowed to fulfill their function and be recycled back into the ecosystem. The no-action alternative needs to consider these values. According to the Forest Service:

Wildlife and fish need dead, hollow or fallen trees for food and family homes. Nationwide over 149 species of birds, 73 species of mammals, 93 species of amphibians and reptiles and nearly all fish use (dead trees) for food, nesting, or shelter. Only 31 bird species can make their own nest cavities in trees. Another 54 species of birds and other animals also use these holes. Loose bark on dead trees provides roosting colony sites for bats. Up to 167 pygmy nut-hatches have been known to roost simultaneously in a tree hole. Many species of turtles bask on fallen trees in or near water. Rhythmic drumming on dead trees is a ritual woodpeckers use to attract a mate. Ants living in dead wood eat thousands of forest insect pests which can harm living trees. Bass and trout hide under trees that have fallen into the water. The forest neighborhood continually changes and yet the way animals, plants, and people depend on each other remains the same, Even as a tree dies, it continues to give life to

animal families and eventually to new trees and other plants, and the cycle begins again." US GPO 1990-0-792-461.

The analysis needs to disclose how many standing and fallen dead trees would there be in a healthy natural forest of this size and the current status of this habitat component. The analysis needs to disclose the effects of the proposal on this important habitat.

[10]Maser, Chris, James M. Trappe, "The Seen and Unseen World of the Fallen Tree." General Technical Report PNW- 1 64.

This comment is noted. The value of dead wood for wildlife was recognized and as described on page 227, 256-258, and 274 of the FEIS, over 72 species on the ANF are known to utilize dead wood. Additionally, the dead wood component within the SCPA is characteristic of 60-80 year old second growth forest. Mitigation measures included in Appendix D call for the retention of snags (pages 6, 12, 13) to meet the needs of species that utilize standing dead wood, as well as retention of live den trees in a variety of size classes, for snag recruitment and to meet the needs of cavity nesting species. Considering the present availability of dead wood (FEIS p. 227) and with implementation of mitigation measures included in Appendix D, habitat for species that utilize standing dead or downed woody debris will continue to be available (FEIS p. 287). Effects on MIS that utilize dead wood can be found on page 240 and 281 of the FEIS.

Forest-wide monitoring efforts also include monitoring the amount of available mature forest and an assessment of the availability of dead trees. This information is available in annual forest monitoring reports and in the 1998 Forest-wide Biological Assessment (Appendix E).

Comment 1-81

Reptile and amphibian populations have been dropping dramatically throughout the world. The effects to these species needs to be evaluated. Baseline data needs to be gathered for the entire project area. A monitoring plan needs to be developed. Research indicates logging devastates salamander populations.[11] This research needs to be considered.

[11]Petranka, James W., Matthew E. Eldridge, and Katherine E. Haley, "Effects of Timber Harvesting on Southern Appalachian Salamanders." Conservation Biology; Laura A. Herbeck, Larsen, David R. "Plethodontid salamander response to silvicultural practices in Missouri Ozark forests" Conservation Biology June 1999; Man Tech Environmental Research Services Corp.,Corvallis, OR, "An Ecosystem Approach to Salmonid Conservation" www.pond.net/~kris/Mantec.htm, Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds Technical Report 19991 Independent Multidisciplinary Science Team (Can be downloaded at www.forestscience.org/)

This comment is noted. Effects of proposed actions on amphibians are discussed on pages 245-288 of the FEIS. Although there are no amphibians on the ANF that are presently listed as Threatened, Endangered or Regionally Sensitive, as suggested, habitat for salamanders and other amphibians that utilize the project area were considered.

As shown on Table 73 (FEIS p. 223), amphibians are found in all Forest Communities and size classes, as well as Forest and Non-Forest types found within the project area. Additionally, riparian areas and specialized habitats such as wetlands, vernal ponds and spring seeps are particularly important to species that require moist sites, such as salamanders. As a result, these areas receive preferential consideration and are either avoided

during layout, or mitigated during implementation (FEIS p.266). Short and long-term effects of logging on salamanders, as well as other wildlife are discussed on pages 247-252) of the FEIS and as described, the effects will vary with the type of harvest. On sites receiving a partial harvest treatment (thinning and uneven-aged treatments), wildlife diversity is not expected to significantly change, although the abundance of certain species will change, depending on the development of understory and mid-story conditions (FEIS p. 247). Whereas under even-aged regeneration treatments, the abundance and diversity of some mature forest species will be reduced until a pre-dominantly mature overstory is re-established on the site (FEIS pp. 248-251). However, considering the large acreage that will be un-affected by any activity and the protection of riparian and specialized habitat across the project area, available habitat for species that presently utilize the project area will continue to be available and viable populations of local wildlife will be maintained. Additionally, this is supported by on-Forest monitoring, which indicates that sites manipulated by practices similar to those proposed in the Spring Creek project, contains a similar compliment of songbirds, amphibians, and mammals, when compared to uncut, second growth and old growth areas (FEIS p. 287). Also, see response to Comment 1-64 (project level survey work and monitoring).

Comment 1-82

The analysis needs to address the status of native fisheries & mussels[12] and stream habitat quality compared with historic conditions in the project area, Forest and region-wide. The analysis needs to disclose the population trends of exotic or introduced species relative to native fisheries and mussels in the project area. The impacts the project will have on these populations needs to be addressed.

[12]These studies needs to be addressed:

Warren, Melvin L. & Brooks M. Burr, "Status of Freshwater Fishes of the United States," *Fisheries*, Vol. 19, No.1 January 1994.

Williams, James D., Melvin L. Warren, Jr., Kevin S. Cummings, John L. Harris, and Richard J. Neves, "Conservation Status of Freshwater Mussels of the United States and Canada," *Fisheries*, Vol. 18 No. 9 September 1993.

This comment is noted. Aquatic habitat conditions and effects to aquatic species are discussed in the FEIS (pp. 241-245, 261, 266-267, 277, 283-287, and 288-296) and in the BA/BE (Appendix C). Additionally, the BA includes an assessment of aquatic species considered most at risk and there are no activities proposed that are expected to have adverse effects to any TES aquatic species (BA pp.88-89).

Comment 1-83

All bat species are critically important to the overall health of forested and riparian ecosystems by controlling populations of insects that threaten the health of native plants particularly trees. Bats should also be considered to be a beneficial species to control the spread of the invasive gypsy moth and the native red oak borer since these species are both of the lepodoptera genus, which is also a favored food source of all three endangered bat species. The Forest Service must prohibit logging, mining, off-road vehicle use, applications of chemical agents, and prescribed burning in or near areas of known bat populations, particularly known summer roosting areas and hibernacula. Known hibernating caves should be gated and monitored for malicious activities in or near the caves. Bats are sensitive to drastic changes to their habitat (such as changes in temperature and humidity in caves or

loss of summer forested roosting habitat). Eliminating alteration of habitat is essential if populations of these endangered bat species are to recover.

Effects of proposed actions on wildlife, including forest dwelling bats are discussed on pages 245-288 of the FEIS. Additionally, the Spring Creek Biological Assessment (Appendix C), evaluates effects on 5 Threatened and Endangered species and 26 Regionally Sensitive species. This analysis specifically addresses habitat and effects on two bat species including the endangered Indiana bat (Appendix C pp. 4-30) and the Regionally Sensitive Northern Long-ear bat (Appendix C pp. 50-53). As discussed, there are no effects proposed under any alternative to the Indiana Bat that were not considered in the Spring Creek BA (Appendix C p. 29), nor are there any impacts that are likely to cause a trend toward federal listing for the Northern Long-eared bat (Appendix C p. 53) and habitat and viable populations will be maintained for these species, as well as all other wildlife that presently use the project area (FEIS p. 287).

Comment 1-84

The analysis needs to identify and the Forest Service needs to protect all unique plant communities. Plant communities needs to be identified based on the species present. Plant groups which need to be identified and protected include 1) all threatened and endangered species and all species under consideration for this status, 2) all state listed species, 3) and all sensitive species.

The FEIS addresses Proposed, Threatened, Endangered, and Sensitive (PETS) Species in the FEIS pp. 283-287 and in Appendix C – BA/BE.

This comment is noted. Unique plant communities and state listed species are discussed on pages 229-230, 255-256, 267, 274, 277, and 286-287 of the FEIS. Regionally sensitive species, which are the species considered most at risk, are discussed in the BA/BE (Appendix C pp.71-79) As described, due to the soil moisture conditions provided, these communities are frequently found in wetlands, semi-aquatic and riparian areas, which are identified early in the analysis process and given preferential consideration to other resources (FEIS pp. 266-267), as well as being protected further through implementation of forest-wide standards and guidelines (FEIS pp. 130, 296). Finally, all sites proposed for treatment have been surveyed by the district botanist and/or biological technician and no Regionally sensitive species, or state listed species were identified. Based on the analysis provided, including project level surveys, there are no adverse effects to any Sensitive plant species (see Appendix C, pp.73, 79, 88-89), nor are there any significant effects to any state listed plant species anticipated (FEIS pp. 286-287).

Comment 1-85

The analysis needs to address the issue of timber theft. A report by the Agriculture Department's Inspector General charges that the US Forest Service often overlooks the theft of timber from our National Forests by failing to follow its own policies intended to prevent timber companies from illegally cutting trees and penalize those who do. The report shows that out of a sample group of 61 timber sales over the last two fiscal years, 26 operations had cut trees that had not been included in the sale site. Out of these 26 violations, Forest Service administrators informed the USFS enforcement personnel of only six violations. Additionally, a report by Forest Service employees for PEER ("Unindicted Co-Conspirator) contains additional proof. Therefore, analysis needs to consider these reports and address the impacts timber theft could have.

This comment is beyond the scope of the Spring Creek project.

Comment 1-86

The Forest Service lost a lawsuit on a similar issue: ATV use on the Shawnee National Forest. In the Forest Plan EIS, the Forest Service claimed that there would not likely be any significant impacts from ATV/ORV use on the Shawnee National Forest. The basis for this claim was that there would be designated trails for ORV/ATV use. The Forest Service, however, failed to address the problems with keeping the ATV/ORVs on the trails. There was evidence of law enforcement problems on the Shawnee and other nearby areas. The record indicated that it was unlikely that the ATV/ORV riders would obey the law and stay on the trails. In *Sierra Club v. U.S.D.A.*, 1997 WL 295308 (S. D. Ill. September 25, 1995) *aff'd by order adopting* opinion 116 F.3d 1482 (C.A. 7 (111) 1997), the Court vacated the Forest Plan, EIS, and ROD. Subsequently, the Court issued a permanent injunction enjoining all ATV/ORV use on the Shawnee National Forest. *Sierra Club v. U.S.D.A.*, 1997 WL 295308 (S. D. Ill. March 20, 1996) *affd by order adopting opinion* II 6 F.3d 1482 (C.A. 7 (111) 1997). The Court ruled that the Forest Service was required to analyze the impacts of the ATV/ORVs violating the law by going off the trails. Similarly, the Forest Service needs to analyze the effects of timber theft.

Comment noted. This comment is beyond the scope of the Spring Creek project.

Comment 1-87

The issue of the need to cut timber from the sale area to meet society's needs for timber must be addressed. The alternative of private lands providing the timber needs to be considered. The issue of the impacts of local landowners having to compete with below-cost government timber needs to be considered. In a hearing for Kentucky Heartwood v. United States Forest Service, Civil # 97-378 (E. D. KY, April 15, 1998), the timber industry put on witnesses who testified that the price of timber on private land had increased due to the reduction in logging on the Daniel Boone National Forest. The indirect effect of the unfair government competition triggering poor private forest management needs to be analyzed.

The state's private forests can easily provide all of our timber needs. On a state and regional basis, the National Forest contributes an insignificant portion of the timber production.

The best use of the area needs to be considered. The primary use of hardwoods from the Forest is pallets. The pallets are used only once and usually end up in a landfill. Pallets can be made from recycled plastic. There is a company in Missouri that makes pallets that can be reused 15-20 times. The analysis needs to compare the relative value of this area as a tree farm to make pallets that clog our landfills to wildlife habitat and recreation land. Such an analysis is needed to address the issue of what is the best use of this area.

The Forest Service needs to consider and implement its "National Strategy for Waste Prevention and Recycling." The analysis needs to consider how this timber sale will promote waste of wood and fiber. The Forest Service cannot bury its head in the sand and say this is beyond the scope of the analysis. The Forest Service has a legal responsibility to provide leadership to waste reduction efforts. Ignoring the impacts of providing cheap, particularly below-cost, trees on reduction efforts is not providing leadership.

The indirect effects of filling up landfills with pallets, wood products, and paper (which are acknowledged in the National Strategy for Waste Prevention and Recycling) must be considered. An alternative of using reusable pallets or pallets made from recycled plastic needs to be considered. This alternative would respond to the issue of whether there is a need to cut this area and what the best use of the area is. An alternative of increasing the use of recycled paper also must be considered for the same reasons. The NFMA states:

recycled timber product materials are as much a part of our renewable forest resources as are the trees from which they originally came, and in order to extend our timber and timber fiber resources and reduce pressures for timber production from Federal lands, the Forest Service should expand its research in the use of recycled and waste timber product materials, develop techniques for the substitution of these secondary materials for primary materials, and promote and encourage the use of recycled timber product materials.
16 USC § 1600

The Forest Service should follow its mandate to provide a leadership role in waste reduction by printing all documents on both sides and using either alternative fiber or I00% post-consumer recycled paper.

The issue of exports needs to be considered. Trees cut down east of the Mississippi can be exported to foreign countries. An alternative of banning exports needs to be considered.

This comment is beyond the scope of the Spring Creek project.

Comment 1-88

According to the Explanatory Notes for the 1997 Forest Service Budget: 1) In FY 1994 the Forest Service hosted over 835 million visits on National Forests, compared to 300 million by the National Park Service and 40 million by Disney; 2) Recreational use of the forests is at an all time high, and RPA projections indicate that use will increase over 50 percent by 2040; 3) Over 21/2 million jobs are associated with the economic activity generated by recreation which is estimated to almost $ 100 billion annually; and 4) Recreation fees to the Treasury were $46 million last year. The timber program, by comparison, created 76 thousand jobs worth $2.7 billion[13] and cost the treasury $278 million in 1994.[14]

[13]National Summary Timber Sale Program Annual Report Fiscal Year 1994
[14]*Forest Service Distribution of Timber Sale Receipts Fiscal Years 1992-94*, General Accounting Office Report # GAO/RCED-95-237FS, September 1995.

This comment is beyond the scope of the Spring Creek project.

Comment 1-89

A survey in the September 1996 issue of Conde Nast Traveler magazine readers says that the environment has become a "major issue" for many travelers. More than half of the respondents (218 readers responded) said that the environment has become a factor in their travel plans over the last ten years. Ninety-one percent expressed concerns over environmental conditions at their destinations, and 25% said they had been forced to change travel plans because of environmental problems. Almost 42% said they would have changed plans had they known in advance about problems they encountered. The analysis needs to consider this survey.

Comment noted. See the Recreation section on pages 316-343 of the FEIS.

Comment 1-90

The issue of impacts on recreation needs to be considered. The Forest Service should consider how the project, including the cumulative impact of other logging operations, will impact the increased recreational use of the Forest in the future. The project will impact recreation well into the future. The cut area will not be attractive for recreation such as hiking, camping, bird watching, fishing, and solitude. The analysis needs to consider and disclose these adverse effects. The analysis needs to compare the ability of private land to provide recreation and timber versus the National Forest's ability to provide such services.

The effects to recreation anticipated under each alternative considered are discussed on pages 316-343 of the FEIS.

Comment 1-91

The Forest Service needs to disclose the jobs and income from recreation whenever it mentions the jobs and income created by logging.

The economic effects of proposed activities in each alternative, including employment associated with timber harvesting on the ANF, and benefits to local economies are described on pages 344-248 of the FEIS.

Comment 1-92

The issue of below-cost sales needs to be addressed. Since this will be a below-cost timber sale, the issue of the indirect effect of increasing the Federal deficit needs to be addressed. (Image did not reproduce: Above this paragraph were two bar graphs depicting jobs and income associated with recreation versus logging See letter #2, page 17 in the project file available at the Marienville Ranger Station.)

The issue of below-cost sales is a national issue beyond the scope of this project. Table 94 on pg. 346 of the FEIS displays a cash flow comparison of the alternatives considered in detail. Alternatives 2 and 3 are anticipated to result in a positive cash flow, with Alternative 2 resulting in the highest net cash flow. Alternatives 1 and 4 are expected to result in negative net cash flow, as costs would exceed any returns.

Comment 1-93

All environmental impacts of a larger Federal deficit need to be considered.

Comment noted. This is beyond the scope of this project.

Comment 1-94

The 6th Circuit ruled that the Forest Service has a tendency to act in its own fiscal interest instead of the public interest. See, Sierra Club v. Thomas, 105 F.3d 248 (6th Cir. January 21, 1997). The 6th Circuit explained that the Forest Service increases its budget by approving timber sales.

Comment noted.

Comment 1-95

The analysis needs to disclose how much of the money from the timber sale will be returned to the U.S. Treasury and how much will be diverted for other purposes (KV Fund, etc.).

Table 94 page 346 displays the cash flow comparisons between alternatives considered in the project. See the discussion on pages 344-348 of the FEIS on returns to the U.S. Treasury. Table 95 pages 346-347 shows costs of non-priced commodities related to recreation, wildlife, and soil and water improvements.

Comment 1-96

Research by the Association of Forest Service Employees for Environmental[15] reveals that the Forest Service illegally skimmed $74 million a year from KV funds (up to 72% of the KV Fund expenditures) earmarked for reforestation and logging mitigation for administrative overhead including office and staff expenses and the salaries of regional foresters and supervisors. Since this provides a perverse incentive to get the cut out, the analysis needs to disclose how much of the income from the sale will go to pay the Deciding Officer's and other Forest Service employee's salaries and other administrative overhead. The no-action alternative needs to disclose its impact on Forest Service employment levels.

15"Who Says Money Doesn't Grow On Trees? The Knutson-Vandenberg Act -- A Legacy of Creeping Bureaucracy,

Comment noted. This is beyond the scope of this project.

Comment 1-97

The Forest Service needs to include all costs and calculations in the EA and in its calculations. The following actual costs need to be included: Road Costs (Construction, Reconstruction, and Wear and Tear); County Payment; Land Survey; Sale Costs-Harvest Administration, Sale Preparation, Planning, and Silviculture Exam; Management Costs-Reforestation and Timber Stand Improvement; General Administration and Building Depreciation; Washington and Regional Office Overhead, and Law Enforcement. The analysis also needs to consider the wear and tear on non-Forest Service roads.

Table 94 on page 346 of the FEIS displays a cash flow comparison of the alternatives considered in detail. Costs were derived by summing all planning, reforestation, roadwork, and other work needed to implement each alternative, including sale planning, preparation and administration. The project file contains actual cost calculations for each alternative. See response to comment 1-95.

Comment 1-98

The Forest Service points out that road construction costs are depreciated because they are usually used for more than one sale. Thus, this sale's share of construction costs for all roads that will be used need to be calculated and charged against this sale.

See response to comment 1-97. Road construction costs needed to implement each alternative are included in the total costs calculated for the cash flow comparison of alternatives.

Comment 1-99

The Forest Service needs to addresses all the economic trade-offs and all the environmental externalities from the timber sale. The Forest Service needs to conduct an analysis that addresses the points of the Forest Service publication: "Assessing Economic Tradeoffs in Forest Management" PNW-GTR-403, August 1997. The Sky Did NOT Fall-The Pacific Northwest's Response to Logging Reductions by Ernie Niemi, Ed Whitelaw, and Andrew Johnston which can be downloaded at www.pacrivers.org/Publications/skyfalling.html needs to be considered.

The information related to economic analysis contained in the PNW-GTR-403 publication titled "Assessing Economic Tradeoffs in Forest Management" is directed at the scope of a Forest Plan and evaluating tradeoffs of Forest management alternatives. The abstract reads: "Method is described for assessing the competing demands for forest resources in a forest management plan by addressing economic values, economic impacts, and perceptions of fairness around each demand. Economic trends and forces that shape the dynamic ecosystem-economy relation are developed. The methods analysis of a forest management decision in the southern Appalachian Mountains." The scope of this decision to be made for the Spring Creek project, Chapter 1, Purpose and Need and Chapter 2, Alternatives and the subsequent economic analysis, Chapter 3, Economics, do not look at Forest Plan level alternatives, but at the economic effects of implementing site specific activities to meet Forest Plan DCs. The purpose of the economic analysis in the Spring Creek FEIS is to compare the relative cost/benefits of all the alternatives considered in detail. See Chapter 3, p. 344-348. The comment on the article entitled the Sky Did NOT Fall is noted. This is not a comment that is site-specific to the Spring Creek project.

Comment 1-100

In September 1995, the General Accounting Office released "Forest Service Distribution of Timber Sale Receipts Fiscal Years 1992-94" GOA/RCED-95-237FS. This report found the Forest Service lost about one billion dollars logging the public's National Forests. The analysis needs to address the findings of the report and calculate the costs of the sales in the same manner.

The comment is beyond the scope of the Spring Creek project.

Comment 1-101

Forest Service economic analysis never assigns any value to standing forests. This is like selling a car worth $10,000 for $100 and claiming a $95 profit because the classified ad cost $5. The economic analysis needs to consider economic values of a standing forest such as carbon storage, flood prevention, watershed protection, tourism, recreation, mushroom gathering etc. and compare it to the economic value of stumpland for these factors.

The Forest Plan allocated management areas (MAs) and the primary purposes for each management area (see the Allegheny National Forest Land and Resource Management Plan, 1986 and the Purpose and Need section of Chapter 1 of the Spring Creek FEIS). The economic effects of implementing the Forest Plan (management direction for each MA) can be found in the FEIS for the Forest Plan. The Spring Creek project proposes activities that are compatible with Forest Plan objectives for the MAs that make up the project area. The purpose of the economic analysis in the Spring Creek FEIS is to compare the relative difference of the costs/benefits of all the alternatives considered in detail (See Chapter 3, pp. 344-348).

Comment 1-102

The analysis should include graphics to help the Decision maker and public understand the effects of the action. The analysis should include graphics that show the following for the project area: 1) Past logging sites; 2) Timberland suitability; 3) Old growth; 4) Interior Forest; 5) Existing roads; 6) Road density; 7) Vegetation type; 8) Soil type; 9) Topographical information, showing slope steepness; 10) Unstable or potentially mass wasting slopes; I 1) Management area prescriptions; 12) Cliffs, waterfalls, talus fields, etc; 13) Snag density; 14) Wetlands and riparian areas; 15) Trails; 16) Visual Quality Objectives; 17) Property ownership; 18) Right-a-ways, power lines, etc.; and 19) Sensitive areas such as natural areas, wilderness, etc.

Comment Noted. Maps 1 through 5 (located inside the back cover of the FEIS) display an overview of project area vicinity, management areas, vegetation, road-related, recreation and wildlife activities proposed in each alternative, as well as, land ownership for the Spring Creek project. Numerous tables throughout the FEIS display project area data in a tabular format. Because of the large size in terms of area for the Spring Creek project, large site specific detailed treatments maps were made available on the ANF web site and available on compact disc (cd) to the public. These maps display vegetation, transportation, wildlife, recreation, and hydrology proposals in greater detail. As part of the FEIS, Appendix H – Recreation maps showed existing ROS conditions, trails, unique features, and scenic resource conditions as well as campground and trailhead designs and proposed horse trail locations. A digital photo scrapbook of scenes in the SCPA is available for review and filed in the project file. The Spring Creek Roads Analysis Process (USDA-FS 2002a) displays maps with existing road conditions, road densities, right-of-ways, and road management/access. The Spring Creek EAWS (Ecosystem at the Watershed Scale-USDA-FS 2003a) analysis contains riparian, forest type, and age class distribution maps, while numerous additional maps that graphically display other information such wetlands, soil types, landslide areas are available in the project file at the Marienville Ranger Station.

Comment 1-103

An article in the June 1997 issue of Harpers Magazine titled "The Federal Chain-Saw Massacre" documents how the Forest Service does not act in the public interest. This article should be considered. The article Twight, Ben W. and Fremont J. Lyden "MEASURING FOREST SERVICE BIAS, Forestry and the Public Interest: Whose policies and values are represented by USDA Forest Service managers?" Journal of Forestry, Vol. 87, No. 5, May 1989, documents how the Forest Service is biased in favor of logging. This article should be considered. The author (Twight) indicates this is still the case today. The Inspector General's Report, "Timber Sale Environmental Analysis Requirements" No. 08801-10-At January 1999 needs to be considered and addressed.

Comment noted.

Comment 1-104

The Forest Service needs to fully develop and consider uneven-aged management alternatives. The 6thCircuit has ruled: The National Forest Management Act mandates that the Service ensure that even-aged management practices be used in the national forests only when "consistent with the protection of soil, watershed, fish, wildlife, recreation, and aesthetic resources, and the regeneration of the timber resource." 16 U. S.C. § 1604(g)(3)(F)(v). The National Forest Management Act thus contemplates that even-aged management techniques will be used only in exceptional circumstances. Yet, the defendants would utilize even-aged management logging as if it were the statutory rule, rather than the exception. *Sierra Club v. Thomas, 105* F.3d 248 (6th Cir. January 21, 1997).

Alternative 4 fully develops and considers the use of uneven-aged management in the SCPA. Alternative 4 is described on pages 32-34 of Chapter 2 in the FEIS. The feasibility and effects for uneven-aged management in the Spring Creek project is discussed on pages 172-174 and 183-186 of Chapter 3 in the FEIS. See also pages 29-30, 33, and 60-62 of Appendix B, and Appendix E in its entirety for further discussion on the feasibility of uneven-aged management in the SCPA. No patch clear-cutting is proposed in the Spring Creek project

Comment 1-105

The Forest Service needs to consider true uneven-aged management (selection management). The Forest Service must not attempt to use "patch clear-cutting" in place of "group selection." Group selection does not use area regulation, it uses diameter distribution regulation.

See response to comment 1-104. Methods for applying the uneven-aged management in Alternative 4 are discussed on pages 172-174 and 183-186 of Chapter 3 in the FEIS, and pages 29-30, 33, and 60-62 of Appendix B. Selection harvesting is considered in the Spring Creek project almost exclusively in (Alternative 4) and in some areas in Alternative 2 and 3.

Comment 1-106

The Forest Service also needs to consider the research done in Illinois on Group Selection.[16] “The research identified group selection openings as "ecological traps." Many species were attracted to the openings, which appeared to be suitable habitat. These species, however, did not successfully reproduce due to predation and cowbird parasitism. The study concluded, "If land is to be logged, single tree selection at low volumes removed (<20%) and long (I 5-20 years) cutting intervals is the method that will have the least adverse impact on forest bird communities."

[16]Robinson, Scott "Effects of Selective Logging on Forest Birds in the Trail of Tears State Forest, Southern Illinois.

Effects of timber harvest on wildlife and wildlife habitat are discussed on pages 245-288 of the FEIS and in the BA/BE (Appendix C). See also response to comment 1-28 (effects of brood parasitism and predation).

Comment 1-107

The Federally Endangered Indiana bat needs to be considered. The analysis needs to consider all available research.[17] The ESA requires the Forest Service to use "the best scientific and commercial data available" to fulfill its Section 7 obligations. The analysis needs to consider the summer habitat required by female Indiana bats for maternity roosts (e.g., roost trees, protection from disturbance, and foraging habitat). The analysis also needs to consider the summer roosting and foraging needs of male Indiana bats. The analysis on roosts needs to consider existing and potential roosts in upland and riparian areas and the issues of bats using the trees while the sale is being cut (which would result in their death by killing them when their roost is cut or being killed by an adjacent tree falling on them), loyalty to the roost trees, stress of finding new roosts, and the impacts of removing trees next to roosts or potential roosts (i.e., making the tree more susceptible (SIC) to windthrow and changing the thermal dynamics).

The analysis also needs to consider the email message from Dr. John Whitaker that we sent to the Forest on September 6, 1999. The analysis also needs to consider the impact the logging will have on opening the area which allows other species of bats and birds to compete with the Indiana bat for the insects. Likewise, the analysis needs to consider the issue of additional predators that the Indiana bat will be exposed to as a result of opening the canopy. The analysis also needs to consider if there are any hibernacula in the area. If so, the analysis needs to consider the impacts of the sale on the bats' summer, fall, spring, and winter habitat. The Forest Service also needs to consider the rulings in House v. United States Forest Service, 974 F.Supp. 1022 (E.D.Ky. 1997) and Bensman v. United States Forest Service, 984 F.Supp. 1242 (W.D.Mo. (1997)). These rulings specifically rejected all the Forest Service's standard claims about why the logging will not have any adverse effects on the Indiana bat and ruled that the timber sales in question will "take" the Indiana bat.

[17]As a minimum these studies need to be addressed:

Callhan III, Edward, "Indiana bat Summer Habitat Requirements" Masters Thesis, University of Missouri, May 1993. (Calthan 1993.)

Gardner, J. E., Garner, **J.** D., and Hofmann, J. E. 199 1. "Summer roost selection and roosting behavior of *Myotis sodalis* (Indiana bat) in Illinois." Unpublished Report, Illinois Natural History Survey, Champaign, Illinois. (Gardner 1991.)

Kiser, James D. and Charles L. Elliott "Foraging Habitat, Food Habits, and Roost Tree Characteristics of the Indiana Bat (Myotis Sodalis) During Autumn in Jackson County, Kentucky."

Clawson, Richard L., "Report on the Status of Priority 1 Indiana bat hibernacula, 1995.

Clawson, Richard L., "Indiana Bat Summer Habitat Patterns in Missouri" (Clawson 1996.)

Kurta, Allen, and Kimberly Williams "Roosting Habitat, Microclirnate, and Behavior of the Endangered Indiana Bat (Myotis sodalis) in Southern Michigan." Eastern Michigan University, October 1, 1992.

LaVal et al., "Foraging Behavior and Nocturnal Activity Patterns of Missouri Bats, with Emphasis on the Endangered Species *Myotis griscens and Myotis sodalis,"* Journal of Mannnalogy, Vol. 5 8, No. 4, 29 November 1977.

Romme, Russell C., Karen Tyrel, & Virgil Brack, Jr., "Literature Summary and Habitat Suitability Index Model, Components of Summer Habitat for the Indiana bat, *Myotis sodalis"* March 20, 1995

Gardner, James E., Joyce Hofmann, and James D. Gamer, "Summer Distribution of the Federally Endangered Indiana Bat **(***Myotis sodalis)* in Illinois" Transactions of the Illinois State Academy of Science(1996),Volume89,3and4,pp. 187-196.

This comment is noted. The status and potential effects to the Indiana bat are discussed on pages 4-30 of the BA (Appendix C). The analysis presented is based on the most current and applicable scientific information available, including project level telemetry work. As described on page 30 of the BA, direct mortality to the Indiana bat could occur as a result of activities proposed under the preferred alternative (Alternative 3). However for reasons stated on pages 29-30, anticipated effects of implementing Alternative 3 are not likely to jeopardize the continued existence of this species.

Comment 1-108

Investigators have examined more than three decades of data from the Forest Service's Hubbard Brook Experimental Forest in the White Mountains of New Hampshire and discovered that increased acidity has deprived the soil of alkaline chemicals (mainly calcium) that are essential for plant growth. Simultaneously, they found that the annual rate of accumulation of forest biomass dropped to nearly zero in 1987, where it has remained. Finally, they discovered that the soil was recovering its calcium and other alkaline chemicals very slowly because precipitation contains about 80 percent less of these nutrients than it contained in 1950. The analysis needs to consider these findings. With the problems of acid rain, the Forest Service should not be logging public forests.

As stated, the comment does not accurately reflect the findings of studies made at the Hubbard Brook Experimental Forest (HBEF). In 1996, Likens et al. reported the "unexpected" finding that "the annual rate of accumulation of biomass dropped to near zero in 1987" at Watershed 6 of the Hubbard Brook Experimental Forest and has remained at this level since that time. They further suggested that this was "perhaps" due to the loss of calcium from the watershed as a result of acid deposition. The HBEF was disturbed by cutting at the turn of the 19th century and by the 1938 hurricane. The finding was "unexpected" because the model (JABAWA) used to predict biomass suggested that biomass accumulation would not stabilize this soon. Comparison of basal area, which has a good relationship with biomass, with reference stands at the Bowl Natural Area on the White Mountain National Forest suggest that: 1) Watershed 6 at HBEF has recovered from disturbance and has about the biomass that should be expected for that region and 2) some of the assumptions in the JABAWA model are incorrect.

The calcium budget of the HBEF is a subject of current and planned research, thus, conclusions about calcium limitation of tree growth at HBEF are premature (Hubbard Brook website: www.hubbardbrook.org). While it is true that acid deposition accelerates the loss of calcium from soils, recent research (Dutton and Evans 1996, Certini et al 2000) suggest that exchangeable calcium is not the only source of calcium in forest soils. These studies show that calcium oxylate produced by soil fungi and trees may provide a large reserve of calcium that contributes to calcium leached by acid deposition. Moreover, whole tree harvesting experiments on northeastern sites with exchangeable calcium levels similar to those at HBEF (Pearce et al. 1993) show that new forests are regenerating and growing at the expected rate despite large nutrient removals and limited return from decomposing slash in whole tree harvesting. Based on our interpretation of this information, we do not agree with your conclusion that logging should not occur on public lands.

LETTER #2 – FRANK STEWART

Comment 2-1

If possible, please send a hard copy of the DEIS for the Spring Creek Project to me at the above address.

A copy of the Spring Creek DEIS was sent to the commentor on 1/28/2004

LETTER (E-MAIL) #3 – ROBERT STOUDT

Comment 3-1

I have recently received a copy of the Spring Creek Draft EIS. While reviewing the document, I have also gone to the ANF website and printed out copies of the Spring Creek Roads analysis and the Spring Creek Ecological Analysis and downloaded the available GIS layers. I am very interested in the Spring Creek projects and would like to provide specific comments on the Draft EIS. However, I would like to see some of the maps in better detail than what I have on my printed copies, so that I can offer more specific comments.

Comment noted. See response to comment 3-2.

Comment 3-2

I own a copy of Arcview GIS v3.2 and see that the maps for the projects were made in that program. If it is possible, could I have a copy of the Arc shapefiles that were used in creating the maps for the Spring Creek draft EIS, the Spring Creek Roads Analysis, and the Spring Creek Ecological Analysis? I understand the limitation of the GIS data layers, particularly in regard to currentness of the data, accuracy, etc., and agree to hold the ANF without blame for any confusion that might result from reviewing the GIS data. I will not further distribute the GIS data and will use the information only for the purpose of providing feedback on the Spring Creek Draft EIS. If there is a fee for copying shapefiles to CD and then for mailing, I will be glad to pay a reasonable fee.

Again, I would like to receive all Arcview GIS v3.2 shapefile data and associated meta data related to the Spring Creek Draft EIS, the Spring Creek Road Analysis, and the Spring Creek Ecological Analysis. I prefer to receive the data on CD. Please send the information to:

An electronic mail message was sent to commentor dated 2/9/2004 that his comment was forwarded to Geographic Information System staff on the ANF for consideration.

A second e-mail was sent to the commentor dated 2/9/2004 in response to the request for information explaining to the commentor that the ANF traditionally does not create shapefiles as a general rule, but we could create shape files for the commentor, but there would be a fee involved. The commentor was asked to contact the Supervisor's Office in Warren, PA for the scope and detail of the request if still interested. Commentor's request for information met. See comment 5-2 and response.

LETTER 4 - TED LUTZ

Comment 4-1

Ted Lutz of the Kane Republican called this morning (2/12/2004). They would like a copy of he DEIS for Spring Creek in a hardcopy. The address is simply The Kane Republican, Kane, PA 16735

A copy of the Spring Creek DEIS was sent to commentor on 2/12/2004

CONVERSATION RECORD 5 – ROBERT STOUDT

Comment 5-1

Mr. Stoudt called to confirm the March 8 date for the end of the comment period for the Spring Creek DEIS as stated in the Federal Register.

Comment noted. The comment period ends 45 days from the publication of the NOA in the Federal Register. The comment period ending date was confirmed to be March 8, 2004 as stated in the Federal Register Vol. 69, No. 15 Friday, January 23, 2004.

Comment 5-2

He also wanted specific direction on how to navigate to the site-specific location on the web site that displayed the public detail maps. I walked him through it and displayed the versatility of the maps. Mr. Stoudt said he would like to have hard copy of these maps, but since he found them on the web it would not be necessary. I showed him how to correlate the map data in terms of compartment and stand back to the Appendices, especially Appendix B. I also reminded him of the preferred alternative(s) so he could concentrate his work on those maps. Mr. Stoudt thanked me for the information.

Comment Noted. Request for information explaining the location (via website) of site-specific detail maps of the Spring Creek alternatives, their versatility, and their relationship to information in Spring Creek Appendices, most notably, Appendix B -Vegetation Report, was accomplished via telephone conversation as noted above.

LETTER #6 – NATIONAL PARK SERVICE

Comment 6-1

Subject: Spring Creek Project, Allegheny National Forest ER-04/0040

The National Park Service (NPS) has reviewed the materials and had no issues or concerns for the above referenced project.

If you need further information in this matter, please contact Shaun Eyring, Manager Resource Planning & Compliance at (215) 597-8850.

Comment noted.

TELEPHONE/CONVERSATION RECORD #7 – CHUCK ENSMINGER

Comment 7-1

A Mr. Chuck Ensminger called and said he has been reviewing the DEIS for Spring Creek. He has concerns with the proposed location of the horse trail in the FR 227 area. He referenced several site specific areas in the FR 227 area and asked why we had put the trail location in that area. I was unable to give Mr. Ensminger a site specific answer at this time, because of my unfamiliarity with the horse trail on-the-ground design. I encouraged him to write his site-specific comments down and submit them during the comment period. I also gave him Brenda Adams-Weyant's (Recreation Planner and horse trail designer) phone number so he could talk to someone that knows the area site-specifically. We did have some broad conversations about trail design, such as loops, scenic quality, avoiding soil and water problems, rider safety on roads and riding seasons, etc.

Comment was received via telephone. Broad conversations about trail design, such as loops, scenic quality, avoiding wet soils and water problems, rider safety while on roads and riding seasons were discussed. Commentor was then referred to Recreation Planner involved with the site specific resource proposal regarding the design of the proposed horse trail See below for background regarding the site-specific trail design for the area in question and also comments

and responses 7-3 and 7-4 regarding the 2nd phone conversation with Recreation Planner.

In the scoping map (sent to the public April 10, 2002), the location of this section of the horse trail was to connect to the end of FR 227DA, continue eastward, cross FR 227D, then drop into the unnamed drainage to the east of 227D. The route identified in the draft EIS (sent to the public January 16, 2004) shows the route staying to the southwest of FR 227DA. The small group of employees that flagged in this section of trail followed the break of the hill from the quarry to the west. When the group got close to the end of FR 227DA, one member followed the proposed line to FR 227DA, and the others continued to follow the break of the hill eastward. After investigating both routes, it was decided to stay on the break of the hill rather than connect to FR 227DA because the soils were drier and the southerly route provided a vista of the Spring Creek valley. The route along FR 227DA was not as scenic as the hillside route, as it passed through several recent harvest areas and a stone pit; and the route getting to FR 227DA traversed some poorly drained soils.

Comment 7-2

He asked if this project was indeed a "federal project". I confirmed to him that this project was a "federal action".

The Spring Creek project was confirmed to the commentor as a "federal action".

Comment 7-3

Mr. Ensminger called to ask about a section of trail in the FR 227d area. The proposed horse trail crosses the upper end of a large opening that provides a scenic vista of the Spring Creek Valley. This has been a special place to Chuck and his family for a long time and he called to ask if we could move the trail on to FR 227d and avoid the area. I asked why he felt the trail would disturb this special area. He said that time spent in the woods is time away from civilization, and any evidence of man-kind infringes on this experience. I explained that this trail alignment was proposed because of the good soils and the vista opportunity. Aligning the trail to connect to FR 227d would cross an area of poorly drained soils. I asked if the trail was moved to the upper edge of this large opening if it would have less an effect on his experience. He said the presence of the trail (and any users) is disturbance.

This comment was discussed with Robert Wetherell, ANF Recreation Program Manager, and the Spring Creek ID Team. Discussion focused the pros and cons of each trail route. The southerly route (about 3440 feet in length), via the vista, provides a sustainable trail location that will enhance the trail experience and reduce annual maintenance. A vista of the valley is possible because of a 10-12 acre natural opening that spans from the horse trail to FR 227, which is more than 1200 feet. The FR 227DA route (about 2520 feet in length) would not cost as much to build because most of it is on an existing road, but the route is not scenic, and the portions of the trail off FR 227DA cross wetter soils that would have higher annual maintenance costs. It was mentioned that trail users might find this scenic point even if the trail does not directly go through it. Having the trail on FR 227DA would also be subject to disturbance more often from logging operations. The ID Team concluded that the draft EIS route (via the vista) is the better route in the long term to reduce maintenance and enhance the trail experience; and that the opening is large enough to accommodate both user groups.

Comment 7-4

He also expressed concern about the proposed trail open season. He said that he would prefer that the trail be open the same as the ATV season (Friday before Memorial Day) so that turkey hunting is this area would not be disturbed. He was okay with the trail being open through the end of October, since most of the hunting season is in November and December. I told him that we would

discuss his comments when we gather to discuss all the comments received on the draft. He asked that we get back in touch with him to let him know of our decision.

Moving the Horse Trail open date to the Friday before Memorial Day was discussed by the Spring Creek ID Team (reduction of the season of about 8 days). Most horse trail riding takes place from April through October. The FEIS on page 333 explains how the open season was developed. Hunters and other dispersed recreationists can choose to recreate in areas away from the horse trail system, or choose to visit the area during the trail closed season. Presently, horse use can occur at any time of year and anywhere within the SCPA. After implementation, hunters should have more control over their hunting conditions because trail uses have been restricted. .

LETTER #8 – THE RUFFED GROUSE SOCIETY

Comment 8-1

Thank you for the opportunity to comment on the Spring Creek Project. Our comments are pursuant to Leon Blashock's letter and the draft Summary EIS of January 16, 2004.

Comment noted.

Comment 8-2

The Ruffed Grouse Society strongly supports Alternative 2 as the most responsible course for wildlife management on the Forest. The amount of early successional habitat has declined significantly in the last 5-10 years. This project will help to improve the balance of habitat types and assure biological diversity.

Comment noted.

Comment 8-3

In our previous comments (May 7, 2002), we cited extensive scientific literature supporting the need for increased management for both young and mature forest wildlife. We have again attached an extensive list of literature that suggests the need for increased forest management for forest wildlife.

Thank you again for the opportunity to comment. If you have any questions or comments or if the Society can be of assistance in any way, please do not hesitate to contact me.

Comment noted. The scientific literature has been reviewed by the project's wildlife biologist and filed in the project file with the commentor's original paper comment.

LETTER #9 – ALLEGHENY FOREST ALLIANCE

Comment 9-1

The draft would have been easier to analyze had you simply developed a fifth alternative that provided a concise table with all relevant information as provided in Alternatives 2-4.

Comment noted. The effects of both Alternatives 2 and 3 have been analyzed. See Chapter 3-Affected Environment and Environmental Consequences in the FEIS. See also response to comment 15-3. The commentor's question of one concise table will be considered in future projects in the Executive Summary portion of the document. A concise table or tables of deciding officer's decision concerning treatment proposals is available in the Record of Decision (ROD).

Comment 9-2

After considering the forest-wide goals related to "desired condition" on page 1 of the ***Summary***, Alternative 1 is not creditable. Doing nothing is not an option if the stated goals are to be achieved and the forest is to be sustainable.

Comment noted. Alternative 1 serves as a baseline and reference point against which to describe the environmental effects of the action alternatives and responds to the concern of those who would like no additional activities to take place (FEIS Chapter 2 p.25).

Comment 9-3

Alternatives 1 and 4 do little or nothing to support the site-specific "needs for action" identified by the ID Team as integral to the success of the project and therefore should not be given serious consideration.

Comment noted. Alternative 1 and 4 both provide a reasonable range of alternatives analyzed in detail as required in 40 CFR (Code of Federal Regulations) Part 1500, Section 1502.14 (a), (b), and (d) and both address the issues and concerns raised by commentors in the scoping process.

Comment 9-4

Since the management area composition of the SCPA is 88% MA 3.0, it is difficult rationalizing Alternative 4, which stresses uneven-age silviculture. As stated on page 8 of the Summary, "There is concern that uneven-age management techniques will not result in a sustainable forest condition in MA 3.0..."

Comment noted. Alternative 4 provides a reasonable alternative to the proposed action (Alternative 2). See response to comment 9-3, 9-5.

Comment 9-5

It is further stated on page 8 of the Summary that "Uneven-age management can be effective in timber stands where a large portion of the trees are shade tolerant..." Such is not the case in the SCPA where the forest composition is largely Allegheny Hardwoods.

Comment noted. In order for uneven-aged management to be feasible, local guidelines state that a stand should have a minimum of 35 ft^2 of basal area in shade tolerant species (Eastern Hemlock, Sugar Maple and American Beech) or adequate shade tolerant regeneration. The analysis recognizes that there are 1,963 acres of biologically feasible stands (Spring Creek FEIS, pp. 172-173).

Comment 9-6

Since late successional forest is less preferred than either early or mid successional forest among the wide variety of species evident on the Allegheny, proportional consideration needs to be given when management decisions are made. Clearly, more early successional forest is needed and it is most prevalent in Alternative 2.

Comment noted. Late successional forest should not be classified as a "less preferred" habitat, but that the majority of the species on the ANF are habitat generalists. Wildlife species use a range of successional habitats. However, there are species that are habitat specialists and will be able to persist only when there is an adequate amount and distribution of late successional forest with inherent features. All wildlife species habitat is given equal consideration during planning efforts. Information concerning wildlife habitat in the SCPA can be found in the FEIS Chapter 3 Wildlife – pp. 221-288 and Appendix C – BA/BE pp1-108.

Comment 9-7

Greater accommodation needs to be given to equestrian and A TV recreation since both have increased precipitously since the 1986 Forest Plan was initiated. That being said neither is exclusive of, but rather both are compatible to sustainable forest activities. The term "Temporary inconvenience for permanent improvement" needs to apply.

Comment noted. Additional facilities for horse and ATV use have been proposed in the Spring Creek Draft EIS to address growing demand. Information on the ATV Trailhead improvements can be found on FEIS pages 327-329, and information on the horse trail system can be found on FEIS pages 331-335.

Comment 9-8

We totally agree with # 3 under the "need for action" summary I which stresses the importance of completing regeneration sequences and reforestation treatments to foster sustainable forest management, particularly as related to shade-intolerant species. Again, Alternative 2 best accomplishes that goal.

Comment noted.

Comment 9-9

Alternative 2 best maximizes timber harvesting among the alternatives while still fulfilling the "needs for action" goals thereby bringing the most welcomed boost to our sagging economy.

Comment noted.

Comment 9-10

If 80% of SCPA contains mature timber, a more aggressive approach for management needs to be applied in order to address successional balance. Again, Alternative 2 best addresses that important issue.

Comment noted. The desired future condition of forest seral stages are stated in the Forest Plan as well as the supply potential which is the highest level of production achievable on the Allegheny National Forest. This level of outputs is based on the physical or biological limits of each Forest resource (Forest Plan pp. 2-1 – 2-3).

The function of these stands is based on size, spatial distribution and carrying capacity of the species that require them. As an example, a higher number of large mammals require mature forested habitat, therefore this habitat type is required at higher densities and requires an even spatial distribution and will continue to dominate the ANF landscape at higher percentages

Comment 9-11

Earlier successional forests are more likely to be vital and vigorous and offer the greatest opportunity for clean air. Allowing more of the forest to grow old as Alternatives 1, 3 and 4 do will not maximize air quality. In fact, carbon sequestering needs more consideration.

Nutrient cycling and carbon sequestration and the potential effects on each from vegetation management is discussed and analyzed by alternative on pages 78 through 83 of the Spring Creek EIS. Alternative 2 vegetation treatments have the most potential for increasing the rate of carbon sequestration, and Alternative 3 vegetation treatments have similar, but slightly lower, potential for increasing the rate of carbon sequestration.

Comment 9-12

Alternative 2 better meets the charge of providing for "*...a sustained yield of high quality hardwoods...*" in the long term than any of the other three alternatives.

Comment noted. See response to comments 9-2, 9-3, and 9-4.

Comment 9-13

We agree completely with the "Human Health and Safety" analysis of the **DEIS** and believe Alternative 2 offers the best comprehensive approach to multiple-use and sustainable yield

management and therefore should be the preferred alternative rather than the combination approach suggested.

Comment noted. See response to comments 9-2, 9-3, and 9-4.

Comment 9-14

In conclusion, Alternative 2 would best meet the "needs for action" goals as well as three of the four "significant" issues and deserves stronger consideration.

Comment noted.

TELEPHONE/CONVERSATION RECORD #10 – LEROY YOUNG

Comment 10-1

Leroy Young of the Pennsylvania Fish and Boat Commission called to discuss the Spring Creek DEIS. He wanted to know what the project was and an overview. I explained that the project was a multiple resource project that included wildlife, timber, recreation, transportation, and soil and water project proposals for the Spring Creek watershed. I explained some of the stream and riparian proposals in the project and gave him the telephone number of Brent Pence (USFS-Fisheries Biologist) who was more familiar with some of the water and soil proposals in the project. He confirmed when the comment period ends on March 8, 2004 and said he would probably give Brent a call and would be commenting on the project.

Comment was received via phone call. The commentor requested information on the background of the Spring Creek Project. A general overview of the project was given to the commentor concerning the types of proposals, particularly the stream and riparian proposals and those concerning correcting soil and water issues. Note: The majority of the hydrology proposals are located in Appendix G – Hydrology Proposals in the FEIS. Commentor was further directed to Brent Pence (Fisheries Biologist on the ANF) to answer site specific questions on proposals. The comment period ending date was confirmed to be March 8, 2004 as stated in the Federal Register Vol. 69, No. 15 Friday, January 23, 2004.

Note: ***No additional comments were received from the commentor within the comment period.***

LETTER #11 ALLEN WOOMER, PENNSYLVANIA FISH AND BOAT COMMISSION (PFBC)

Comment 11-1

Thank you for giving me this opportunity to comment on the Draft Environmental Impact Statement for the Spring Creek watershed. My name is Allen Woomer and I am the Area Fisheries Manager for the Pennsylvania Fish and Boat Commission. My area of responsibility covers the upper Allegheny River drainage including the Spring Creek drainage. The Pennsylvania Fish and Boat Commission's mission is to provide fishing and boating opportunities through the protection and management of aquatic resources.

Comment noted.

Comment 11-2

The main topics I wish to comment on in the DEIS are the areas that seem most likely to generate either positive or negative impacts upon the aquatic communities of the streams in the Spring Creek drainage and in turn the recreational fisheries associated with these communities. First let me describe the current management the PFBC is providing on the streams of the Spring Creek drainage. The PFBC currently stocks several thousand catchable size hatchery trout in Spring Creek from the confluence of the East Branch downstream to the mouth. Trout are also stocked in the East Branch of Spring Creek from the headwaters downstream to the bridge at Pig's Ear. Wild brook and

brown trout are also present throughout the East Branch and the section from Pig's Ear downstream to the mouth is managed for wild trout. Wild brook trout are present in Spring Creek upstream of the East Branch and in most of the smaller tributaries of Spring Creek. Large wild brown trout utilize the mainstem of Spring Creek downstream of the confluence of the East Branch when thermal regimes permit. In total, there is a wealth of trout fishing opportunities within the Spring Creek drainage.

Comment noted. Thank you for the information.

Comment 11-3

This is why I am concerned that the Allegheny National Forest seems to place so much emphasis and effort into high cost, high maintenance, and extremely high impact forms of recreation. Motorized OHV trail riding and horseback riding cause a great deal of damage to terrestrial habitats through loss of vegetative cover, soil erosion and corresponding sedimentation. This silt and sediment enters streams, causes siltation, turbidity, reduces trout reproduction and trout food supply, causes embedded substrate and generally reduces the quality of the habitats needed for the maintenance of trout. Numerous scientific studies have shown there is a direct cause and effect relationship between sedimentation and reduction and loss of wild trout populations. Often only a relatively small increase in sedimentation can greatly reduce trout abundance. Your plan seems to recognize this problem in choosing no new road construction and in trying to reduce road mileage but does not make the same assumptions for trail riding. Unfortunately, many of the trails exist in roadless areas and contribute as much if not more in the way of sedimentation than properly maintained roads. I have witnessed some of these trails in the Spring Creek watershed and in many spots they are large swaths of exposed soils on steep hillsides close to stream corridors with no maintenance observable. Heavy erosion of soils is evident.

The Allegheny National Forest Land and Resource Management plan recognizes equestrian and ATV trails as appropriate uses of the national forest. We have recognized that these activities have resource impacts and that is what prompted us to develop proposals to manage the recreation use in a more sustainable way. It has been our experience that resource impacts from recreation use can be reduced by actively managing the use. Presently horse use occurs without much control or regulation, and impacts to soil and water resources exist wherever trails cross steep or wet soils (see FEIS page 322 for a description of the present condition). The proposal to designate trails and manage horse use will reduce the amount of impact on Spring Creek. Stream crossings will be hardened to reduce soil movement, and riding will be limited to roads and horse trails, which will reduce the number of water crossings (see FEIS pages 333-334 for details on water crossings). Our approach to managing ATV use is similar. Maintenance of the trail tread and drainage structures occurs several times a year, and numerous trail realignments have been done to remove or improve trail in riparian areas. Our ability to manage the ATV trails and enforce regulations has been greatly expanded since we instituted a trail permit system.

Comment 11-4

Also, given the problems of acid precipitation and the fragile Spring Creek watershed which is highly susceptible to acidification, any exposed soils contribute much higher levels of dissolved metals such as aluminum and iron which leach out during precipitation events and can cause stress and even death to adult trout, fingerlings, fry and eggs in low pH environments during spring runoff periods.

Mitigation measures are used to limit the amount of exposed soil and the potential for runoff and sediment to reach a stream (Appendix D Mitigation measures pages 1-14). These mitigations will minimize and/or prevent the potential of acidic runoff, potentially containing elevated levels of aluminum or iron, reaching a stream or other water course. Effects to water

quality are discussed on pages 105-105, 114-119, and 126-128.

Comment 11-5

In my way of thinking it does not make sense to jeopardize and negatively impact a low maintenance, low impact form of recreation, fishing, one that costs the ANF little in operating funds, with a high maintenance, high impact form of recreation which is generating a whole series of complications, costs and problems.

Comment noted. See 11-3 and 11-6.

Comment 11-6

It is a necessity that existing legally designated trails be maintained responsibly and properly policed before any new trial construction is considered. Additionally, it has been shown in your experience that designating trails for motorized vehicles has not reduced illegal activities but enhanced them. It is likely that the same experience will occur with horse trail riding. In other words, you will construct a legally designated horse trail which will bring in more trail riders who will continue to ride all over the countryside since there appears to be little to no funds available to maintain enforcement of any rules or regulations.

See comment 11-3. The Spring Creek Project includes plans to block and rehabilitate areas of illegal motorized access. Presently we have volunteer agreements with ATV users to patrol and self-police the trails, and the horse trail system will include the same arrangement with equestrians.

Comment 11-7

On another issue mentioned in the DEIS, I strongly agree that any trees that fell into streams as a result of the July 2003 storm should be left to provide cover and habitat for trout and other aquatic species. It has been shown in numerous scientific studies that large woody debris enhances aquatic communities, provides additional habitat and substrate for aquatic macroinvertebrates, the main source of trout forage in streams, and provides highly valuable cover for wild trout. Our past surveys have shown that the East Branch of Spring Creek holds fair to good levels of trophy size wild brown trout (> 14 inches). Additional cover in the form of large woody debris could enhance this segment of the population further.

Comment noted. Portions of the East Branch of Spring Creek and tributaries were affected by the July 2003 storm. Any woody debris in the stream from the storm event would remain there.

Comment 11-8

Reforestation of stream banks is also a productive project that should help to maintain cold water temperatures for trout during the summer.

Comment noted. Approximately 79 acres of wildlife shrub or tree plantings will occur in or along stream-banks in the SCPA (FEIS, Appendix C- Biological Assessment and Evaluation, Chapter 4- SCPA Wildlife Habitat Improvement Treatments, pp. 95-96).

Comment 11-9

In conclusion, I would ask that the ANF use all means necessary to protect, maintain and enhance the streams of the Spring Creek watershed. It is a given that the ANF will demand Best Management Practices for all timbering operations occurring in the future in the Spring Creek watershed. No new road construction and elimination of existing roads is a worthy goal.

Comment noted.

Comment 11-10

I would hope that you realize that OHV trails and horse trails are as harmful and in some cases more harmful to watershed health than roads. I would also hope that fishing is recognized as a prime form of recreation in the Spring Creek watershed and the Allegheny National Forest as a whole.

Comment noted. See response to comments 11-3, 11-5, and 11-6. Fishing was recognized as one of the recreational uses of the SCPA (FEIS page 324-325).

Comment 11-11

If new horse trails must be built they should be kept away from riparian zones to the greatest extent possible. Consideration should also be given to moving existing motorized trails out of riparian zones to eliminate siltation and sedimentation. Proper enforcement of rules and regulations is also paramount if this form of recreation is to be encouraged.

Refer to answer 11-3 in reference to horse trail design.

LETTER #12 – EDWARD G. HENSCHEL, JR

Comment 12-1

My comments are as follows:

(1) I see a potential opening for your opponents of "stall and delay" in the way you have selected your goal for this area. They will content improper selection of management elements. This will enable them to say the DEIS is flawed and therefore defunct, i.e., <u>you have chosen portions of goals from more than one alternative (2&3)</u> as your chosen management for the area.

It has always been my contention that a given alternative included those elements and quantities of those elements (uses) as compatible among those uses and therefore form a logical mix. Picking projects from all over the place lessons the legitimacy of the alternative thereby weakening the DEIS.

The Spring Creek FEIS provides a reasonable range of alternatives analyzed in detail as required in 40 CFR (Code of Regulations) Part 1500, Section 1502.14(a), (b), and (d) and address the issues and concerns raised by commentors in the scoping process. The deciding officer may make a preference for one alternative or portions of other alternatives based on rationale and the effects analyzed. The effects to all the alternatives (1-4) are considered in detail in Chapter 3 – Affected Environment and Environmental Consequences of the FEIS. Chapter 2 contains the Alternatives considered but eliminated from detailed study and the rationale (FEIS, pp 35-38). See also response to comment 15-3.

Comment 12-2

(2) Is the same volume of forest products, including salvage, going to be harvested in Alternative 3 with no new roads that will be harvested in Alt. 2 with 6.6 miles?

Alternative 2 contains the maximum timber harvest proposal and would produce an estimated 32.3 million board feet (mmbf) of timber over the next 10 years while Alternative 3 with a lesser timber harvest level would produce 27.6 MMBF (FEIS Table 94, p. 346).

Comment 12-3

I guess I don't understand the resistance to road construction when the ANF was overdeveloped in miles of ORV trails as stated in several Annual Reports that I received since 1986 Plan was approved.

Comment noted. In the Forest Plan, the Allegheny National Forest established mileage objectives for snowmobile and ATV trails. The objective for snowmobile trails has been met, but the status of ATV trails is at 30% of the objective. The trail objectives are not related to road objectives. There are no proposals to expand the snowmobile or ATV trail systems in the

Spring Creek EIS.

Comment 12-4

(3) Numbered pages would make it easier to comment.

Comment noted. A review of the Spring Creek Executive Summary DEIS, Chapters 1-7, and the DEIS Appendices (A-H) show the pages are numbered. Further review indicates that the commentor received the "Key Messages and Facts" document from the ANF Supervisors Office as a part of the public involvement package. This document contains six pages that were not numbered. Future projects containing "Key Messages and Facts" documents will be numbered in order to make commenting easier.

Comment 12-5

(4) Those Red Pine stands located along F.R. 131 on the west side south of Duhring and north of Lamonaville have the potential to be managed as real red pine stands and not just an early stage for eventual hardwood conversion as most of them are. The site seems to favor less demanding tree species with little understory competition the last time I drove by. By perpetrating this type here easily exposed to the general public, it will always be a reminder of the work done by the CCC and provide a contrast along a roadway open to the public for driving for pleasure. This may also be true of other stands along this roadway out to Pa. Route 66.

Comment noted. Forest Plan direction is not to regenerate Red pine until it reaches at least eighty years of age, which these stands have not reached. Currently management direction is to maintain stand health and vigor through thinning treatments (FEIS p. 162, Appendix B Table 8: Present Condition of the Spring Creek Vegetation, pp. 7-26; and Table 12 Individual Stand Silvicultural Treatments, pp. 37-54).

The treatments prescribed for the red pine stands in this area are designed to maintain the vigor of the red pine in these stands, in effect, maintaining the red pine. Although there is not a specific plan, there is a general understanding on the district that there is value to perpetuating some red pine stands, as a legacy of the CCC's work on the ANF. The ANF has placed commemorative signs near the locations of several CCC camps, as well as a sign along Duhring Road to indicate the vicinity of the first CCC plantation.

Comment 12-6

(5) Bill Summers old CC camp is located in this DEIS I see. Some effort should be made by officials to gather the history and accomplishments of this fine old program before all people involved have passed on (local and national scale). ANF has erected some signs but I don't think anything has been done to document and print and interview those involved before they are all gone. A Mike Schultz type person comes to mind. Coordination with the states would be needed as well as the Army.

The Duhring CCC camp is located on private property. On occasion, ANF staff has been permitted to visit the site. Past and present property owners have provided information regarding the site's uses from the CCC era to the present day. An historian in Pennsylvania has conducted interviews of numerous CCC alumni and has produced articles, a book, and a video on CCC history. The video deals specifically with the history of the CCC on the ANF. Another individual is presently compiling photographs and information on the Duhring camp.

Comment 12-7

(6) For 12 years I have surveyed stands on the ANF, many containing tubex protected seedlings in all ages of repair and disrepair in addition to maintaining many in a 199 contract on the MRD. These are many problems with this type of deer protection, most of which could be eliminated by

area fencing those areas that will be planted or possibly not even planting seedlings (naturals), simply fence.

I have seen very few come out of a tube strong and well developed. In many cases, the cramped space causes death when grass, fern, fire cherry, and blackberry get started in the tube. Not to mention the unsightliness of the tubes. Area fencing would probably be somewhat more expensive but more successfully with the future value make any increased costs acceptable. The area fence would give many more seedlings, volunteer planted or naturals or both a degree of protection with a greater chance of a fully stocked stands when compared to tubed areas. Tubed areas to me seem to at best provide a minimal stocking of an area in a desired species apparently not thought available there. Their success is spotty providing an orchard type stocking level. The "brandyness" of hardwoods in such a stand will only provide lower grade forest products where that is one of the objectives.

Comment noted. Currently the Marienville Ranger District is trying a variety of tree shelters to determine which provides the best results. Practices used during the installation of tree shelters are designed to minimize interference problems. The Spring Creek project proposes a combination of area fencing and tree shelter installation (FEIS pp. 27-34 and Appendix B p. 64).

LETTER (E-MAIL) #13 – ROBERT STOUDT

Comment 13-1

Thank you for the opportunity to comment on the Spring Creek Project Draft Environmental Impact Statement (DEIS). I would like to commend you and the rest of the team members for putting together a thorough, well-researched and well-documented plan. I appreciate your willingness, as well as that of other members of the ANF staff, to answer my questions about the project and to encourage public input and participation in the process. With a few suggestions and comments, I support the choice of Alternative 3, together with the recreation proposals of Alternative 2 as stated in the cover letter which accompanied the DEIS.

Comment noted.

Comment 13-2

(1) The maps for Alternative 3 show roads in the J15, KI5, L15, K16, L16 & K17 grids that, per the map legends, are classified as OGM / Private roads. I have spent a great deal of time in this area and I believe that the "roads" mapped here are old logging railroad grades that follow Spring Creek and Pigeon Run and an old logging road that is now used as an unofficial horse trail. Are these "roads" really OGM /private roads? If so, is there a chance that these roads will be rehabilitated and reopened to limited vehicle use? On the chance that these roads might be reopened, I would like to go on record in opposition to this possibility. I believe that the areas along this stretch of Spring Creek and Pigeon Run offer opportunities for unroaded, primitive recreation, include ecologically sensitive lands, including wetlands, and would unnecessarily encroach upon the SC2 Unroaded Area defined in the Spring Creek Roads Analysis Report.

Comment noted. The roads that are located on the above mentioned grids have been combined into one map key for simplicity. A review of the Forest Service Transportation database shows these roads as non-system roads (NS). Many of the non-system roads on the ANF are typically OGM, private or state or of unknown origin, but could have been used for a road at one time. We apologize for the confusion. The commentor is quite correct in that the roads or "dash lines" as seen on the above mentioned grids along Spring Creek and Pigeon Run are old railroad grades. These grades have in the distant past been used for old OGM operations, access to camps, logging, and currently, some horse use. Most of roads located in Grids K17, K16, & L16 are located on State Game Lands 28 and have been used for management by the

PA Game Commission at some time in the past. A review of the Spring Creek preferred Alternative 3 shows that non-system roads 26849 and 26851 located in Grids J16, K16, & J17 on federal land will be decommissioned. A review also shows that some of the non-system roads located in the grids suggested by the commentor are part of the proposed horse trail system.

There is no foreseeable OGM development in this area that would utilize these travel corridors. However, Oil and Gas development does take place on the ANF where the developers own the subsurface rights. The Forest Service cannot deny access to these OGM rights. The Forest Service works cooperatively with the OGM operators to access there subsurface rights in an environmental sound manner (FEIS pp. 144-147). OGM development is highly variable depending on oil and gas markets, suitable investors, technology, and mineral reserves (FEIS p. 145). Effects to the Transportation resource and road definitions explaining OGM roads in more detail are located in the FEIS, pages 131-144. Items which may cumulatively affect the size of the unroaded areas, including OGM roads, are mentioned in the FEIS on page 143.

Comment 13-3

(2) In the Wildlife and Hydrology Proposals for Alternatives 2, 3 & 4, I have questions about Hydrology proposal H4. I agree that the former railroad grade at Pigeon Run is eroding into the stream and contributes to sedimentation in Spring Creek. However, I feel that this issue can best be addressed by the steps outlined in Hydrology proposal H3. I have spent a great deal of time in this area and have found that in recent years a very dense understory of hemlock has developed at this site. It is my belief that this site contains a relatively unique mixture of vegetation, visual uniqueness, historical quality (the former railroad grade) and perceived remoteness (from current human influence) that should be protected from excessive modification. I would suggest that the pulling back of the grade fill material not be done at first and, instead, only the proposed measures in Hydrology proposal H3 be done. If however, after some time has elapsed, the steps in H3 have not had the desired effects, then perhaps the steps in H4 will prove necessary as a last resort.

Hydrology proposal H3 was designed to minimize bank erosion on the left, northwestern, bank of Pigeon Run about 200 to 400 feet upstream of the confluence with Spring Creek. Hydrology proposal H4 was designed to minimize mass wasting and bank cutting on the right, southeastern, bank of Pigeon Run at the confluence with Spring Creek (as well as mass wasting of the railroad grade 100 feet downstream of the confluence in Spring Creek). During site inspection in late fall of 2002 it was determined that the mass wasting, and subsequent loss, of the railroad grade into Pigeon Run and Spring Creek could not be reduced with only in-stream mitigations. Beyond reducing sediment into Pigeon Run and Spring Creek proposal H4 "…will both affect the site negatively – by removing a portion of it- and positively – by protecting adjacent portions of the grade from eroding (Spring Creek FEIS, p. 301)". Implementation of proposal H4 should require minimal, if any, disturbance to existing trees in the area.

Comment 13-4

Additionally in Hydrology proposal H4, I question the exact location of the proposed railroad grade bed stabilization. It is my understanding of the area that the old railroad grade is being eroded by Spring Creek approximately 100 yards upstream of Pigeon Run, not downstream as indicated in the text and on the maps. My knowledge of the site is that the old railroad grade is located farther away from Spring Creek once it passes downstream of Pigeon Run. I do agree to some extent with the assertions made in Hydrology proposal H4 that a section of the old grade is failing into Spring Creek and more is in danger of doing so. However, I believe that this issue may be better addressed

by placing large boulders and / or logs in Spring Creek at strategic locations to protect the stream bank, rather than doing the proposed alterations to the old grade. I believe that it would be very difficult to accomplish the work to the old grade using only hand tools and I feel that the amount of environmental damage that would be caused by trying to bring machinery into the site would be excessive. Further, if I am correct that the site in question is upstream of Pigeon Run rather than downstream, the site is adjacent to an active beaver dam that is heavily used by wildlife (personal observation), including at least one confirmed sighting of a river otter (observed by a personal acquaintance, confirmed by the PA Game Commission). I feel that the gains made by reducing erosion at this site by recontouring the old railroad grade would be offset by disturbing the adjacent beaver dam and possibly affecting other nearby land by bringing in machinery. Placing boulders and /or logs in Spring Creek, in my opinion, would result in less environmental modification and may improve the instream habitat diversity.

The sites proposed for slope stabilization in hydrology proposal H4 are located both in Pigeon Run on the right, southeastern, bank at the confluence with Spring Creek and approximately 100 feet downstream of the confluence on the right, east, bank of Spring Creek. The mass wasting of the railroad grade into Pigeon Run and Spring Creek is primarily due to lack of stability of the grade and not actions of the streams, although streambank cutting is occurring. Even if the streambank cutting were to be eliminated, the slope above with the added weight of the grade would continue to slide down.

The site that you described being upstream of the confluence of Pigeon Run with Spring Creek in Spring Creek on the right, east, bank was identified during field visits in the summer and late fall of 2002. Thank you for bringing it to our attention. We will look at the site you described and assess the need for the work you described. This could lead to future analysis and possible future in-stream work and/or stream bank stabilization in another project. However, given the information you have provided it may not be appropriate or even feasible to do much work upstream of the confluence.

All activities including restoration are planned to enhance or, at a minimum, retain existing habitat and wildlife species.

Comment 13-5

(3) While I agree with the stated goals of the hydrology proposals put forth in the DEIS, I question why other equally deserving sites have not been mentioned in the report. For example, among other possible sites needing attention:

- The point on Hunter Creek at which the old railroad grade that follows the east bank of Spring Creek crosses the stream is eroding in much the same way as at Pigeon Run. The Hunter Creek crossing is further eroded by constant use by horse traffic and occasional ATV riders. Horse traffic in particular tends to tear up the stream banks at this site, leading to a perpetual muddy mess. A combination of stream bank reinforcement and prohibition of horse use at this point may help to remedy this problem.

- At one point along Hunter Creek, approximately ½ mile upstream from the confluence with Spring Creek, in the northwest corner of grid K15 on the DEIS Alternative maps, a section of another old railroad grade is eroding badly into Hunter Creek. This site has become very bad in the last two to three years and contributes a large amount of sediment to Hunter Creek. Placement of boulders at this site may help, but the tendency of Hunter Creek at this point is to flow directly into the old grade and this site may already be beyond repair.

- The section of old road that used to lead to two cabins off of FR227, in grids J15 and K15 on the DEIS maps, is in very bad shape. Water from the hillside above the road always tends to collect on this road, turning it into a muddy mess. Old culverts along this road have failed, leading to washouts that send large amounts of sediment down to Spring Creek. Heavy foot traffic and horse use of this old road perpetuates the problem. Limestone fill, new culverts and / or recontouring portions of this old road may ease the problem.

- In the headwaters of Little Hunter Creek, near the intersection of grids K11, L11, K12 and L12 on the DEIS maps, pipes and other OGM related materials are submerged in the stream because of beaver dam activity in the area. Little care seems to have been given to wise placement of OGM hardware in this area. The beaver dams appear to have been in place for many years, and the pipes and other materials are in bad shape. These pipes, whether carrying oil or gas products, appear to me to be likely to fail, probably resulting in severe contamination of Little Hunter Creek and downstream areas. I have found at least two sites in this area where what appear to be old well sites have been improperly closed and contaminants are seeping up out of the ground. A review of ongoing OGM activity along Little Hunter Creek seems to me to be in order.

Comment noted. The site-specific comments above are well thought out and the commentor knows the areas in question in great detail. The new information does not conflict with any of the proposed actions.

The stream crossing of Hunter Run near the Spring Creek confluence will be improved because it will remain a part of the horse trail system. See FEIS pages 333-334 for information on how the stream crossings will be hardened. ATV use of the horse trails will be discouraged through the design of the trails.

We were not aware of the problem you speak of in the second bulleted statement. Thank you for bringing it to our attention. The interdisciplinary (ID) team is unfamiliar with the exact location of the point where this occurs. The area will be investigated at a future date with resource specialists. If appropriate action is needed and deemed effective, proposals to remedy the situation will occur with additional documentation and implementation. We will keep this area in mind for future soil and water rehabilitation projects.

The spur of FR 227 that leads to the old cabin area will be a part of the horse trail system and will be improved to reduce sedimentation into Spring Creek.

The concerns for water resources are noted and the OGM administrators have been notified of the areas of concern in regards to OGM equipment in streams and well seepage in grids K11, K12, L11, and L12. A survey of the area will be implemented in the near future to see if the wells and pipelines in the headwaters of Little Hunter Creek are still active, and to pursue well plugging if leaking is observed. The OGM administrators will work with the OGM operators to remedy any adverse situations.

Comment 13-6

(4) Why is the hemlock wooly adelgid not mentioned in the DEIS? It is my belief that this pest poses a very severe threat to the ecology of the Spring Creek watershed, particularly along Spring Creek itself where hemlocks play a large role in regulating the stream's water temperature. What steps, if any, can the USFS take to protect the hemlocks from this pest? If nothing can be done to protect the hemlocks, then what does the USFS propose to do to make up for the ecological benefits

of hemlock that will be lost if the trees die, particularly stream shading, winter cover for wildlife, etc.? Can large numbers of white pine be planted almost immediately to provide future similar ecological values?

Currently, the Hemlock Wooly Adelgid (HWA) has not been found on the ANF and is not expected to reach here for several years. The ANF is currently making a coordinated effort to evaluate potential threats of this insect to the forest. ANF personnel are working cooperatively with USFS Forest Health Protection, researchers, PA Bureau of Forestry, as well as other National Forests, to develop strategies for potential responses and management of the HWA on the Forest. This includes, if necessary, responding to the loss of hemlock and its many important ecological functions. Plans are being developed to prioritize and initiate detection surveys and to design research studies. Little is currently known about management activities or treatments that effectively limit infestation and mortality from HWA. In short, this threat is being evaluated at a forest level in partnership with other branches of USFS and State agencies. This paragraph has been added to Appendix B – Vegetation Report.

The commentor's reference to white pine planting is noted. Implementation of any planting is funding dependent. Conifer planting for wildlife habitat is proposed in all action alternatives. FEIS p. 259 states that the benefits to the wildlife resource could take anywhere from 5-15 years.

Comment 13-7

(5) I agree that an officially designated, maintained horse trail network is needed in the Spring Creek watershed. It is my experience in this area, particularly along Little Hunter Creek, Hunter Creek, Spring Creek and Pigeon Run, that the existing network of horse trails is a poorly laid-out, unmaintained, muddy mess. The existing trails are ruining stream crossings, seeps and wetland areas and other sensitive areas. I believe that the USFS can design and maintain a much better trail system than what currently exists.

Comment noted.

Comment 13-8

However, I have several concerns about the proposed trail system. I have personally had many negative encounters with horseback riders in this area, particularly while I have been hunting during the open seasons. I have found many, though not all, groups of horseback riders to be deliberately disruptive of my hunting experience, talking loudly and making as much noise as possible after seeing that I was hunting. Other members of my family and friends have had similar experiences. It has also been my experience that the riders of these trails constantly mark the trails with ridiculous quantities of flagging tape, leading to an ugly line of tape leading through the woods. When one section of the trail becomes too muddy to be used, the riders simply blaze a new trail around the old section.

If the horse trail is implemented, we will be establishing a volunteer agreement with the equestrians to self-police, monitor and maintain the trail system. We will continue to work with the Pennsylvania Equine Council in their efforts to educate their ranks about Leave No Trace techniques. Horse use will be limited to roads and designated trails, so impromptu trails through wet areas and the need to flag new trails should be greatly reduced. See FEIS page 322 for more information on the conditions we found when we mapped the existing trail condition.

Comment 13-9

If a new, officially designated trail is to be built, how does the USFS propose to deal with the following issues:

- At what point will the Allegheny Trail Rides become so large as to require a USFS permit? Since this is an organized activity, even if no one is "guiding" the groups, an excessively heavy stress is being placed on the resources of the Spring Creek watershed and I believe that the events should have at least some degree of control by the USFS.

Current National Forest regulations (FSH 2709.11 41.53d) require a special use permit for commercial operation on National Forest Land. Participants in the Allegheny Trail Ride only pay for food and lodging, which takes place on private land. There is no outfitting or guiding on public land. The horse trail system was proposed to reduce the impact of horse trail riding in the project area. In addition, the Allegheny National Forest has been working with the Pennsylvania Equine Council in their efforts to train trail riders in Leave No Trace techniques and principles. Horse use in the Duhring area will continue to be monitored after the trail is built, and if a special use permit is deemed appropriate, it will be pursued.

Comment 13-10

I completely disagree with the plan that no fee is to be charged for users of the newly developed trail. The equestrian users of this trail will be enjoying the benefits of a specially designated trail that requires significant ANF financial and manpower resources to construct and maintain. Although the DEIS says the trail will also be open to hikers, I doubt that many hikers will want to walk the same trails where horses have left behind large amounts of manure. The organizers of the Allegheny Trail Ride, whether they make any money on the event or not, are getting a great handout from the Federal government and taxpayers. Why has a fee-based permit system, as is done on the ATV trails, been ruled out?

A fee for the new trail has not been ruled out (FEIS page 333). The option has been left open and will be evaluated in the future if the quantity of use warrants it, and the Forest Service still has the fee demo authority.

Comment 13-11

If a permit system for horses is implemented, can the permits be required to be displayed on the horses so that they are readable from some distance, perhaps 10-20ft, away? The ATV permits are too small to be read except from a few feet away, making it impossible for other forest users to report specific violators.

Comment noted.

Comment 13-12

What penalty, if any, will be imposed on a horse rider found to be riding off of the designated trails? If no permit system is enacted, how can such violators be reported?

A fee for the new trail has not been ruled out (FEIS page 333). The option has been left open and will be evaluated in the future if the quantity of use warrants it, and the Forest Service still has the fee demo authority. The fine for riding off the trail system would be $25 to $100 depending on the violation cited. If the citation is not paid, or in the case of repeat offenders, the accused would appear before a federal magistrate where the maximum fine could be $5000 or 6 months in jail.

Comment 13-13

How will the trails be marked? Can it be done in such a way as to minimize the visual impact of the trail?

The exact method of trail marking has not been decided yet. Common methods of trail marking include plastic diamonds nailed to trees, or painted blazes on trees. One of the objectives of trail signing is to ensure the signing is complementary to the setting.

Comment 13-14

What will be done to encourage horse use in other parts of the ANF so that the Spring Creek watershed does not suffer an unfairly large burden because of increased equestrian use? Could a permit system be required to ride the official trails in the Spring Creek watershed while riders in other portions of the forest could ride without permits? This might reduce the impact on the Spring Creek area by distributing at least some equestrian use to other regions of the ANF.

It has been recognized that the Forest Plan needs to be more specific in regards to horse trail management. Some of the policies we have chosen for this horse trail system could be chosen as forestwide standards and guidelines through the Forest Plan revision. This is likely to be the next step in regards to horse use on the rest of the Allegheny National Forest.

Comment 13-15

(6) I believe that the unroaded area identified as SC2 in the Roads Analysis Report for the Spring Creek Project area should be given a greater degree of protection from future logging and / or road building. It is my opinion that the management area designation of this portion of the forest should be changed from Management Area 3 to Management Area 9.1. I believe that the findings of the DEIS, Roads Analysis Report for the Spring Creek Project area and the Spring Creek Ecosystem Analysis at the Watershed Scale support this assertion.

Opinion is noted. Commentor wants greater protection of unroaded area and believes MA change to 9.1 will accomplish this.

1) The area in question is being afforded protected under this decision, so MA change is not needed. 2) Also, the objective of MA 9.1 does not fit this situation. These two points are supported by the following information:

a) The current MA for the area in question is MA 3.0 whose objectives and goals are located on 4-82 to 4-96 in the Forest Plan and include a variety of multiple use objectives. Use and management of the area in question has ranged from recreation use, timber management, and wildlife habitat improvement as part of the goals for MA 3.0. However, the interdisciplinary teams of the past and the Spring Creek ID team have recognized the value of the area in terms of its isolation. The Dogleg Integrated Project Set Environmental Assessment (signed 7/27/91) recognized the isolation and rattlesnake habitat of the area by designated 260 acres of future potential old growth habitat (could provide future old growth habitat) in Compartment 878. The Spring Creek ID team recognized this and avoided vegetation (timber management) and new road construction in Compartment 878 as well. The SC2 (Hunter Creek) unroaded area remains unroaded based on the transportation proposals in Alternative 3, the preferred alternative. It should be noted that the size of the unroaded area has changed a small amount because of the addition of a recently built OGM non-system road in Compartments 709/877. The addition of this "classified" OGM road decreases the size of the unroaded area based on the unroaded analysis completed to date (FEIS pp. 135-136 & pp. 139-140 & p 143). Effects to unroaded areas are addressed in the FEIS on pp. 139-140, 143, 264-265, pp. 291-296, and pp.323-324, pp. 337-338. Additional information is located in the Project File concerning the unroaded areas.

b) A review of the Allegheny National Forest Land and Management Plan (1986a) indicates there is approximately 1,000 acres designated as MA 9.1. This entire management area (MA) is located in one parcel near the upper end of Morrison Run on the Bradford Ranger District. As noted on FP page 4-180 "Intensive oil and gas developments are evident". Because this area was intensely developed, the ANF 1986 planners recognize that minimum Forest Service investment and management in surface resources should take place. The primary purpose had emphasis placed on protecting life, health, and safety of forest users and to prevent significant loss of existing resources or productivity on the site or on adjoining land areas (FP 4-180). The area described by the commentor doesn't meet the intent of the original MA 9.1 as described in the Forest Plan.

Comment 13-16

My family and friends had a cabin near the confluence of Hunter Creek and Spring Creek until the mid-1990s when the USFS required us to destroy the cabin and restore the site to a more natural state. Before that, friends and family members had been hunting, fishing, hiking and otherwise enjoying the area designated as SC2 since the mid-1920s. I personally have been using the area for nearly 30 years and, as such, feel I have a good understanding of the area upon which to base my suggestion.

Comment noted.

Comment 13-17

The SC2 area has no roads, previously used railroad grades and logging roads have reverted to a much more natural state, and timber in the area would be difficult to remove without extensive new road construction. The SC2 region provides an opportunity for unroaded, primitive and semi-primitive recreation in a landscape that is otherwise heavily modified by OGM and logging activity. My personal experience in this portion of the forest is that a visitor to this region can find a more solitary experience in a mature to over-mature forest setting, inhabited by species less commonly found in more intensively managed portions of the forest. I have seen more black bears in the SC2 region than in other portions of the forest, more mature whitetail deer bucks, more pileated woodpeckers, as well as the only timber rattlesnakes and bobcats that I have seen in the Allegheny National Forest. Several very scenic boulder groupings in this area exist as well, far from any designated trails.

Comment noted.

Comment 13-18

Journal records from our old cabin document the number of timber rattlesnakes seen in the area each year and show a consistent number of snakes seen each year from the 1950s through the mid-1970s when a timber cut was done on the hillside just to the northeast of the Hunter Creek/Spring Creek confluence. Our records indicate that road construction for the timber cut destroyed a known timber rattlesnake den and no timber rattlesnakes have been seen in that area since then. However, we continue to see individual timber rattlesnakes along the mountain that extends between Hunter Creek and Pigeon Creek, though we have not found a den site. I believe that future road building/timber harvesting in this area would jeopardize the remaining timber rattlesnake population here and should be avoided.

Comment noted. Every known rattlesnake den site is monitored yearly and individual sightings are documented. Every effort is made to protect known den sites, provide mitigations for avoidance, and maintain suitable habitat for the species. See FEIS pages 237-238 and 284. The timber rattlesnake is a Forest Management Indicator Species of Special Concern (MIS)

and is on the Regional Forester's Sensitive Species list and therefore is analyzed in Appendix C BA/BE pp. 53-58. Based on the analysis, a Determination for the species is discussed in the BA/BE on p. 58.

Comment 13-19

I believe that the SC2 core area, as defined in the Roads Analysis Report for the Spring Creek Project area, should be designated as Management Area 9.1, along with a buffer area which includes all those lands between FR227 and FR230, as well as between FR230 and FR 338, that are not already being intensively managed. This should include at least the Little Hunter Creek valley and Hunter Creek valley, as well as the lands to the east of Spring Creek continuing south to at least Pigeon Run. Additional land located between FR227D to the northwest and FR227 to the north, east and south contains much the same habitat conditions as the SC2 area and could be managed as 9.1 area as well. The USFS should work with the PA Game Commission to see that the adjacent lands on SGL28 are managed in a similar fashion in order to ensure the greatest possible protected land area.

Comment noted. See response to comment 13-15. The Forest Service works cooperatively and has a MOU (Memorandum of Understanding) with the Pennsylvania Game Commission to have compatible management objectives and treatments in areas of mutual interest (FEIS p. 18).

Comment 13-20

I believe that the ecological, scenic, and recreational attributes of the SC2 area and surrounding lands make this area worthy of increased protection. The combination of factors found in this portion of the forest make this area relatively unique and a very good candidate for future old-growth forest protection.

Comment noted. Potential old growth and old growth features have been considered in the Spring Creek analysis (FEIS pp. 166-169, 195, and 224-225). In addition, opportunities are considered to recruit old growth forests. See response to comment 13-15.

Comment 13-21

(7) I would like to see the data for the maps for the final environmental impact statement made available in digital geographic information system (GIS) format, as well as the traditional paper map format. The paper maps produced for the DEIS were very good, but suffer the limitations of any paper map. Providing GIS data on the Allegheny National Forest website, as is now starting to be done, will allow interested parties to review proposals in greater detail and perform more thorough reviews. Since the creators of the DEIS already use ArcView GIS, as evidenced by the footer information on the maps, there would be no extra cost to the ANF to produce GIS data, only the time required to place the information on the website.

Comment noted. The DEIS maps will serve as the final set of maps for the FEIS. Minor changes in the maps always occur, but the degree of change is not enough to change an entire map. Any major changes between draft EIS and final EIS will be noted in the document itself. Much of the data used to conduct the Spring Creek analysis is the same data that can be found on the ANF web site. In doing the NEPA analysis we often need to summarize this corporate data in different ways to assist in conducting the analysis. This data is often not made available electronically due to the fact that all Federal agencies require, when releasing data to the public, that the data meets FGDC (Federal Geographic Data Committee) requirements. This basically means before such data can be released, the meta data must be developed, all data elements described in detail, and the quality of the data must be documented. This is a very time consuming task and not necessary for internal use. For the Allegheny to post this working data would be quite costly and time consuming. We have not yet finished preparing

all the forest cooperate data for release but are actively doing so. See also response to comments 3-2 and 5-2.

Note:

Metadata is defined as data about data. It gives information about the GIS data such as data source, who developed it, how it was developed, date, range of data, how often it is updated, accuracy, etc… All data made available to the public must have metadata with it.

Corporate data – is defined as the official finished final data. It may be updated periodically based on the update scheduled that is found in the metadata. This data is typically in the form of ArcInfo coverages, grids, and digital images. Each corporate data set has a data steward who is responsible for maintaining the data, authorizing changes, data collection, updating data etc... Any corporate data made available to the public via the web site must have associated metadata with it.

LETTER #14 – ALLEGHENY DEFENSE PROJECT

Comment 14-1

We respectfully submit the following comments in response to the Draft Environmental Impact Statement (DEIS) for Spring Creek Project on the Allegheny National Forest. Please give our comments the full and complete consideration required by moral, legal, and ethical standards. Alternative 3, the Forest Service's preferred alternative, poses serious threats towards the natural environment within the Allegheny National Forest Landscape. Please forego any proposed commercial logging in favor of more sensible alternatives. Thank you for this opportunity to comment.

Comment noted. All comments received during the 45-day comment period for the Draft Environmental Impact Statement are answered in Appendix I of the FEIS. Comments identified from this letter are presented in the order in which they appear in your letter in standard formatting applied to all comments.

Comment 14-2

On behalf of the Allegheny Defense Project, Inc. (hereinafter, "ADP") and our Supporters and the National Forest Protection Alliance and its Member Groups we are providing the following public comments on the Spring Creek Project DEIS proposed for the Allegheny National Forest (hereinafter, "Allegheny"). We request that you address our comments individually and specifically in regard to the Spring Creek Project. In order to facilitate your ability to digest these public comments and provide valuable, credible, and informational responses we have provided a table of contents and we have categorized and numbered the comments -- please refer to these numbers in your response.

See response to comment 14-1.

Comment 14-3

Please respond to any informational requests within a reasonable time period.

Comment noted. No known site-specific information request was received during the comment period from this commentor.

Comment 14-4

Please reassess the responsibilities under the National Environmental Policy Act (hereinafter "NEPA") guidelines to include reasonable alternatives to the proposed action, such as the Zero-logging/Restoration alternative.

Comment noted. The Spring Creek FEIS provides a reasonable range of alternatives analyzed

in detail as required in 40 CFR (Code of Federal Regulations) Part 1500, Section 1502.14 (a), (b), and (d) and address the issues raised by commentors in the scoping process. Chapter 2 contains the Alternatives considered but eliminated from detail study and the rationale (FEIS pp. 35-38). The Zero-logging/Restoration alternative was considered and eliminated from detail study. This alternative was not analyzed in detail because it does not fulfill the purpose and needs identified in Chapter 1 of the FEIS. A number of restoration projects are included in the action Alternatives 2-4. Other rationale is located in the FEIS p. 37.

Comment 14-5

This comment letter totals ~~51~~ 60 pages in length. If for any reason you have received less than ~~51~~ 60 pages please contact us without delay and we will provide you with the missing pages. If you need clarification of any issues raised please contact us immediately. Any failure to contact us can only be construed that the comment letter has been received in its entirety and that you have had no difficulty in interpreting our comments. Do not attempt to assume what our intentions are. Our comments are straightforward and we are readily available for further clarification.

The comments are as follows:

A total of 60 pages of the comment letter were received. The comment letter appears to be complete.

Comment 14-6

I. Introduction. 1. The Spring Creek Project is a terrible idea. Initially, this new approach to management of the Allegheny seemed to be a step in the right direction for the Forest Service. A watershed approach to addressing issues is a logical basis for forest ecology. However, this new, supposedly 'user-friendly' process has simply turned out to be another way to green-wash massive timber sales.

Comment noted.

Comment 14-7

The DEIS wrongly identifies the original management emphasis of national forests as "watershed protection (Creative Act, 1891) and a continuous supply of wood products (Organic Act, 1896)". As far as we know, 1891 and 1896 are two different years, 1891 coming first. Therefore, the original management emphasis **did not** provide for a continuous supply of wood products.

Comment noted. All applicable laws and regulations have been followed in the development of the Spring Creek Project.

Comment 14-8

II. Spring Creek Watershed. A. Recent Management. 1. Since 1990, 6% of the Spring Creek watershed has been heavily logged through the use of clearcutting and herbicides. This has resulted in approximately 2,400 acres of forest being cut and removed.

Comment noted. The Forest Plan objectives for MA 3.0 state that "a forest which is a mosaic of predominately hardwood stands …" is to be provided. In doing so, timber stands need to be cut and regenerated. The SCPA contains over 34,000 acres of MA 3.0. The use of herbicide is an approved reforestation practice (ANF LRMP, p. 4-82). Recent management activities are documented in the FEIS pp. 157-158.

Comment 14-9

The scoping notice and subsequent DEIS state that objectives of the Spring Creek Project are to "provide a diversity of forested age classes and wildlife habitat conditions…restore understory conditions, and maintain a healthy, productive forest which can also provide a sustained yield of wood products to meet economic and social needs." There are several concerns regarding these

statements. Many of the supposed "needs" for the Spring Creek Project are simply euphemisms for logging. The Forest Service must end this game of rhetoric attempting to cover up their true intentions. The wildlife species whose habitat the DEIS states is going to benefit have a wealth of this habitat elsewhere on other lands, particularly private lands, but also other public lands, particularly State Game Land No. 28, which is nearly 10,000 acres. Any notion that habitat needs to be created through logging is grossly inaccurate and deceitful.

Comment noted. The Purpose and Needs for Actions statements are located in the FEIS pp. 6-10. The Need for Action statements (numbered #1-19) involve vegetation, recreation, wildlife, transportation, soil and water, and heritage resources in which a variety of management proposals strive to fulfill and address those needs. Logging is just one way to accomplish some vegetation management. Others are site preparation, fencing, herbicide application, release work, and planting to name a few.

Habitat considerations for private land and State Game lands within the project area are taken into consideration in the cumulative effects section in Chapter 3 under vegetative and wildlife habitat resources (FEIS pp. 69-70, pp. 201-207, and pp. 268-277). Effects to Threatened, Endangered, and Sensitive Species are analyzed in the Appendix C Biological Assessment and Evaluation.

The USFS works cooperatively and has a MOU (Memorandum of Understanding) with Pennsylvania Game Commission to have compatible management objectives and treatments in areas of mutual interest (FEIS p. 18)

Comment 14-10

On the contrary, it is species that are dependent on intact, contiguous forest conditions that are the most threatened and in need of habitat improvement, as evidenced by the Forest Service's own words in regard to such areas as the Sackett oil field which have absolutely degraded forested ecosystems. However, to initiate changes that would actually protect these species would directly interfere with logging and is therefore not addressed.

Comment noted. Effects to Threatened, Endangered, and Sensitive Species are analyzed in the Appendix C - Biological Assessment and Evaluation. Chapter 4 of Appendix C – entitled SCPA Wildlife Habitat Improvement Treatments list the wildlife treatments that will be undertaken to benefit a variety of wildlife species in the project area. Effects to wildlife species dependent on interior forest conditions are located in the FEIS in Chapter 3 pp. 224-225, pp. 236-237, and 279-281. Issues and the effects of fragmentation are the driving force for the development of Alternative 3. Also, see response 9-10.

Comment 14-11

"Restoring understory conditions" simply means to disrupt the natural regeneration that interferes with the desired black cherry and other valuable 'Allegheny hardwoods'. This is done through the use of widespread herbicide spraying of which there is nearly 2,000 acres planned for the Spring Creek Project. That is an incredible amount of herbicides to be used in such a concentrated area such as the Spring Creek watershed. Nothing is being restored through this style of management. In fact, quite the opposite holds true.

Comment noted. As described in the FEIS page 6 in Need for Action statement #2, "there is a need to modify the distribution of native vegetation to improve plant diversity…."Herbicides are used to control interfering vegetation that inhibits seedling establishment and development, and to modify the distribution of native vegetation to improve plant diversity (Spring Creek EIS, Appendix B, pp. 33-34, 63). Alternative 3 of the Spring Creek Project

proposes the use of herbicides on 2,113 acres (3.8% of the Spring Creek watershed). See also response to comment 14-12.

Comment 14-12

Even-aged management is preventing the restoration of the Allegheny by inhibiting the regeneration of tree species that once dominated the Allegheny plateau, but are now seen as weeds due to their low economic value.

Comment noted.

Timber management activities prior to USFS ownership led to the development of today's present forests, which are dominated by shade intolerant species. Marking guidelines state that healthy scale-free or minimally infested beech should be marked as reserve trees, and healthy sugar maple should be used as reserved trees (Spring Creek EIS, Chapter 3, pp. 177-187). Along with today's forest health issues, the "restoration" of the Allegheny plateau would be very difficult and expensive (Spring Creek EIS, Chapter 3, p. 173). Even-aged management consists of a series of treatments and harvests that can occur over the course of an 80 – 120 year rotation within a given stand. The end result is a landscape composed of a mosaic of stands that are of varying age and size class, that are diverse in terms of tree, shrub and herbaceous composition and provide a wide array of wildlife habitats. The long term management objectives and site-specific conditions found within a given stand determine the timing and need for treatment. Our efforts are focused on maintaining healthy sustainable forests that include a wide diversity of species. It is true that some treatments including intermediate thinning and shelterwood seed harvests, on certain sites, can result in an increase in interfering vegetation (Marquis, D. A., ed. 1994b, p. 214, 251). However, even-aged management techniques including herbicide application (USDA-FS 2002b, p. 97), area fencing (SCPA FEIS p. 187) and release (USDA-FS 2002b, p. 31), result in either maintaining or increasing species diversity. Other efforts include marking guidelines for retention of beech resistant to beech-bark disease complex through cooperate efforts with USDA Forest Service Forest Health Protection. See FEIS p. 155 and Appendix D Mitigation Measures p. 7.

Comment 14-13

Which brings us to the third point. Is the Forest Service maintaining a healthy, productive forest? We think not. In an internal Forest Service memo we acquired we found that the Allegheny was stated as having one of the worst regeneration rates in the region. It is unclear if this referred to the Allegheny bioregion or Region 9 of the Forest Service. We suspect it is the latter. Of course the Forest Service attributes this to the high deer population, which will be addressed later. However, there are other contributing factors to this problem on the Allegheny.

Comment noted. The Allegheny National Forest Monitoring and Evaluation Report for FY 2000 indicate that for FY 1998-2000 (the last 3 years information is available), the regeneration success has been 95% for each year. Regeneration success in 1985 Tornado Swath, Oak Mortality Salvage and Selection Cutting do vary. Regeneration in the Tornado Swath and Oak Mortality have been successful, while Selection Cutting success has been less than satisfactory (Allegheny National Forest Monitoring and Evaluation Report - FY 2000 (USDA-FS 2002b, pp. 21-23). Additional information is available concerning monitoring and success rates within the remainder of the monitoring report (USDA-FS 2002b pp. 21-48).

Comment 14-14

A study conducted at Penn State revealed that black cherry is extremely sensitive to ground level, or ambient, ozone. "When conditions are right, we see widespread leaf injury due to ozone,

particularly on sensitive species like black cherry." (Dionis; 2000) How can the Forest Service be maintaining a healthy, productive forest when the tree they are emphasizing through even-aged management, black cherry, is weakened by the effects of ozone? "The canopy of sensitive black cherry may be so thin and lacy you can see through it…black cherry is very sensitive, for instance, while red maple is not. Also, seedlings suffer more damage than mature trees." (Dionis; 2000) This may contribute to the reduction in growth rates over the long-term, which is precisely what the Forest Service must be analyzing, rather than short-term profit margins. Furthermore, when trees are weakened by ozone, which obviously black cherry is, "other stresses, like drought and disease, can do more harm." (Dionis; 2000)

Dionis (2000, pp 18 & 19) reported the variable sensitivity of black cherry to ozone, with seedlings being more sensitive than mature trees. Morin et al (2001, pp 56-57 and 61) reported the measurement results from ozone bioindicator plots located on the ANF in 1998 and 1999. The results suggest that ozone pollution is not having substantial effects on the forest (including black cherry) of the Allegheny Plateau. See more details in the Spring Creek FEIS p. 155.

The ANF and Forest Health Monitoring will continue to monitor and evaluate the effects of ozone on the Allegheny Plateau.

Comment 14-15

Considering the Forest Service's affinity for blaming drought, insect and disease for 'killing' our forests and providing a convenient 'need' for timber sales, it must be analyzed **WHY** these events are occurring and if the management model used by the Forest Service is exacerbating, rather than improving, the situation. The Draft EIS must document and address this very serious concern, as required by NEPA 40 CFR § 1502.9(a).

Forest Health History, monitoring, and effects to tree species within the SCPA are summarized in the FEIS pp. 154-157. In Table 31 – Summary of Insect Spraying and Naturally Occurring Stresses on Forest Vegetation in the SCPA, the history and suppression efforts within the SCPA are noted. See response to comment 14-13 and 14-14. The ANF, Forest Health Monitoring and Research will continue their efforts to learn more of the processes involved. Recommendations from new information can be incorporated through adaptive management adjustments when applicable.

Comment 14-16

Besides problems with ozone, the Allegheny is faced with another dilemma – acid deposition. Western Pennsylvania receives some of the most acidic precipitation in all of North America. Kane, PA is "consistently one of the three worst sites in North America." (Dionis; 2000) The Forest Service cannot ignore this problem and declare it outside the scope of this analysis. Nor can the Forest Service simply say this is a problem outside of the control of the Forest Service. The Forest Service is responsible for the protection of the natural resources of the Allegheny. It is without doubt that the effects of acid deposition are seriously degrading our forests. Therefore, the Spring Creek Draft EIS must analyze the effects of logging combined with acid deposition.

Acid deposition in relation to vegetation in the SCPA is noted on FEIS pp. 154-155. In New England, deposition with similar characteristics on soils poor in base cations have been associated with accelerated soil acidifications (Likens et al. 1998), which is associated with leaching of base cations from the soil (FEIS p.155). Horsely et al. 1999, p. 62; Horsley et al. 2000, pp. 1365-1367 suggests landowners and managers should consider management activities that favor species with lower base cation requirements. Recent local research results indicate that black cherry and American Beech are two of these species (FEIS p. 154). Their

growth and health seem unaffected by lower base cation availability in many sites.

A review of Air Quality in the SCPA and effects to air quality by proposals are reviewed in the FEIS pp. 147-151. Ongoing studies show that PA has one of the highest concentrations of acid rain in the nation, but both sulfate and nitrate concentrations (components of acid rain) have decreased from 1983 to 1999(FEIS p.149). The SCPA proposals are not expected to contribute to a noticeable decrease in air quality that would cause the counties within the SCPA to exceed the National Ambient Air Quality Standards (NAAQS) (FEIS p. 150).

The direct and indirect effects of soil quality and nutrient content are discussed in the FEIS pp. 74-84 in the Physical Environment Section. Cumulative effects to soil quality are discussed in the FEIS pp. 87-90.

Comment 14-17

Are our forests being weakened more by even-aged management by introducing extensive areas of seedlings to high levels of both acid deposition and ozone? Is this part of the reason for such a poor regeneration rate?

See responses to comments 14-14, 14-15, and 14-16.

Comment 14-18

A September 28, 2001 *Pittsburgh Post-Gazette* article addressed the acid deposition problem we are facing here: "In the Allegheny National Forest, you've got as bad a problem at 2,000 feet elevation as we see at 5,000 feet in the South. Pennsylvania is at the epicenter of acidification, so it's certainly understandable that the Allegheny would be so hard hit…western Pennsylvania's acid rain deposition is among the worst…with the concentration of power plants around Pittsburgh and to the west, my God, you can see why the Allegheny National Forest is having problems." (Hopey; 2001)

Comment noted. See responses to Comments 14-14, 14-15, and 14-16.

Comment 14-19

"From our cruising height, 500 feet over the rolling Allegheny Plateau, the forest looked like a soft green patchwork quilt with squares of clearcuts and young trees irregularly sewn into the maturing forest. Dirt roads thread through the trees, linking small stripper oil wells…It will be hard to get a true picture of the problem in the Allegheny National Forest because it is fragmented by timbering, especially the cutting of dead and dying tree stands…Those cuts are keeping a lot of the mortality from being recognized." (Hopey; 2000)

Comment noted. The effects of fragmentation are addressed in the FEIS pp. 230-233 and pp. 261-265, and p. 276.

Comment 14-20

The following is a summary of consensus findings by Appalachian Voices concerning the above mentioned problems facing the Allegheny, and in fact all of Appalachia:

b.) Acid deposition contributes significantly to soil chemistry, and accumulated over decades, can both increase (nitrogen and sulfur) and decrease (nutrient cations).

c.) Soil acidification can be a predisposing stress contributing to the decline of forest plant species.

d.) Tree growth decreases under controlled ozone exposures for tree seedlings and saplings.

e.) Ozone effects on trees are cumulative, thus exposures to even small concentrations can have an impact over time.

f.) Both acute and chronic episodes of acid deposition, ozone, and nitrogen can alter the incidence, epidemiology, and magnitude of tree insects and pathogens.

g.) Evidence exists that, for the high deposition regions of the Appalachians, acidification of the soils, ozone effects on trees, nitrogen enrichment, and potential insect and disease interactions, with the above and other stressors, place the broadleaf ecosystems of the region on a path to change of probable public significance.

Despite the fact that the sources of these pollutants are largely located away from the Allegheny, that does not exclude the Forest Service from responsibly addressing the effects of these stresses on the Allegheny. How is the health of the Allegheny maintained when forests are clearcut and the regenerating seedlings are forced to grow in a bath of acidification and ozone?

Comment noted. See responses to comments 14-14, 14-15, and 14-16.

Comment 14-21

Need for the Proposal. 1. While, this project is being promoted as a means of maintaining and improving the Spring Creek watershed, many of the needs for the Spring Creek Project simply allude to the Forest Service's desire to log. Statements such as, "modify the distribution of native vegetation", "complete regeneration sequences and reforestation treatments", "create the desired light levels to promote understory development", "initiate regeneration treatments in order to achieve the age-class distribution", "emphasize habitat for ruffed grouse and other wildlife species associated with and dependant on early successional stages of forest habitat", "enhance the visual quality along State Route 66", all these are euphemisms for logging.

Comment noted. The above quotations from the Chapter 1 – "Need for Action" statements cover a variety of resource management need/proposals that will fulfill the Purpose of the Project, which is to implement the ANF Land Management Plan. Forest-wide direction in MA's 3.0, 1.0, 6.1, and 6.3 establish goals and objectives which the site specific "needs for action" (#1-19) on pages 6-10 of the FEIS address. Both commercial and non-commercial treatments are utilized to carry out proposals within the SCPA.

Comment 14-22

The Forest Service has once again decided not to include a Zero-cut/Restoration alternative that the public has an opportunity to comment on. Without developing an alternative that addresses restoration without logging, herbiciding, and road construction, the Forest Service simply continues to predetermine the outcome of the analysis, which violates NEPA.

The Spring Creek Project provides a reasonable range of alternatives analyzed in detail as required in 40 CFR (Code of Federal Regulations) Part 1500, Section 1502.14 (a), (b), and (d) and address the issues raised by commentors in the scoping process.

The effects to all the alternatives (1-4) are considered in detail in Chapter 3 - Affected Environment and Environmental Consequences of the FEIS. A zero-cut/restoration alternative was considered. See Chapter 2 Alternatives considered but eliminated from detail study and the rationale (FEIS pp. 35-38). See response to comment 14-4.

Comment 14-23

The mandated No Action alternative is not a substitute for the Zero-cut/Restoration alternative that was proposed. Under No Action, no activities would be implemented. Under Zero-cut/Restoration, activities such as streamside restoration and road obliteration would be implemented which would not be implemented through the No Action alternative. Yet, the Forest Service contends that these alternatives are the same when they obviously are not. This allows the Forest Service to ignore issues of restoration unless it is part of an alternative that requires logging. This clearly does not represent a broad range of alternatives.

The Spring Creek Project contains a reasonable range of alternatives. See FEIS pp. 19-24 for

the project development and formulation of alternatives and FEIS pp. 25-26 for description of Alternative 1: No Action and FEIS p. 35-38 for the Alternatives Considered but Eliminated from Detail Study which includes a no logging and/or zero logging/restoration alternative. The latter section defines the reason why the Restoration Only Alternative was not considered further. Alternative 1 (no action) evaluates and considers the effects of no logging. See Alternatives Considered but Eliminated from Detailed Study on pages 35-38 of Chapter 2 of the FEIS for a discussion of alternatives, other than no action, which do not propose any timber harvesting. See Response to comment 14-4 and 14-22

Comment 14-24

2. The following is a count-by-count response to each of the stated "needs" for implementing the Spring Creek Project.

a.) Being that the Spring Creek Project started as a "watershed" project, one would think that the main objective would be to protect the Spring Creek watershed. This however is not the case. The DEIS states "There is a need to continue to protect the soil and water conditions in the watershed to maintain and improve water quality and aquatic habitat." Then, the DEIS states that "efforts to improve soil and water quality in the watershed are evident in silvicultural, recreation, wildlife and transportation proposals…" However, we ask how do you improve soil and water quality through the type of silvicultural activities that are proposed in the DEIS. Elsewhere in the DEIS, the Forest Service acknowledges in regard to soil quality that "Vegetation management…increases the potential area of soil disturbance through these compartments (876, 877, 875, 862, and 861) and compartments 709, 708, 707, 697, and 698." This is the area of the Sackett oil development, the worst example of so-called "forest management" in the Allegheny. Rampant oil and gas drilling as well as clearcutting in this area have resulted in a degraded forest. Yet, the Forest Service is proposing more of the same type of logging that has resulted with what exists now! Explain how these silvicultural activities will improve soil and water quality.

While vegetation treatments in themselves rarely improve soil or water quality the actual silvicultural prescription can influence the effects on soil and water quality. The silvicultural proposals in the SCPA were created and adapted in such a way as to meet silvicultural objectives, while minimizing the negative effects of vegetation treatments on soil and water quality. Also the reforestation of blowdown areas will maintain forest cover which will limit increases in water yield and in the long-term help to reduce surface erosion and runoff.

In the cumulative effects section of the soil quality section it is stated that:

> ***"As with Alternative 2, the road construction and oil and gas well development around Sackett [referring to the Sackett oil field] has greatly reduced the area of productive soil in this area, compartments 876, 877, 875, 862, and 861, of the SCPA. Vegetation management, which also appears to be concentrated in this area though fewer stands are proposed for harvest than in Alternative 2, increases the potential area of soil disturbance through these compartments and compartments 709, 708, 707, 697, and 698 (Spring Creek EIS, p. 89)."***

It should also be noted that in the selected alternative (3) that there will be no Forest Service road construction in these compartments. The road building and well-pad construction from oil and gas extraction does have the long-term effect of disturbing soil and taking land out of production. While, as the surface land owner, the Allegheny National Forest may recommend adaptations to oil and gas extraction plans we do not have the right to restrict access to privately owned subsurface rights. Vegetation management has the potential for short-term soil disturbance in the form of soil compaction, displacement, etc. Combined with the existing effects associated with oil and gas extraction the soil disturbance in these areas will be

additive, but overtime the soil disturbance from vegetation management will recover.

Comment 14-25

b) Even-age management does not increase diversity over the long-term. It is simply a method in the Allegheny used to increase the so-called "Allegheny hardwood" age class. Forest Service monitoring has in fact shown that this silvicultural technique is increasing the abundance of black cherry, the most valuable timber species found in the Allegheny, while other, less economically valuable species are decreasing. Even-age management simplifies the structure of the forest ecosystem, essentially turning the forest into a factory solely for timber production. According to the Texas Environmental Almanac, clearcutting, a main feature of even-age management and virtually the same as overstory removal "results in 1) the elimination of the native forest ecosystem, causing a vastly reduced habitat for wildlife; 2) increased erosion, with attendant stream siltation and nutrient loss from the soil; 3) impairment of recreational values; and 4) increased susceptibility of the forest to insect damage, diseases, acid rain and blowdown of trees." (http://www.texascenter.org/almanac/Land/LANDCH3P5.HTML)

The effects of deer are compacted by the very management proposed by the Forest Service. According to the 1986 Forest Plan, "The regeneration harvest method known as clearcutting allows the regeneration of vegetation crucial for animals requiring young vegetation. **As a result, hunters have enjoyed high populations of the white-tailed deer**." (bold added) The Spring Creek Project will increase the effects of deer on the ecosystem.

Comment noted. Even-aged management increases horizontal diversity across the landscape (Spring Creek DEIS, p. 161). The goal of even-aged management silvicultural systems and practices is to maintain diversity among trees species. The web site cited above refers to southern pine management. The practices are significantly different than those done here on the ANF and do not apply. The ANF uses BMP's to avoid these sorts of problems. Forest Plan objectives for MA 3.0 are to provide habitat for deer. This increased habitat may divert deer from some areas and may allow natural shrubs, forbs and tree seedlings to develop as has been seen in parts of the SCPA.

While regeneration cutting reduces the amount of habitat for some wildlife, it provides early successional habitat for species dependent on this type of habitat. In addition, a small percentage (approximately 5% of the project area) of regeneration cutting is proposed and the landscape and fragmentation analysis validated that forested habitat is distributed across the landscape to support wildlife species mobility (FEIS pp. 230-238 and 261-266).

Comment 14-26

c.) This need as well as the following one exhibit the Forest Service's obsession with producing valuable hardwoods for timber production. "Investments need to be made which create full sunlight conditions on the forest floor to regenerate shade-intolerant species that comprise the Upland and Allegheny hardwood types." In other words, these areas need to be clearcut or have an overstory removal cut done in order to propagate valuable hardwoods in unnaturally elevated percentages. This is not consistent with the NFMA which requires the Forest Service to manage for a native forest to the extent that it is practical. Obviously, these proposal represent the exact opposite. The Spring Creek Project represents the deliberate attempt to manage for an unnatural forest of shade-intolerant species that are economically valuable.

Comment noted. Timber management activities prior to USFS ownership led to the development of today's forests, which are dominated by shade intolerant species. Given today's forest health issues, which threaten most shade tolerant species (sugar maple, beech, and hemlock), emphasis on even-aged management of shade intolerant species is managing for a forest with native species.

Comment 14-27

d.) The July 21, 2003 windstorm is not a catastrophe. It is just one of many episodes of natural disturbance which characterize the natural diversity of the Allegheny region. Instead of recognizing the value to the forest from this storm, the Forest Service sees more opportunities to initiate even-age logging to "salvage" the economic value of the fallen trees. Research has shown the value of such disturbances on the ecology of the plateau ecosystem. For example, it has been recommended to forest managers that such disturbances should be utilized in "restoring disturbed areas into a developing old-growth network across the Allegheny Plateau." (Ruffner and Abrams, 2003; Johnson, 2001) These windthrown trees would be much more valuable if left where they are. "From an ecological perspective, dead wood is as important as live wood. Dead trees and downed woody debris represent a substantial accumulation of energy, carbon, and nutrients in many forest ecosystems." (Hura and Crow, 2004) "Although the loss of trees to mortality may seem wasteful from a utilization perspective, the functional importance of these structural elements to long-term productivity justifies their inclusion in managed forest ecosystems." (Hura and Crow, 2004) The Forest Service recognizes elsewhere in the DEIS that there is a deficit of downed woody debris within the project area. The Forest Service must drop all salvage units. There is not legitimate reason to remove these trees, other than salvaging their economic value. However, this would result in a loss of their ecological value.

The blowdown that occurred in July 2003 did decrease the deficit of coarse woody debris in a portion of the watershed. However, areas still remain that lack coarse woody debris and would benefit from an addition of this feature. Because coarse woody debris is generally utilized by sessile species, the Forest Service has objectives, treatments, and mitigations to enhance this feature and distribute it across the landscape (FEIS pp 258 and 274).

Needs for Actions identified for the windstorm areas and forested stands affected by other forest health problems were identified in the FEIS pp. 6-7 in Need for Action statement #5. Activities prescribed will aid in the regeneration of diverse tree seedlings through forested stand replacement and ensure the removal of hazardous trees. Objectives are to maintain structural –age class and community composition diversity at the landscape level. Timely salvage of damaged and downed timber in certain areas, while retaining coarse woody debris in some terrestrial and aquatic habitat will be accomplished. The ID team also decided to leave many areas of blown down trees within MA 3.0 and MA 6.1. Trees left were scattered individuals to groups; on dry sites to riparian zones. All blown down trees in or hanging over creeks or springs will be left. Some trees that have crowns snapped off or had severe crown damage will also be left as future snags and down woody debris. Appendix D contains mitigations for retention of snags, reserve areas, den trees, and other trees, which would include storm damaged trees, for future down and coarse woody debris. See FEIS pp. 20-23 for more discussion involving Forest sustainability and salvage.

Comment 14-28

e.) Simply because there is a demand does not mean it has to be met. This way of thinking is exactly what leads to exploitation. Additionally, it is not the role of the Allegheny to meet the public's supposed demand for wood products. Where is this demand? China? Germany? How much of the black cherry extracted will end up being exported?

Another "need" states that "historic uses and **present demands** of the watershed have resulted in conditions that lack structural and foraging potential." (bold added) It is ridiculous to conclude that the Allegheny must be logged to meet people's demands when the Forest Service acknowledges that that demand is in part responsible for impacting the structural and foraging potential of the project area.

Comment noted. Exports of timber resources and their locations are beyond the scope of the

Spring Creek Project. Providing wood products to the public is just one of the stated needs of the project. The FEIS states on page 7, that the ANF plan allocates land for suitable production of timber. Projects such as Spring Creek help provide timber as a renewable resource which is a means to help with demand and contribute to economic vitality of local communities.

Comment 14-29

f.) Logging in MA 6.1 should not be used for promoting mature forest conditions. The Forest Service should implement the Landscape Corridor proposal to meet these needs. Generally, we agree that red pine plantations lack diversity and there could be some non-commercial logging done to improve these areas but this should not be considered an endorsement of the Spring Creek project. Rather, this should be implemented as part of the zero-cut/restoration alternative that was proposed but dropped from further study.

Comment noted. The landscape corridor concept was used for analysis to provide mature forested habitat. Harvesting timber within MA 6.1 is in support of management area objectives. The Spring Creek project proposes treatments in support of continuous forest canopy, stand structure and species diversity. Some areas will be treated by a combination of red pine clearcutting and thinning coupled with underplanting of conifer such as white pine to create stand structure and species diversity. Other areas affected by insect and disease are proposed to be treated with a combination of silvicultural treatments and associated reforestation techniques to accelerate the development of mature forest. Some areas, including those in MA 6.1, benefit from treatments that accelerate the development of mature forest or old growth features. The areas chosen for treatment are identified during planning as areas that have a potential to create significant gaps in the continuity of mature forest habitat. Significant, frequent gaps in the forest canopy could affect the function of the ecological process, specifically continuity of habitat.

Comment 14-30

g.) Logging to create early successional habitat for ruffed grouse and other wildlife species associated with this type of habitat is not necessary, particularly considering the close proximity to State Game Land No. 28. This area is nearly 10,000 acres and is specifically managed for species that thrive in early successional forests.

Habitat abundance on state and private land is considered in the FEIS (pp 268, 286 -287) and is addressed in the cumulative effects section. The Pennsylvania Game Commission historically manages State Game Lands for a variety of game and non-game species therefore, providing a mosaic of habitats. The habitat and effects to MIS (Management Indicator Species) associated with early successional habitat are discussed in FEIS pp. 234-236 and 277-279.

Comment 14-31

h.) The prescribed burnings proposed for Buzzard Swamp are questionable to say the least. There is little historic evidence to support this type of management. What is the relationship of this project with the Wildlife Openings Project?

If the wildlife opening project referred to in your comment is the Wildlife Opening Maintenance Decision Memo/Categorical Exclusion (signed July, 2001), then the relationship of prescribed burning is one method of opening maintenance. Prescribed burning has historically been effective in sustaining and promoting native warm-season grasses. A description of the prescribed burning proposed in the SCPA and its effects are discussed in the FEIS pp. 258-259, and 275.

Comment 14-32

i.) The Forest Service could better protect aquatic and riparian areas by leaving dead and damaged trees where they are from the July 21 storm and other storm events or natural decay. Other aspects of this proposal (ie logging) would impede on this need for the Spring Creek Project area.

All riparian, aquatic, and riparian stream-side zones of influence are protected during project implementation. Mitigations include leaving coarse woody debris in and near stream courses (FEIS pp. 256-258, 261 and 266-267). Mitigations in Appendix D also protect and enhance aquatic and riparian areas. Retention of coarse woody debris is discussed in the FEIS pp. 290-296.

Comment 14-33

j.) No new roads should be built within the Spring Creek Project area. Nor should any roads be reconstructed or realigned. Unnecessary roads should be identified and fully obliterated and replanted with native tree species.

Comment noted. All the action alternatives have a range of transportation proposals from road construction to road decommission. Road proposals are made in order to have a safe, adequate transportation system for the short and long term and to meet the resource needs for timber, recreation, wildlife, and soil and water resources. See Need statement #13 FEIS pp. 8-9. Road management was identified as a major issue by members of the public during scoping FEIS pp. 15-16. The alternatives developed address the issues of level of road construction, reconstruction, and decommissioning, road density, access, and road maintenance. Transportation activities proposed for each alternative are located in Table 3 (FEIS p. 29), Table 4 (FEIS p. 32), Table 5 (FEIS p. 34) for alternatives 2, 3, and 4 respectively. Note: There are least 21 miles of system and non-system roads being decommissioned in the action alternatives. Appendix F – Transportation lists site-specifically which roads or road segments are proposed for treatment. Analysis of the transportation system is discussed in the FEIS pp. 131-144. Effects to other resources from the transportation proposals are located in the appropriate resource sections.

Comment 14-34

k.) We support the measure to curb illegal ATV use within the project area as well as the forest at large. There is concern though over the construction of a campsite at the Timberline trailhead. First, is this an expansion of an existing campsite or the construction of a new campsite? The DEIS and the Appendix maps are in conflict. Secondly, there is concern that this will lead to more illegal use. Third, this is one of the areas identified as being inconsistent with Visual Quality guidelines. Further construction and fragmentation is not consistent with amending these inconsistencies.

Comment noted. The Timberline Trailhead project is an expansion of the existing developed recreation site that involves the construction of new campsites. All recreation projects will be designed to meet the visual quality objectives. As stated on page 308 of the FEIS, the areas do not meet the visual quality objectives because of the storm damage from July of 2003. Forest management of this area will help this area regain its natural-appearing character sooner. Concerns about more illegal ATV use have led to campground design considerations and plans to have a campground host at this site to encourage ethical behaviors.

Comment 14-35

l.) There is no need to log next to State Route 66 because the “forest edge forms a straight line”. The forest does not need logged to “create a scalloped forest edge by removing some hardwood trees”. The Forest Service claims this is to emphasize hemlock trees, but it certainly has more to do

with the value of the hardwood trees that would be removed. Implying the forest is essentially monotonous because of all the trees is laughable.

The scenic enhancement proposal along State Route 66 was conceived and designed by the recreation and landscape architect staff to enhance the scenic variety along this road. Either a noncommercial or commercial treatment could be used for implementation. See pages 312-313 in the FEIS.

Comment 14-36

C. Restoration Alternative. 1. The Forest Service must develop a Restoration Alternative for the Spring Creek watershed that excludes logging, herbicide spraying, stone pit expansion and development, and road construction. By developing this alternative with an economic analysis, the public will be provided with an option that is solely aimed at restoring the Spring Creek watershed without further exploitation. This alternative needs to acknowledge in a comprehensive cost/benefit analysis the value of having standing forests for quality of life, clean water and air, stabilizing soil and preventing floods, providing recreation, providing critical wildlife habitat, sequestering carbon, enriching soils for increased fertility, among others.

Comment noted. See responses to comments 14-22 and 14-23.

Comment 14-37

2. This alternative must contain steps to restore the natural biota of the Allegheny Bioregion through rehabilitation. This would include zero logging, zero herbicide spraying, zero fertilizers, zero road construction (construction, reconstruction, alignment, realignment, maintenance), and zero stone pit development or expansion.

Comment noted. See responses to comments 14-22 and 14-23.

Comment 14-38

This alternative should include measures such as the obliteration of roads, the planting of native tree species such as white pine to increase cover and provide wildlife species with important habitat, planting of tree species such as hemlock along stream banks to maintain water quality and reduce erosion and sedimentation from years of exploitation from rampant road building for logging and oil and gas development. Note that this is not addressed under the No-Action alternative! No-Action means just that, no action. This alternative obviously contains numerous actions that are beneficial to the restoration of the Spring Creek watershed. It would reduce costs to the American taxpayer while increasing benefits to wildlife and recreational opportunities. The Restoration Alternative is a viable option that the Forest Service cannot ignore any longer.

Comment noted. See responses to comments 14-22 and 14-23. Road obliteration (called for within certain levels of road decommissioning), planting of native tree species, including white pine, and riparian streamside plantings occur in all action alternatives. See Tables 3, 4, and 5 in the FEIS (pp. 27-34) for proposals in the action alternatives.

Comment 14-39

D. New Issues. 1. Unroaded Areas. The Forest Service must protect all unroaded acres within the Spring Creek Project area from further road construction, reconstruction, and realignment as well as other development or extraction activities. It appears there may be salvage logging planned for the McCray Run Unroaded Area. If this is the case, these acreages should be immediately dropped.

Under Alternative 3, the Hunter Creek and Gurgling Run Unroaded Areas are reduced in size. This is unacceptable. The DEIS says this is due to “data refinement”. How was this data refined?

Comment noted. The methodology, the analysis completed, and effects to unroaded areas were disclosed in the FEIS in regards to transportation system (FEIS pp. 135-136, 139-140, and p.

143), the recreation resource (pp. 323-324, and 337-338), the wildlife resource (pp. 264-265 and 276-277), and the aquatic resource (pp. 291, 293, and 294-296). Alternative 3, the preferred alternative, has no new road construction therefore; the unroaded areas remain relatively unchanged. SC4 (Gilfoyle Run) unroaded area increases in size due to the decommissioning of a "classified road" (FEIS p. 140). All unroaded areas will remain over 500 acres in size regardless of the actions in the alternatives. Cumulative effects to the size of the unroaded areas are located on page 143 of the FEIS.

Unroaded areas do not preclude the use of vegetation management. Effects to unroaded areas can be found in the FEIS as listed above. As a result of Alternative 3(preferred alternative) the size and shape of SC 1 (McCray Run) remains the same. Management area direction and primary purpose for MA 1.0 and 6.1 (which contains portions of McCray Run) is located in the FEIS pp. 2-5 and general assumptions for project development are located on pp. 19-21.

The FEIS on page 139, states that "Data refinement, since the Spring Creek RAP calculated unroaded areas, has resulted in some roads receiving classification status that were not previously classified or new OGM roads developed and receiving classification." The reduction in size the commentor suggested has already occurred before the Spring Creek DEIS analysis. Any time a new road is built and given "classified" status it would affect the size and shape of an unroaded area. FEIS p. 143 identifies activities that could affect the size and shape of an unroaded area. This could include building new roads (OGM, state, private or federal actions) that receive classified status. See definition for classified roads in the FEIS p.132. The changes in size for SC 2 (Hunter Run) occurred as a result of the building of an OGM (NS27029) road which is a "classified" road. The change in size of SC 3 (Gurgling Run) is due to the fact that when the RAP analysis was completed, the data for a number of roads was unavailable. Since that analysis, there have been a few existing roads that were given non-system road designation and classified. These small roads are NS26820, NS26823, NS26819, and a portion of NS26320. The Spring Creek Project file documents and contain the maps of all known changes between available information from the Spring Creek Roads Analysis Process (RAP), updated information concerning the current road system, and unroaded areas by alternatives.

Comment 14-40

2. Old-growth logging. All proposed logging activities in the following compartments and stands should be immediately withdrawn: Compartment 695, Stand 13; Compartment 699, Stands 31, 52-54; Compartment 709, Stands 3, 11, 15, 26, 37-43, and 45; Compartment 711, Stands 52 and 54; Compartment 712, Stand 30; Compartment 847, Stands 18 and 32; Compartment 850, Stands 60, 61, 72, 84, 85, and 87; Compartment 858, Stands 28, 33, and 40; Compartment 859, Stands 42 and 57; Compartment 860, Stands 18 and 36; Compartment 861, Stand 41; and Compartment 863, Stand 63.

Comment noted. A review of the list of stands above show that all stands are 101 years old or older and occur in MA 3.0.

The Forest Plan provides general guidelines that are related to the amount and distribution of old growth for each Management Area. The Forest Plan considered forest to be old growth when it reached 111 years of age (USDA-FS 1986b, p. 4-73). We recognize that age is only one criteria and that true old growth values can only be developed over time and now consider stands 111 years of age as late successional forest or "potential old growth" (FEIS pp. 224-225). The Spring Creek project has identified 552 acres of 111+ year old stands. In Alt. 3, 142 acres of 111+ year old stands are proposed for treatment due to forest health concerns. Treatment options are proposed in order to maintain healthy growing forests. There is an abundance of potential old growth as over 7,800 acres will move into the 111+ year old age

class within the next 20 years. Discussion on old growth and late successional forest can be found in the FEIS pp. 166-169, 195 and 224-225.

Comment 14-41

3. Logging for Highest Dollar Return. The Forest Service identifies that Alternatives 2 and 3 will have the following effects: "Improvements in the quality and size of timber are expected within proposed thinning and salvage treatments. Proposed timber management would improve the quality and size of preferred timber species and foster the establishment of high valued shade-intolerant and valuable shade mid-tolerant species, thus providing for a sustained yield of high quality hardwoods in the long term." There is very little difference between Alternatives 2 and 3. It is clear that both alternatives reflect the bias for managing for commercial timber production for highest dollar returns. Simply selecting an alternative that is just slightly less in financial returns does not mean the Forest Service is not managing for the highest dollar return.

Comment noted. The differences between Alternatives 2 and 3 occur in resource areas other then vegetation management. A description of Alternatives 2 and 3 and the treatments in each is located in the FEIS pp. 26-32. Alternative 3 fosters an alternative without new road construction and less vegetative treatments in order to address concerns to wildlife habitat core and connectivity. Both alternatives strive to meet the Purpose and Need identified in Chapter 1 in the FEIS pp. 2-10. The economic analysis was completed for both alternatives (FEIS pp. 345-348). Alternative 2 has the highest net cash revenue (approximately 11 million dollars) and Alternative 3 has the second highest net cash flow (approximately 9 million dollars). Comparison of alternatives in reference to the issues and need statements are located in Chapter 2 of the FEIS pp. 38-50. A summary of a comparison of effects to each resource is located in the FEIS Chapter 2, pp. 51-67. A more detailed comparison of effects is located in the appropriate resource section throughout Chapter 3.

Comment 14-42

4. Wetlands. All compartment and stands contained within wetlands identified by the National Wetland Inventory must be removed from all vegetation treatment (ie logging) proposals.

As stated in the Spring Creek EIS (p. 86):

> ***"Four stands that contain parts of a wetland identified and mapped in the National Wetland Inventory (NWI) are proposed for vegetation treatment. Compartment 891 stand 12 has proposed salvage activities and contains three slivers of wetland totaling less than 0.5 acres. Stands 712/6, 712/15, and 860/9 are proposed for salvage in this alternative and contain some area identified as a NWI wetland. All stands have mitigations provided to protect the wetland and no trees to be removed are in or adjacent to the wetlands."***

Additionally there are mitigations in Appendix D that afford further protection to wetlands (Appendix D, page 1-3, mitigations WA1, WA2, WA3, S5, and S8). Furthermore, wetlands and wet areas within vegetation management treatment units are avoided with the use of leave areas, adjusting unit boundaries, and active sale administration.

Comment 14-43

5. Restoration around Sackett. All activities planned for compartments 697, 698, and 707-709 must be withdrawn from the Spring Creek project and a plan for restoration of this degraded landscape initiated that does not involve logging or road building. The Forest Service's record regarding this oil development is absolutely disgraceful. Again, the Forest Service deceitfully states in the DEIS that they must grant access for the private oil developer. The Forest Service has the

authority under the 1984 Pennsylvania Oil and Gas Act to object to the location of any oil and gas well planned for the Allegheny National Forest. Any notion otherwise is false.

See response to comment 14-24. The assertion by the commentor that "the Forest Service has the authority under the 1984 Pennsylvania Oil and Gas Act to object to the location of any oil and gas well planned for the Allegheny National Forest" is incorrect. There are only two reasons an objection may be filed. An objection can be filed when the proposed well location violates section 205 of the Oil and Gas Act, which pertains to waterway degradation, or if information on the application is found to be untrue in a material respect. Paragraph (c) of Section 205 is not a reason to deny a permit. It states that DEP must consider impacts of proposals on public resources.

Comment 14-44

6. Ozone. The DEIS states that ozone is not having substantial effects on the Allegheny Plateau. Other research mentioned elsewhere in this comment letter suggests otherwise. Regardless, the research the Forest Service relies on says that ozone in not having a "substantial effect". This would imply that it is having an effect though and the Forest Service should address that. Hemlock wooly adelgid is not having an effect in the Allegheny, but the Forest Service is certainly concerned about that – so why not ozone. Is it possible because it might affect the management of black cherry? Also related to black cherry is the amount of defoliation from the cherry scallop shell moth. Nearly 80,000 acres of forest have been defoliated by the cherry scallop shell moth within the Spring creek project area. Proposed logging activities will lead to an increase in black cherry and possibly more defoliations – something the Forest Service supposedly tries to prevent.

Comment noted. The ANF and Forest Health Monitoring will continue to monitor and evaluate the effects of ozone on the Allegheny Plateau. During that period of defoliation more than just black cherry was defoliated. Many tree species were defoliated by a variety of insects (FEIS pp. 155-157). See response to comment 14-14.

Comment 14-45

7. Indiana Bat. The DEIS made a determination of "may affect, likely to adversely affect" for the Indiana bat under all action alternatives. The Spring Creek Project should halted from further consideration. A plan for protecting the habitat of the Indiana bat should be considered that incorporates the proposed zero-cut/restoration alternative.

All activities that remove trees (timber harvest, wildlife habitat enhancement, recreation trail, etc.) have a remote risk of harming an Indiana bat , if bats are roosting in the tree at the time of tree removal Mist netting and emergence surveys were conducted to further determine the likelihood of impacting the Indiana bat. No Indiana bats were caught at any of the mist netting sites with in the project Furthermore, only one Indiana bat has been captured on the ANF in 6 years of intensive mist netting surveys making the risk of impacting an Indiana bat very minor A "may affect, likely to adversely affect" determination for the Indiana bat is consistent with the forest-wide programmatic Biological Assessment and Biological Opinion completed in 1999 and does not exceed the level of incidental take rendered in the Biological Opinion .

Comment 14-46

II. PUBLIC OPINION. A. American Attitudes. 1. The American people have declared their desire to end the commercial logging program on our national forests, including the Spring Creek Project sites. A number of polls, including one conducted by the Forest Service in 1994, have shown again and again that the majority of Americans support an end to commercial logging in our national forests (which includes the Spring Creek Project Area). The Forest Service's 1994 nationwide poll

found that 58% of Americans opposed **ALL** extraction for commodities on our national forests – including timbering (USFS 1994)!

Comment noted. The comment is beyond the scope of the Spring Creek Project.

Comment 14-47

2. A 1998 poll conducted jointly by prominent Republican and Democrat pollsters found that 69% of Americans now oppose continuing to allow logging on our national forests! (Market Strategies, Inc. and Lake, Snell. Sosin, Perry, and Associates, Inc., June 1998)

Comment noted. The comment is beyond the scope of the Spring Creek Project.

Comment 14-48

3. Citing the above poll results does not fall "beyond the scope" of the Spring Creek Project. Rather, **these poll results are directly relevant**, and the Spring Creek Project falls within *their* scope. The Forest Service cannot continue to evade the responsibility of addressing this issue by simply stating that the desire of a majority of Americans to end commercial logging is a national issue and therefore of no relevance to the current project. In fact, it is precisely the opposite. It is due to projects like Spring Creek that the American people have come to this conclusion, which warrants a decisive response from the Forest Service, not more rhetoric and egregious timber sales.

Comment noted. The comment is beyond the scope of the Spring Creek Project.

Comment 14-49

B. Pennsylvania Attitudes. 1. According to independent surveys, non-timber uses such as recreation (57%), peace of mind (73%), scenic beauty (74%), wildlife habitat (82%), soil protection (85%), clean water (96%), and clean air (96%) were characterized by the general public as "very important" more often (percentages in parenthesis above) than timber (only 27%) (Jones 1993). Accordingly, these uses should receive priority with the Spring Creek Project.

2. Furthermore, non-timber uses such as recreation (57%), peace of mind (76%), scenic beauty (79%), wildlife habitat (85%), soil protection (85%), clean water (94%), and clean air (94%) were characterized by non-industrial private forestland owners as "very important" more often (percentages in parenthesis above) than timber (only 20%) (Jones 1993). Accordingly these uses should receive priority with the Spring Creek Project.

Comment noted. Please see the Purpose and Need section in Chapter 1 of the Spring Creek Project (FEIS pp. 2-10).

Comment 14-50

3. Another study found that 78% of the public and 78% of timberland owners in Pennsylvania oppose the general practice of clearcutting while 67% of the public and 66% of private timberland owners disagree with the statement that forests should be used primarily for timber and wood products (Schwartz 1992). Accordingly non-timber uses should receive priority with the Spring Creek Project.

4. In another study, a majority (54% of respondents) of citizens preferred preservation of forests over other market driven uses (such as job production), 84% expressed concern that forests would not be "harvested" wisely, and 76% were concerned that "developing our forest resources" will result in logging and exporting of timber (Singletary 1994). These numbers are especially enlightening since the targeted counties were predominantly rural and excluded most suburban and urban communities that tend to favor preservation of forests to an even greater extent. Accordingly, non-timber uses should receive priority with the Spring Creek Project.

5. Additionally, the Singletary poll found that the top 3 priorities of Pennsylvanians included "Protect and conserve land resource," "Protect and conserve water resources," and "Protect and

conserve wildlife." Pennsylvania citizens overwhelmingly demand protection of the natural environment. The Spring Creek Project is NOT consistent with these priorities.

6. Singletary further notes that "Many respondents [in Cameron, Forest, and Elk Counties] commented that "'too much logging' was already affecting rivers and streams as well as wildlife in their local area and that the wages for such work were low." Attitudes in those counties also reflected that "The types of forest-based jobs preferred were recreation and tourism, small scale wood industry, and conservation and management." The Spring Creek Project, which caters primarily to the interests of large-scale timber interests, is completely inconsistent with the ecological and economic views of our region.

7. Citizens overwhelmingly prefer jobs in the recreation and tourism industry over that of logging/timbering in ALL regions of the state according to Singletary (1994). The Spring Creek Project should not be encouraging industry exploitation that is contrary to the public's will. The Spring Creek Project should NOT be implemented as proposed under the scoping notice. At most, a comprehensive "restoration alternative" should be drafted that focuses solely on restoring the watershed and native wildlife and vegetative diversity without the proposal for more logging.

8. Citing the above poll results does not fall "outside the scope" of the Spring Creek Project. Rather, **these poll results are directly relevant**, and the Spring Creek Project falls within *their* scope.

Comment noted. Please see the Purpose and Need section in Chapter 1 of the Spring Creek Project (FEIS pp. 2-10).

Comment 14-51

III. ECOLOGY. The scoping notice fails to address a real need for the Spring Creek Project. Just because the Forest Plan allows timber sales, one can not conclude there is a need for the project, especially one the magnitude of the Spring Creek Project. The Forest Service must disclose site-specific monitoring data that demonstrates the need for the timber sale. In just the past few years over 2,000 acres of forest has been logged within the Spring Creek watershed. Currently there are numerous East Side cutting units within the Spring Creek watershed. The Forest Service must critically analyze the cumulative effects of all these past, current and proposed logging projects on the Spring Creek watershed.

See the Purpose and Need section on pages 2-10 of Chapter 1 for a list of objectives, goals, and site-specific needs for action within the SCPA. The effects of implementing any East Side EIS vegetative treatments were analyzed in the East Side FEIS (ROD signed 12/12/2000). The Cumulative Effects for the SCPA include treatments from the East Side cutting units and other projects within the project area. See Chapter 1 (FEIS pp.12-13) for a list of previously approved NEPA projects within the SCPA. See Chapter 2 pp. 25-26 for a list of ongoing treatments from previously approved projects. See Chapter 3 – pp. 69-70 also for the projects considered in the Cumulative Effects analysis. See Chapter 3 – Vegetation cumulative effects (FEIS pp. 201-20) that includes all past FS treatments (1986-2002) and future FS treatments (2003-2023, including East Side Treatments. Cumulative impacts of roads from the East Side decision are addressed in Chapter 3 – Transportation pp. 141-143. See Chapter 3 for the cumulative effects to soil, hydrology, wildlife, scenic quality, recreation, and noxious weeds/invasive plants.

Comment 14-52

A. Large Woody Debris. 1. The Forest Service needs to assess the value of large woody debris for providing habitat as well as for their fire resistant qualities. Simply stating that large woody debris requirements will be met as stated in the Forest Plan is not acceptable. That process fails to address site-specific issues. There are numerous factors pertaining to the ecological benefit of large woody

debris. Woody debris serves as habitat for a wide range of organisms, including plants (vascular and nonvascular), mircrobes, fungi, invertebrates, and vertebrates. According to studies conducted by the U.S. Forest Service, as many as 85 bird species use dead trees in this country for food and nest sites. (Woodier; 1998) According to Forest Service biologist Debbie Pressman, some 80 animal species "actually depend on dead and dying trees, and hundreds more – including reptiles and amphibians – benefit from them."[Woodier; 1998] Woody debris minimizes erosion and nutrient loss by serving as a physical barrier that intercepts water and organic material moving downslope. It also serves as a major nutrient reservoir in forested ecosystems. "An important feature of woody debris is that nutrients are released at slower raters than from fine litter...this slow release allows nutrients to be retained within the ecosystem until tree production recovers. Timber harvest and salvage after disturbance reduces this pool of stable nutrients." (Harmon, M.E. and Hua; 1991) This information must be thoroughly examined in the Draft EIS. A visit to any even aged cherry stand within the Allegheny reveals the deficiency of coarse woody debris. This is precisely due to the fact that "deciduous forests produce less coarse woody debris than do coniferous forests." (Harmon, M.E. and Hua; 1991) This deficiency will likely lead to long-term problems with soil productivity resulting in un-healthy forests, particularly when cumulatively assessed with other affects such as acid precipitation and ground level ozone.

The value of providing dead wood, including downed woody debris for wildlife can be found of on page 227 in the Spring Creek FEIS. Need for action statements #10, #11 stress the need to leave woody debris to provide structure in riparian and terrestrial environments (FEIS p. 8). Achieving Wildlife habitat objectives (FEIS p.21) reiterates the need. Additional information can be found in the FEIS pp. 256-258. The Forest Plan includes standards and guidelines that call for the retention and recruitment of coarse woody debris (Forest Plan 4-19a and 4-19 USDA FS 1986a). Treatment units are laid out to avoid stream and riparian areas (Appendix D p. 1) and as a result, there are no activities proposed under any alternative that will result in removal of woody debris from any streams within the project area. Additionally, Appendix D (pp. 1, 5-6, 7, 8, and 12) includes mitigation measures that call for the retention of snags and dead wood on sites proposed for treatment, or to avoid sites like riparian areas for long-term recruitment of woody debris, in order to help maintain adequate dead wood to meet the needs of wildlife (FEIS p. 227 and 256-258). Both dead and live standing trees are retained in harvest areas to recruit future snags and large downed woody debris (see Appendix D, pgs. 5,12). Management practices and past management history are discussed in the FEIS pp. 107-108. The FEIS Aquatic section p. 290 discusses the desired condition in the Spring Creek watershed in terms of woody debris. Hydrology proposals for the recruitment of woody debris in streams are covered in the FEIS p. 108 and Appendix G Hydrology Proposals. The action alternatives contain wildlife and hydrology/aquatic proposals to recruit, retain, and provide woody debris in both an aquatic and terrestrial habitat FEIS pp. 28, 31, & 33-34. Nutrient Cycling and carbon storage are discussed in FEIS pp. 78-79 and the effects to soil quality by alternative are discussed on pages 78-84.

In Appendix D, pp. 1, 5-6, 7-8, and 12 there are mitigations to retain large woody debris. These mitigation measures are designed to retain both dead and live trees in harvest areas to recruit future snags (and future downed woody debris), cavity trees, and large downed woody debris.

Comment 14-53

2. Another biological function that must be assessed in the Draft EIS is the relationship of organic matter and cation exchange capacity (CEC). This relationship is a key indicator of the productivity and overall health of the soil. "In a northern hardwood forest, Brooks (1987) found that in uncut stands the forest floor had six times greater CEC than surface mineral soil. After harvesting,

an eightfold difference occurred in CEC between the forest floor and the mineral soil." [Page-Dumroese, Harvey, Jurgensen and Graham; 1991]

It is assumed here that CEC is related to forest floor depth and/or decomposition state. While following overstory removal the decomposition of the forest floor does increase, mitigations in Appendix D pages 2, 3, and 8 are implemented to reduce the loss of forest floor organic matter from displacement. The cation exchange capacity of the forest floor would be expected to rebound to pre-harvest levels within 10 years with fresh additional inputs of organic matter. Nutrient cycling and carbon storage are discussed in the FEIS pp 78-79 and the effects to soil quality by alternative are discussed on pp. 78-84 of the FEIS. Cumulative effects to soil quality are discussed on pp. 87-90 of the FEIS. See response to comment 14-16.

Comment 14-54

3. The Forest Service suggests that the removal of these trees will meet the down log retention requirements of the Forest Plan. While this may be true, however insufficient, the Forest Service has the discretionary responsibility to provide more than the bare minimum as defined in the Forest Plan, particularly due to the beneficial aspects associated with downed trees in a forest ecosystem. Again, the bias for logging rather than conservation guides management decisions and viable opportunities for providing habitat for species dependent on dead and down trees are lost. Furthermore, a primary role of woody debris may be to stabilize nutrients after major natural disturbances. [Harmon, M.E. and Hua; 1991] "An important feature of woody debris is that nutrients are released at slower rates than from fine litter." [Harmon, M.E. and Hua; 1991] "This slow release allows nutrients to be retained within the ecosystem until tree production recovers. Timber harvest and salvage after disturbance reduces this pool of stable nutrients." [Harmon, M.E. and Hua; 1991] "During decomposition, logs and other forms of coarse woody debris reduce erosion and affect soil development, store nutrients and water, provide a source of energy and nutrient flow, serve as seedbeds, and provide habitat for decomposers and heterotrophs."[Harmon, M.E. and Hua; 1991] "Course woody debris performs many physical, chemical, and biological functions in forested ecosystems. Physically, CWD protects the forest floor and mineral soil from erosion and mechanical disturbances (Page-Dumroese and others 1991). It also is a key habitat component (especially large logs) for many forms of wildlife (Reynolds and others 1992) and it is important in stream ecology (Harmon and others 1986). Coarse wood debris disrupts airflow and provides shade, insulating and protecting new forest growth. In moist forest types it can be a seedbed and nursery area for new conifer seedlings (Harmon and Franklin 1989; Minore 1972). When decay has advanced, CWD can hold large amounts of water, making it an important source of moisture for vegetation during dry periods (Harmon and others 1986; Harvey and others 1987)." [Graham, Harvey, Jurgensen, Jain, Tonn, and Dumroese; 1994] CWD provides habitat for the growth of ectomycorrhizae, which assists woody plants to take up water and nutrients. [Graham, Harvey, Jurgensen, Jain, Tonn, and Dumroese; 1994] The fruiting bodies of the ectomycorrhizae are an important component of the food chains of small rodents and larger predators. [Graham, Harvey, Jurgensen, Jain, Tonn, and Dumroese; 1994]

Thank you for helping to highlight the many benefits of down woody debris in the terrestrial, riparian, and aquatic environments. These benefits were the impetus for including retention and addition of woody debris in the wildlife and hydrology proposals.

A short description of some of the benefits of down woody debris is included in the Spring Creek FEIS (p. 79, 102-103, 106, 221, and 225-228,). Analysis of the effects of each alternative on down woody debris is included in the pages following the description (Spring Creek FEIS, pp. 79-84, 114-130, 256-258, and 274).

See responses to comments 14-16, 14-52, and 14-53. The statement in the FEIS p. 257 in reference to …"mitigations… in an effort to meet guidelines outlined in the Forest Plan

regarding …. Is documented to track that minimum requirements are being met in regards to coarse woody debris. However, the importance of coarse woody debris for wildlife and nutrient values has been recognized and exceeding the "required" amount is expected as stated on page 258…. Not all trees will be salvaged. See Chapter 2 in the FEIS pp. 20-21 indicating approximate acres (253ac.) of untreated windthrow as a result of this Spring Creek project decision

Comment 14-55

4. The Forest Service needs to assess the importance of large woody debris in terms of the preservation of diverse habitat structures and disclose these findings in a comprehensive EIS for the Spring Creek Project. For instance, an analysis needs to be done to determine the amount of ectomycorrhizae found in different areas of the Allegheny. "Ectomycorrhizae absorb moisture and nutrients and translocate them to their host plants, making ectomycorrhizae essential for the development of forest ecosystems (Harvey and Smith 1983; Harvey and others 1979; Harvey and others 1987; Marks and Kozlowski 1973; Maser 1990). [Graham, Harvey, Jurgensen, Jain, Tonn, and Dumroese; 1994] Therefore, we assume their presence and abundance to be a good indicator of a healthy, functioning forest soil." [Graham, Harvey, Jurgensen, Jain, Tonn, and Dumroese; 1994]

Comment noted. See responses to comments 14-16, 14-52, and 14-53.

As you highlighted mycorrhizae, both ecto and endo, are important for water and nutrient uptake of almost all plant species, especially forest species growing on relatively nutrient poor soils. Ectomycorrhae is more limited in distribution and is characteristic of pine, beech, birch, alder, hornbeam, hophornbeam, chestnut and oak species (Fisher and Binkley, 2000). It is not apparent that there is a lack of ectomycorrhizae, or mycorrhizae in general, in the SCPA. Typically mycorrhizae found in the soil prior to vegetation management will remain in the soil and colonize the roots of new seedlings and saplings. Even if an area were devoid of mycorrhizae following vegetation management wind blown spores from fruiting bodies of mycorrhizae in adjacent stands would facilitate the colonization of new seedlings and saplings.

Comment 14-56

B. Wilderness.

1. The ADP believes that the following comments on wilderness designation within the Allegheny are not "outside the scope" of the Spring Creek Project. In fact, the fragmentation that is likely to result from the proposed Spring Creek, is the very reason as to why this needs to be addressed. Furthermore, the Spring Creek Project proposes logging directly adjacent to the Hickory Creek Wilderness Area, an action that must not be implemented under any circumstances.

2. The 8,663 acre Hickory Creek Wilderness Area was designated on the Allegheny in 1984 along with seven islands in the Allegheny River, ranging in size from 10 to 96 acres, totaling approximately 368 acres. These are some of the smallest designated wilderness in the entire federal system. Despite the fact that the Allegheny is over 513,000 acres in size, with vast opportunities for wilderness throughout, only 9,000 acres, only 1.74% of the Allegheny is federally designated as wilderness (Gorte 1994). In the western United States, for example, 21.52% of California's Forest Service land is designated wilderness. In Washington, the figure is 28.06%, and in Montana the figure is 20.01% (Gorte 1994). Most eastern states also have a significantly greater area of Forest Service land federally designated as wilderness (Table 9). It is apparent that Pennsylvania, with the Allegheny as its only federal land capable of designating wilderness, has much room for improvement in this regard. Minnesota has 28.63% of its Forest Service land designated wilderness, and like the Allegheny, this land is administered within the Eastern Region of the U.S.D.A. Forest Service. The ADP believes that a goal of 25-30% of the Allegheny's landbase designated as

wilderness should be made a priority pursuit by the Forest Service. The precedent for this has been set in Minnesota.

Table 9. Percentage of Forest Service land designated wilderness under the 1964 Wilderness Act for several eastern states. Highlighted states fall under the jurisdiction of the Eastern Region of the Forest Service. Forest Service land in Pennsylvania ranks low as compared to other eastern states. Data are from Gorte (1994).

State	Ha Forest Service land	Hectares Wilderness	% F.S. Land Wilderness
Minnesota	1,141,316	326,770	28.63
Vermont	141,762	24,047	16.96
New Hampshire	292,494	41,535	14.24
Georgia	349,648	45,902	13.13
Tennessee	254,386	26,794	10.53
Illinois	109,575	10,339	9.44
North Carolina	501,545	41,535	8.28
West Virginia	417,693	32,720	7.83
Indiana	77,537	5,235	6.75
Virginia	667,553	35,312	5.29
Alabama	267,628	13,416	5.01
Arkansas	1,027,966	47,171	4.59
Missouri	601,790	25,576	4.25
Michigan	1,154,258	37,188	3.22
Wisconsin	614,767	17,116	2.78
South Carolina	247,149	6,747	2.73
Kentucky	276,276	6,643	2.40
Pennsylvania	**207,677**	**3,617**	**1.74**
Mississippi	466,818	2,447	0.52
Ohio	88,200	0	0.00

3. In comparison to western states, many eastern states – particularly Pennsylvania - are lacking with regard to wilderness designation. As stated in the Wilderness Society's Wilderness Handbook:

Less than 5 percent [of land in the national forest Wilderness Preservation System] lies east of the 100th meridian, and almost half of that is in just two areas – Everglades National Park in Florida and the Boundary Waters Canoe Area in Minnesota. In eleven eastern states from Maine to Maryland, where nearly one-quarter of the nation's population resides, there are less than 200,000 acres of wilderness (Watson 1998).

Comment noted. The Spring Creek project is over 13 miles from the Hickory Creek Wilderness Area and therefore doesn't propose vegetation management proposals adjacent to wilderness. See Chapter 2 - Alternatives Considered but Eliminated from Further Detail (FEIS pp. 36-38). An alternative that includes designating wilderness in the SCPA is beyond the scope of the Purpose and Need identified for the SCPA in Chapter 1. Wilderness needs were considered in the development of the Forest Plan. Wilderness has been identified as a preliminary issue during the Forest Plan Revision process.

Comment 14-57

4. What will the Allegheny look like in 200 years? What will it be like in 500? The Forest Service must consider management strategies that plan at least this far into the future. The creation of

more federally designated wilderness within the boundaries of the Allegheny for the purpose of the preservation of PETS species, biodiversity, and watershed health should be a top priority to ensure future undisturbed old-growth forest in the Allegheny that is free, even from the ravages of oil and gas development operations. Even if a bill such as HR 1396, which would end all commercial logging on federal public lands, were to pass, that would not necessarily end drilling for oil and gas which are still prominent on the Allegheny and within the Tionesta Scenic and Research Natural Areas (USFS 1980). Such wilderness designation will also make the Allegheny more attractive to recreationists wanting to see eastern forests in a relatively pristine state. Wilderness areas are of significant value to the American public. As Forest Service Chief Michael Dombeck has said "Representing nearly 20% of the National Forest System and over 60% of the entire Wilderness Preservation system in the lower 48 states, the Forest Service's wilderness legacy is a crown jewel" (Dombeck 1999).

5. The ADP believes that the region of the Allegheny encompassed by U.S. highway 6, state highways 66 and 948, and the communities of Kane, Ludlow, and Sheffield, with the Tionesta Scenic and Research Natural Areas as its core should be *strongly* considered as a candidate for wilderness designation. Surrounding Forest Service roads should be closed and rehabilitated and private land should be purchased from those willing to sell in the surrounding area. The goal would be a total area of at least 10,000 to 15,000 acres or more designated as wilderness. A priority would be to completely surround the existing Tionesta Areas with wilderness to provide a buffer for the current old-growth conditions therein, that the Forest Service has characterized as "one of the most valuable old-growth remnants in the eastern U.S.…evidenced by the 10-fold increase in research activity on the Area over the past decade" (Nowak and Nelson 1997). Eventually, the entire Tionesta Wilderness would come to closely resemble its native old-growth forest core, as described by Lutz (1930) and Bjorkbom and Larson (1977):

Most of the Allegheny Plateau outside the Tionesta Scenic and Natural Areas is now dominated by second-growth stands of intolerant species resulting from the commercial logging operations of the 1890-1930 era. These second-growth stands will eventually revert to hemlock/beech/sugar maple types like those in the Tionesta tract if left undisturbed long enough (Bjorkbom and Larson 1977).

6. The private land to the immediate east and southeast of the Tionesta Scenic and Research Natural Areas would be priority acquisitions to such a wilderness area as they lie directly adjacent to the Tionesta Areas and contain the headwaters of significant tributaries to Tionesta Creek.

7. Taking the steps towards a Wilderness Area in this location with the Tionesta old-growth as its core would be an outstanding addition to wildlife habitat and the national Wilderness Preservation system as a whole, some of the last true old-growth in the eastern United States, in the range of 10,000 to 15,000 acres or more. If it is made a true priority, this can happen over time (the present-day 8,663 acre Hickory Creek Wilderness was once clearcut and criss-crossed by logging railroads). This wilderness designation would increase the Allegheny (and therefore Pennsylvania) total to approximately 19,000-24,000 acres of wilderness for the Allegheny, or 3.70 to 4.68% of the total landbase of the Allegheny. Furthermore, wilderness is defined by the Wilderness Act as "an area of undeveloped federal land retaining its primeval character and influence…which *generally* appears to have been affected *primarily* by the forces of nature, with the imprint of man's work *substantially* unnoticeable." [emphasis added] This definition ensures that wilderness designation under the Wilderness Act does not require completely pristine conditions, but simply predominantly natural conditions (Watson 1998).

8. There is also precedent under the NEPA for the creation of wilderness whenever possible. The NEPA requires the federal government, in this case the Forest Service, to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations," to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings," and to "preserve important…natural aspects of our national heritage…" (§ 101(b)).

The Tionesta Areas must be protected as wilderness to prevent any future encroachment or degradation of their old growth conditions. This fits the criteria outlined under NEPA.

9. Designation of such a Tionesta Wilderness Area would also help alleviate any boundary disputes or boundary recognition problems for the Tionesta Areas. A 1997 Forest Service report recognizes that there are serious problems with accurately determining the boundary for the Tionesta Areas, which has resulted in at least one known instance of timber cutting within the Tionesta old growth (Nowak and Nelson 1997), an utterly and completely unacceptable situation. Although the known result was just two trees cut within the old growth area, it certainly cannot be assumed that this was the only instance of accidental or deliberate timber cutting that has occurred within the Tionesta Areas since their purchase from the Central Pennsylvania Lumber Company in 1936. In fact, the opposite must be assumed to be the null hypothesis. Over time such violations of the Tionesta Areas, be they deliberate or accidental, can only be inevitable under the status quo and the cumulative effect over the decades will most certainly not be "negligible." The ADP believes that as the present situation exists, with logging on private and public land occurring right up to the boundaries of the Tionesta Areas, a serious threat is posed to the long-term ecological integrity of this irreplaceable remnant of the great eastern old-growth forests that once existed throughout the Allegheny Plateau bioregion before the period of massive clearcutting from approximately 1880-1920. The Forest Service themselves has recognized *serious* deficiencies with regard to where the boundary of these National Natural Landmarks in fact lie! The incredibly irresponsible existence of past and current cutting units near or adjacent to the boundaries of the these areas is highly illustrative of the single-mindedness of the Forest Service for timber cutting over ALL OTHER VALUES associated with the Allegheny such as recreation, ecosystem services, and wildlife habitat.

This comment is beyond the scope of the Spring Creek project. See response to comment 14-56.

Comment 14-58

C. Other Impacts. 1. Forest Service research indicates dead and decaying wood accounts for about 25% of a forest's biodiversity (Maser and Trappe). The impact of removing trees on this component of the forest ecosystem must be considered. The Forest Service generally contends that trees are somehow wasted when they die. If the trees die, they need to be allowed to fulfill their function and be recycled back into the ecosystem. Past timber harvesting activity in the Spring Creek Project Area has removed much potential for large woody debris (hereinafter, "LWD") contribution to the forest floor. This LWD (commonly defined as woody material at least 10 cm in diameter and two meters in length), or "nurse logs" would reduce erosion, positively effect soil development, store essential nutrients as well as water that is valuable to the ecosystem during periods of drought, provide a source of energy flow, serve as seed beds, and provide habitat for decomposers. The Zero-cut alternative for the Spring Creek Project should be selected out of concern for these values.

Effects of timber harvest on nutrient cycling, dead wood recruitment and the availability of dead wood for wildlife are discussed on pp. 78-84, 107-108, 227, 256-258, 274, and 290 of the Spring Creek FEIS, and pages 107-108 of the Forest Plan FEIS. Based on the analysis provided, and with regards to the recent wind event, the scattered distribution of mortality, and the mitigations implemented in regards to retaining coarse woody debris, no adverse cumulative effects are anticipated under any alternative. It is expected that this feature will become more abundant over time (FEIS p. 274). Additionally, Appendix D includes mitigation measures that will ensure that a component of standing dead wood (and future downed woody debris) will be maintained (FEIS p. 274) on sites being logged. See also response to comment 14-52.

The commentor's preference for the no action alternative is noted.

Comment 14-59

2. Please explain how removing ecological stages of trees that would be better for the health of the ecosystem if left to follow their natural cycle as living contributors to forest health, planting non-native grasses, using herbicides that are toxic to non-target organisms, building roads and disrupting soil chemistry is restoring native understory conditions.

"Leaving all ecological stages of trees" and "following their natural cycle" is analyzed in the no action alternative (Alternative 1). A short description of some of the benefits of down woody debris is included in the Spring Creek FEIS (p. 79, 102-103, 106, 221, and 225-228,). Analysis of the effects of each alternative on down woody debris is included in the pages following the description (Spring Creek FEIS, pp. 79-84, 114-130, 256-258, and 274). Where interfering vegetation exists, and deer browsing has eliminated most of the understory vegetation, experience has shown that herbicide application to treat interfering vegetation, fertilization, and exclosure fences for deer are necessary to affect a change in understory conditions. Road construction facilitates access to a stand to allow for vegetation management including understory management. Planting of grasses in openings, not understory conditions, is discussed on pages 260 and 261.

Comment 14-60

3. LWD contributions to streams and rivers have shown to be highly beneficial to the health and diversity of forest ecosystems in many regions. A recent study on the Allegheny demonstrated that brook trout populations are healthier and more diverse in a stream with high LWD content which runs through old growth forest than in a section of the same stream which has been logged over and which has little to no LWD (Terrick 1996). The Draft EIS for the Spring Creek Project should include a Restoration Alternative that does not include logging, road construction, and surface mining but rather addresses the impacts these activities have had on the Spring Creek watershed. At the very least, stream buffers could be left throughout the Spring Creek Project Area according to the site potential tree height along the stream (certainly at least 100' buffers would be necessary). This would ensure future LWD contributions to streams in the Spring Creek Project Area.

See response to comment 14-52. Appendix D, Mitigation Measures (p. 1) and FEIS pp. 266-267 gives preferential treatment to riparian areas.

Comment 14-61

4. The Forest Service has absurdly conflicting agendas when it comes to white-tailed deer (Odocoileus virginianus). The Forest Service on one hand decries an overpopulation of deer that overbrowses the forest understory in many places of the Allegheny. However the Forest Service also emphasizes the need to produce deer for hunting in MA 3.0. Approximately 62% of the Spring Creek watershed is managed under the guidelines set forth for MA 3.0. The Forest Service should select the Zero-cut/Restoration alternative to prevent creating clearcut conditions which deer show an affinity for browsing in, and which would only further inflate deer populations on the Allegheny. The relationship between even-aged management and increased deer populations has been very well documented. Even a recent research project conducted by the Forest Service supports this fact:

The second round of cutting within the Porter's Prize Project Area was completed in 1997. Two pellet group surveys of this area during the spring of 1998 suggested a mean overwintering deer density in the area of 31.2 deer per square mile, up from the 1997 estimate of 23.3 deer per square mile.

As a result of intensive even-aged forestry, very similar to many of the proposed cuts in the Spring Creek Project Area, deer populations increased by 34% in one year. This indicates a major

conflict between the use of even-aged management and the emphasis on deer that are both major objectives for MA 3.0. In fact, the issue of rising deer populations has become so contentious in the region that nearly any conference on wildlife becomes a conference on deer. To make matters worse, the use of even-aged management is creating a deer density on the Allegheny that is prejudicing against opportunities to pursue uneven-aged cutting in the future in these areas. The Spring Creek EIS **must** take a detailed look at this conflict. The Forest Service needs to revisit the user conflict created by the two major conflicting goals of MA 3.0 that emphasize both even-aged cutting and deer populations - two goals that have become increasingly incompatible.

The commentor's preference for a zero-cut/restoration alternative is noted. The Porter's Prize Project was an administrative study designed to see if intensive forest regeneration cutting could overwhelm deer by providing excessive amounts of browse. As a result of the treatments the deer population increased. Some of the activities proposed in the SCPA are based on the partial recovery of the entire SCPA from deer browsing (FEIS p.153, 159, and Appendix B, p. 3) and proposed actions are to take advantage of reduced impacts from selective deer browsing. Also, it is inappropriate to compare areas of high deer densities since the project area contains areas of both. FEIS pp. 235-236 indicates deer use and density varies spatially across the SCPA. Further, analysis presented in the FEIS on deer related impacts is based on Forest research (FEIS pp. 278-279), as well as conditions specific to the SCPA.

The Allegheny National Forest is a multiple-use Forest. The Management Area objectives are designed for multiple-use. MA 3.0 objectives are to: provide a sustained yield of high-quality Allegheny hardwood and oak sawtimber through even-aged management, provide a variety of age or size class habitat, emphasize deer and turkey and provide a roaded natural setting for all types of developed and dispersed recreation opportunities (ANF LMRP, 1986, p. 4-82). The Allegheny strives to find a balance in order to successfully manage for each objective. See also response to comment 1-34 for effects of deer browsing on herbaceous vegetation.

Comment 14-62

5. The Forest Service must maintain 10% of MA 6.1 as old-growth conditions. This does not mean 10% in total across the Allegheny, but a homogenous 10% old growth composition across MA 6.1 in the Allegheny at a minimum. Every 100 acres of MA 6.1 must have a minimum of 10 acres of designated old-growth. All timber extraction activities that fall within MA 6.1 must be wholly withdrawn from consideration in order to maintain viable levels of old-growth in these areas. The Spring Creek Draft EIS must contain an analysis to determine how each alternative impacts achievement of this Desired Future Condition.

Approximately 4168 acres of MA 6.1 is present in the SCPA. This amounts to approximately 11% of the federally administered lands in the SCPA. Discussions of Late Successional forest/Old growth are located in the FEIS pp. 166-172 and 195 in the Vegetation Section and Wildlife Section pp. 224-225. Presently there are no stands 111+ years old in MA 6.1 in the SCPA. All 552 acres of 111+year old stands are located in MA 3.0. However, in 2023, many stands will have increased in age and approximately 4% of the MA 6.1 will be moving toward the objectives of 10% greater than 111+ years old stated in the Forest Plan (FEIS p. 195). See Table 7 of the FEIS p. 41 for additional information.

Comment 14-63

IV. ECONOMICS. Just as the pro-logging Forest Service believes that "there are many varied economic, contractual, biological and sociopolitical reasons that support … implementation … of previous decisions," we believe, and there is a large consensus of agreement from the scientific sector, that there are many varied economic, contractual, ecological, and sociopolitical reasons **not to**

implement these previous decisions or to implement the Spring Creek Project as the Forest Service has proposed in this Scoping Notice.

Comment noted.

Comment 14-64

These reasons are partially detailed in this letter. The Forest Service should note, however, that given the time constraints it was impossible for us to include all of the reasons here. For that reason, the Forest Service should try doing a literature search within economics journals. It would be enlightening. Probably the best way for the Forest Service to learn about economics would be to begin with "Assessing Economic Tradeoffs in Forest Management" (PNW-GTR-403) which was specifically prepared to assist the Forest Service in making these types of decisions. The ADP also believes that the Forest Service should review the 1998 *International Journal of Social Economics* article "Markets and Biodiversity Loss: Some Case Studies and Policy Considerations" by Carl McDaniel and John M. Gowdy. Copies of this article can be provided to Forest Service personnel free of charge upon request. The fact of the matter is that the logging of our national forests is explicitly costly to taxpayers, national forest communities, and to the development of local, regional, and global economies that are sustainable.

Comment noted.

Comment 14-65

Few come to the woods to see how the pine lives and grows and spires, lifting its evergreen arms to the light, to see its perfect success. Most are content to behold it in the shape of many broad boards brought to market, and deem that its true success. The pine is no more lumber than man is, and to be made into boards and houses is no more its true and highest use then the truest use of man is to be cut down and made into manure. A pine cut down, a dead pine, is no more a pine than a dead human carcass is a man.

Is it the lumber man who is the friend and lover of the pine, stands nearest to it, and understands its nature best? Is it tanner or turpentine distiller who posterity will fable was changed into a pine at last? No, no, it is the poet who makes the truest use of the pine, who does not fondle it with an axe, or tickles it with a saw, or stroke it with a plane. It is the poet who loves it as his own shadow in the air, and lets it stand. It is as immortal as I am, and will go as high a heaven, there to tower above me still. Can he who has only discovered the value of whale-bone and whale-oil be said to have discovered the true uses of the whale? Can he who slays the elephant for his ivory be said to have seen the elephant? No, these are petty and accidental uses. Just as if a stronger race were to kill us in order to make buttons and flageolets of our bones, and then prate of usefulness of man. Every creature is better alive than dead, both men and moose and pine-tress, as life is more beautiful than death.

- H.D. Thoreau

This is a quote.

Comment 14-66

A. Analysis Methods

1. In particular, the economic analysis for the Spring Creek Project must follow an analysis strategy such as that described in the Forest Service report "Assessing Economic Tradeoffs in Forest Management" (PNW-GTR-403). This report is the first one from the Forest Service to truly attempt to incorporate current economic thought into the Forest Service's economic analyses. It is truly a good starting point. The economic analysis should consider the most recent information (the best available information) published by professional economists. An example of how different economic sectors influence each other is the Flathead National Forest. The following chart displays the

relationship between timber sales and employment on the Flathead National Forest. As you can see, like the Allegheny National Forest area, demand for non-timber resources is rapidly increasing. Unfortunately, high levels of timber cutting could hurt our economy by harming these trade-offs. In order to see our full economic potential it is essential that we stop commercial logging on the Allegheny.

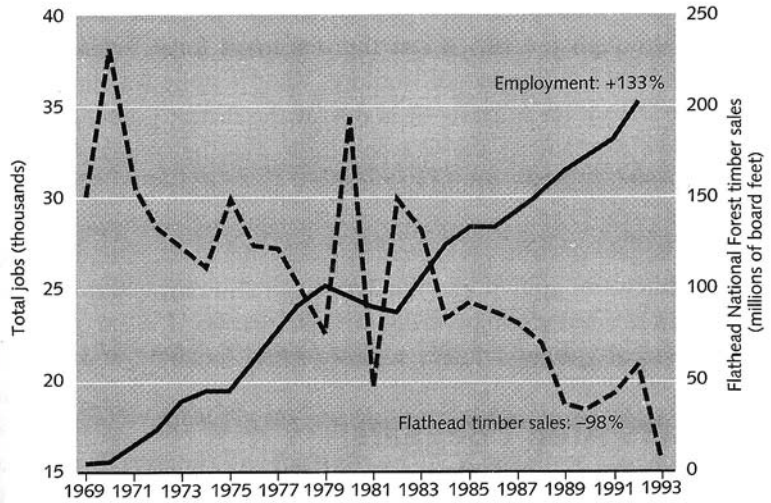

FIGURE 7-3. National forest timber sales versus jobs: Flathead National Forest and Flathead County, Montana. Major declines in harvests from federal land in the Flathead Valley coincided with rapid growth in total employment. (*Data sources:* Employment from REIS; timber harvest from Region 1, U.S. Forest Service, Missoula, Montana.)

(Power 1996)

The information related to economic analysis contained in the PNW-GTR-403 publication titled "Assessing Economic Tradeoffs in Forest Management" is directed at the scope of a Forest Plan and evaluating tradeoffs of Forest management alternatives. The abstract reads:

> ***"Method is described for assessing the competing demands for forest resources in a forest management plan by addressing economic values, economic impacts, and perceptions of fairness around each demand. Economic trends and forces that shape the dynamic ecosystem-economy relation are developed. The method s analysis of a forest management decision in the southern Appalachian Mountains."***

The scope of this decision to be made for the Spring Creek Project, Chapter 1, Purpose and Need for Action and Chapter 2, Alternatives, Including the Proposed Action and the subsequent economic analysis, Chapter 3, Economics (FEIS pp. 344-348), do not look at Forest Plan level alternatives, but at the economic effects of implementing site specific activities to meet Forest Plan Desired Conditions. The purpose of the economic analysis in the Spring Creek FEIS is to compare the relative cost/benefits of all the alternatives considered in detail. See Chapter 3, FEIS pp. 344-348.

Comment 14-67

B. Cost to Private Land Owners

1. The trees purchased off of the Allegheny are subsidized, and are therefore more economical for harvest than regular market prices. The result is that when logging levels are high on the Allegheny, payments to private land owners for their timber is low, and when logging levels are low or zero on the Allegheny, private land owners' prices are high. Decisions to log our national forest cost local private landowners. The economic analysis for the Spring Creek Project must consider

impacts to the revenue received by private landowners for their timber. Considering only the revenue received by the Forest Service from the Spring Creek Project, and not the effects on private woodlot owners creates an arbitrary analysis (one that concludes without analysis that a timber sale is good for the American public by virtue of simply ignoring all negative aspects of the decision to sell public trees). When all publicly subsidized timber harvesting on the Allegheny was halted for six months during 1999, timber from private land became **significantly** more valuable such that "…the usual $2,505 the forest fetches per thousand board feet of [black cherry] wood established a record - $4,056 per thousand board feet" (Prize Hardwoods Fetch a High Price 2000).

The timber sale program on the Allegheny National Forest is not subsidized. Timber sales are sold to the highest bidder and subject to the same free market conditions as timber harvested from private lands. The supply, demand, and price determination in a global market are very complex with many variables. It is possible that the commentor could be mistaken as to the source of the bid of $4,056 per thousand board feet. Kathe Frank, Public Information Officer on the Allegheny National Forest was quoted in a local newspaper (Prize Hardwoods Fetch a High Price 2000) when a bid of $4,056 per thousand board feet for black cherry timber was received by the Allegheny National Forest.

Comment 14-68

C. Costs to the U.S. Taxpayer

1. According to a report published by Chad Hanson, Executive Director of the John Muir Project and a Sierra Club Board Member, there is no return to the U.S. General Treasury from the national forest logging program. Hanson quotes the Congressional Research Service: "essentially NO timber sales receipts were deposited in the General Treasury in FY1996 to offset timber program expenditures" [emphasis in original] (Hanson 1998). The economic analysis should acknowledge that while money goes into the Allegheny timber program from the General Treasury, none or little of it is returned to the General Treasury. This equates to a loss to taxpayers equal to that budgeted from the General Treasury. The analysis for the Spring Creek Project should consider taxpayer interests by calculating the cost to U.S. taxpayers of implementing each alternative of the Spring Creek Project.

The Allegheny National Forest does return timber sale receipts to the treasury. For example in 1996, the ANF returned $25,000,000 to the treasury. Expenses for the timber program were 11.5 million dollars, which included 25% payments to counties. The net return to the treasury was 13.5 million dollars. Though returns to the treasury have been dropping since 1996, recent years indicate that the ANF timber program returns to the treasury are very large and far exceed the associated costs. Gross receipts to the treasury in FY 2003 were over 12 million dollars for timber.

The cash flow analysis on pp.344-348 (FEIS) uses average planning costs and revenues and is designed to show the relative difference between alternatives analyzed. .

Comment 14-69

2. Total expense for appeals/litigation for the Forest Service logging program for FY 1997 was $2,573,000, or just less than one half of one percent of the overall timber program budget according to the National Summary, "Forest Management Program Annual Report" for FY 1997. In other words, the costs of implementing the NEPA process are minimal at best. Therefore it makes no sense for the Forest Service to deny public participants good legible maps because of "costs." Therefore all timber sale maps should be produced at legible and usable scales allowing for the best participation of the public.

The Spring Creek FEIS includes a set of maps that are adequate to the common user to locate project proposals (maps #1-5 inside back cover of FEIS). Because of the large size of the

project area, adequate larger scale site specific maps were produced and displayed on the ANF web site and are available on compact disc to the public. Maps depicting Recreation present conditions/proposals were also made available in Appendix H - Recreation Maps. Timber sale maps are not produced until the NEPA process is completed for a project area.

Comment 14-70

3. The logging program on our national forests is costly to taxpayers. The cost of restoration from flood damage caused in part by excessive sediment movement from logged areas is incurred either by local citizens or local, state, and federal taxpayers. In addition, American taxpayers paid $1.2 billion in fiscal year 1997 that they never saw again to help subsidize the logging program on our national forests, including the Allegheny. These monies were administered from the General Treasury while virtually no monies were returned (Hanson 1998). The Zero-logging/Restoration alternative for the Spring Creek Project should be selected because it is not in the best interest of American taxpayers to liquidate their trees (ecological inventory) for short-term monies for private industry that taxpayers will never see.

No flood damage has occurred as a result of logging on the Allegheny National Forest. As stated in response to comment 14-67, timber sale activity is not subsidized on the Allegheny National Forest. See the Record of Decision for the rationale for the selection of the preferred alternative.

Comment 14-71

4. According to the *1997 Annual Report for the Allegheny National Forest*, approximately $4 million was spent on the timber program from the General Treasury. This is essentially lost money for the U.S. taxpayer because none of these funds are returned to the General Treasury. How much of the General Treasury will be spent on the Spring Creek Project? This should be marked as a loss to the U.S. Taxpayer in your economic analysis. The *1998 Annual Report for the Allegheny National Forest* shows that the Forest Service lost money implementing timber sales in Fiscal Year 1998.

Comment noted. See Response to comment 14-66 and 14-68. As explained on p. 71 of the 1998 Monitoring and Evaluation Report, timber offer dropped from 52.6 MMBF to 8.6 MMBF from 1997 to 1998.

Comment 14-72

D. Economic Tradeoffs. 1. Our publicly owned forests make up less than 20% of Pennsylvania's forestland. The Allegheny accounts for approximately 3% of Pennsylvania's forestland. However, these lands shoulder a disproportionately large portion of the burden of protecting native wildlife, biological diversity, recreation, scenery, non-timber forest products, and a host of other values associated with unmanaged ecosystems. There are significant economic and ecological tradeoffs made when non-timber values are foregone for decisions that promote timber extraction.

Comment noted. See the Purpose and Need for Action section of Chapter 1. Please refer to the Forest Plan and the accompanying FEIS for discussions regarding the economic and ecological tradeoffs between varying levels of timber harvest.

Comment 14-73

2. It is not clear how the Forest Service intends to promote timber as the salvation to our local economic woes. To the contrary, timber and other resource extraction techniques **are the woes** of our local and regional economies. They create a dependency on corporate bosses while destroying our greatest economic resources, which, used in a more ecologically respectful and responsible manner (such as is done through preservation techniques) would promote a more autonomous and self-sufficient economy. Autonomy and self-sufficiency are vital to a healthy, sustainable local economy.

The implementation of the proposed road work and timber cutting as part of the Spring Creek Project is a means of destroying autonomy and self-sufficiency, and therefore our local economy.

Please see the Social and Economic sections of the Forest Plan FEIS.

Comment 14-74

3. The ADP is based in Clarion, Pennsylvania; a community that is widely known as the "Autumn Leaf Capital of the World." Timber extraction on the Allegheny is harmful to our economic base that is primarily one of scenic recreation and tourism. As a community that closely outlies the Allegheny we are harmed by timber cutting actions such as the massive Spring Creek clearcut logging project.

Comment noted. The Clarion Autumn Leaf Committee has not commented on the Spring Creek project. Economic impact to local communities is expected to be positive (FEIS pp. 344-348).

Comment 14-75

E. Ecosystem Services

We have been aware of our negative impact on biodiversity for many years, but our attempts at regulation have been based on the assumption that markets, or enlightened intervention using market incentives, can sustainably allocate biological resources. Historical data, however, lead to the conclusion that private economic exploitation is incompatible with the sustainable use of biodiversity. … Until we move from econocentric resource management to a policy whose goal is the preservation of the ecosystem integrity, biological resources will continue to be degraded.

… A requirement for viable policies that protects biodiversity is the explicit recognition of the incompatibility between markets and ecological sustainability. In the long term we must manage biological species, and the ecosystems they inhabit, as elements of a biological system, not as abstract economic entities devoid of scale and reduced to the common denominator of money. -- Carl McDaniel and John M. Gowdy (1998)

This is a quote.

Comment 14-76

1. The economic analysis for the Spring Creek Project is lacking in many areas. The analysis concerning the economic benefits of the natural forest, in particular, is wanting. For the Spring Creek Project the Forest Service needs to abandon their use of Dark Age economic analyses to consider and incorporate the work of current economists. For example, modern economists have estimated that natural forests provide **$4.7 trillion** every year in "ecosystem services" (Talberth and Moscowitz 1999). Ecosystem services include flood control, regulation of agricultural and forest pathogens, mitigation of wildfire (this is especially true of the moist native Allegheny forests), pollination, and carbon sequestering (Talberth and Moskowitz 1999). These "ecosystem services" must be incorporated into the analysis.

The Forest Plan allocated management areas (MAs) and the primary purposes for each management area (see the Allegheny National Forest Land and Resource Management Plan, 1986 and the Purpose and Need for Action section of Chapter 1 of the Spring Creek FEIS). The economic effects of implementing the Forest Plan (management direction for each MA) can be found in the FEIS for the Forest Plan. The Spring Creek project proposes activities that are compatible with Forest Plan objectives for the MAs that make up the project area. The purpose of the economic analysis in the Spring Creek FEIS is to compare the relative difference of the costs/benefits of all the alternatives considered in detail (See Chapter 3, pp. 344-348).

Comment 14-77

2. By law, the Spring Creek Project must be shown to "best meet the needs of the American people... with consideration given to the relative values of the various resources" (16 U.S.C. 531), "to maximize their net social and economic contributions to the nation's well being" (16 U.S.C. 1606 (a), Statement of Policy), and to "maximize net public benefits" (36 C.F.R. 219.1 (a)). The Forest Service must revisit these criteria in developing an EIS for the Spring Creek Project.

The Spring Creek project complies with all the laws and regulations. It is a project that implements the Forest Plan. Also see responses to comments 14-73 and 14-76.

Comment 14-78

F. Inventory Analysis

1. The economic analysis for the Spring Creek Project must consider the economic value of the ecosystem services provided by the standing trees in the Spring Creek Project Area. The Spring Creek Project proposal intends to take an inventory (our trees) and deplete it. The lost inventory values need to be thoroughly incorporated into the economic analysis. The costs associated with logging and regenerating a forest through intensive chemical application solely for timber production far exceed the benefits derived from having a standing forest with the aforementioned attributions of ecosystem services.

See responses to comments 14-73 and 14-76.

Comment 14-79

G. Jobs and the Economy. 1. Historical accounts of the impacts of logging reductions on national forests support the fact that when we preserve our national forests we create more jobs. The timber industry has seen employment declines throughout the century. The slowest declines in employment actually occurred shortly after the Wilderness Act of 1964 was passed (Freudenburg 1998).

Comment noted. This is not a comment that is site specific to the Spring Creek Project.

Comment 14-80

2. In fact, between 1979 and 1988, logging in terms of board-feet harvested in the United States increased dramatically. However, employment in the wood products industry declined by 26,000 jobs. The trend in the timber industry has been towards automation. The automation of the timber industry has contributed significantly to the decline in employment. We recently monitored the Coon Creek clearcut that was logged near the intersection of Forest Road 145 and Muzette Road. As we reached the site we noticed only one truck near the log landing. As we approached the site of operation the effects of automation were obvious. One man was operating the fellerbuncher, rapidly cutting quite large trees. The fellerbuncher ripped ruts in the fragile soils as he moved from tree to tree. After cutting a few black cherry trees, the same man crawled out of the fellerbuncher, letting it run and waster fossil fuels, climbed in a skidder and proceeded to collect the fallen black cherry trees. He dragged them to the log landing where they were piled up. He drove the skidder back to the operating site, got back in the fellerbuncher and continued across the hillside. The next day, we witnessed the same sequence of events. It is insulting to listen to the Forest Service continue this mantra of jobs and logging when the evidence of the reality of the situation is so obvious. How many of those black cherry trees will stay in the Allegheny region to be processed? How many will be exported overseas to countries such as China? The Forest Service must come clean about the truth of the Industrial logging program on the Allegheny that places private corporate profits from subsidized timber ahead of the health and well-being of our rural communities.

Comment noted. This is not a comment that is site specific to the Spring Creek Project.

Comment 14-81

3. A consensus report published by 30 economists in the Pacific Northwest found that when those national forests ended their logging programs to protect the endangered spotted owl (*Strix occidentalis*), employment rose by 18%. The economists specifically analyzed the time period from 1988 to 1994 (the logging moratorium was established in 1991) and found that not only did employment drastically rise but average income significantly rose as well.

Comment noted. This is not a comment that is site specific to the Spring Creek Project.

Comment 14-82

4. More recently, ECONorthwest published a report entitled "The Sky Did NOT Fall: The Pacific Northwest's Response to Logging Reductions." This report specifically finds that "logging reductions on federal lands in the Pacific Northwest are an integral part of, and not an impediment to, the region's economic evolution" (Niemi et al. 1999).

Comment noted. This is not a comment that is site specific to the Spring Creek Project.

Comment 14-83

5. Reductions in timber sales on public lands have traditionally resulted in economic diversification of regions – a beneficial and much needed change. The Bitterroot Valley in Montana experienced such a change. During the period of 1969 to 1989 timber sales declined by at least 50%. During the same period income in economic areas outside of the wood products industry significantly increased, nearly tripling (Powers 1996).

6. When timber sales on Montana's Flathead National Forest decreased by 98%, employment in that region increased by a stark 133% (Powers 1996).

Comment noted. This is not a comment that is site specific to the Spring Creek Project.

Comment 14-84

7. Early employment figures for the region show that while timber sales dropped to zero on the Allegheny in April of 1999, the following three months saw stabilized employment levels. In fact, employment figures for Forest County rose over those 3 months. Currently, logging and oil and gas extraction have increased in Forest County since then, but the unemployment rate has sharply risen to 21.9%.

Comment noted. This is not a comment that is site specific to the Spring Creek Project. The economic analysis (FEIS pp. 344-348) addresses benefits and impacts to the public and local economy.

Comment 14-85

8. The Spring Creek Project analysis must consider the reduction in logging as it truly reflects on society – as a positive function. All of the relevant research must be given full consideration. For an example of how logging causes economic losses in other sectors of the economy, see the Forest Service report entitled "Assessing Economic Tradeoffs in Forest Management" (PNW-GTR-403).

Comment noted. This is not a comment that is site specific to the Spring Creek Project. Also, see response to comment 14-66.

Comment 14-86

H. Knutson-Vandenberg Funds. 1. In Fiscal Year 1997, the Allegheny Forest Service illegally appropriated 27% ($634,192) of its Knutson-Vandenberg (hereinafter, "KV") funds into its own coffers. The result is that the Deciding Officer who has reviewed timber sales and will review whether or not to implement the Spring Creek Project automatically has a tendency to select the pro-logging alternative simply because of the economic incentives created by this misappropriation of

federal funds. Instead of these monies going into reforestation, they are being used to pay staff salaries. This is a violation of federal law on two counts: one for constituting an abuse of federal funds and second for creating an arbitrary and capricious bias towards the pro-logging alternatives (FSEEE 1997).

See the Record of Decision for the rationale for the selection of the preferred alternative. All laws and regulations regarding the use of Knutson Vandenberg "KV" funds will be followed.

Comment 14-87

2. The Association of Forest Service Employees for Environmental Ethics (hereinafter, "FSEEE") found that the Allegheny has a $600,000 annual bias towards cutting timber in the use of KV funds, which are illegally diverted into overhead (FSEEE 1997). Also, *Sierra Club v. Thomas* (105 F.3d 248 (6th Cir. January 21, 1997)) ruled that internal Forest Service budgeting prejudices the agency towards clearcutting. Any biases or conflicts that the Deciding Officer might have (in this case either Forest Supervisor Kevin Elliott or District Ranger Leon Blashock) must be disclosed in their environmental analysis and decision regarding the Spring Creek logging project. Please disclose this information as appropriate.

Comment noted. The allegation made by FSEEE of illegal activity on the Allegheny NF is false. Subsequent national direction to assess KV overhead costs, is closely adhered to on the Allegheny National Forest and monitored on an annual basis. This does not constitute a bias for disclosure. See the Record of Decision for the rationale for the selection of the preferred alternative.

Comment 14-88

3. How much in KV funds will be generated from the revenue received in implementing the Spring Creek Project? How much of this will be used for overhead?

KV funds are not generated until a timber sale is sold. This information will not be available until individual timber sales are sold as the Spring Creek project is implemented.

Comment 14-89

I. NEPA: Environmental Impact Statement

1. THE SPRING CREEK PROJECT CANNOT PROCEED UNTIL THE FOREST SERVICE COMPLETES AN ENVIRONMENTAL IMPACT STATEMENT ON THE NATIONAL FOREST SYSTEM LOGGING PROGRAM AS A WHOLE. The NEPA clearly envisions a multi-layered assessment of all agency policies and programs that have a significant effect on the environment. It is beyond dispute that the national forest system logging program meets the test for significance (40 CFR 1508.27). The required assessment of the program should be accomplished through tiering environmental analyses at the local, or project level with EISs on broad, national level policies and programs (40 CFR 1502.20; 1508.28). It does not matter that the national forest system logging program is currently being implemented, because NEPA must be "infused into the ongoing programs and actions" of the Forest Service, as well as new regulations, plans, or project proposals (40 CFR 1502.1).

a. This assertion does not fall "beyond the scope" of the Spring Creek Project.

2. To date, the Forest Service has escaped review of many significant decisions related to the national forest system logging program by breaking up the program into small pieces and completing EAs or EISs on individual sales or forest plans. The national level policies, procedures, and actions omitted from NEPA assessment have significant environmental consequences because they guide the analysis of all individual timber sales, provide the rationale and justification for all individual timber sales, and establish administrative incentives to make the timber sale program as large as possible. They include:

a) budgetary decisions and policies including the appropriation of funds for regional timber sales and the decisions regarding use of KV funds for administrative costs;

b) timber sale accounting procedures;

c) standard models used to complete economic and environmental analysis of forest plans and timber sales;

d) national timber sales targets and national assessments of supply and demand for timber as well as other forest resources, and;

e) internal reward and promotion guidelines that provide incentives to meet timber targets.

3. To properly follow NEPA, the Forest Service must disclose how these and other national level policies, procedures, and actions are related to implementation of the Spring Creek Project, and tier the decision to implement the Spring Creek Project to an EIS addressing the national forest system logging program as a whole. In the absence of the national level EIS, the Forest Service must suspend implementation of individual timber sales, including the Spring Creek Project, to prevent the commitment of "resources prejudicing selection of alternatives" for managing the national forest system logging program, including an alternative that considers no logging program at all [40 CFR 1502.2(f)].

4. The decision to avoid preparation of a program-wide EIS violates NEPA as well because there are significant cumulative effects of the program which are hidden at the scale of an individual timber sale or national forest, but visible only at the scale of an entire region, or, nationally. These include many of the economic effects identified above, especially those related to the market barriers erected against alternative fiber businesses and small scale foresters using ecological forestry methods, and those related to increased wildfire. Effects on global climate are similarly invisible at the scale of a project, but extremely important when the program as a whole is considered, and must be considered by the Forest Service.

5. Also, the effects of the national forest system logging program on private timberland management must be considered at a national scale as previously mentioned in these comments. In many regions of the country, the Forest Service's supply of high value sawtimber provides a disincentive for managing private lands under long rotations and selective harvest methods. By filling the market niche for large diameter trees, the Forest Service is a contributing factor in the rapidly escalating use of short rotation clearcutting on private lands. A prohibition on selling national forest timber coupled with a vastly expanded cooperative forestry program that provides financial incentives for long rotation, large diameter management on private lands is one of the policy alternatives that must be studied by the Forest Service in the nationwide EIS.

6. Each of the effects noted above requires analysis by the Forest Service because they fall squarely within the definition of direct, indirect, and cumulative effects as well as connected actions described by NEPA (40 CFR 1508.7, 1508.8,1508.25), and are significant at a broad national or regional scale.

7. Case law supports the need for economic analyses to consider "non-use" values. (See, e.g., *Ohio v. United States Department of Interior*, (880 F.2d 432, D.C. Cir. 1989)). Therefore the EIS for the Spring Creek Project needs to consider the economic impacts to what are traditionally considered "non-use" values.

Comment noted. However, it is beyond the scope of the Spring Creek project. This project implements the Forest Plan, which was created by the direction of the National Forest Management Act.

Comment 14-90

J. Net Public Benefits

1. THE SPRING CREEK PROJECT FAILS TO MEET NFMA REQUIREMENTS REGARDING MANAGEMENT OF NATIONAL FOREST SYSTEM LANDS FOR THE HIGHEST NET PUBLIC BENEFITS. The NFMA requires management of national forest system lands in a manner that "maximizes long term net public benefits" [36 CFR 219.1(a)]. The Forest Service's planning regulations have defined the term "net public benefits" as the "overall value of positive effects (benefits) less all associated inputs and negative effects (costs)." The NFMA requires a sophisticated consideration of benefits and costs, including use of both market and non-market methods of determining existing and future resource values, methods to determine opportunity costs, and use of best available quantitative and qualitative techniques [(36 CFR 219.12(e); 219.12(f)2; 219.1(b)12]. Costs and benefits must be assessed not only from the perspective of the Forest Service, but from the perspective of "all other private and public" interests (36 CFR 219.12(g)3i). Economic considerations relevant to forest planning apply equally to the national forest system logging program as a whole, individual forest plans, and individual timber sales (36 CFR 219.27(b)1).

2. In preparing the Spring Creek Project, the Forest Service failed to meet the substantive requirements regarding economic analysis set forth in the NFMA. Specifically, the Forest Service failed to incorporate a wide range of external economic costs that will be passed on to public agencies, private landowners, business owners, and others adversely affected by proposed logging in the Spring Creek Project Area in combination with other timber sales ongoing and planned across the Allegheny, Region 9, and the national forest system as a whole. These include:

a) costs associated with wildfires that originate in national forest timber sale areas and are primarily caused by logging or the slash left over by logging operations. Historical data are available that can relate past timber sales on national forest lands with wildfires, and economic models are available to assign individual timber sales a risk or cost factor associated with potential future fires. In fact, the Allegheny Forest Service admitted in the Windthrow Salvage EA that logging actually increases the risk of fire by removing the fire-resistant boles and leaving the slash;

b) decreased private property values in the Allegheny River, Clarion River, and Tionesta Creek watersheds attributable to lost scenic, aesthetic, and recreational values on the lands affected by the Spring Creek Project and other timber sales in the Allegheny, Clarion, and Tionesta watersheds;

c) lost business and revenue incurred by those engaged in the manufacturing, distribution, and sale of alternative fiber products who face competition from subsidized public timber sales;

d) lost business and revenue incurred by those engaged in ecologically sensitive timber harvest on private lands who face unfair competition from subsidized public timber sales implemented under less costly, less ecologically sensitive practices such as those proposed for the Spring Creek Project;

e) costs incurred by county and state governments related to repair and maintenance of roads damaged by log trucks;

f) costs incurred by county and state governments as well as private individuals related to loss of life or personal injury from collisions with or accidents caused by logging trucks transporting logs from national forest system lands;

g) lost revenue and jobs incurred by those engaged in businesses related to recreation, fisheries, tourism, and other non-timber forest uses that will be precluded by the Spring Creek Project. Even if the site specific effects of the Spring Creek Project on these uses are small, the cumulative effects of this sale in combination with all others in the Allegheny, Clarion, and Tionesta watersheds may significantly alter the aesthetic attraction of the entire watershed to the point where business related to non-timber uses are no longer viable;

h) lost long term hydro-electric generating capacity in all downstream facilities (including the Clarion facility) caused by siltation attributable to national forest system timber sales in the Allegheny, Clarion, and Tionesta watersheds;

i) increased filtration costs incurred by the local communities' water purification plants attributable to the increased sediment load created by the Spring Creek Project and all others in the Allegheny and Clarion River, and Tionesta Creek watersheds.

3. If these costs are to be analyzed in the context of the Spring Creek Project, it would likely fail to meet the test of "cost practicability" required by the NFMA (36 CFR 219.27(b)7). The Forest Service must carefully visit the economic analysis in the Spring Creek Draft EIS, and complete the necessary qualitative and quantitative assessment to incorporate the costs identified above as well as all other external economic costs. If costs cannot reasonably be assessed on an individual timber sale basis, then the Forest Service must first complete the analysis on a national, regional, or watershed scale and then assign a proportion of these costs to individual sales using established quantitative methods.

Comment noted. This comment is beyond the scope of the Spring Creek project since the CFR regulations cited are for Forest Planning and the Spring Creek Project is Forest Plan implementation. Also, see the response to comment 14-91.

Comment 14-91

4. In addition, the Spring Creek Draft EIS is in violation of NFMA economic analysis requirements if it fails to adequately discuss or assign value to a wide range of ecosystem services performed by intact forests in the Spring Creek Project Area. To meet the letter and intent of NFMA, the Forest Service must analyze the market and non-market benefits of unlogged forests in the Spring Creek Project Area including:

a) their role in regulating the flow of water in the Tionesta Creek, Clarion River, and Allegheny River watersheds, specifically, their role in mitigating flash floods and other catastrophic precipitation events;

b) their role in purifying water for downstream users;

c) their roles in maintaining long term forest productivity. Forests in the Spring Creek Project Area provide a source of native organisms and ecological processes vital to regeneration and forest development in surrounding areas. In addition, the older and larger trees in the Spring Creek Project Area are a genetic reservoir of immense value to future forests in and around the old-growth landscape corridor.

d) the economic value of non-timber uses of the sale area including gathering of forest products, recreation, hunting, fishing, and wildlife observation, and;

e) their role in mitigating pests. The structurally diverse habitats in the Spring Creek Project Area support bird and bat species that prey upon insects and rodents harmful to forest and cropland health.

5. The Forest Service must utilize 'state of the art' methods for calculating the market value of these and other ecosystem services provided by forests in the Spring Creek Project Area. For example, an international team of scientists recently completed an economic assessment of the ecosystem services provided by 12 distinct ecosystems, estimating the annual market value of these ecosystems to be 33 trillion dollars (Nature's Services). Many other natural resource economists have devised quantitative and qualitative methods for assessing the value of ecosystem services.

6. The Forest Service must make use of these methods and incorporate ecosystem service value as a standard component of the agency's environmental assessment process. Failure to do so will artificially inflate the value of forests as timber relative to their role in regulating climate, purifying water, and supporting aesthetic or recreational uses. Until the Spring Creek Project incorporates ecosystem service values, it cannot meet NFMA's mandate to properly assess the value of all forest resources and functions that have a market value (36 CFR 219.12(e)1ii, iii).

The title of 36 CFR 219.12 is "Forest planning-process". It is concerned specifically with matters of Forest Planning and not site-specific projects such as the Spring Creek project. 36

CFR 219.12(e) is titled "Analysis of management situation" and states:

"The analysis of the management situation is a determination of the ability of the planning area as covered by the forest plan to supply goods and services in response to society's demands."

36 CFR 219.12(e)(iii) sections (A), (B), and (C) all begin with the statement "For forest planning areas", and section (D) ends with the statement "identified during the planning process." This regulation, which clearly applies to forest planning and not to site-specific projects that implement the Forest Plan, is beyond the scope of this analysis. The economic analysis presented in the FEIS (pp. 344-348) is adequate to show the relative differences between alternatives. Also, please see response to comment 14-90.

Comment 14-92

V. RECREATION AND TOURISM

1. Recreation and tourism are vital economic forces within the "Allegheny National Forest Region" (Buck 1999a). In a February 3, 1999 *Bradford Era* newspaper article, reporter Jim Buck characterized the Allegheny as "obviously the centerpiece of that region." In a February 23, 2001 *Warren Times Observer* article, the paper reported that in the year 2000 there were 16 million visits to the Allegheny emphasizing that recreation is "big business" in the Allegheny region. In an April 10, 2001 *Warren Times Observer* article the editorial staff, in recognition of the importance of recreation and tourism to the local economy declared, "We have to offer more" to attract visitors who will want to return in the future. Comparisons were made to the Adirondacks and the White Mountain National Forest and the emphasis that is placed on recreation and tourism in those areas as opposed to resource extraction. With an exponential population growth, the importance of areas available for recreation in a natural setting will become more and more valuable. The benefits and costs of the proposed Spring Creek Project, and their various parts, on the recreation and tourism aspects of our regional economy ***must*** be analyzed in detail.

Comment noted. See the Recreation section of Chapter 3, on pp. 316-344 for affected environment and effects to recreation. Recreation activities in the Spring Creek project are primarily dispersed recreation opportunities such as dispersed camping, horseback riding, hunting, and fishing and motorized activities such as ATV and snowmobile use.

Comment 14-93

2. The North Country Trail (hereinafter, "NCT"), a National Scenic Trail like the enormously popular Appalachian and Pacific Crest Trails, is administered by the National Park Service. The NCT will eventually extend over 4,000 miles from North Dakota to New York, spanning seven northern tier states. A nearly contiguous 95 mile segment of the NCT threads its way through the Allegheny. Between 1996 and January of this year, membership of the North Country Trail Association (hereinafter, "NCTA") has grown over 400% (Menke 2000).

Comment noted. None of the North Country Trail falls within the SCPA, and thus it will not be affected by activities proposed in the Spring Creek Project.

Comment 14-94

3. The ADP believes that until such a time when a Zero Cut policy is enacted Forest-wide on the Allegheny, a two mile wide corridor (one mile to either side of the trail) along the entire length of the NCT in the Allegheny should be established where no timber harvesting, road construction or reconstruction, or any other resource extraction activities of any kind should be conducted in order to protect this National Scenic Trail in perpetuity.

See response to comment 14-93. This comment is not site specific to the Spring Creek project.

Comment 14-95

4. These examples of how the NCT is treated within the Duck/Sheriff Project Area (a recent and ongoing project) display the Forest Service's total disregard for other MULTIPLE USES in the Allegheny.

Figure 8. Trees marked for cutting under the Duck/Sheriff Project lying directly adjacent to the NCT in cutting unit A19 of the Duck/Sheriff Project. This is in violation of the NCTA's policy on timber harvesting, which asks that a minimum of a fifteen foot buffer be left. Note paint which was deliberately applied over diamond-shaped NCT marker to the right as a rude "in your face" message to hikers.

Figure 9. Trees marked for cutting under the Duck/Sheriff Project lying directly adjacent to the NCT in cutting unit A18. This is in violation of the NCTA's policy on timber harvesting, which asks that a minimum of a fifteen foot buffer be left. The NCT itself runs through the center of this photo from the left foreground to the right background.

None of the North Country Trail falls within the SCPA, and proposed activities are not

anticipated to have an effect on the North Country Trail.

Comment 14-96

5. "In 1998, ANF managers figure 3.9 million 'recreational visitor days' were recorded on the 513,000-acre forest" (Buck 1999a). Recreation Visitor Days (hereinafter, "RVDs") are a unit of measurement equivalent to one person recreating on the Allegheny for 12 hours (USFS 1986). Taking a conservative estimate, if every visitor stayed one week, this equates to well over 500,000 people who visited the Allegheny in 1998. These visitors contribute significantly to the local economy according to the Forest Service. Impacts of proposed timber cutting must be analyzed to determine how losses of visitors could negatively effect the local economy. Figure 10 demonstrates the significantly growing trend of recreation use on the Allegheny. RVDs for 1999 were likely well over 4 million, but it is hard to say for sure as the data is unavailable from the Forest Service. Curiously enough, just as final RVD figures have been more and more conclusively demonstrating that recreational use of the Allegheny as a strongly growing trend, the Forest Service has stopped recording RVDs. According to Allegheny spokesperson Dale Dunshie, "In 1999, we did not complete a use estimate for 1999 because of the impending change nationwide for recreation use measurement on National Forests. The Allegheny is scheduled to implement this new use measurement system call [sic] the National Recreation Use Study, in October of this year" (Dunshie 2000). Please provide the ADP with an accurate RVD tally for 1999.

The National Visitor Use Monitoring (NVUM) project was implemented as a response to the need to better understand the use, importance and satisfaction with national forest system recreation opportunities. In 1998 a group of research and forest staff were appointed to investigate and pilot a recreation sampling system that would be cost effective and provide statistical recreation use information at the forest, regional, and national level. A five-year cycle of data collection was established. In any given year, 20 percent of the national forests conduct on-site interviews and sampling of recreation visitors.

This data is valid and applicable at the forest level. It is not designed to be accurate at the district or site level. The Allegheny National Forest participated in the NVUM project from October 2000 through September 2001. Recreation use figures will not be updated every year, but only when new survey data has been collected.

The Allegheny National Forest data revealed that there were 1,411,875 National Forest Visits in FY 2001. The average length of a National Forest Visit is 17.4 hours. A National Forest Visit is defined as the entry of one person upon a national forest to participate in recreation activities for an unspecified period of time. A national forest visit can be composed of multiple site visits. A Site Visit is the entry of one person onto a national forest site or area to participate in recreation activities for an unspecified period of time. There were 1,634,086 Site Visits recorded in 2001. The average length of a Site Visit is 16.2 hours. The average recreation visitor went to 1.1 sites during their National Forest Visit. About 74 percent of visitors went only to the site at which they were interviewed.

Comment 14-97

6. Recreation and tourism contributions to the local, regional, and national economies are far more significant than the contributions from timber extraction. The most conservative estimates put recreation contributions at double those of timber. On the Allegheny, a Forest Service pamphlet entitled "Economic Impacts of the Allegheny National Forest" shows that Allegheny-based recreation contributes 1,600 jobs and $111 million to the local economy, while timber contributes only 722 jobs and $42.6 million to the local economy. The differences are stark, especially with recreation use on the rise. Recreation use increased 18% in 1998 from the previous year (Buck 1999a). Figure 11, taken from a March 1997 National Geographic article, demonstrates this overall trend of growing

importance of recreation in our national forests against the diminishing importance of timber harvesting.

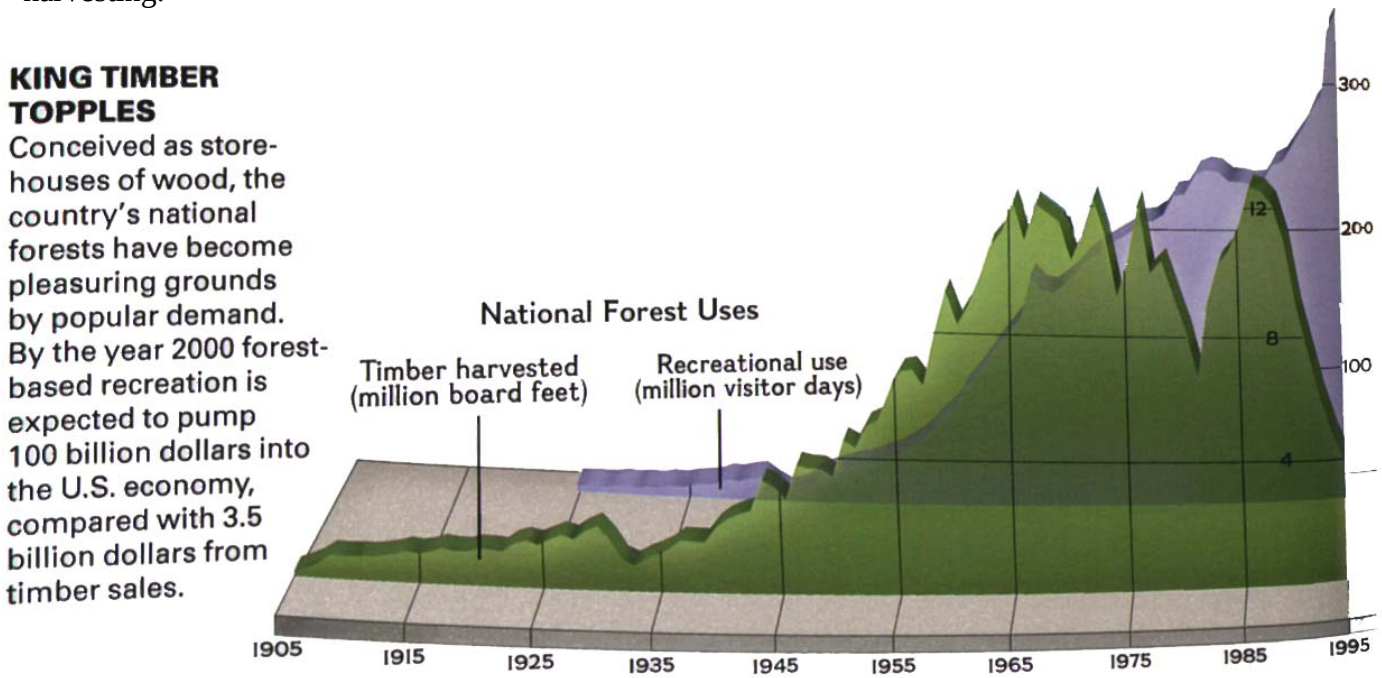

Figure 11. Further illustration of the significant trend of growing recreational use vs. diminishing importance of timber harvest on the nation's national forests. Taken from Mitchell (1997).

In "Tourism in Northcentral Pennsylvania: Visitor Characteristics and Economic Impacts", June 2003, Charles Strauss et al. reported that the timber industry in the five county area (Cameron, Elk, Forest, McKean and Warren) supports over $800 million in regional sales output, $268 million in value added, and 5236 jobs in the region. This accounts for 10% of the region's output. In comparison, the tourism industry supports over $190 million in regional sales output, $84 million in value added, and 3420 jobs in the region. Tourism contributed 2% to the region's output. (Strauss, 2003. p48)

Effects to Recreation are discussed on pages 316-344 in Chapter 3 of the FEIS.

Comment 14-98

7. Figures from the Draft Resource Planning Act Report of 1996 illustrate these differences still further. According to this report, recreation makes up 74% of the national forests' contributions to the Gross Domestic Product while timber makes up only 3%. Furthermore, 78% of the jobs produced from national forests are in recreation while only 2% area in timber. Harm caused to the recreation industry has far greater consequences than benefits to timber, and should be weighted heavily in the analysis of the Spring Creek Project (Forest Service 1995: IV-2 to IV-3).

Comment noted. Effects to Recreation are discussed on pages 316-344 of the FEIS.

This comment refers to statistics at the national level and not those at the project level within the Spring Creek project.

The Forest Service reference (US Forest Service. 1995 - The Forest Service Program for Forest and Rangeland Resources: A Long-Term Strategic Plan. Draft RPA Program) cited in this comment actually states the following: "In terms of direct, indirect, and induced

employment effects, Forest Service programs accounted for an estimated 3.1 million jobs in 1993. That figure is expected to rise to 3.3 million jobs in the year 2000, and about 5.0 million by 2045 if identified Program needs are fully funded (Figure IV-2). This represents a 60 percent increase in jobs over the 50-year planning horizon. Most of the employment (99 percent) would be derived from the economic stimulus of increased resource outputs and from expenditures associated with management of the national forests and grasslands under this RPA Program. The composition of employment effects across specific Forest System programs is displayed in Figure IV-2. The reader will notice that this exhibits a pattern similar to the GDP effects described above. The trend towards increasing employment in the recreation, wildlife and fish sectors is consistent with the objective of diversifying rural communities. The relative value of a job supported by different resource programs can be determined using estimates of wage income and employment. The average wage compensation per job for selected National Forest System programs is displayed in Figure VI-3. Although the economic impacts from the recreation program stimulated the highest absolute levels of employment for the GDP, comparisons on a per job basis show that the average wage income for recreation jobs lags behind wages associated with the minerals, timber, and, to a lesser extent, wildlife and fish jobs. The substantial employment generated recreation, wildlife and fish uses stems primarily from expenditures from goods and services by visitors to National Forest System lands. These consumer and service sector jobs tend to be more seasonal or part time in nature, in comparison to production and manufacturing jobs common to the timber and minerals development sectors. Higher average wage compensation can be expected from timber and minerals jobs".

Comment 14-99

8. According to the Explanatory Notes for the 1997 Forest Service Budget:

h.) In Fiscal Year (hereinafter, "FY") 1994 the Forest Service hosted over 835 million visits on National Forests, compared to 300 million by the National Park Service and 40 million by Disney

i.) Recreational use of the forests is at an all time high, and RPA projections indicate that use will increase over 50 percent by 2040.

j.) Over 2 million jobs are associated with the economic activity generated by recreation which is estimated to almost $100 billion annually

k.) Recreation fees to the General Treasury were $46 million last year. The timber program, by comparison, created 76 thousand jobs worth $2.7 billion and cost the General Treasury $278 million in 1994.

Comment noted. This comment is beyond the scope of the Spring Creek project.

Comment 14-100

VI. NATIONAL ENVIRONMENTAL POLICY ACT

A. No Action Alternative

1. According to a FOIA request performed by Heartwood, Inc. of Indiana, none of the Deciding Officers who oversee the Allegheny (Forest Supervisor and District Rangers) has chosen to implement a No Action alternative within the past 8 years. **The Forest Service has clearly NEVER objectively considered the No Action alternative**. If the deciding officer will not select the Zero-cut Alternative, then he should select the No Action alternative for the Spring Creek Project.

Implementing the Forest Plan entails performing pre-NEPA analysis on many areas of the Allegheny National Forest every year. Resources such as recreation, vegetation, transportation, heritage, wildlife, soils, water quality, visuals, and socioeconomic are examined. Only those project proposals with the greatest need to be moved towards the Desired

Condition are moved forward to the point where a proposed action is formulated and NEPA is initiated through the scoping process. In essence, no action is selected for many potential project proposals in the pre-NEPA phase of planning. The No Action alternative is still a viable option in project proposals, however, the pre-NEPA analysis screens potential project proposals which makes the likelihood of the selection of the No Action alternative very small.

See the ROD for the reasons for the selection of the preferred alternative.

Comment 14-101

2. Given the inadequate range of alternatives provided, and the lack of supporting information for the alternatives that were considered, the No Action alternative clearly provides the greater net public benefits and provides the most optimal habitat for the PETS species when compared to Alternatives 1 and 3, including the endangered Indiana bat. Therefore, if the Forest Service does not select Zero-cut, they should select the No Action alternative for the Spring Creek Project.

This commentor's preference for no action is noted. Habitat conditions and anticipated effects to TES species under all alternatives, including no action (Alt 1), can be found on pages 1-40 of the BA (Appendix C- Biological Assessment). Appendix C – Chapter 3 contains the Biological Evaluation which analyzes the effects to the Region 9 Sensitive Species on the ANF. Through the year 2013, Alternative 2 will result in the greatest amount of optimum Indiana bat habitat (BA-Table 6 pp. 23-24), although suitable and optimum roosting and foraging Indiana bat habitat will continue to predominate across the SCPA under all alternatives (>78% under all alternatives) (Appendix C – p. 29). Refer to the Record of Decision for specific rationale for selection of the preferred alternative (3), as well as rationale for why the other alternatives 1, 2, and 4 were not selected.

Comment 14-102

3. The Forest Service is supposed to give equal consideration to the No-Action Alternative within the Draft EIS. This is something they do not do however. The Forest Service arbitrarily excludes the no-action alternative from detailed consideration. How can it be said that the Forest Service has given No-action equal consideration? It can not be said. Without giving the No-action alternative detailed consideration, the Forest Service can not draw a well-informed conclusion in terms of their choice of alternatives.

The No action alternative (Alt 1) was fully evaluated in the Spring Creek FEIS and pages 38-67, summarize and compare effects that would be associated with implementation of each of the alternatives considered. Table 14 in Appendix B (pp. 69-84) displays the stand by stand outcomes for Alternative 1 (the No-Action Alternative for the Spring Creek project). The commentor's preference for the No Action alternative is noted. Refer to the Record of Decision for specific rationale for selection of the preferred alternative (Alt. 3), as well as rationale for why Alternatives 1, 2, and 4 were not selected.

Comment 14-103

B. Zero-Cut Alternative

1. The Forest Service has consistently excluded the Zero-cut alternative from all previous analyses simply because the agency disagrees with this premise. This is a violation of NEPA which states that the Forest Service must consider a broad range of alternatives. The Forest Service **must** consider a Zero-Cut/Restoration Alternative. Contrary to what the Forest Service has said in previous decisions, the Zero-Cut/Restoration Alternative is **not** addressed in the No-Action Alternative. These are two completely different alternative with different goals. The Forest Service **must not** propose action alternatives that are practically identical to each other along with a No-action alternative that is included solely because it is mandated and consider that a broad range of alternatives. On the

contrary, it is the bare minimum the Forest Service can do and denies the public a detailed analysis providing current scientific research pertaining to the project at question.

a. The Forest Service is required by law to include a No-action alternative. This alone separates No-action from Zero-cut. Furthermore, the Zero-cut alternative includes several proposals that will not be addressed under the No-action alternative, including the restoration of streambanks through planting, removal/revegetation of sediment sources and the restoration of previously clearcut forestland through the planting of native species. Therefore, it is unacceptable for the Forest Service to claim that the No-action alternative will fully address the Zero-cut alternative when in fact it is clear that that is simply not the case.

b. Secondly, the Forest Service cannot define the purposes of their proposals so narrowly that the consideration of reasonable alternatives is improperly avoided. *Simmons v. Army Corps*, 120 F.3d at 666-67. NEPA requires that an EIS contain a detailed statement of alternatives. *Curry*, 988 F.Supp. at 553, *citing*, 42 USC Sec.4332(2)(c)(iii). The Forest Service's own NEPA regulations require a broad range of reasonable alternatives. 36 CFR Sec. 219.12(f) (2000). By narrowly defining the purpose and need of the Spring Creek Project, the Forest Service denies valid public comments. What is the point of a scoping process if the Forest Service is simply going to unilaterally exclude what they ideologically oppose? That is not the intent of NEPA. The Forest Service attempts to rewrite the regulations to fit their desire to log the Allegheny National Forest. Furthermore, by establishing industrial logging as the primary purpose and need of the project, the Forest Service arbitrarily and capriciously avoids other responsibilities such as the protection of viable habitat for wildlife species, such as the state threatened yellow-bellied flycatcher. Apparently, the Forest Service does not consider the protection of habitat for threatened species as much of a concern. Under the Forest Service's narrow view, NEPA is basically nullified. Other issues such logging in MA 6.1 where mature forests are supposed to be emphasized is effectively compromised by the narrow scope of the Spring Creek EIS scoping notice.

See response to comments 14-22, 14-23, 14-36, 14-37, 14-38, 14-100, and 14-102. A Zero Cut/Restoration Alternative was considered but eliminated from further study. See FEIS – Chapter 2 pp. 35-39.

The yellow-bellied flycatcher is R9 Sensitive Species. The habitat and effects to the yellow-bellied flycatcher are analyzed in Appendix C – Chapter 3 – Biological Evaluation pp. 61-64 and FEIS Chapter 3 – p. 284.

One of the objectives of vegetation treatments in MA 6.1 is to promote mature forest conditions and timber stand habitat structure. See response to comment 14-29.

Comment 14-104

VII. NATIONAL FOREST MANAGEMENT ACT

A. Inventories of Viable Populations. 1. 36 CFR § 219.26 requires that the Forest Service maintain inventories that include "quantitative data making possible the evaluation of diversity in terms of its prior and present condition." The Forest Service has failed to conduct adequate inventories for plant and animal populations on the Allegheny. By implementing these site-specific projects without this data, the Forest Service has violated the NFMA. The Spring Creek Project cannot legally be implemented without first compiling this data to ensure compliance with the NFMA.

The need for project level field reconnaissance is commensurate with the risks associated with the project, the species involved, the likelihood of species occurrence and the level of knowledge already at hand. Through its Forest-wide wildlife monitoring efforts (wetland plant surveys, breeding bird transects, etc.), as well as project level surveys (Appendix C – BA/BE pp. 9-15, 31-32, 36-39, 52, 54-55, 59, 62-63, 65-69, 72-76, 78, 80-81, 83-87), the ANF has been

collecting data on a wide variety of wildlife, including threatened, endangered and sensitive plant and animal species. Considering this and based on analysis presented in the BA/BE (Appendix C), sufficient survey data has been conducted to adequately assess effects to wildlife and wildlife habitat within the SCPA.

Comment 14-105

B. Even-Aged Management

1. **Since approving the existing Forest Plan on the Allegheny, the Forest Service has implemented logging activities on 90,669 acres of the Allegheny (>17% of the ANF's land base). During the same period of time ZERO management plans for PETS species (as required by the 1986 Forest Plan on page 4-37) have been prepared**. Of those logging projects implemented, 84,463 acres (or 93.2%) have been done using the system called "even-aged management." The NFMA specifically requires that even-aged cutting be discouraged. The NFMA further requires that viable populations of PETS species be maintained. PETS species on the Allegheny typically require contiguous tracts of older forests and/or high water quality. Of all cutting methods available to the Forest Service, even-aged management results in the least contiguous mature forests and the greatest impacts to water quality (through erosion and sedimentation). Despite the fact that the presence of a number of PETS species have been confirmed (virtually every survey that has been done has confirmed the presence of PETS species) since the 1986 Forest Plan was approved, efforts to update the Forest Plan have been repeatedly delayed.

The NFMA does not "specifically require the even-aged cutting be discouraged". Please see "Forest and Rangeland Renewable Resources Planning Act of 1974" (16 U.S.C. 1600 (Sec. 6) (g) (3) (F) (i)).

Page 4-37 of the Forest Plan states that the Forest will develop management plans for all federal and state threatened and endangered species, except for migrants or visitors that are essentially unaffected by management of the Forest. Before a management plan can be developed, adequate data must be collected to assess habitat conditions. Through its Forest-wide wildlife monitoring efforts (wetland plant surveys, breeding bird transects, etc.), the ANF has been collecting necessary information from which management plans can be developed. Additionally, the ANF is coordinating with other forests across the Region, as well as other agencies, to develop conservation assessments and strategies for all of the Regional Forester's Sensitive Species. Conservation Assessments (CA) have been completed for the following species: yellow-bellied flycatcher, green-faced clubtail, harpoon clubtail, rapids clubtail, mustached clubtail, midland clubtail, zebra clubtail, ski-tailed clubtail, uhler's sundragon, Maine snaketail, creeping snowberry, thread rush, rough cotton-grass, and channel darter. Additionally, CA's are currently in progress for the following species; spotted darter, gilt darter, Tippecanoe darter, longhead darter, weigands sedge, timber rattlesnake, and butternut, These CA's are in various stages of development or review and include an assessment of habitat conditions, trends, limiting factors and a summary of survey work completed, including on-Forest monitoring/surveying.

Effects to wildlife, including PETS species, which are the species most at risk, were evaluated in the BA/BE (Appendix C, pp. 1-89) and in the FEIS (pp. 283-288). Based on the analysis provided, there are no effects under any alternative that would compromise the integrity of PA's Threatened or Endangered Species as suggested, nor are there any effects anticipated that would cause a trend toward federal listing for any Regionally Sensitive Species, or adversely affect wetlands.

Comment 14-106

The Spring Creek Project calls for more even-aged cutting, and does so without considering other alternative cutting methods. Furthermore, the scoping notice reveals that the Forest Service plans to log in areas identified as old-growth in the proposed Landscape Corridor. The Spring Creek Project, as proposed, will result in the greatest harm to PETS species by utilizing the cutting methods that cause the greatest harm. Therefore the Forest Service must select the No-Action alternative. The continued implementation of even-aged management without careful consideration of alternative methods/projects is a violation of the NFMA's requirements to maintain viable populations of PETS species.

See response to comments 14-105 and 14-62. Discussions of late successional forest/old growth are located in the FEIS pp. 166-172 and 195 in the Vegetation Section and pp. 224-225 in the Wildlife Section. Any vegetation treatments within the landscape corridor area will meet corridor objectives. All alternatives maintain options for providing these values across the landscape as conceptually envisioned (FEIS p. 225).

Silvicultural treatments are permitted in the corridor areas. Treatments in these areas meet the intent and promote corridor concept objectives. The Spring Creek Project proposes treatments that will promote shade tolerant species that will be a valued part of the future corridor. For example, one proposed treatment is to manipulate a shade intolerant overstory to promote a sugar maple component within the stand. This is possible since the site is a sugar maple site as defined by Horsley et al. 1999, pp 60-62.

There is a potential to harm wildlife species including PETS species with any activity that occurs on public, state, and private lands. The Forest Service analyzes all effects of activities on PETS, reduces the potential of adverse effects through mitigations and ensures that while individuals may be harmed the existence of a species and/or populations are secure. This includes recognizing limiting factors in regards to breeding and viability (FEIS, Appendix C, BABE).

Comment 14-107

VIII. PROPOSED, ENDANGERED, THREATENED, AND SENSITIVE SPECIES - GENERAL

A. Introduction

1. Many PETS species require mature forests as habitat. The Pennsylvania Fish and Boat Commission says that "Every citizen has a role in protecting critical habitats of Pennsylvania's endangered and threatened species. Stronger community efforts are needed to protect wetlands, mature forests, and other critical areas" (see http://www.state.pa.us/Fish/etspecis.htm). The Spring Creek Project, if approved, would compromise the integrity of Pennsylvania's Threatened and Endangered species by destroying these species critical habitats such as mature and old-growth forests that are recovering from more than a century of intense exploitation.

Effects of activities proposed under the Spring Creek FEIS on Wildlife and PETS species are provided on pages 221-288 of the FEIS and pages 1-89 of the BA/BE (Appendix C). Evaluation provided includes an analysis of effects on riparian/specialized habitat (FEIS pp. 228-229, 234, 266-267, 277, & 287) changes in habitat across the project area including age classes, including seedling/sapling and mature forest and the associated wildlife community (FEIS pp.245-257, and 268-277). Effects associated with fragmentation of habitat and genetic diversity are included on pages 159-160, 230-231, 233, 261-264, 276, and 287 of the FEIS. Based on the analysis provided there are no significant effects to wildlife anticipated and viable populations of local wildlife will be maintained (FEIS p. 287).

Comment 14-108

2. The contents of this section of comments brings to light some important points: the Allegheny is home to or potentially home to a number of species which are facing critical points in their survival; the Allegheny, as public lands, provides the greatest hope for the conservation and recovery of many critically endangered species, and that the proposed Spring Creek Project is significantly inconsistent with the needs of these species. Furthermore, we see that the Forest Service has far from met their obligations under the NEPA, the NFMA, and the ESA to protect these species. The Forest Service has failed to identify the habitats and habitat needs of PETS species. The Forest Service has failed to conduct adequate surveys for PETS species. The Forest Service has failed to develop inventories documenting the PETS species' use of the Allegheny. The Forest Service has failed to develop a conclusive Management Plan for PETS species. The Forest Service has failed to meet their obligation to survey the Spring Creek Project Area for PETS species. The Forest Service has then drawn arbitrary conclusions on the impacts of the Spring Creek Project on these PETS species. Despite all of these major flaws the Forest Service clearly intends to proceed with the Spring Creek Project. These actions are unquestionably unacceptable. The American public has overwhelmingly expressed their support for the protection of PETS species. Members of the ADP and public at large are being robbed of their right to enjoy the Spring Creek Project Area and view the plants and wildlife that are there. The legacy of lawless clearcut logging continues on the Allegheny - with absolutely no consideration given to the demands of the taxpaying citizens of the United States of America to protect our forest, our water, our bio-diversity, our trees and our wildlife. The Forest Service must make amends by choosing the No Action or Zero-cutting/Restoration alternative and protecting the interests of Americans who have fought long and hard for their country – their wild country!

Commentor's preference for a zero-cut alternative is noted. Effects to species most at risk, or Federally threatened and endangered species and Regionally Sensitive Species (PETS), were evaluated on pages 1-89 of the BA/BE (Appendix C). This analysis included a discussion or assessment of habitat conditions, limiting factors, trends, and monitoring and survey work completed at both the Forest and project level. The BA also includes an assessment of anticipated direct, indirect and cumulative effects on PETS species and their habitat Based on the analysis provided, habitat for all PETS species is being maintained and there are no effects to any sensitive species that would cause a trend toward federal listing (BE pp. 88-89), nor are there any adverse affects to the northern riffleshell mussel, clubshell mussel, bald eagle or small-whorled pogonia (BA p.40). Additionally, with implementation of mitigation measures in Appendix D, there are no adverse effects to the Indiana bat beyond those that were not previously disclosed and discussed in the Spring Creek BA (Appendix C p. 30). The FEIS for Threatened and Endangered Species on the ANF, which was approved on July 28, 2000 revises three existing Standards and Guidelines and adds 12 new guidelines. These changes in Forest Plan Standards and Guidelines were considered in the analysis of effects presented in the BA (Appendix C, pp. 18-19). Based on the analysis provided, obligations under NEPA, NFMA and ESA are being met.

See also response to comment 14-104

Comment 14-109

B. Biological Opinion. 1. The BO issued by the USF&WS on June 1, 1999, sets a number of terms and conditions that the Forest Service is expected to follow. The Spring Creek Project must adhere to these conditions in their entirety.

We agree with the comment. All stands approved in the Spring Creek decision will be marked to be in compliance with the Terms and Conditions set forth in the Forest Biological Opinion (USDI-FWS 1999b). See Appendix C – BA pp. 28-29.

Comment 14-110

C. Management Plans for Threatened and Endangered Species

1. In addition to PETS species inventory requirements, the Forest Plan places a number of other legally binding requirements on the Forest Service. In particular, the Forest Plan Standards and Guidelines require that "The Forest … develop management plans for all federal and state threatened and endangered species" (page 4-37). The analyses for the Spring Creek Project makes no reference to any such management plans because the Forest Service has failed to develop them. Furthermore, many of the requirements stipulated by the Forest Plan would be impossible to implement without the development of TES management plans such as the requirements to "Acquire lands or rights needed to protect or reestablish threatened or endangered species of animals or plants" and "Protect specific key habitats and specialized habitats through coordination with other resource management activities or area closure."

See response to comments 14-104 and 14-105 for a discussion of project level survey work completed and status of existing management plans on the ANF.

Comment 14-111

2. Any decision by the Forest Service to proceed with logging projects without first amending the Forest Plan for the Allegheny, then developing management plans for "all federal and state threatened and endangered species," then performing the legally mandated surveying and inventorying required for each species, and finally performing the adequate site specific analysis to best meet the needs of all of these species would be without question arbitrary and capricious and a violation of the ESA, the NFMA and the NEPA.

Section 7(a)(1) and 7(a)(2) of the ESA require that National Forests develop programs for the conservation of T&E species, and that consultation between agencies take place to ensure that activities do not result in jeopardy to T&E species of concern. ESA does not require that this process be incorporated into a Forest Plan. The Conservation Program prepared by the ANF is a stand-alone document that responds directly to Section 7(a)(1) and 7(a)(2). There are no requirements in either NEPA or NFMA to include the Conservation Program in the Forest Plan.

See response to comment 14-110

Comment 14-112

D. New Information on TES Species

1. On February 29, 2000, the Regional Office for the Eastern Region approved a new list of sensitive species for the Allegheny. The Forest Service arbitrarily narrowed the focus of the Forest Plan amendment for Threatened and Endangered species specifically to exclude sensitive species. Before the Forest Service can proceed they must develop a more detailed Forest Plan amendment for sensitive species.

The Forest Plan was amended for threatened and endangered species by the FEIS signed on July 28, 2000 (see Alternative 8, p. 45 of that document). However, species identified by the Regional Forester were fully analyzed in the Spring Creek BA/BE (Appendix C). Based on the analysis provided (BA/BE pp. 46-94), there are no effects to any sensitive species that would cause a trend toward federal listing.

Comment 14-113

E. Surveying, Monitoring, and Inventories

1. The BO and the Forest Plan require more intensive surveying for TES species than has been done to date in regard to the Spring Creek Project. The BO explicitly states on page 74 that "surveys [for the Indiana Bat] shall be conducted in proposed timber harvest areas, especially those areas

where canopy closure will be reduced to <54 percent (e.g., final harvests such as clearcuts and shelterwood removal cuts)." In fact, the BO cites the requirement in the existing Forest Plan that the Forest Service "Assess the occurrence of animal and plant species in **all areas** to be affected by land adjustment or resource management activities, and design action to avoid, minimize, or mitigate potential adverse effects" (p. 4-37, emphasis added). This Forest Plan Standard and Guideline is legally binding and is considered within the Forest Plan to be one of many "requirements." To date, surveys within the Spring Creek Project Area have been conducted for **ONLY** a handful of species. And some of these surveys were performed years ago under out of date protocol – e.g. small whorled pogonia.

Forest and project level monitoring completed for threatened and endangered species can be found on pages 10-15, 31-32, 36-37, and 38-39 of the BA (Appendix C). Additionally, Indiana bat monitoring within the project area was done in consultation with the USFWS who helped determine the location of the 27 sites surveyed. Information related to T & E species presented in the FEIS is based upon this survey work. Also, see response to comment 14-104.

Comment 14-114

2. Surveying **before** an action is taken is an essential means of determining whether or not an action will affect the species (and whether or not specific mitigation measure may need to be incorporated into the decision). Several legal precedents have upheld this requirement including *Oregon Natural Resource Council v. United States Forest Service*, the recent decision issued by federal Judge William L. Dwyer. In this case, the language in the Northwest Forest Plan is nearly identical to the contents of page 4-37 of the Forest Plan. This guideline clearly requires that the Forest Service **know** if a species uses an area of forest **before** an action is implemented, something that cannot be done without surveying the area – the Forest Plan specifically states that the occurrence of all TES plant and animal species is to be known in all areas "to be affected" which is a direct reference to the requirement to survey. Furthermore, the 11th Circuit decision in *Sierra Club v. Martin*, 168 F. 3d 1, 5, also clearly requires surveying for these PETS species. The Forest Service has not met this legal obligation in attempting to implement the Spring Creek Project.

See responses to comments 14-104, 14-105, and 14-113.

Comment 14-115

F. PAW Sensitive Species Plan

1. In June of 1994, the Preserve Appalachian Wilderness (hereinafter, "PAW") submitted a sensitive species plan for the Allegheny to the Forest Service (Rooney 1994). PAW's intent was to assist the Forest Service in implementing a sensitive species plan for the Allegheny – which to date lacks such a plan. In the interest of preserving biological diversity on the Allegheny, the Forest Service must institute a plan for ensuring that viable populations of PETS species are maintained and enhanced.

While the PAW management plan was a good summery of existing literature in 1994, many of the suggested recommendations were based upon general habitat conditions without the benefit of local survey data. Before a management plan can be developed, adequate data must be collected to accurately assess habitat conditions. Through its Forest-wide wildlife monitoring efforts (wetland plant surveys, breeding bird transects, etc.), the ANF has been collecting necessary information from which management plans can be developed.

Additionally, the ANF is coordinating with other forests across the Region, as well as other agencies, to develop conservation assessments and strategies for all of the Regional Forester's Sensitive Species. Conservation Assessments (CA) have been completed for the following species: yellow-bellied flycatcher, green-faced clubtail, harpoon clubtail, rapids clubtail,

mustached clubtail, midland clubtail, zebra clubtail, ski-tailed clubtail, uhler's sundragon, Maine snaketail, creeping snowberry, thread rush, rough cotton-grass, and channel darter. Additionally, CA's are currently in progress for the following species; spotted darter, gilt darter, Tippecanoe darter, longhead darter, weigands sedge, timber rattlesnake, and butternut, These CA's are in various stages of development or review and include an assessment of habitat conditions, trends, limiting factors and a summary of survey work completed, including on-Forest monitoring/surveying.

See also responses to comments 14-104, 14-105, and 14-113.

Comment 14-116

2. The Forest Service needs to conduct in-depth population studies for PETS species if it hopes to successfully maintain viable populations and help lead the species towards recovery. Rooney (1994) explains that while population analysis can be complicated, in-depth studies can give a good picture of a species' habitat.

Comment noted. See responses to comments 14-104, 14-105, and 14-115.

Comment 14-117

3. The Allegheny provides an important role in the conservation and recovery of populations of PETS species. Private lands can not be expected to prove a significant role in the recovery of PETS species. In Pennsylvania there is very little control over habitat alteration on private lands, meaning that public lands such as the Allegheny face a unique burden in sustaining populations of PETS species (Rooney 1994).

This comment is noted. Providing habitat for PETS species is recognized as an important role on National Forest System Lands and the BA/BE (pp. 1-89 of Appendix C) fully analyzes potential effects on PETS species and their habitat. Based on the analysis provided, habitat for all PETS species is being maintained and there are no effects to any sensitive species that would cause a trend toward federal listing (BE pp. 88-89), nor are there any adverse affects to the northern riffleshell mussel, clubshell mussel, bald eagle or small-whorled pogonia (BA p.40). Additionally, with implementation of mitigation measures in Appendix D, there are no adverse effects to the Indiana bat beyond those that were not previously disclosed and discussed in the Spring Creek BA (BA p. 30).

See also the responses to comments 14-108 and 14-109.

Comment 14-118

G. U.S.D.A. Inspector General

1. We are particularly concerned about whether or not the Forest Service will follow through with commitments to protect and recover PETS species. The Forest Service has shown over and over that implementing timber sales is their highest priority on the Allegheny while Forest-wide efforts to protect and recover PETS species are one of their lowest priorities. Most of the Forest Service' efforts towards PETS species are merely mitigation measures implemented as part of their process of pushing through timber sales. This concerns us because it is a process of lessening negative impacts when we need to take more **positive** recovery measures for these species. This becomes particularly disconcerting when the USDA Inspector General (1999) has found that the Forest Service is lax when it comes to properly implementing mitigation measures:

Forest Service's administrative controls over the preparation of environmental documents and implementation of mitigation measures applicable to Timber sales have not been effective. (USDA Inspector General 1999: 1)

This comment is noted. The purpose and need for action of the Spring Creek project is described on pages 1-10 of the FEIS and includes a variety of objectives. Additionally, effectiveness of implementing mitigation measures is described on pages 93-95, 130-131,143-144, 147, 150-151, 220-221, 287, 296, 305, 316, 342-343, and 355-356. Effectiveness of these measures is discussed in the appropriate resource sections of Chapter 3 in the FEIS. Site-specific stand treatments and proposals and mitigations are listed in Appendix D. Monitoring of some mitigations are located in Appendix D – p.14.

See also responses to comments 14-108, 14-109, and 14-117.

Comment 14-119

2. The Inspector General characterized circumstances like this very well when it said that "Future generations and the natural environment also suffer when Forest Service employees overlook sensitive resource issues and do not adequately protect heritage resources, water quality, and threatened, endangered, or sensitive species and their habitat" (USDA Inspector General 1999). The Forest Service must not completely ignore impacts to PETS species within the Spring Creek Draft EIS.

Impacts to PETS species and their habitat are fully evaluated in the BA/BE (Appendix C pp. 1-89).

The Forest Service has followed all appropriate laws and regulations in the development of the Spring Creek project. The Forest Plan has been amended twice on matters pertaining to water quality, adhering to appropriate laws and regulations: Forest Plan Amendment 6 (December, 1996) revised standards and guidelines to meet or exceed those established by the State of Pennsylvania and additionally, the FEIS for Threatened and Endangered Species on the ANF, which was signed on July 28, 2000, (Forest Plan Amendment 11) revised 3 S&G's and adds 12 new S&G's for T&E species.

These changes in Forest Plan Standards and Guidelines have been incorporated into the Spring Creek FEIS.

Comment 14-120

3. The fact that the Forest Service has concluded in the past that there would be no impact where there indeed is an impact is no surprise according to the Inspector General:

The Forest Service cannot rely on their environmental documents (i.e., environmental assessments, biological evaluations, decision notices and "Findings of No Significant Impact") to provide assurance of compliance with environmental laws and regulations. This condition exists because the administrative controls over the preparation of environmental documents were not effective (see Conclusion No. 1). As a result, (a) Forest Service's conclusions that actions (e.g., Timber sales) would not have a significant effect on resources, threatened, endangered, and sensitive species, and the human environment were questionable, (b) all relevant data was not collected and presented to the public, and (c) the environment could be adversely effected (USDA Inspector General 1999).

See responses to comments 14-117 and 14-118.

Comment 14-121

4. The surveying for PETS species is not a requirement that can be ignored by the Forest Service as has been done for the Spring Creek Project. The Inspector General notes (below) that surveys for PETS species are a fundamental part of the BEs. The Forest Service, however, did not conduct the necessary surveys in the Spring Creek Project Area as required. Therefore the Draft EIS

for the Spring Creek Project will contain the same deficiencies as described here by the Inspector General:

Eight of the [12] biological evaluations [reviewed] did not address all threatened, endangered, and sensitive species either known or expected to exist in the project areas. In addition, surveys to locate or confirm the absence of threatened, endangered, and sensitive species were either not conducted or not documented for six of the biological evaluations. (USDA Inspector General 1999: 14)

Comment noted. See responses to 14-104, 14-105, 14-108, and 14-109.

Comment 14-122

5. The Inspector General (1999) specifically recommends (Recommendation No. 4b) that "surveys [for threatened, endangered, and sensitive species] be conducted or other relevant information gathered, as needed, when … there is suitable habitat for such species in the project area." The Forest Service needs to follow this direction in preparing the Draft EIS for the Spring Creek Project – direction that the Department of Agriculture's Inspector General specifically suggests.

Comment noted. This statement was not made in reference to the Spring Creek DEIS or FEIS. See responses to comments 14-104, 14-105, 14-108, and 14-109.

Comment 14-123

IX. PROPOSED, ENDANGERED, THREATENED, AND SENSITIVE SPECIES – SPECIES SPECIFIC

A. American Brook Lamprey (*Lampetra appendix*)

1. The American brook lamprey is a state candidate species that needs to be considered in the Spring Creek Draft EIS. Please note that all 3 prior state candidate species are now extirpated due to failure to protect their habitats.

2. The North American distribution of the American brook lamprey indicates that the Allegheny lies within the heart of this species' range (http://www.utexas.edu/depts/tnhc/.www/fish/maps/huggmaps/lampappe.gif.)

The commentor identifies 17 non-federally listed species throughout the comment letter that are not included on the ANF PETS species list, which he feels need to be considered due to state rankings, or vulnerability to potential impacts.

Risk assessments which looked at species vulnerability were based on Forest and Regional occurrence, population status and trends, availability and distribution of suitable habitat and susceptibility to impacts, were conducted at the Regional level for these species, as well as other State listed species. These assessments incorporate the most current information available and based on the risk assessments completed, the 17 species identified by the commentor were either not included or were dropped from the Forests PETS species list. Uncommon species considered most vulnerable to management activities, as well as those species most likely to be affected due to the availability of suitable habitat and/or documented occurrence, were included on the ANF PETS species list. Effects to these species are addressed in the BA/BE (Appendix C, pp. 1-89).

Although not included in the BA/BE, current habitat conditions and anticipated effects to other wildlife species, including the 17 species listed by the commentor, as well as other State and Forest Species of special concern, are fully evaluated in the FEIS (pp. 221-288).

Comment 14-124

B. American Ginseng (*Panax quinquefolius*)

1. The Spring Creek Draft EIS needs to address potential effects to American ginseng, considered a unique plant community on the Allegheny National Forest.

American ginseng was not added to the sensitive species list for the ANF during the recent update of the list. Effects to unique plant communities were analyzed in the FEIS pp. 229-230, 267, and 277. See response to comment 14-123.

Comment 14-125

C. Bald Eagle (*Haliaeetus leucocephalus*)

1. The Spring Creek Project must comply with the Terms and Conditions of the BO by protecting the habitat for the endangered Bald eagle.

Life history, habitat distribution, and effects of the proposals from all alternatives are located in the Appendix C (BA pp. 30-35). Determinations for the eagle and mitigations if an eagle nest or roost site is found within the project are documented on page 34-35, 40 of BA and Appendix D pp. 11-12. The Spring Creek project complies with the Terms and Conditions of the BO.

Comment 14-126

D. Bigmouth Shiner (*Notropis dorsalis*)

1. The bigmouth shiner is listed as a state Threatened species in Pennsylvania. It is also known to occur within the Allegheny River watershed. Habitat is found throughout the Allegheny. The Forest Service must conduct the necessary surveys that are required by the Forest Plan starting on page 4-37 *before* preparing the Draft EIS for the Spring Creek Project.

2. Additionally, no Management Plan has been developed for the species as required by the Forest Plan, also on page 4-37. Human disturbance and siltation levels are considered major limiting factors for the survival of the bigmouth shiner (Argent et al. 1998).

3. Habitat loss and siltation are considered "key limiting factors" for this species and therefore any activity, such as logging or road construction, that could impact either habitat or increase siltation in this species' habitat should look carefully at its impacts on the bigmouth shiner (Argent et al. 1998).

See response to comment 14-123.

Comment 14-127

E. Black Bullhead (*Ictalurus melas*)

1. The Black bullhead is listed in the state of Pennsylvania as an Endangered Species known to occur within the Allegheny River watershed. This species was recently upgraded to endangered status and should be considered by the Forest Service when implementing actions on the Allegheny. The Spring Creek Project Draft EIS must acknowledge this new information and subsequently analyze the impacts of the Spring Creek Project on the black bullhead.

2. Prior to preparing the Spring Creek Project Draft EIS, the Forest Service must conduct surveys for Black bullhead within those watersheds affected by the Spring Creek Project.

3. Additionally, the Forest Service has prepared NO Management Plan for the State Endangered Black bullhead as required by the Forest Plan on page 4-37 and therefore the Spring Creek Project violates the NFMA.

See response to comment 14-123.

Comment 14-128

F. Bluebreast Darter (*Etheostoma camurum*)

1. The Bluebreast darter must be considered when analyzing Allegheny timber sales. This state threatened species should be added to the Allegheny's sensitive species list and is known to occur on the Allegheny -- many of its Pennsylvania documented occurrences are on the Allegheny. The Spring Creek Project must analyze impacts to the bluebreast darter.

2. The Forest Service has not developed the appropriate management plans as required on Forest Plan page 4-37 for the Bluebreast darter. The Bluebreast darter is not a migrant or visitor to the Allegheny but a resident state threatened species. In fact, a recent GIS-based analysis found that the Bluebreast darter ought to remain listed as a state threatened species (Argent et al. 1998).

3. In addition to being listed as Threatened in Pennsylvania, the Bluebreast darter is listed as Endangered in New York State. What are the cumulative effects to its federal status within the Pennsylvania/New York region in association with declining populations.

4. Consistent with the requirements on Page 4-37 of the Forest Plan the recently completed report on fish species in Pennsylvania finds that "monitoring efforts should continue to ensure this species' presence in Pennsylvania" (Argent et al. 1998).

5. This species' habitat includes large, clean rivers (Argent et al. 1998). It is known to be highly susceptible to sedimentation (Rooney 1994). Therefore the Spring Creek Project should be considered for its potential impacts to this species unique habitat needs.

See response to comment 14-123.

Comment 14-129

G. Brook Stickleback (*Culaea inconstans*)

1. The Brook stickleback is a state candidate species that needs to be considered in the Draft EIS for the Spring Creek Project. Please note that all 3 prior state candidate species are now extirpated due to failure to protect their habitats.

See response to comment 14-123.

Comment 14-130

H. Burbot (*Lota lota*)

1. Inland river populations of the Burbot are considered Endangered by the Commonwealth of Pennsylvania (Argent et al. 1998). This species is known to occur predominantly in the Allegheny River watershed and will be harmed if the Spring Creek Project is approved. Surveys and Management Plans required by the Forest Plan have not been conducted. The Draft EIS for the Spring Creek Project must consider impacts to the Burbot due to its state endangered status.

See response to comment 14-123.

Comment 14-131

I. Butternut (*Juglans cinerea*)

1. The Forest Service must conduct surveys and prepare a management plan for the Butternut. Until such time that the appropriate actions are taken, the Spring Creek Project Draft EIS must not move forward.

Butternuts are identified and protected during initial planning and project reconnaissance. The status, habitat and potential effects to butternut are described on pages 71-73 of the BA/BE (Appendix C). Additionally, analysis provided in the BA/BE, is consistent with information presented in the draft conservation assessment for butternut, which is currently under review and there are no adverse impacts to this species anticipated under any alternative (BA/BE p. 73).

Comment 14-132

J. Canada Lynx (*Lynx canadensis*)

1. We believe that the Spring Creek Project proposed action limits recovery options for the Canada lynx. The Forest Service has not established any means for recovering large, extirpated species such as Gray wolves (*Canis lupus*) and Canada lynx, or those species that are allegedly extirpated such as the Eastern cougar (*Puma concolor couguar*). The Forest Service should incorporate measures (such as the proposed Landscape Corridor) for implementing habitat for these species. Instead, the Forest Service proposes to log within and around the proposed Landscape Corridor.

The commentor identifies 2 federally listed species including the Canada lynx and eastern cougar, which he feels needs to be considered. Risk assessments which looked at species vulnerability based on Forest and Regional occurrence, population status and trends and susceptibility to impacts, were conducted for these species. Due to the lack of recent historical occurrence in PA, lack of historical occurrence on the ANF, and in consultation with the USFWS (BA for Threatened and Endangered Species on the ANF, Appendix C), these species were dropped from the Forests PETS species list and as a result, were not evaluated in the Spring Creek FEIS.

Comment 14-133

K. Cerulean Warbler (*Dendroica cerulea*)

1. The Forest Service must conduct surveys to determine use of the Allegheny by the Cerulean warbler. This species is known to inhabit areas close to the Allegheny, and the Allegheny is known to be well within its range (http://birdsource.cornell.edu/warblers/results.html). In addition, the Allegheny provides cerulean warbler habitat (http://birdsource.cornell.edu/cewap/cewaspec.htm).

2. The Forest Service must conduct surveys to determine the use of the Spring Creek Project Area by Cerulean warblers.

3. The Cerulean warbler is very sensitive to habitat alteration. It prefers old growth and mature forests, requiring large trees for its nests (Rooney 1994).

4. The Cerulean Warbler Project describes the concerns for the species as follows:

The Cerulean Warbler (*Dendroica cerulea*) received one of the highest overall rankings in the national PIF prioritization scheme, and it ranks second in terms of immediate conservation concern in the Northeast (Rosenberg and Wells 1995). These priority rankings reflect both a small total population and a significant declining trend in the region (3.2% per year since 1966, based on Breeding Bird Survey data). In portions of the Northeast, however, Cerulean Warblers are thought to be expanding their range and population size. In many parts of its range, the species is not adequately by the Breeding Bird Survey (BBS) because of its low overall population density and patchy distribution. Accurate population trends, therefore, are unusually difficult to estimate.

Based on a recent draft status assessment of Cerulean Warblers for the USF&WS (Hamel, unpublished report), it is clear that little or no reliable information on this species is available for many areas. Conservation planning for regional populations of Cerulean Warblers is hampered by our poor knowledge of the species' population status, habitat affinities, area requirements, and threats, even in areas that hold the bulk of the population (such as Pennsylvania and Western Virginia). The best hope we have for filling these gaps in our knowledge is by coordinating efforts of professional biologists and experienced birders through a simple protocol designed to survey Cerulean Warblers throughout the region (http://birdsource.cornell.edu/cewap/ycerwarb.htm).

Clearly the Cerulean warbler is a species that deserves special consideration on the Allegheny.

5. Models have been developed to assist managers in determining which habitats are likely to house Cerulean warblers (http://www.esd.ornl.gov/programs/SERDP/cwhab.html).

Comments noted.

Risk assessments which looked at species vulnerability were based on Forest and Regional occurrence, population status and trends, availability and distribution of suitable habitat and susceptibility to impacts, were conducted at the Regional level for this species, as well as other State listed species. These assessments incorporate the most current information available and based on the risk assessments completed, the species identified by the commentor was not included or was dropped from the Forests PETS species list. Uncommon species considered most vulnerable to management activities, as well as those species most likely to be affected due to the availability of suitable habitat and/or documented occurrence, were included on the ANF PETS species list. Effects to these species are addressed in the BA (Appendix C, pp.46-89). Additionally, breeding bird monitoring on the Forest indicates that the cerulean warbler is closely tied to oak forest community, which occurs in <1% of the federal land in the SCPA.

Although not included in the BA, anticipated effects to other wildlife species are fully evaluated in the FEIS (pp. 245-288).

See also response to comment 14-123.

Comment 14-134

L. Channel Darter (*Percina copelandi*)

1. The Draft EIS fails must assess the impacts to the Channel darter, a state threatened species recently added to the Allegheny's Sensitive Species List.

2. Access to the spawning areas and habitat degradation for the Channel darter is considered key limiting factors (Argent et al. 1998). In particular, siltation is considered a threat to this species (Rooney 1994). The Spring Creek Project analysis must consider these factors in its analysis and development of alternatives.

The Channel darter is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA/BE p.80-83). Based on the analysis, and with the appropriate mitigation measures, there would be no adverse impacts to the channel darter under any alternative (Appendix C p. 82-83). See response to comment 14-105 for status of the conservation assessment.

Comment 14-135

M. Clubshell Mussels (*Pleurobena clava*)

1. The BO's "Reasonable and Prudent Measures" also set forth provisions for the Northern riffleshell (*Epioblasma torulosa rangiana*) and Clubshell mussels. These provisions also, according to the BO, include "current standards and guidelines found in the Forest Plan and **amendments**, and terms and conditions outlined in this opinion" (p. 70, emphasis added). Proceeding with environmental analysis on site specific actions when the programmatic analysis has not been amended to include significant environmental information, and the terms and conditions of the BO, constitutes arbitrary and capricious action and a violation of the NEPA, the NFMA, and the ESA.

2. The Clubshell mussel is harmed by sedimentation and siltation (Rooney 1994, USF&WS 1999). The Forest Service needs to more carefully consider the impacts of the Spring Creek Project on this endangered mussel.

3. The Spring Creek Project completely ignores potential impacts to the Clubshell mussel. Despite the fact that this is a critically imperiled species on the federal endangered species list and inhabits waters downstream of the Spring Creek Project Area, absolutely no analysis and NO effects determination has been made! The Forest Service's failure to analyze the impacts of the Spring Creek Project on the Clubshell mussels constitutes a violation of the NEPA, the NFMA, and the ESA. This is clearly arbitrary and capricious decision making.

4. What little discussion there is given to the Clubshell mussel suggests that the Spring Creek Project Area is not suitable habitat because of surveys done **elsewhere** in the Allegheny. The Spring

Creek Project Area has NOT been surveyed and this conclusion is clearly conclusory by nature (i.e. based on zero supporting evidence).

5. The U.S. Congress has afforded threatened and endangered species the highest priority. The Forest Service, by failing to survey for these species in the Spring Creek Project Area has clearly violated the ESA.

6. "Fifty six of the 92 freshwater mussels native to the Mid-Atlantic Highlands Ecoregion are listed as endangered, threatened, or sensitive" (Rooney 1994). The Forest Service, by ignoring the impacts of the Spring Creek Project on this endangered mussel, is furthering their endangerment. The Forest Service must develop an alternative that results in improved water quality. This alternative should include zero logging, zero road construction, and zero herbicide use and it should also should emphasize preserving and enhancing water quality through re-stabilization of stream banks and the removal of sedimentation sources such as roads, clearcut areas, and log landing areas.

See BA (Appendix C p. 38-39). Distribution of habitat and effects of proposed activities were analyzed for the clubshell mussel. There is no suitable habitat in the SCPA for the T & E species clubshell mussel. A Determination of no effect was made for the species (BA p. 39, 40).

Comment 14-136

N. Creeping Snowberry (*Gaultheria hispidula*)

1. The Draft EIS needs to assess the impacts to the Creeping snowberry, a state threatened species recently added to the Allegheny's Sensitive Species List.

The creeping snowberry is on the ANF PETS species list and its habitat distribution, and effects anticipated are analyzed in the Appendix C (BA/BE pp. 73-75). Determinations based on the analysis are located in the BA p. 79 for all alternatives. See response to comment 14-105 for information concerning a conservation assessment for this species.

See Mitigation measures (Appendix D) for proposals and mitigations concerning riparian and other suitable habitat for this species (Appendix D pp 1-14).

Comment 14-137

O. Eastern Sand Darter (*Etheostoma pellucida*)

1. The Eastern sand darter is listed as an endangered species in Pennsylvania. It has many documented occurrences in French Creek and substantial suitable habitat on the Allegheny. However, the Forest Service has not conducted the necessary surveys to confirm or deny the presence of this species on the Allegheny. The Spring Creek Draft EIS must consider the potential impacts to this species that will result from the Spring Creek Project.

2. The Forest Service has not developed any Management Plans to outline what kind of surveying would be adequate to confirm or deny the presence of this species as required by the Forest Plan at page 4-37 and subsequent to the NFMA.

3. The Eastern sand darter is facing extirpation throughout its range and must be given extra consideration in the analysis for Spring Creek Project (Argent et al. 1998).

4. A key factor causing the Eastern sand darter's decline includes the siltation of key habitat. The Spring Creek Project will result in siltation within this species' habitat. For the benefit of the Eastern sand darter, an alternative should be developed that includes zero logging and zero road construction. This alternative should also consider road removal, native tree planting (other than the weed species black cherry), and other restoration techniques that improve water quality – instead of merely mitigating the amount of habitat degradation.

See response to comment 14-123 and 14-103. The comments preference for a zero logging and zero road construction is noted.

Comment 14-138

P. Eastern Small-Footed Bat (*Myotis leibii*)

1. The Forest Service has not completed surveys for bats on the Allegheny. The Forest Service, however, has artificially and arbitrarily concluded that the eastern small-footed bat no longer lives on the Allegheny. The Forest Service must assume that the Eastern small-footed bat uses the Allegheny until adequate surveys are completed.

The Eastern Small-footed Bat is not on the ANF Sensitive Species List. We have completed 6 years of extensive bat surveys on the ANF, including 27 sites within the Spring Creek project area and have not confirmed the actual presence of the Eastern small-footed bat on the ANF. In order for a species to be listed as sensitive, there must be a recent documented occurrence.

See also response to comment 14-123

Comment 14-139

Q. Cougar (*Puma concolor cougar*)

1. The "Eastern cougar" is listed as endangered and the Allegheny is within its range. It has been listed since 1973, and the failure of the Forest Service to add the cougar to the PETS list until 1993 was a violation of the ESA.

2. A comprehensive new study utilizing state of the art GIS technology completed by the Appalachian Restoration Campaign has identified a 1,200 square mile area in Forest and Warren Counties within the Allegheny as prime cougar habitat (Taverna et al. 1999).

3. A recent study headed by Dr. Melanie Culver of the University of Maryland has conclusively shown that all wild cougar living north of Nicaragua are part of the same sub-species of cougar -- the North American cougar (*Puma concolor couguar*), and all cougar living east of the Mississippi River are therefore entitled to protection under the ESA (Culver 1999).

4. The Draft EIS for the Spring Creek Project must consider impacts to the Cougar. It currently ignores impacts to the Cougar.

See response to comment 14-132.

Comment 14-140

R. Eastern Woodrat (*Neotoma magister*)

1. The Eastern woodrat is a state threatened species that must be considered in the Spring Creek Draft EIS. This is particularly true because its habitat requirements would be detrimentally impacted by the Spring Creek Project. Consider the following published on the DCNR web page:

PREFERRED HABITAT: The eastern woodrat does not thrive around civilization. It prefers rock strewn sites, usually mountaintops and valley sides. There, under tree canopy, a cave or boulders provide the network of subsurface crevices that shelter woodrats. This and their nocturnal habits make the woodrats largely unknown among the general public.

REASONS FOR BEING THREATENED: The eastern woodrat has been classified as threatened because populations have suffered significant declines across the northern part of its range. The woodrat is no longer found in Connecticut and New York. In Pennsylvania they are absent from many historic sites, particularly in the eastern part of the state. Where they persist, their numbers are low.

See the response to comment 14-123.

Comment 14-141

S. Gilt Darter (*Percina evides*)

1. The Draft EIS needs to assess the impacts to the Gilt darter, a state threatened species recently added to the Allegheny's Sensitive Species List.

2. The Gilt darter is a state threatened darter known to inhabit the Allegheny. The Forest Service has not conducted surveys for this species required by the Forest Plan on Page 4-37. The Forest Service has not prepared management plans for this species as required by the Forest Plan on Page 4-37. These are violations of USC 1604 (i).

The Gilt darter is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA/BE pp. 81-83). Based on the analysis, and with the appropriate mitigation measures, there would be no adverse impacts to the gilt darter under any alternative (Appendix C pp. 82-83). See also response to comment 14-105.

Comment 14-142

T. Gravel Chub (*Erimystax x-punctatus*)

1. The Draft EIS must assess the impacts to the Gravel chub, a state threatened species recently added to the Allegheny's Sensitive Species List.

2. The recent GIS-based analysis regarding fish species in Pennsylvania found the Gravel chub to be a species imperiled:

Since 1925, the gravel chub (Ermiystax x-punctatus) has only been reported at nine locations in the Allegheny River Drainage (Argent et al. 1997). Cooper (1983) reports that this species is rare and widely scattered in Pennsylvania. In Kansas, this species is considered endangered (Platt 1974) and is now extirpated from many localities throughout the United States (Lee et al. 1980). The gravel chub is believed to be extirpated from Canada; the last specimens were captured in 1958 (Parker and McKee 1987b). This species is very sensitive to siltation and its presence may be indicative of good water quality (Scott and Crossman 1973). (Argent et al. 1998: 20-21)

3. The Forest Service must survey for this imperiled species. Any action that could potentially result in siltation in watersheds (this includes logging and road construction) could drive this species into not only state wide extirpation but potentially extinction. The Spring Creek Draft EIS must consider the impacts on the Gravel chub.

4. The Forest Service must survey for the Gravel chub (as required by Forest Plan Standards and Guidelines on page 4-37) prior to preparing the Draft EIS.

5. To make matters worse, despite the fact that the Gravel chub has been listed by the Commonwealth of Pennsylvania as endangered for some time, the Forest Service has not prepared a management plan for the Gravel chub pursuant to Forest Plan Standards and Guidelines on page 4-37. The lack of a management plan gravely concerns the ADP. The Forest Service has not prepared any of these mandated plans despite the fact that the requirement to prepare them has been in place since 1986. During this period of time the agency has approved tens of thousands of acres of logging but has taken zero action to prepare management plans to guarantee protections for PETS species.

6. The Gravel chub is very sensitive to siltation (Rooney 1994). A zero-logging, zero-road construction alternative should be developed where any existing facilities causing siltation into potential habitat are restored or obliterated to maximize habitat for this endangered fish.

The Gravel chub is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA/BE p. 87). Based on the analysis there was no suitable habitat for this species in the project area (Appendix C (BA/BE p. 83). See responses to comments 14-10.

Comment 14-143

U. Green-faced Clubtail (*Gomphus viridifrons*)

1. The Green-faced clubtail is an Allegheny sensitive species that must be given careful consideration within the Draft EIS for the Spring Creek Project.

The Green-faced clubtail is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA/BE pp. 83-84). Based on the analysis there was no suitable habitat for this species in the project area (Appendix C (BA/BE p. 83). Determinations based on the analysis are located in the BA p. 88 for all alternatives. See response to comment 14-105.

Comment 14-144

V. Harpoon Clubtail (*Gomphus descriptus*)

1. The Draft EIS needs to assess the impacts to the Harpoon clubtail, a state threatened species recently proposed for the Allegheny's Sensitive Species List.

2. The Harpoon clubtail is known to inhabit East Hickory Run, East Branch of Tionesta Creek, Kinzua Creek, Salmon Creek, South Branch Tionesta Creek, and Tionesta Creek (Bier et al. 1997). Spring Creek Project analysis must consider impacts on this species and its' habitats.

The harpoon clubtail is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA pp. 64-71). Determinations based on the analysis are located in the BA pp. 71 and 88 for all alternatives. See response to comment 14-105.

Comment 14-145

W. Horneyhead Chub (*Nocomis biguttatus*)

1. The Horneyhead chub is a state candidate species that needs to be considered in Spring Creek Project Draft EIS. Please note that all 3 prior state candidate species are now extirpated due to failure to protect their habitats.

See response to comment 14-123.

Comment 14-146

X. Indiana Bat (*Myotis sodalis*)

1. Please refer to our extensive comments on the Indiana bat for the East Side Draft EIS and the Forest Plan Amendment for Threatened and Endangered Species. We are concerned about a variety of potential effects from the proposed project including noise disturbance and the cutting of roost trees. Impacts to the Indiana bat must be carefully assessed in the Draft EIS for the Spring Creek Project.

Analysis for the Indiana Bat is located in the Appendix C (BA/BE pp. 4-30) Appropriate surveys for the Indiana bat have been completed. See Appendix C (BA/BE pp. 10-14) for habitat and surveys on the ANF, off Forest surveys and surveys of the project area. Mitigations in reference to the Indiana Bat are located in Appendix C (BA/BE pp. 18-19). Determinations for the species is located in Appendix C (pp. 29-30).

The commentor cites other projects for a list of comments to consider. The comments are not site-specific to the Spring Creek project or document received during the Spring creek comment period.

Comment 14-147

Y. Lake Sturgeon (*Acipenser fulvescens*)

1. The Lake sturgeon is a Pennsylvania state endangered species documented to occur along the Allegheny's portion of the Allegheny River (including post-1980 documented occurrences). This species is listed in Pennsylvania and Ohio as Endangered and in New York as Threatened. The Forest Service however has not performed any analysis on the impacts of Spring Creek Project on this species. Furthermore, no surveys for the Lake sturgeon were conducted before the analyses for the Spring Creek Project was prepared.

2. Despite the continued listing of this species as endangered in Pennsylvania, no Management Plan (as required by Forest Plan Standards and Guidelines on page 4-37 of the Forest Plan) has been prepared.

3. One of the threats to Lake sturgeon is sedimentation (Rooney 1994) and therefore the Spring Creek Project analysis should give careful consideration to the impacts of logging and road construction on this species.

See response to comment 14-123.

Comment 14-148

Z. Longhead Darter (*Percina macrocephala*)

1. The Longhead darter is a state threatened darter known to inhabit the Allegheny. The Forest Service has not conducted surveys for this species required by the Forest Plan at Page 4-37.

2. The Forest Service has not prepared management plans for this species as required by the Forest Plan at Page 4-37. This is a violation of USC 1604 (i) and must be addressed in the Draft EIS for the Spring Creek Project.

3. The Longhead darter requires clean gravel and therefore is sensitive to siltation (Rooney 1994, Argent 1998). This species has unfortunately been extirpated from Ohio. The impacts of the Spring Creek Project on the Longhead darter need to be carefully analyzed.

The longhead darter is on the ANF PETS species list and its habitat distribution, and effects anticipated are analyzed in the Appendix C (BA/BE pp. 79-82). Based on the analysis, and with the appropriate mitigation measures, there would be no adverse impacts to the longhead darter under any alternative (Appendix C pp. 82-83) See also response to comment 14-105 for conservation assessment status.

Comment 14-149

AA. Longsolid (*Fusconaia subrotunda*)

1. The Draft EIS needs to assess the impacts to the Longsolid, a state threatened species recently added to the Allegheny's Sensitive Species List.

The long-solid mussel is on the ANF PETS species list and its habitat distribution, and effects anticipated are analyzed in the Appendix C (BA p.83). Based on the analysis there was no suitable habitat for this species in the project area (Appendix C (BA/BE p. 83). Determinations based on the analysis are located in the BA p. 88 for all alternatives.

Comment 14-150

BB. Maine Snaketail (*Ophiogomphus mainensis*)

1. The Draft EIS needs to assess the impacts to the Maine snaketail, a state threatened species recently added to the Allegheny's Sensitive Species List.

The Maine snaketail is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA pp.64-71). Determinations based on the analysis are located in the BA pp. 71 and 88 for all alternatives. See response to comment 14-105.

Comment 14-151

CC. Midland Clubtail (*Gomphus fraternus*)

1. The Draft EIS needs to assess the impacts to the Midland clubtail, a state threatened species recently added to the Allegheny National Forest's Sensitive Species List.

The midland clubtail is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA p.85-86). Based on the analysis there was no suitable habitat for this species in the project area (Appendix C (BA/BE pp. 83,

86). Determinations based on the analysis are located in the BA p. 88 for all alternatives. See also response to comment 14-105.

Comment 14-152

DD. Mountain Brook Lamprey (*Ichthyomyzon greeleyi*)

1. The Mountain brook lamprey is a state threatened species in the Commonwealth of Pennsylvania. The species is listed as endangered in Ohio and has become extirpated from many northwestern Pennsylvania streams that it once inhabited (leading to its threatened status). This species however had not been documented in Pennsylvania streams until an apparent recent documentation made in the North Fork of Chapel Creek. The species has also been documented in Spring Creek in Forest County. In fact this is the last place the Mountain brook lamprey was documented in Forest County. The Forest Service has not prepared a management plan to ensure that the Spring Creek Project is consistent with the demands of the Mountain brook lamprey which includes protection of its habitat and water quality.

2. The Allegheny lies in the heart of this species two primary ranges (http://www.utexas.edu/depts/tnhc/.www/fish/maps/huggmaps/ichtgree.gif). Management must give this species special consideration.

Comment Noted. Life history, habitat and effects to Mountain Brook lamprey are located in Appendix C (BA pp. 58-61). Based on the analysis and the implementation of mitigation measures (BA pp. 59-61), no adverse impacts are anticipated to the Mountain Brook lamprey (BA p. 61, 88-89). A monitoring plan will be developed and implemented to confirm the presence or absence of this species (Appendix D p. 14). We know of no recent documentation in the North Fork of Chapel Creek.

Comment 14-153

EE. Mountain Madtom (*Noturus eleutherus*)

1. This species is listed as Endangered by the Commonwealth of Pennsylvania. It is known to occur within the Allegheny River Watershed at French Creek in Venango County. Portions of the Allegheny River watershed that are affected by the Allegheny would provide suitable habitat for this species but no surveys have been conducted to confirm or deny its presence. Because the Forest Service has not conducted any up to date Forest-wide surveys for aquatic populations of imperiled species such as the Mountain madtom these populations may in fact become extirpated before they are identified. This kind of damage is irreversible and a violation of the NFMA requirements to protect and provide for viable populations of all species. The Spring Creek Project should not proceed before measures are taken to survey the Allegheny for the Mountain madtom.

2. The Mountain madtom is sensitive to ecological perturbations (Argent et al. 1998) and is therefore likely harmed by the Spring Creek Project. The Forest Service must carefully consider the impacts of the proposed action on the Mountain madtom.

See response to comment 14-123.

Comment 14-154

FF. Moustached Clubtail (*Gomphus adelphus*)

1. The Draft EIS needs to assess the impacts to the Moustached clubtail, a state threatened species recently added to the Allegheny's Sensitive Species List.

The mustached clubtail is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA p.85). Based on the analysis there was no suitable habitat for this species in the project area (Appendix C -BA/BE pp. 83, 85). Determinations based on the analysis are located in the BA p. 88 for all alternatives. See also response to comment 14-105.

Comment 14-155

GG. Northern Long-Eared Bat (*Myotis Septentrionalis*)

1. The Forest Service needs to assess impacts to this species within the Draft EIS for the Spring Creek Project.

Comment Noted. The life history, habitat distribution and anticipated effects to the long-eared bat from proposed activities are analyzed in Appendix C (BA pp. 50-53). Determinations are made in Appendix C (BA pp. 52-53).

Comment 14-156

HH. Northern Madtom (*Noturus stigmosus*)

1. This species is listed as Endangered by the Commonwealth of Pennsylvania. It is known to occur within the Allegheny River Watershed at French Creek in Venango County. Portions of the Allegheny River watershed that are affected by the Allegheny would provide suitable habitat for this species but no surveys have been conducted to confirm or deny its presence. Because the Forest Service has not conducted any up to date Forest-wide surveys for aquatic populations of imperiled species such as the Northern madtom these populations may in fact become extirpated before they are identified. This kind of damage is irreversible and a violation of the NFMA requirements to protect and provide for viable populations of all species. The Spring Creek Project should not proceed before measures are taken to survey the Allegheny for the northern madtom. [Note: A similar situation occurred with the Indiana and Northern long-eared bats. Once surveys were conducted their presence was confirmed. If surveys were further delayed the Forest Service would not be conducting any analyses to guarantee their protection. As it is, the Forest Service is NOT taking the appropriate measures required by the BO from USF&WS for the Indiana bat. Surveys are essential for protecting and recovering Threatened and Endangered Wildlife.]

2. The Northern madtom has specific habitat requirements (Argent et al 1998). The Forest Service should give the Northern madtom special consideration before implementing any projects, including the Spring Creek Project.

See responses to comments 14-123 and 14-146.

Comment 14-157

II. Northern Riffleshell Mussel (*Epioblasma torulosa rangiana*)

1. The BO's "Reasonable and Prudent Measures" also set forth provisions for the Northern riffleshell and Clubshell mussels. These provisions also, according to the BO, include "current standards and guidelines found in the Forest Plan and **amendments**, and terms and conditions outlined in this opinion" (p. 70, emphasis added). Proceeding with environmental analysis on site specific actions when the programmatic analysis has not been amended to include significant environmental information, and the terms and conditions of the BO, constitutes arbitrary and capricious action and a violation of the NEPA, the NFMA, and the ESA.

See BA (Appendix C p. 38-39). Distribution of habitat and effects of proposed activities were analyzed for the northern riffleshell mussel. There is no suitable habitat in the SCPA for the T & E species northern riffleshell mussel. A Determination of no effect was made for the species (BA p. 39, 40).

Comment 14-158

JJ. Northern Water Shrew (*Sorex palustris*)

1. The Allegheny is home to this important species. Rooney notes that populations of this species tend to unfortunately be isolated, and therefore the loss of a single population could be permanent (Rooney 1994). This requires that the Forest Service give special consideration to the

ability of this species to survive. It also brings to light the importance of surveys to locate populations **before** they are extirpated by the Spring Creek Project proposed action.

2. Likewise, in their report on the shrew survey of the Allegheny, the Western Pennsylvania Conservancy describes their reasons for conducting the survey:

Information about most small mammal populations within ANF is limited. Because both the long-tailed shrew and the water shrew are cryptic (secretive), but occupy habitats within forest settings that are rather specific and somewhat limited, timber harvesting activities have the potential to impact their populations. (Western PA Conservancy 1993: 2)

Potential Impacts to the northern water shrew are discussed in the BA/BE (Appendix C pp. 64-65 and 69-71). Based on the information provided in the BA, there are no adverse impacts to this species anticipated under any alternative that will cause a trend to federal listing (BA p. 71).

Comment 14-159

KK. Ohio Lamprey (*Ichthyomyzon bdellium*)

1. The Ohio lamprey is a state candidate species that needs to be considered in the Spring Creek Project Draft EIS. Please note that all 3 prior state candidate species are now extirpated due to failure to protect their habitats.

2. The Allegheny is one of the Ohio lamprey's key habitats (http://www.utexas.edu/depts/tnhc/.www/fish/maps/huggmaps/ichtbdel.gif). The Forest Service should give special consideration to this species before implementing any of the Spring Creek Project proposed action. In fact, the Forest Service should select No Action for the benefit of this and other PETS species.

See response to comment 14-123.

Comment 14-160

LL. Rapids Clubtail (*Gomphus quadricolor*)

1. The Draft EIS needs to assess the impacts to the Rapids clubtail, a state threatened species recently added to the Allegheny's Sensitive Species List.

The rapids clubtail is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA p.84-85). Based on the analysis there was no suitable habitat for this species in the project area (Appendix C BA/BE pp. 83, 84). Determinations based on the analysis are located in the BA p. 88 for all alternatives. See also response to comment 14-105.

Comment 14-161

MM. River Redhorse (*Moxostoma carinatum*)

1. The River redhorse is a state candidate species that needs to be considered in the Spring Creek Draft EIS. Please note that all 3 prior state candidate species are now extirpated due to failure to protect their habitats.

See response to comment 14-123.

Comment 14-162

NN. Rough Cotton-Grass (*Eriophorum tenellum*)

1. The Draft EIS needs to assess the impacts to the Rough cotton-grass, a state threatened species recently added to the Allegheny's Sensitive Species List.

The rough cotton-grass is on the ANF PETS species list and its habitat distribution, and effects anticipated are analyzed in the Appendix C (BA p.73, 76-79). Determinations based on the analysis are located in the BA p. 79 for all alternatives. See response to comment 14-105

for information concerning a conservation assessment for this species.

Comment 14-163

OO. Ski-tailed Emerald (*Somatochlora elongata*)

1. The Draft EIS needs to assess the impacts to the Ski-tailed emerald, a state threatened species recently added to the Allegheny's Sensitive Species List.

2. This species has been confirmed to inhabit Sugar Run (juvenile), Tionesta Creek, and East Branch of Tionesta Creek (Bier et al. 1997). The Spring Creek Project analysis must consider impacts to this species and its habitat.

The ski-tailed emerald dragonfly is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA pp.64, 66-71). Determinations based on the analysis are located in the BA pp. 71 and 88 for all alternatives. See response to comment 14-105.

Comment 14-164

PP. Small Whorled Pogonia (*Isotria medeoloides*)

1. The Draft EIS needs to assess impacts to this important threatened orchid.

See Appendix C (BA pp. 35-38) for life history, distribution of habitat, and anticipated effects of proposed alternatives. The project area was surveyed for the plant species and none were found (BA p. 37). A Determination of no effect was made for this species under all alternatives (BA p.38).

See Appendix D – Mitigation Measures for mitigation actions that avoid and minimize effects of ground disturbing activities.

Comment 14-165

QQ. Southern Redbelly Dace (*Phoxinus erythrogaster*)

1. The Draft EIS for the Spring Creek Project needs to assess the impacts to the Southern redbelly dace, a state listed threatened species whose most recent documented occurrences in Pennsylvania are in Warren County. The Forest Service has not conducted surveys within the Spring Creek Project Area to determine whether or not the species is present. The surveys which are required by Standards and Guidelines in the Forest Plan for the Allegheny are necessary for determining mitigation measures and conservation actions are also required by Standards and Guidelines on Page 4-37 of the Forest Plan.

See response to comment 14-123.

Comment 14-166

RR. Spotted Darter (*Etheostoma maculatum*)

1. The Spotted darter is a state threatened darter known to inhabit the Allegheny. The Forest Service has not conducted surveys for this species required by the Forest Plan at Page 4-37. The Forest Service has not prepared management plans for this species as required by the Forest Plan at Page 4-37. These are violations of USC 1604 (i).

2. The Spotted darter is sensitive to sedimentation and siltation because of how they effect the availability of large, loose, and rough substrates this species needs (Argent et al. 1998 , Rooney 1994). The Forest Service should give this species special consideration by analyzing the impacts of the proposed Spring Creek Project on the Spotted darter.

The spotted darter is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA p.83, 86). Based on the analysis there was no suitable habitat for this species in the project area (Appendix C (BA/BE pp. 83, 86). Determinations based on the analysis are located in the BA p. 88 for all alternatives. See

also response to comment 14-105.

Comment 14-167

SS. Thread Rush (*Juncus filiformis*)

1. The Draft EIS needs to adequately assess the impacts to the Thread rush, a state threatened species recently added to the Allegheny's Sensitive Species List.

The thread rush is on the ANF PETS species list and its habitat distribution, and effects anticipated are analyzed in the Appendix C (BA p.73, 75-79). Determinations based on the analysis are located in the BA p. 79 for all alternatives. See response to comment 14-105 for information concerning a conservation assessment for this species.

Comment 14-168

TT. Tippecanoe Darter (*Etheostoma tippecanoe*)

1. The Tippecanoe darter is a state threatened darter known to inhabit the Allegheny. The Forest Service has not conducted surveys for this species required by the Forest Plan at Page 4-37. The Forest Service has not prepared management plans for this species as required by the Forest Plan at Page 4-37. These are violations of USC 1604 (i) and therefore the Spring Creek Draft EIS should be rescinded and revised.

2. The Tippecanoe darter requires clean gravel and is therefore sensitive to siltation and habitat degradation (Argent et al. 1998). Rooney also notes that this species is sensitive to sedimentation (1994). The Forest Service should develop an alternative that provides for less habitat degradation for this species. The Forest Service must carefully analyze the impacts of the proposed Spring Creek Project action on the Tippecanoe darter.

The Tippecanoe darter is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA pp.83, 86-87). Based on the analysis there was no suitable habitat for this species in the project area Appendix C (BA/BE pp. 83, 87). Determinations based on the analysis are located in the BA p. 88 for all alternatives. See also response to comment 14-105.

Comment 14-169

UU. Timber Rattlesnake (*Crotalus horridus*)

1. The Timber rattlesnake is a state threatened species. The Forest Service needs to develop a management plan for the Timber rattlesnake. It is impossible to make informed project by project analyses of impacts to the Timber rattlesnake without a broader management plan on which to base these analyses. These Management Plans help keep the Forest Service from acting in the dark.

There is a wealth of information on the habitat needs of the Timber rattlesnake. There is sufficient information to develop a forest wide management plan. The Forest Service needs to either incorporate the Timber rattlesnake into the current ongoing Forest Plan Amendment, as required by law, or immediately initiate a new process for developing management plans for the Timber rattlesnake and all other state threatened and endangered species. The latter process would need to be initiated through a Notice of Intent followed by a Draft EIS.

The Spring Creek watershed provides essential habitat for the Timber rattlesnake with several rock outcroppings. This habitat is threatened by the Spring Creek project with the Forest Service's proposed clearcutting and extensive road construction.

The life history, distribution of habitat and anticipated impacts to the timber rattlesnake are analyzed in the Appendix C (BA/BE pp. 53-58). A Determination of may impact individuals but is not likely to cause a trend to federal listing is made for the rattlesnake Appendix C (BA/BE p. 58). Mitigations to help lessen anticipated impacts are discussed in Appendix C - BA/BE pp.55-58 and Appendix D Mitigation Measures pp. 6 and 13. See also response to

comment 14-105.

Comment 14-170

VV. Uhler's Sundragon (*Helocrodulia uhleri*)

1. The Draft EIS needs to adequately assess the impacts to the Uhler's sundragon, a state threatened species recently added to the Allegheny's Sensitive Species List.

2. Surveys confirmed the presence of this species at the mouth of Kinzua Creek (Bier et al. 1997). Many potential habitats have not yet been surveyed. Surveys and analysis on potential impacts to this species have yet to be completed.

The Uhler's Sundragon is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA pp.83, 86). Based on the analysis there was no suitable habitat for this species in the project area Appendix C (BA/BE pp. 83, 86). Determinations based on the analysis are located in the BA p. 88 for all alternatives. See also response to comment 14-105.

Comment 14-171

WW. Wiegands Sedge (*Carex Wiegandii*)

1. The Wiegands sedge is an Allegheny sensitive species. The Wiegands sedge occurs in sphagnum openings in swamps and suitable habitat occurs within the Spring Creek Project Area. Habitat alteration is considered detrimental to the survival and recovery of this species (Rooney 1994). Despite this, the Forest Service has not surveyed the Spring Creek Project Area for the Wiegands sedge.

2. The Wiegands sedge is known to inhabit both Elk and McKean Counties according to the Forest Service. It is therefore likely to inhabit the Allegheny. The Forest Service clearly needs to conduct Forest-wide surveys for this species, prepare a Forest-wide EIS documenting the impacts of management actions on the Wiegands sedge, amend the Forest Plan to incorporate protection and recovery measures for the Weigands sedge, and then conduct surveys within the Spring Creek Project Area all before continuing with any environmental analysis on the impacts of the Spring Creek proposed action on the Weigand's sedge. Until these measures are completed any attempts at continuing with the implementation of the Spring Creek Project are arbitrary and capricious, and violate federal law.

The Wiegands sedge is on the ANF PETS species list and its habitat distribution, and effects anticipated are analyzed in the Appendix C (BA p.73-74 and 78-79). Determinations based on the analysis are located in the BA p. 79 for all alternatives. See response to comment 14-105 for information concerning conservation assessment for this species.

Comment 14-172

XX. Yellow-bellied Flycatcher (*Empidonnax flaviventris*)

1. The Draft EIS needs to adequately assess the impacts to the Yellow-bellied flycatcher, a state threatened species. The Yellow-bellied flycatcher is known to nest in the un-salvaged tornado swath of the Tionesta old-growth. Un-salvaged natural disturbances may be essential to ensuring stable populations of this species on the Allegheny National Forest as required by the National Forest Management Act.

2. The DCNR states that "One of the state's rarest nesting species, this flycatcher can survive only if shrubby wetlands and conifer stands in extensive upland forests are preserved." The Forest Service needs to implement measures to protect this state threatened species.

3. The Yellow-bellied flycatcher is dependent on older hemlock forests and is sensitive to habitat alteration due to logging (Rooney 1994). The Forest Service should develop an alternative that includes zero-logging as part of the Spring Creek Project analysis for the purposes of protecting Yellow-bellied flycatcher habitat.

4. While the Yellow-bellied flycatcher's preferred habitat is older hemlock forests, the Forest Service cannot exclude other areas from consideration, particularly areas such as that contained in the Spring Creek Project. The windthrown debris is the most suitable habitat for this species.

The commentor's preference for a zero logging alternative is noted. Effects to the Yellow-bellied flycatcher are discussed on page 61-64 of the BA/BE (Appendix C). Additionally, the Conservation Assessment for the Yellow-bellied flycatcher was completed on 10/2000 and with the protection of potentially suitable habitat (BA/BE p. 63), present forest management is consistent with recovery of this species and there are no impacts anticipated for this species (BA p 64).

Areas that contain windthrown debris are not the most suitable habitat for this species. Based on descriptions of nesting sites, the yellow-bellied flycatcher is a habitat specialist. Nesting sites are characterized by damp, cool forests with fairly open canopies, often dominated by conifers, in areas where ground cover is predominantly (80+%) sphagnum moss (Sphagnum sp.), is sheltered by ferns and/or shrub cover approaching or exceeding 80%, in association with swamps or other riparian zones and often in moss-covered root systems of up-rooted trees (Bent 1963, Gross 1992, Gross 1998, Harrison 1975, Todd 1940, Walkinshaw and Henry 1957 in Conservation Assessment, 2000). The flycatchers most preferred habitat type within the SCPA are recognized (Appendix C -BA/BE - p. 62-63). Habitat has not been excluded and is protected through the mitigations for wetlands and riparian areas. A determination for the flycatcher is located on pages 63-64 of Appendix C.

Comment 14-173

YY. Zebra Clubtail (*Stylurus scudderi*)

1. The Draft EIS must to assess the impacts to the Zebra clubtail, a state-threatened species recently added to the Allegheny's Sensitive Species List.

2. The Zebra clubtail, formerly known as the Scudder's clubtail, is known to inhabit the Allegheny. It is known to inhabit the East Branch of Tionesta Creek, Kinzua Creek, Salmon Creek, South Branch of Tionesta Creek, and Tionesta Creek. This species clearly is one of importance on the Allegheny.

3. Threats to the Zebra clubtail include deterioration of water quality (Rooney 1994). The Spring Creek Project threatens the viability of this species. The Forest Service needs to develop a zero-logging alternative for the benefit of species requiring high water quality. Until this is done, the Forest Service should select the No Action alternative.

The zebra clubtail is on the ANF PETS species list and its life history, habitat distribution, and effects anticipated are analyzed in the Appendix C (BA pp.64, 68-71). Determinations based on the analysis are located in the BA pp. 71 and 88 for all alternatives. See response to comment 14-105.

Comment 14-174

X. PROPOSED, ENDANGERED, THREATENED, AND SENSITIVE (PETS) SPECIES - SUMMARY

1. In 1986, the Forest Service approved the Forest Plan for the Allegheny. This Plan included a Standard and Guideline (Standards and Guidelines are requirements that the Forest Service must comply with under the NFMA that required the preparation of Management Plans for all state and federally listed Threatened and Endangered Species that occur on the Allegheny or in its watersheds (Page 4-37 of the Forest Plan). **Since 1986, the Forest Service has approved dozens of timber sales on the Allegheny resulting in 84,463 acres of even-aged logging, 6,206 acres of un-even aged logging, 14,193 acres of herbicide spray, and 847.3 miles of road construction and re-construction. On the other hand, the Forest Service has prepared NO management plans for**

threatened and endangered species. The extreme bias towards timber production by the Forest Service is very evident.

Comment noted. See response to comment 14-105 (for conservation assessment status), and 14-123. Note: the Allegheny National Forest Plan has been amended in 1997 and 2000 for issues concerning water quality and riparian areas and for federally listed Threatened and Endangered Species for the ANF.

Comment 14-175

2. The federally endangered Clubshell mussel and Northern riffleshell mussel, the Pennsylvania endangered Black bullhead, Burbot, Eastern sand darter, Lake sturgeon, Mountain madtom, Northern madtom, the Pennsylvania threatened Bigmouth shiner, Bluebreast darter, Channel darter, Gilt darter, Gravel chub (also on the Allegheny's sensitive species list), Harpoon clubtail, Longhead darter, Longsolid (also on the Allegheny's sensitive species list), Maine snaketail, Midland clubtail (also on the Allegheny's sensitive species list), Mountain brook lamprey (also on the Allegheny sensitive species list), Moustached clubtail, Rapids clubtail, Southern redbelly dace, Tippecanoe darter, Uhler's sundragon, and Zebra clubtail, American brook lamprey, Brook stickleback, Horneyhead chub, Ohio lamprey, River redhorse, Northern water shrew, and the Sensitive Green-faced clubtail ALL require excellent water quality for the maintenance of viable populations. Many species on the Allegheny that are not considered PETS species (including the native trout populations) also require excellent water quality.

Comment noted. See response to comments 14-105 and 14-123. See Appendix D – Mitigation Measures pp. 1- 45 concerning water quality protection in the SCPA. See FEIS Chapter 1 Purpose and Need as well as treatment proposals by alternative in the FEIS Chapter 2 addressing soil and water quality concerns.

Comment 14-176

The Spring Creek Project, in culmination with other currently proposed actions including the massive East Side Project, calls for enormous amounts of "removal" clearcutting, herbicide spraying, road construction, and other actions that will all negatively impact water quality through the displacement of sedimentation, siltation, and pollution into the waters that provide habitat for these PETS species. Despite this, the Forest Service has not considered an alternative for the Spring Creek Project that would improve water quality (only alternatives that mitigate against proposed negative impacts). The Forest Service MUST also develop this alternative: a zero-logging, zero-herbicide, zero-road construction alternative that utilizes restoration of streambanks (through planting), removal/revegetation of sediment sources (such as roads, poor campsites, and log landings), and the restoration of previously clearcut forestland through the planting of native species such as hemlock and white pine (no black cherry should be planted anywhere on the Allegheny ever again).

Comment noted. The commentor's preference for a zero-logging, zero-herbicide, zero-road construction alternative is noted. Many of the activities that the commentor suggests are proposed in the preferred alternative and all the action alternatives (See Chapter 2). See Chapter 2 pp. 35-38 for rationale for alternatives considered but eliminated. See ROD for rationale for the preferred alternative and rationale for other alternatives not selected.

Comment 14-177

Commentor attached a list of references and a list of Acronyms and Shortenings. A hardcopy of these items are filed in the Spring Creek Project File.

LETTER #15 – ENVIRONMENTAL PROTECTION AGENCY

Comment 15-1

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EP A) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project. The Spring Creek Project Area (SCP A) is located in the Spring Creek Watershed on the Marienville Ranger District of the Allegheny National Forest, approximately eight miles west of Ridgway, PA. The DEIS proposes four alternatives as possible management strategies for the SCPA that were developed to respond to site-specific needs and to move the SCPA from the existing condition toward the desired condition outlined in the Allegheny Forest Land and Resource Management Plan.

EPA has rated Alternative 1, the No Action Alternative, Alternative 2, the Proposed Action and Alternatives 3, and 4 as LO (Lack of Objection). A copy of the EPA rating system is enclosed for your reference.

Comment noted.

Comment 15-2

The four alternatives including the No Action Alternative were evaluated in the DEIS. We concur with your analysis of impacts and findings. No new federal management activities would be initiated under Alternative 1 but activities that have prior approval will occur. Under Alternative 2 and 3 primarily even-aged management for timber harvest and reforestation would be implemented. Alternative 4 proposes only uneven-aged management vegetation treatments. Alternatives 2, 3, and 4 provide for a wide variety of soil, water, and wildlife habitat improvement treatments to correct soil and water problems and benefit a wide variety of wildlife that are dependent on a variety of habitat types. Alternatives 2 and 4 address the development of recreation facilities such as horse trails, an ATV low development campground, and new dispersed campsites in order to correct soil and water problems and meet recreational demand in the SCPA. These alternatives also propose 6.6 and 4.0 miles of new road construction respectively. Alternative 3 was developed to address the issue of fragmentation but does not propose recreational improvements. This alternative proposes no new road construction and silvicultural activities are limited to maintain areas of habitat connectivity and mature forest core conditions. Herbicide application on more than 2000 acres is proposed in Alternatives, 2, 3, and 4 to control vegetation. We concur with the mitigation and monitoring that will be implemented with herbicide application to protect human health and the environment.

Comment noted.

Comment 15-3

The Forest Service has identified Alternative 3 as the preferred alternative considering vegetation, transportation, wildlife, soil, and water treatment proposals but the responsible official has also stated that he would implement all the recreation proposals in Alternative 2. We concur with the recommendations of the responsible official but recommend that the final Environmental Impact Statement include a new alternative that incorporates Alternative 3 with the recreational activities proposed in Alternative 2 in order to meet the objectives of NEPA.

See Federal Register; March 26, 2004 Vol. 69, Number 59. Environmental Protection Agency expresses Lack of Objection (LO) to Preferred Alternative. See also letter below documenting official correspondence:

File Code: 1950-1
Date: April 12, 2004

William Arguto
NEPA Team Leader
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19203-2029

Dear Mr. Arguto:

This letter documents the agreement reached in a phone conversation on 3/22/04 between Jim Apgar, Allegheny National Forest NEPA Coordinator, and Marria O'Malley Walsh, US Environmental Protection Agency (EPA) contact for the Spring Creek Project review letter, received in our office on 3/17/04. In the Spring Creek review letter, EPA rated Alternatives 1-4 as Lack of Objection and concurred with the analysis of impacts and findings of the DEIS.

The letter concluded with a final recommendation that the line officers preferred alternative, which was a combination of Alternative 3 and the recreation activities in Alternative 2 be combined in a new alternative and included in the FEIS. After discussion of this recommendation a mutual understanding was reached that creation of a new alternative in the FEIS is not a requirement under NEPA. The primary rationale supporting this agreement is that there would be no additional effects disclosed through the analysis of this new alternative that have not already been disclosed in the Spring Creek DEIS.

After a subsequent discussion with District Ranger Leon Blashock, his decision on this matter is not to add a new alternative to the FEIS. The following NEPA implementing regulations allow this approach; 40 CFR Part 1505 – NEPA & Agency Decisionmaking – Section 1505.1 Agency Decisionmaking Procedures, subpart (e)" Requiring that the alternatives considered by the decisionmaker are encompassed by the range of alternatives discussed in the relevant environmental documents and that the decisionmaker consider alternatives described in the environmental impact statement".

This letter will be added as the Forest Service response to the EPA review letter and printed in the Spring Creek Project FEIS. Thank you for your availability to promptly reach a resolution on this matter.

Sincerely,

/s/ Kevin B. Elliott
KEVIN B. ELLIOTT
Forest Supervisor

cc: John Weyant