



United States  
Department of  
Agriculture

Forest Service

Eastern  
Region



# Record of Decision for the Final Environmental Impact Statement

January 2006

## 2006 Land and Resource Management Plan



*Caring for the Land and Serving People*

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Wayne National Forest  
Final Environmental Impact Statement for the  
2006 Land and Resource Management Plan  
(2006 Forest Plan)

## Record of Decision

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### Preface

This Record of Decision (ROD) describes my decision to select Alternative E Modified as the Wayne National Forest 2006 Land and Resource Management Plan (2006 Forest Plan). I have reviewed the range of alternatives, considered public input, and reviewed the evaluation of the alternatives in the Final Environmental Impact Statement (FEIS). Alternative E from the Draft Environmental Impact Statement (DEIS) was modified (using elements from the range of alternatives) based upon public comments received during the 90 day comment period and from internal review by Forest staff. The ROD also explains my reasons for making changes to the original 1988 Forest Plan.

Although I am the final decision maker, I have not made this decision alone. We analyzed more than 1,300 comments and suggestions during the development of the 2006 Forest Plan. Hundreds of citizens talked with members of the planning team during meetings held throughout the planning process. Meaningful collaboration with local governments, state and federal agencies, and various special interest groups resulted in valuable contributions to the revision effort. This decision is the result of the positive and productive relationships that evolved during the planning process and the important contributions from all who participated. We have listened to the public and it has shaped the development of this 2006 Forest Plan.

Developing a forest plan that is supported by most members of the public is not easy. The Wayne National Forest provides many different uses to many different people and those people often have divergent views on how to manage public lands. The Forest includes some of Ohio's most beautiful landscapes, which are important for tourism and are a principal reason that people choose to live in southeastern Ohio. The Forest is ecologically diverse, providing a home for many native plants and animals. Hardwood and pine forests provide important wood products to society. Valuable mineral deposits lie under the Forest. The Wayne National Forest is uniquely positioned to provide abundant multiple uses while conserving the ecology and culture of southeastern Ohio.

The ecological, social, and economic conditions on the National Forest change over time. The public's opinions of what constitutes the best use of public lands also shifts over time. For these reasons, the management direction provided in the 2006 Forest Plan is dynamic and will be re-evaluated periodically as new information becomes available. The 2006 Forest Plan is the result of a comprehensive evaluation of the 1988 plan, an examination of the best available scientific information, and an in-depth notice and comment process. The revision process has taken over 3 years and has been the focus of an interdisciplinary team of over 15 scientists. My role, as well as the role of the Forest Supervisor on the Wayne National Forest, has been to guide the process, listen to the public, facilitate the collaboration efforts,

ensure the integrity of the analysis, and make important decisions throughout the process, including this final Record of Decision.

My decision establishes a plan that, I believe, emphasizes those benefits that are most important to the various interests, opinions, and beliefs expressed by agencies, groups, and individuals involved in the revision process. Together, we have crafted a Forest Plan that provides a scientifically credible foundation for the contribution of the Wayne National Forest to the ecological, social, and economic sustainability of southern Ohio over the long term. Development of future project decisions consistent with the 2006 Forest Plan will result in a sustainable supply of goods and services from the Wayne National Forest while conserving the natural resources of the area. This decision strikes a reasonable balance between resource sustainability and the complex demands expressed by a wide variety of people, groups, and organizations.

Our work is not done. Regular monitoring and evaluation of the 2006 Forest Plan implementation will ensure the 2006 Forest Plan is kept current. Changes in society's needs and values, along with emerging science, may necessitate amendments to the 2006 Forest Plan. I encourage you to continue your partnership with us in keeping the 2006 Forest Plan fresh and relevant. In order for this Forest Plan to be fully successful, we will need the help of people working collaboratively to develop projects, monitor resources, and adapt the plan as appropriate over the coming years. Finally, and most importantly, I thank you for your participation, patience, and support throughout this Forest Plan revision process and into the future.

A handwritten signature in black ink that reads "Randy Moore". The signature is written in a cursive style with a large initial "R" and a stylized "M".

Randy Moore  
Regional Forester  
Eastern Region, USDA Forest Service

## Introduction

The Wayne National Forest 2006 Land and Resource Management Plan (2006 Forest Plan) is a 10 to 15 year strategy for managing national forest resources. It was developed in accordance with the National Forest Management Act (16 U.S.C.1604, et seq.) and the 1982 planning regulations (36 CFR 219)<sup>1</sup>. The Forest Plan outlines environmentally sound management to achieve desired conditions on the land and produce goods and services in a way that maximizes long-term net public benefits. The 2006 Forest Plan emphasizes different desired conditions and goals for various parts of the Forest. As we develop site-specific projects consistent with the 2006 Forest Plan, management practices such as improving and maintaining roads, restoring streams, harvesting timber and campground improvements will occur in some areas, but not in others. We intend to achieve multiple use goals and objectives in a balanced, cost-efficient, and sustainable manner.

The original Wayne National Forest Plan was approved in 1988. This 2006 Forest Plan replaces all previous resource management plans for the Wayne National Forest. It provides an integrated, interdisciplinary, programmatic framework for environmentally sound management based on the best available scientific information.

The 2006 Forest Plan will be amended or revised as needed to adapt to new information, and changing conditions. Any action taken to amend or revise the Plan will include public involvement.

There are six primary decisions made with the 2006 Forest Plan:

- Forest-wide multiple-use goals and objectives.
- Forest-wide management requirements.
- Management area direction.
- Lands suited / not suited for timber management.
- Monitoring and evaluation requirements.
- Recommendations to Congress, such as Wilderness Study recommendations.

The goals and desired conditions in the 2006 Forest Plan can be achieved from a physical, ecological, economical, and legal perspective. Management practices will be implemented and outputs produced as the Forest strives to meet the desired conditions called for in the 2006 Forest Plan, although there is no assurance that the outputs will actually occur at the projected level.

The standards contained in the Wayne National Forest Plan set parameters within which projects must take place. Approval of any project must be consistent with these parameters (16 U.S.C. 1604(i)). If a project cannot be implemented in accordance with the standards included in the 2006 Forest Plan, the project cannot go forward unless the 2006 Forest Plan is amended or otherwise changed. Guidelines will generally be followed, but where deviations from guidelines are needed, we will not necessarily amend the plan, but will discuss the rationale as part of the project analysis.

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<sup>1</sup> The 2005 Planning Regulations, 36 CFR 219.14(e) (January 5, 2005) allow the use of the 1982 planning regulations for this Plan since it was initiated prior to the transition period defined at 36 CFR 219.12(b).

The 2006 Forest Plan is permissive in that it allows, but does not mandate, projects and activities. Projects occur only after they are proposed, their environmental effects considered, and a decision is made authorizing site-specific action. Site-specific environmental analysis that occurs for each project will be tiered to the Final Environmental Impact Statement for the 2006 Forest Plan, pursuant to 40 CFR 1508.28.

This decision was heavily influenced by the public input received during the plan revision process. I made this decision after careful review of public comments, analysis of effects in the Final Environmental Impact Statement (FEIS), and consideration of a broad range of alternatives. I considered the best available scientific assessments and most current scientific knowledge. I considered all new information provided by the public, state, and other federal agencies during the revision process and was particularly concerned about using high quality resource data. I believe this 2006 Forest Plan provides the best mix of resource uses and opportunities to provide for public needs and desires within the framework of existing laws, regulations, policies, and capabilities of the land.

The 2006 Forest Plan was developed with many contributions from many partners. I want to take this opportunity to personally thank all of our partners, and especially those who contributed scientific information and analysis in the species evaluation process, and those who took the time to review and comment on the Draft EIS and Proposed Revised Plan. Although the resource information used to develop the 2006 Forest Plan may not be as comprehensive as some would desire, we have sought out and utilized the best available scientific information for making this programmatic decision. Although it is always possible to obtain more information prior to making any decision, I am confident that the information used here is of high quality and adequate to make a fully informed decision. We appreciate your assistance and support of the 2006 Forest Plan and look forward to working with you to develop projects that will move us towards the desired conditions described in the Plan.

In summary, the 2006 Forest Plan establishes a programmatic framework for future multiple-use management. The FEIS discloses the differences in the trends of the environmental consequences of the alternatives and how they respond to issues and concerns. The Environmental Impact Statement discusses broad environmental effects and establishes a useful reference that can be tiered to for compliance with environmental laws at the site-specific project level. The level of effects disclosure is commensurate with the nature of the programmatic decision. Detailed analysis of specific environmental effects is not required when the agency has not proposed a specific project that may cause the effects. Approval of this 2006 Forest Plan does not make any on the ground changes, nor dictate that any particular site-specific action must occur. This 2006 Forest Plan provides the framework for future decision-making.

## The Forest

The Wayne National Forest, located in 12 counties of southeast Ohio, is the state's only national forest. The hills of southeast Ohio, the unglaciated region of the state, lie within the Ohio River Basin. Ecologically, the area is part of the Southern Allegheny Unglaciated Plateau, which reaches into western Pennsylvania, and northern West Virginia and Kentucky.

Since the earliest hunter-gatherers arrived here about ten thousand years ago, humans have found the Ohio River Basin to be a very hospitable environment. Through the flowering and decline of successive Native American cultures, European settlement, industrial development, and now forest re-growth and recovery, what is now southeast Ohio has supported human populations who, in turn, modified their environment. From Indian mounds and rock shelters, to sections of the old Erie Canal, iron furnaces, African American cemeteries, and barns

painted with Mail Pouch Tobacco signs, humankind has continually marked its presence on the landscapes we value in today's Forest.

The rich farmland that dominates much of Ohio supports large industrial cities and sprawling suburbs connected by busy highways. While southeast Ohio is the most heavily forested and least densely populated part of the state, large population centers lie nearby. About 12 million people live within 100 miles of the Wayne National Forest. Ohio ranks seventh among the states in population but only 45<sup>th</sup> in percentage of public lands (federal and State). As a result, there are intense, often competing, demands on this limited public lands resource.

Of the 850,000 acres within the Wayne National Forest proclamation boundary, about 28 percent, or 238,000 acres, is managed as part of the National Forest System (NFS). These federal holdings are intertwined with many small communities. Acquisition of land for the WNF began in 1935. Congress set the Forest's Proclamation Boundary in 1951. The proclamation area is divided into three geographic areas: Marietta, Athens, and Ironton. Administration of the Forest was provided through the Forest Supervisor's Office of the Wayne-Hoosier National Forest, located in Bedford, Indiana, until 1993. At that time, Congress authorized a separation of the combined forests and creation of a Forest Supervisor's Office in Ohio for the Wayne National Forest.

A wide variety of plants and animals native to the central hardwood forest find habitat on the Forest. As European settlers entered and developed Ohio from about 1800 to 1920, most of the forested land on what is now the Wayne National Forest was cleared for farms, timber, and fuel. The iron furnaces and brick factories prevalent in the area during this period consumed large amounts of wood fuels. Much of the forested land cleared by settlers, loggers, and miners has re-seeded and re-sprouted. Ohio's forests continue to grow and mature, even as suburban sprawl tends to divide private forest ownership into smaller pieces. In light of these trends, the Wayne National Forest has potential to provide some forest habitats unlikely to occur on private lands, including large blocks of mature forest, forest with a prescribed fire regime that maintains a high proportion of oaks and hickories, and areas of young, brushy forest.

Streams, riparian areas, and wetlands provide essential habitat for a variety of animals and plants found on the Wayne National Forest. More than 200 miles of perennial warm-water streams run through the Forest. Fully one-half of this stream mileage does not meet water quality standards because of acid drainage from abandoned underground mines and sediment from strip-mining. The Wayne National Forest is uniquely positioned to implement state-of-the-art restoration of abandoned mine lands, contributing to ecological and economic recovery in southeast Ohio.

Oil, gas, and coal have been produced in the Appalachian Basin, which includes the Wayne National Forest, for well over 100 years. Ohio ranks fourth nationally in total number of oil and gas wells drilled. As energy prices and emphasis on domestic energy production increase, interest in energy minerals production on the Wayne National Forest, especially natural gas, can be expected to increase. More than 65 percent of the Wayne National Forest's surface ownership is underlain by privately owned mineral rights. While most gas, oil, and coal production on the Wayne National Forest will likely come from these privately held rights, the leasing of federally owned gas and oil rights can contribute substantially to the local economy and regional energy needs.

More people use the Wayne National Forest for outdoor recreation than for any other purpose. The Wayne National Forest's 238,000 acres constitute the second largest holding of

public lands in Ohio. The State manages nearly 390,000 acres of State parks, forests and wildlife areas. A wide variety of outdoor recreation activities are popular on the Wayne National Forest, including hunting, fishing, hiking, horseback riding, mountain biking, and wildlife viewing. In addition, highway motorists enjoy driving through the Forest to view scenery especially during the fall as leaves are changing color. All-terrain vehicle (ATV) and off-highway motorcycle (OHM) riding is allowed on designated trails in two areas of the Forest, and continues to grow in popularity. The Wayne National Forest also provides viewing and interpretation of historic sites in the region, including those related to the Underground Railroad, mining, and iron furnaces.

Together, the primary values of the Wayne National Forest – wildlife, fish, and plant habitat; energy minerals production, outdoor recreation, and an appreciation for those who have shared this land before us – contribute to the quality of life and economic vitality of southeast Ohio and the population centers that surround the Forest.

## **A Vision for the Future**

Resources on the Wayne National Forest will be managed to conserve, protect, and produce what the public desires: clean water, outstanding fish and wildlife habitat, diverse recreation opportunities, wood products, and energy minerals. The public's desire to keep things natural is balanced with human uses of the Forest for today's needs. Nature continues to change the Forest at its own pace. Management adapts to these changes, protecting resources while providing the goods, services and uses that the public needs. These goods, services and uses will contribute toward maintaining economic stability in the local communities within and near the Wayne National Forest.

The Wayne National Forest will provide healthy ecosystems by maintaining or restoring natural communities on the landscape. Healthy ecosystems are essential to providing habitat for native plants and animals in southeast Ohio. Maintaining and restoring healthy ecosystems also provides a sustainable flow of goods and services requested by the public.

A wide variety of recreational opportunities will be available on the Forest, including OHV trails, horse trails, bike trails, hiking trails, hunting, lakes and streams for fishing, scenic byways, and bird watching. Forest products will continue to be made available as a result of managing for healthy ecosystems. Wood products, minerals, and recreation opportunities will contribute toward the economic sustainability in local communities.

The mosaic of forested ecosystems that will be restored across the landscape will include natural communities in early, mid, and late successional states. This mosaic of healthy ecosystems will contribute to species viability and biological diversity. The management prescribed in the 2006 Forest Plan will continue to preserve and enhance habitat in support of the recovery of threatened and endangered species such as the Indiana bat. Conservation and recovery of federally-listed species remains a top priority when making resource management decisions for the Wayne National Forest.

Achieving this vision for the Wayne National Forest will require continued collaboration with the public and with our partners. We will strive to be good neighbors, work cooperatively with others, and share credit for accomplishments.

## Decision and Rationale

### Need for Change

The current Forest Plan was approved in 1988. The Plan has been kept up to date through 13 amendments over the past 17 years.

The need to revise the Plan became apparent through a combination of factors that included new scientific information and recommendations from a variety of sources. Changes in agency policies and priorities, results of Forest monitoring and evaluations, changing conditions of the land, and changing public demands have all contributed to the need for changes in the Forest Plan.

Considering these factors, a comprehensive “need for change” assessment, with public participation, was completed in April, 2002. The findings of this assessment became the focal point of the Notice of Intent issued in April, 2002, to prepare an Environmental Impact Statement for revising the 1988 Forest Plan.

The need for change assessment and the comments received on the Notice of Intent led to the development of Revision Topics. Chapter 1 of the Final Environmental Impact Statement (FEIS) describes the following revision topics as the areas where changes needed to be considered:

- Watershed Health: Emphasize clean-up of degraded streams including acid mine drainage while continuing to maintain watershed health in healthy streams.
- Plant and Animal Habitat: Provide habitat for all native and desirable non-native species.
- Recreation Management: Continue to provide diversity of opportunities including both motorized and non-motorized recreation.
- Land Ownership: Continue acquisition but change emphasis to consolidate ownership where possible.
- Minerals Resource Management: Eliminate process requirements from Forest Plan that are in official direction such as Manuals, Handbooks and directives.
- Roadless Areas, and Wilderness and Wild and Scenic River Recommendations: No areas or rivers/streams met the criteria so no change needed.

We reviewed all sections of the 1988 Forest Plan. Many aspects of the 1988 Forest Plan were working well and did not need to be changed. Our 2006 Forest Plan analysis did not ignore these areas and we considered public and internal comments regarding these sections of the Plan. The parts of the 1988 Forest Plan that did not need to be changed are incorporated into the 2006 Forest Plan.

### Decision Overview

I have selected a modified version of Alternative E (Alternative E Modified) as the 2006 Forest Plan for the Wayne National Forest. Alternative E from the DEIS was modified based on public comments and internal staff review.

I chose Alternative E Modified because, in my judgment, it maximizes benefits to the public by:

- restoring, enhancing, or maintaining ecological conditions that conserve and recover threatened and endangered species, and that sustain biological diversity and species viability,
- increasing the Forest’s capability to provide diverse, high-quality outdoor recreation opportunities,
- making energy minerals available in an environmentally sensitive manner,
- contributing to the economic and social needs of people, cultures, and local communities,
- offering sustainable and predictable levels of products and services, and
- providing clear direction to assist managers in making project level decisions in implementing the broader social, economic and ecological goals of this revised plan.

I have decided to continue the current direction for the Wayne National Forest that all federally owned oil and gas rights within the Forest are administratively available for oil and gas leasing. Subsequent to this decision, the Forest Supervisor will make the leasing determinations for specific lands [36 CFR 228.102(e)] and authorize the Bureau of Land Management (BLM) to offer these lands for lease.

This decision complies with applicable federal law and is consistent with national direction and policy. Our focus is upon the long-term condition and health of the forest, not commodity production. Alternative E Modified is a collaboratively-developed framework founded upon sustainable multiple use resource management. Managed, sustainable use of the Forest is compatible with the long-term maintenance of biological diversity and ecological integrity, as well as the recovery and conservation of threatened and endangered species.

I used five primary criteria for evaluating the alternatives.

**Criterion 1:** The extent to which the alternative improves the Wayne National Forest’s capability to provide ecological conditions to sustain viable populations of native and desired nonnative species and to achieve objectives for Management Indicator Species (MIS)/focal species.

**Criterion 2:** The extent to which the alternative improves the Wayne National Forest’s capability to provide diverse, high-quality outdoor recreation opportunities.

**Criterion 3:** The extent to which the alternative improves the Wayne National Forest’s capability to provide energy minerals.

**Criterion 4:** The extent to which the alternative contributes to the Forest’s support to local economies.

**Criterion 5:** The extent to which the alternative provides a balance between quantifiable uses and qualitative experiences.

Key indicators of these criteria are displayed and discussed on pages 2-18 through 2-33 in Chapter 2 of the FEIS. Further information about how I applied these criteria is in the section “Alternatives Considered in Detail” starting on page 24 of this Record of Decision.

My decision also considered how the 2006 Forest Plan responded to the public’s comments, internal management concerns, and national direction and policy. My decision to adopt the management direction in the 2006 Forest Plan was made in consideration of the analysis of effects disclosed in the Final Environmental Impact Statement, the Biological Opinion of the U.S. Fish and Wildlife Service, and is supported by the planning record in its entirety.

This decision applies only to National Forest System land within the boundaries of the Wayne National Forest. It does not apply to any other Federal, State, county, municipal, or private lands, although in making my decision, I considered how likely future management of other ownerships might contribute to the overall environmental effects resulting from the management of the Wayne National Forest.

## Decision Summary and Rationale

### Watershed Health

Watershed health is one of the fundamental basics which must be addressed in all potential management strategies. As such, the changes made for watershed health goals, objectives, standards and guidelines were included in all alternatives. Therefore, my decision with respect to watershed health was less between alternatives, and more on what changes would be made to all alternatives.

The 2006 Forest Plan clarifies the definition of riparian areas, establishes updated goals, objectives, and standards and guidelines for watershed and riparian area protection, and adds a River Corridor Management Area along the Ohio River on the Marietta Unit. The 2006 Forest Plan will facilitate consistent application and accurate identification of these important areas during site specific project development. In response to public comment, we used the best available scientific information to collaboratively develop standards and guidelines that provide increased protection for watersheds and riparian areas to help protect water quality and improve habitat for aquatic species.

I based my decision upon the most current available knowledge of the important functions of watersheds and riparian areas and nearly 20 years of experience under the 1988 Forest Plan. It responds to the Forest Service's national goal of Improving Watershed Conditions listed in the USDA Forest Service Strategic Plan for Fiscal Years 2004 – 2008. The revised plan direction will help ensure that water quality and riparian ecosystems are maintained or improved.

The treatment of drainage from abandoned coal mines will continue to be a high priority on the Wayne National Forest. I believe the 2006 Forest Plan will facilitate continued collaboration with other federal, state and local agencies, as well as citizen groups and organizations, to restore healthy streams to southeastern Ohio.

### Plant and Animal Habitat

The 2006 Forest Plan provides direction for the long-term sustainability and health of forest ecosystems. The Plan provides a programmatic framework which allows for actively managing vegetation to achieve desired conditions closer to the historic range of variability of ecological conditions. Development of future projects consistent with the 2006 Forest Plan will move the Forest towards this desired condition.

The 2006 Forest Plan provides programmatic management direction for selecting the appropriate vegetation management actions at the project level to achieve desired conditions on the landscape. This new direction provides flexibility in selecting the appropriate treatments so that we can use an adaptive management approach (see Chapter 1 of the 2006 Forest Plan). The 2006 Forest Plan also identifies the proportion of probable methods of timber harvest (16 U.S.C. 1604(f)(2)), but does not decide when, where, or how timber

harvest will occur at any particular site specific location. The final determination of the appropriateness of even-aged management is a site-specific determination. Such determinations are better made at the project level of decision-making using site-specific resource information.

This decision includes eight species as Management Indicator Species, and three indicator habitat conditions for the Forest. The analysis and rationale for the selection of these species as MIS is described in the Appendix E to the FEIS.

Under the 2006 Forest Plan 77% of the Forest will be managed to provide mature forest habitats (big trees, 100-120 yrs old or older, some with openings in the canopy and some with a closed canopy). The remaining 23% of the Forest will be managed to provide habitat for species that require early successional and grassland habitats. This is a change from the 1988 Plan as amended, which had no provisions for providing early-successional habitat.

The 2006 Forest Plan includes objectives to increase active vegetation management (including timber harvest, prescribed fire, and pre-commercial treatments) in order to move toward our goal of maintaining and restoring oak-hickory forests.

After publication of the DEIS and Proposed Revised Forest Plan, a single population of running buffalo clover was discovered on the Forest. Running buffalo clover was addressed in the biological evaluation for the DEIS. It is also mentioned in the DEIS as being listed by US Fish and Wildlife Service (FWS) but that no populations had been found on the Wayne National Forest as of that time despite over 8 years of specific monitoring for the species. The running buffalo clover was added to the consultation with FWS shortly after it was found. The Biological Assessment for the 2006 Forest Plan and the Biological Opinion issued by FWS address the running buffalo clover. Additional direction was added to the 2006 Forest Plan and to Appendix D of the Plan to address the running buffalo clover.

Finally, the 2006 Forest Plan recognizes the serious threat to forest health from non-native invasive species and provides a programmatic framework for addressing this emerging challenge. The 1988 Forest Plan had very little direction related to non-native invasive species. Healthy ecosystems are resilient and able to withstand the threat posed by invasive species. The spread of invasive species is one of the major threats facing the Forest; thus the decision places emphasis upon gradual reduction of invasive species.

I based my decision on a wealth of scientific information about ecological processes and functions, as well as the most current information about the natural communities of Ohio. My decision responds to the Healthy Forests Restoration Act of 2003 by managing for desired conditions typical of the fire-adapted ecosystems in Ohio. The direction in the 2006 Forest Plan will result in changes in the vegetation patterns and species composition on the Forest over time. The result will be vegetative communities that are healthy, sustainable, diverse, and designed to maintain or improve the viability of plant and animal species most at risk.

I recognize that there are diverse opinions about which habitats the Wayne National Forest should provide, and which vegetation management practices should be used. Some people believe the Wayne National Forest should focus exclusively on providing stands of mature or big, old hardwood forest “old growth”, with no commercial timber harvest. Others support managing some parts of the forest for young (0-20 years old) and middle-aged (20-60 years old) forest habitats through commercial timber harvest.

The FEIS analysis shows that a variety of habitats will be required to contribute toward viability of species at risk: mature hardwood forest, mid-successional hardwood forest, early-successional habitat, pine forest, grasslands, and healthy aquatic and riparian habitats. Large

intact forest communities within this ecoregion are limited. The Nature Conservancy's (TNC) ecoregional assessment has identified several areas within the Forest with the best potential to provide this important component of the regional ecosystems. TNC's work was one of the sources utilized in the development of alternatives, and in deciding where to locate the Historic Forest Management Area.

Research indicates that oak-hickory forests have dominated what is now southeast Ohio for thousands of years, largely because of frequent use of fire by Native Americans. Recent forest inventory and analysis show that the proportion of oak and hickory species is declining on the Wayne National Forest and throughout southeast Ohio. More fire-intolerant and/or shade-tolerant species, particularly red maple, tulip-poplar and cherry, are replacing the oaks. The virtual elimination of fire from eastern forests since the 1920s is a key factor in the decline of oaks. Oak-hickory forests provide key habitat and ecological functions for a broad array of wildlife, including many non-game species. The Revised Plan provides a programmatic framework which allows an increase in the use of prescribed fire for restoration of the oak-hickory ecosystem.

I realize that there are concerns over air quality with an increased burning program. My review of the analysis assures that careful, site-specific planning and execution will minimize smoke impacts. The 2006 Forest Plan contemplates a possible increase in prescribed burning, but does not authorize or make a site specific decision regarding burning. The Forest Supervisor will continue to work closely with the State and other Federal agencies to ensure that projects meet applicable air quality standards.

Although prairie remnants and oak barrens exist on scattered sites within the Wayne National Forest, extensive grasslands did not naturally occur in southeastern Ohio. However, I believe it is appropriate for the Forest to provide some grassland habitat on reclaimed strip mine areas, as grasslands and prairies have virtually disappeared from the parts of Ohio where these habitats did naturally occur.

I recognize some groups and individuals are concerned that timber harvest and prescribed fire may harm the endangered Indiana bat. Implementation of the Revised Forest Plan will have a generally beneficial effect on Indiana bat habitat. The U.S. Fish and Wildlife Service Biological Opinion determined that the implementation of the Revised Forest Plan would not jeopardize the continued existence of the species, largely because the ecological conditions envisioned in the Plan and the Plan's standards and guidelines provide protection for the bats and their habitat. Conservation and recovery of the Indiana bat was of paramount concern in revising the Forest Plan.

I agree with those who said in their comments that it is appropriate to allocate parts of the Forest to a management regime where natural processes predominate, and vegetation management is minimal. This is the prescription of the Future Old Forest (FOF) and Future Old Forest with Minerals (FOFM) Management Areas. The 2006 Forest Plan allocates 11% of the Forest to these Management Areas.

I recognize that some groups and individuals believe that the Wayne National Forest should stop all commercial timber sales. The sale of timber products is an appropriate use of National Forest System lands and is authorized by various federal laws including the Multiple-Use Sustained-Yield Act of 1960 and the National Forest Management Act of 1976. We have the opportunity, and I believe the responsibility, to harvest some trees locally. The analysis documented in the FEIS shows that southeastern Ohio is heavily forested, ecologically resilient, provides many benefits to the area, and is capable of providing forest products in a sustainable manner without undue impact on other resources.

The 2006 Forest Plan sets an average annual Allowable Sale Quantity (ASQ) of 8.4 MMBF per year during the next 10 years. This ASQ is based on the timber harvest volume that would result from fully implementing the plan's objectives for wildlife habitat and forest health over the next decade. ASQ is the upper limit of volume that may be harvested. Actual harvest may be less depending on annual budgets and site-specific factors encountered during project development.

## Recreation Management

The 2006 Forest Plan retains the 1988 Plan's Off-Highway Vehicle (OHV) management direction, limiting OHV use to designated trails within specific management areas totaling 18% of the Forest. The demand for OHV trails has continued to increase since 1988. While the 2006 Forest Plan does not increase the boundaries of the areas where OHV trails are allowed, it does include an objective to provide more miles of designated motorized trails within the OHV areas.

Areas managed for semi-primitive non-motorized recreation will increase to 11%, from the 8% in the 1988 Forest Plan. The 2006 Forest Plan also includes a modest increase in programmatic objectives for construction of hiking, equestrian and biking trails compared to 1988 Forest Plan objectives. These changes in programmatic objectives are simply guidance for future site specific decisionmaking and do not involve any on the ground environmental effects.

I recognize that opinions vary regarding what recreation opportunities the Wayne National Forest should provide. Some want the Wayne National Forest to provide more OHV trails. Others believe OHV use should be excluded from the Forest in order to increase opportunities for wilderness or near-wilderness experiences. Equestrian, hiking, and mountain biking groups have petitioned for expanded opportunities for their favored uses. We listened carefully to all of these interests in the development of the 2006 Forest Plan.

The Forest's capacity to provide semi-primitive non-motorized recreation experiences is limited by its fractured ownership pattern and dense network of roads (approximately 1400 miles within the Forest's proclamation boundary). Of this total, only 373 miles are under Forest Service jurisdiction (73 miles of open roads, 300 miles closed except for administrative use); the remaining 1027 miles of roads are State, County or Township roads that are not under Forest Service jurisdiction. Much of the road development that might be expected to occur on the Wayne National Forest has already occurred. The 2006 Forest Plan envisions gradual change over time, focusing on maintenance of established roads rather than on developing new road systems.

Nevertheless, I agree that it is appropriate to allocate parts of the Forest to a management regime where natural processes predominate, management is minimal, and opportunities for semi-primitive recreation experiences are provided. This is the prescription for the Future Old Forest (FOF) and Future Old Forest with Minerals (FOFM) Management Areas. The 2006 Forest Plan allocates 11% of the Forest to these management areas, including nearly 3000 acres adjacent to the Morgan Sisters Special Area.

We agree that there is currently unmet demand for mountain biking, hiking and equestrian trail riding opportunities on the Wayne National Forest. This is why the 2006 Forest Plan includes programmatic objectives for future decision-making that may allow construction of trails designed to support these activities.

After listening to the public and considering a broad range of alternatives, I believe the selected alternative provides the best balance of opportunities in meeting the widely divergent

public opinion regarding recreation on the Wayne National Forest and responds to one of the major threats to the Forest, unmanaged recreation. Given the highly mixed ownership pattern of National Forest System and private ownership, the collaboratively developed 2006 Forest Plan will make excellent progress in allowing backcountry and semi-primitive recreation opportunities while also allowing a potential increase of trail miles available for OHV, mountain bike and equestrian use.

## Land Ownership

My decision is to emphasize consolidation of National Forest System lands as a priority for future land acquisitions. At the same time, I am committed to a forest plan that includes fostering good neighbor relations by cooperating and consulting with local communities and county governments on land acquisitions, exchanges, special use authorizations, and community planning and development.

The changes in management direction related to land ownership are included in all alternatives considered in detail in the FEIS because having an appropriate land base is so fundamental to being able to manage the Forest. Therefore, my decision with respect to land ownership was on what changes would be made to the direction for land ownership in all alternatives.

The Forest Service began acquiring land in southeast Ohio in 1935, at the invitation of the State of Ohio. The original purchase units were established to provide for the restoration of key watersheds that had been heavily impacted by farming and mineral extraction in the 1800s. Despite an active land acquisition program, the Wayne National Forest has one of the most fragmented ownership patterns of all national forests. Currently National Forest ownership is 24 % of the proclamation boundary in the Marietta Unit, 27 % in the Athens Unit, 32 % in the Ironton Ranger District; and 28 % for the entire Forest.

The fragmented ownership pattern of the Wayne National Forest complicates resource protection and management. It also results in a high total mileage of boundary lines between National Forest and private ownership, nearly 2,000 miles. This largely unmarked boundary creates a potential for trespass by Forest visitors onto private lands and encroachment by adjacent landowners onto National Forest System lands.

I recognize land acquisition on the Wayne National Forest has been the subject of considerable public and political interest. Some people expressed concern about further increases in public lands while others support additional land acquisition. We have taken both points of view into consideration during plan revision.

The Wayne National Forest can make an important contribution to resource protection, economic development, and quality of life for the residents of southeast Ohio. The Wayne National Forest will be better able to provide the goods and services that the public expects from their national forest, as we develop projects guided by the land ownership objectives set forth in the 2006 Forest Plan. The 2006 Forest Plan continues the direction of the 1988 Plan, and does not make any irretrievable commitment of resources regarding land acquisition.

## Minerals Resource Management

With this Record of Decision, I am making two determinations regarding federally owned oil and gas:

- The first is a decision to make all federally owned oil and gas rights within the Wayne National Forest administratively available for oil and gas leasing [36 CFR 228.102(d)]. This is no change from the 1988 Forest Plan.
- The second determination is to approve the lease terms and stipulations to apply to tracts of federally owned minerals at the time that the Forest consents to lease.

My decision to make these lands within the Wayne National Forest administratively available for leasing does not include authorization of any surface-disturbing activities. Prior to surface-disturbing activities associated with exercising rights granted under a lease on NFS lands, the lessee/operator must receive approval of an Application for Permit to Drill (APD) from the BLM and Forest Service. Prior to BLM's approval of the APD, the Forest Service must approve the Surface Use Plan of Operations (SUPO) included in the APD. The approval process for surface activities on a lease includes the appropriate environmental analysis in compliance with the National Environmental Policy Act (36 CFR 228.107).

Subsequent to this decision, the Forest Supervisor will make the leasing determinations for specific lands (36 CFR 228.102(e)) and authorize the Bureau of Land Management (BLM) to offer these lands for lease.

Federal law (*e.g.* Mineral Leasing Act, Forest Land Policy and Management Act of 1976) allows for mineral development on National Forest System lands. Recently, the Energy Policy Act of 2005 made it clear that domestic energy development from renewable and nonrenewable sources is of national importance. There is considerable evidence that mineral development is an important component of resources management on the Wayne National Forest.

We have considerable experience in developing the mineral resources of the Forest in an environmentally sensitive manner. The FEIS prepared for the 2006 Forest Plan contains a detailed, thorough analysis of potential environmental effects. It is our intent that this greater level of analysis and disclosure will expedite project level planning for mineral development.

Under all alternatives, approximately 104,955 acres of federally owned minerals are currently available for oil and gas leasing subject to applicable restrictions, referred to as stipulations and notifications. The most restrictive stipulation addressed in the FEIS is the No Surface Occupancy (NSO) stipulation. NSO prohibits use or occupancy of the land surface for oil and gas exploration and development. Under Alternative E Modified, NSO applies to 17,260 of the available acres. Time limitation stipulations, controlled surface use stipulations and lease notifications apply to the remaining 87,695 acres.

The 2006 Forest Plan stipulates no surface occupancy on 13% of the Forest, compared to the 1988 Plan, which prohibits surface occupancy on 12% of the Forest. I have selected the alternative that will allow surface occupancy on 96% of the Marietta Unit, which is the area of the Forest that has the highest potential for continued oil and gas development. The 1988 Plan allowed surface occupancy on 82% of the Marietta Unit.

Direction in the 2006 Forest Plan clarifies the standards and guidelines for managing federally owned minerals and eliminates items that are in higher level direction (Handbooks, Manuals, Code of Federal Regulations, Executive Orders, etc.). The 2006 Forest Plan also includes management direction aimed at improving cooperation with the owners of privately held mineral rights underneath National Forest System surface ownership.

The standards and guidelines for minerals (2006 Forest Plan – Chapter 2) and the special notifications and stipulations found in the Plan Appendix H provide mitigation for future project development. Site-specific impacts and associated mitigation measures are addressed in the site-specific NEPA analysis required for the APD, for a specific lease. With the 2006 Forest Plan mitigation measures and the site-specific analyses to determine how best to apply them, or if necessary to augment them, I do not believe it is necessary to choose between minerals production and protection of Forest resources. The direction in the 2006 Forest Plan allows for both goals; these goals are not mutually exclusive.

I recognize that some groups and individuals believe that a portion of the Marietta Unit should retain the No Surface Occupancy stipulation as currently identified in the 1988 Plan. There are currently over 900 oil and gas wells on the Marietta Unit, about 74% of the Forest's total. Many of these wells are on private land; some are located on National Forest surface accessing privately owned oil and gas rights. The 2006 Forest Plan does not authorize development; further NEPA analysis is required prior to ground disturbing actions.

My assessment is that continuing the availability of federally owned minerals for leasing on the Wayne National Forest is appropriate based on public comment, the best available scientific information, and the programmatic disclosure of effects.

### **Roadless Areas, Wilderness, and Wild and Scenic River Recommendations**

The 2006 Forest Plan recommends no areas for wilderness designation, and recommends no river segments for Wild or Scenic River designation. The Wayne National Forest currently has no inventoried roadless areas, no Congressionally designated Wilderness, no congressionally designated wild, scenic or recreation rivers and no rivers that are potentially eligible for this designation. This is primarily because of the Wayne National Forest's scattered ownership pattern and the large mileage of Federal, State, County and Township roads and highways throughout the Forest.

I recognize that some individuals and organizations advocate Wilderness designation on the Wayne National Forest. Others point out that there is a lack of wilderness character here and that Wilderness designation would conflict with other uses of the Forest. Similarly, some individuals and organizations have called for designating the Little Muskingum as a Scenic River under the Wild and Scenic Rivers Act, while others oppose such designation.

No roadless areas were identified in the Roadless Area Review and Evaluation process (RARE or RARE II) or in the inventory completed as part of the 1988 Forest Plan. Since 1988 the WNF has acquired over 50,000 acres of land. An inventory of current National Forest ownership was completed in March 2003 and found that there are still no areas that meet roadless area criteria (see Appendix C to the FEIS).

No streams were determined to be potentially eligible for the Wild and Scenic Rivers system. A 1990 study and a 2003 study found the Little Muskingum River did not presently possess values that were considered "outstandingly remarkable" and therefore this river was determined to not be eligible for Wild, Scenic, or Recreation (WSR) River nomination. One of the primary reasons for the river's ineligibility determination was its close proximity to roads, bridges, utility corridors, oil and gas wells, farms, residences, and small towns.

### **Overall Conclusions**

My decision responds effectively to the need for change items described in Chapter 1 of the FEIS. Implementing the 2006 Forest Plan will improve sustainability and ecosystem health on the Forest. I believe the ecological, social, and economic components of sustainability will all benefit from this decision.

## Changes to the Forest Plan between the Draft and Final Environmental Impact Statements

We received over 1,300 public and internal comments on our Draft Environmental Impact Statement (DEIS) and the Proposed Revised Forest Plan. Based on the comments received, I have made several changes to the Proposed Revised Forest Plan, and incorporated them into the 2006 Forest Plan. The 2006 Forest Plan is a modification of Alternative E and is called Alternative E Modified in the Final EIS.

The changes to Alternative E in the DEIS and to the Proposed Revised Forest Plan, range from minor edits and clarifications to changes in the standards and guidelines and monitoring requirements. The following summary describes the major changes made between the Proposed and Final Revised Plans.

### Future Old Forest Management Area

- Increased allocation to the Future Old Forest Area by approximately 3,000 acres; the area added is on the Ironton Ranger District in the headwaters of Symmes Creek.

This change is a result of the public's concern about providing more mature forest habitat, and increased opportunities for semi-primitive non-motorized recreation experience.

The area added has relatively solid national forest ownership, and adjoins a special area with near old-growth character and the Symmes Creek River Corridor Management Area. In the Proposed Revised Plan of April 2005, this area was allocated to the Forest and Shrubland Mosaic Management Area, which has a management emphasis of providing early-successional habitat.

This change will result in an increase of 3,000 acres in the area with No Surface Occupancy (NSO) stipulation for oil and gas leases. This area has very limited known oil and gas potential.

### Threatened and Endangered Species

- Updated the conservation plan (Appendix D to the 2006 Forest Plan) to add monitoring items from the Biological Opinion received from the U.S. Fish and Wildlife Service.
- Updated the conservation plan and added Forest-wide direction to the Forest Plan for the protection and management of the running buffalo clover.

The conservation plan summarizes the 2006 Forest Plan direction and management activities to be implemented to aid the recovery of federally listed species. As a result of formal consultation with the U.S. Fish and Wildlife Service, we have added Indiana bat monitoring requirements to improve the assessment of cumulative amounts of incidental take, management activities implemented, and hickory trees removed from project areas.

Running buffalo clover, a federally listed endangered species, was discovered on the Forest during the summer of 2005, after the Draft EIS and Proposed Revised Plan had been released for public review and comment. We have added Forest-wide goals, objectives and standards

and guidelines to Chapter 2 and to the conservation plan to protect and aid in the recovery of the running buffalo clover and have disclosed the effects of this programmatic direction in the FEIS.

### **Nelsonville By-pass**

- Added information on the effects of the Nelsonville by-pass to the 2006 Forest Plan FEIS. This information is based on the FEIS completed by the Ohio Department of Transportation and the Federal Highway Administration.
- Changed management area allocation for 853 acres because of the selected Nelsonville By-pass route.

U.S. Highway 33 extends from southwest Michigan to Richmond, VA, serving as the primary northwest to southeast route between Fort Wayne, IN, Columbus, OH and Charleston, WV. The section of highway through the town of Nelsonville is the last unimproved link left in southeast Ohio. Some interest groups consider the Proposed Revised Plan and DEIS inadequate because they included limited discussion of the by-pass. This was because a final decision on the by-pass had not been made at the time the DEIS and Proposed Revised Plan were released (April 1, 2005) The FEIS/ROD for the by-pass was released in July 2005. The selected route for the by-pass lies within the Wayne National Forest proclamation boundary over its entire 8.5-mile length. The right-of-way encompasses both private and federal ownership.

The FEIS for the bypass addresses the effects of constructing the bypass. Appendix K to the FEIS for the Plan references the by-pass FEIS and includes a map showing the location of the selected bypass route. Based on the selected route I have decided to change management area allocations on about 853 acres. This area lies between the current highway alignment and the new by-pass. Because of smoke management concerns, I believe it is appropriate to change the management area allocation of this area from Historic Forest with its prescribed fire emphasis to Diverse Continuous Forest, which has a less intensive management regime. Prevailing winds in this area during acceptable burning times are typically from the southwest. Prescribed fire in this area may have allowed the smoke from prescribed burning to cross the highway creating a safety hazard. Changing the management prescription will eliminate this predictable safety concern.

### **Off-Highway Vehicle (OHV) Trail Construction**

- Increased the lower end of the programmatic objective regarding the miles of potential new trail construction for OHVs. No change to the areas where OHV trails may occur.

This change was made in response to comments from OHV user groups concerned that the low end of range of the OHV trail construction objective was unnecessarily conservative. In the DEIS the range was 21 to 124 miles of potential new OHV trail construction; in the FEIS the range has been changed to 50 to 124 miles of potential new OHV trail construction. I believe the adjusted range better represents the capacity to work with partners to facilitate development of future site specific projects which address this popular recreation opportunity.

This ROD does not authorize the construction of any specific new OHV trails or access. The ROD does not make any site-specific determinations regarding OHV use of the Forest. The

increased mileage in the objective is simply a planning step and has no on-the-ground environmental effects.

## Monitoring and Evaluation

- Added monitoring requirements for the running buffalo clover.
- Added monitoring requirements for ginseng.
- Added monitoring requirements for the effects of prescribed burning on non-native invasive plants.
- Added monitoring requirements for the treatment of hazardous fuels.

These changes to monitoring and evaluation are in response to public comment on the goals, objectives and monitoring requirements in the Proposed Revised Plan, and the discovery of running buffalo clover on the Forest.

## Editorial Corrections

Editorial changes were made to correct misspellings, formatting, or to clarify management direction in the Forest Plan and in the Final EIS. These corrections did not change the basic intent of the direction or the analysis.

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## Public Involvement

The Forest Service implemented a thorough and active public involvement campaign throughout the planning process. A variety of public involvement tools and methods were used including public meetings, open houses, newsletters, news releases, and meetings with government agencies or interested groups when requested. Our efforts, and the efforts of those people who participated, provided valuable contributions to the development of the 2006 Forest Plan.

## Meetings and Open Houses

Early in 2002, we held three public meetings before publishing the Notice of Intent (NOI). Forest Service resource specialists made presentations and were available for a question and answer period. The meetings were held in the evenings on the following dates and locations:

- Tuesday January 22, 2002 in Nelsonville, Ohio
- Wednesday January 23, 2002 in Marietta, Ohio
- Thursday, January 24, 2002 in Ironton, Ohio.

Public input from these meetings was used to help determine necessary changes, actions that should be taken, and issues to be reviewed in the Forest Plan revision process. The proposed action was developed from public input and internal evaluations. The NEPA process began with publishing a NOI in the Federal Register.

After the NOI was published, ten additional public meetings were held in June 2002 to allow the public a chance to meet the Forest planning staff and other resource specialists, become

more familiar with the planning process, and provide input on plan revision. These meetings were in the evenings or on the weekends on the following dates and locations:

- June 3, Dayton, Ohio
- June 4, Cincinnati, Ohio
- June 5, Huntington, W.Va.
- June 10, Dublin, Ohio
- June 13, Logan, Ohio
- June 22, Graysville, Ohio
- June 24, Independence, Ohio
- June 25, Canton, Ohio
- June 26, Zanesville, Ohio
- June 29, Rio Grande, Ohio

In October and November 2003, a series of three collaborative workshops were held to discuss how the alternatives should be developed. At these workshops, participants were given information on the issues, asked to breakup into groups and in their group develop one or more themes that they would like to see developed into an alternative. These meetings were held on the weekends to allow for a full day of working together. The workshops were held on the following dates and locations:

- October 25, 2003 in Akron, Ohio
- November 1, 2003 in Brookville, Ohio (west of Dayton, OH)
- November 8, 2003 in Athens, Ohio.

In May of 2005, after the release of the Draft Revised Forest Plan and DEIS, a series of six open houses were held to present the Draft Environmental Impact Statement, and answer questions about the analysis and the preferred alternative. These meetings were held in the evenings from on the following dates and locations:

- May 2, 2005 in Nelsonville, Ohio
- May 3, 2005 in New Matamoras, Ohio
- May 5, 2005 in Pedro, Ohio
- May 10, 2005 in Columbus, Ohio
- May 11, 2005 in Cincinnati, Ohio
- May 16, 2005 in Independence, Ohio (greater Cleveland area)

These open houses were important for providing the information to the public and providing an opportunity for the public to ask questions about the Proposed Revised Plan so that they could provide informed comments.

## Special Meetings Requested by Groups

Throughout this plan revision process, meetings were held with other state and federal government agencies and with various interest groups to talk about specific issues. Meetings were arranged and held at the request of the group or agency.

- January 28, 2003, met with The Nature Conservancy.
- January 30, 2003, met with the Ohio EPA.
- February, 2003, met with the Isaac Walton League of Wooster, Ohio.
- February, 2003, met with NRCS and ODNR.
- July 15 and 16, 2003, met with the Bureau of Land Management.
- August 28, 2003, met with The Nature Conservancy.
- October 21, 2003, met with The Nature Conservancy.
- October 30, 2003, met with USFS Research Staff, ODNR, The Nature Conservancy, and Mead-Westvaco.
- January 6, 2004, met with U.S. Fish and Wildlife Service.
- April 14, 2004, met with Ohio Department of Natural Resources-Division of Wildlife.
- April 23, 2004, met with the Ruffed Grouse Society.
- April 21, 2004, met with the North Country Trail Association and the National Park Service.
- April 30, 2004, met with the Ohio Outdoor Writers' Association.
- May 4, 2004, met with the Southeast Ohio Oil and Gas Association.
- May 17, 2004, met with Frontier Local School District representatives.
- July 8, 2004, met with Friends of the Wayne group.
- August 3, 2004, met with the U.S. Environmental Protection Agency in Chicago.
- August 12, 2004, met with The Nature Conservancy.
- August 19, 2004, met with the Ohio Department of Natural Resources and the Executive Director for Ohio Forestry Association.
- August 28, 2004, met with Ohio Dept. of Natural Resources-Division of Wildlife.
- September 17, 2004, met with the Ohio Farm Bureau.
- October 13, 2004, met with National Off Highway Vehicle Conservation Council.
- November 23, 2004, met with the Buckeye Forest Council.
- January 20, 2005, met with The Nature Conservancy.
- January 25, 2005, met with Ohio Chapter Sierra Club and the Ohio Appalachian Group of Sierra Club.
- June 22, 2005, met with the Buckeye Forest Council.
- March 4, 2005, met with U.S. Fish and Wildlife Service.
- March 5, 2005, met with Ohio Forestry Association.
- March 31, 2005, met with The Nature Conservancy.
- March 31, 2005, met with U.S. Fish and Wildlife Service.
- April 7, 2005, met with the Ohio Appalachian Group of Sierra Club.

- May 10, 2005, met with U.S. EPA, Region 5
- June 9, 2005, met with the Ohio Department of Natural Resources.
- June 21, 2005, met with the Monroe County Kiwanis.
- July 21, 2005, met with the Ohio Department of Natural Resources-Division of Wildlife.
- August 10, 2005, met with the Gallia County Conservation Club.
- August 16, 2005, met with U.S. Fish and Wildlife Service.
- November 5, 2005, field trip with Ohio Appalachian Group of Sierra Club.

## Newsletters

Six issues of the Wayne National Forest Planning Newsletter were sent to a mailing list of more than 1,700 addresses. Each issue contained information about our Forest Plan and provided several ways for the public to get involved in the process. Each newsletter coincided with significant milestones in the process, such as announcing the publication of the Notice of Intent, the development of the alternatives, or the results of our comment period on the Draft EIS and Plan.

## News Releases

At every significant milestone, news releases were prepared and distributed to area newspapers, including the Associated Press, as well as to National Public Radio. Each news release informed the public of the status of our revision and gave them information on how to provide comments or obtain additional information.

## Interviews

At several significant points in the process, the Forest had various staff provide either live or taped interviews on National Public Radio or the local Public Broadcasting television station. These stations reach most of southern and southeastern Ohio.

## Website

The Forest posted information and pertinent documents about Forest Plan Revision on its web site at <http://www.fs.fed.us/r9/wayne/>. All correspondence referenced the website.

## Schedule of Proposed Actions (SOPA)

Forest Plan Revision has been listed on the Wayne National Forest SOPA since 2001. The SOPA is distributed quarterly and posted on the Forest's web site.

## Alternatives

### Alternative Development

The Plan Revision process was initiated by the April 2002 Notice of Intent. Public comments received during this initial comment period, along with management concerns identified during the need for change assessment, helped the Forest Service develop a range of alternatives that would address the issues. The process used to formulate the alternatives is described in Chapter 2 of the FEIS.

A key task for the Forest Service was development of a reasonable range of alternatives. Based upon resource information, public comment, and experience gained under the 1988 Plan, alternatives were crafted which I believe to be a reasonable representation of alternative means to meet the purpose and need for this programmatic forest plan. To the extent practicable, we have solicited and reviewed alternatives submitted by the public and documented that analysis in the record. The range of alternatives was driven by what is best for the land and the people that use it. Existing resource conditions and the role of the Forest (as embodied in the purpose and need statement) were the heart of the development of the alternatives. The range of alternatives is not based on predetermined outputs but rather on themes responding to issues raised by the public. Development of a programmatic multiple use resource plan involves compromise and balancing of a myriad of biological, physical, economic and social factors. The range of alternatives reflects these trade-offs.

Alternative A is the no-action alternative, which reflects the 1988 Forest wide direction and subsequent amendments. Alternatives B, C, D, E, E Modified, and F provide a range of other choices for addressing the revision topics and issues.

### Alternatives Not Considered in Detail

Although they contributed to the range of alternatives, six alternative themes or approaches were eliminated from detailed study because they were impractical, infeasible, or did not meet the purpose and need for revision. A detailed description of these alternatives and the reasons for not considering them is in Chapter 2 of the FEIS. A summary of the information from Chapter 2 of the FEIS for the six alternative themes considered but eliminated from detailed study follows:

- **Benchmark Alternatives** Several “benchmark” alternatives were developed during analysis for the Forest Plan revision. Benchmarks represent maximum production potentials for various resources and uses. Benchmarks were developed for maximum timber production, maximum early-successional habitat, maximum off-road vehicles, maximum present net value of market values, etc. The benchmark alternatives were eliminated from detailed consideration because they would not provide balanced resource protection and management. The National Forest Management Act, Multiple-Use Sustained-Yield Act, Endangered Species Act, and other laws and Forest Service policy require that national forests be managed for a variety of uses as well as resource protection.
- **No Commercial Timber Harvest Alternative** A number of individuals and organizations proposed consideration of alternatives that would include no commercial timber harvest. Some of these comments suggested that vegetation treatments to meet habitat objectives would be acceptable to them, but *commercial* timber sales would not be. Cutting down trees on the scale that would be needed to provide habitat, then leaving them laying in the forest would: cause a problem by

increasing fuels in the wildland-urban interface; would not create the early-successional habitat needed; would not be economically feasible to pay for felling of acres of trees annually without any return; and would cause significant barriers to wildlife movement.

This alternative was eliminated from detailed study because it would not provide habitat needed to support the viability of all the animals and plants native to the Wayne National Forest, is not economically feasible, and would not adequately address the need to restore and maintain the mixed oak ecosystem.

One of the proponents of this “no commercial timber harvest” alternative included a paper titled “[Citizens Call for Ecological Forest Restoration](#)” with their response to the DEIS. This paper was not developed into a separate alternative because the principles and criteria espoused by the [Citizens’ Call](#) are embodied within the range of alternatives considered in detail.

- **Wilderness/Wild-Scenic River Recommendation Alternative** A number of individuals and organizations proposed consideration of alternatives that would include recommendations for wilderness and/or wild, scenic, or recreation river designation. The Forest Service can recommend wilderness or wild or scenic rivers, but Congress makes actual designations. The Wayne National Forest contains no areas that meet the “roadless” definition or the eligibility criteria for Wild, Scenic or Recreational Rivers. Therefore, none of the alternatives considered in detail include recommendations for these designations.
- **“Conservation” Alternative** An alternative was submitted by an individual active in the group Friends of the Wayne. The management area allocations would have included substantially more Future Old Forest than the no-action alternative and no management area with any even-aged timber harvest. This alternative was eliminated from detailed study because it would not provide habitat to support the viability of *all* animals and plants native to the Wayne National Forest (particularly those that require early-successional habitat) and would not adequately address the need to restore and maintain the mixed oak ecosystem.
- **Modify Off-Highway Vehicle Management Alternative** The Forest Service considered alternatives that would modify current OHV management, including reducing or eliminating OHV use, and substantially increasing the area allocated to OHV use. These alternatives were eliminated from detailed study because analysis of public input indicates there is little support for either eliminating OHV use on the Forest or for substantially increasing the area allocated to their use. There is however, broad support for continuing the OHV management strategy in the 1988 Forest Plan. Most of the concerns expressed regarding OHV management are related to implementation of the current strategy:
  - Many OHV users are dissatisfied with the amount of new trail construction that has been accomplished.
  - Many other Forest users are concerned with the impacts of OHV use on other resources due to illegal OHV use and/or inadequate maintenance of OHV trails.

Because these concerns are related to implementation, they do not indicate a need for change in the direction, so these recommendations were eliminated from detailed study.

- **National Park Designation Alternative** A number of individuals and organizations proposed consideration of alternatives that would include making all or part of the Wayne National Forest a national park. This alternative was eliminated from detailed study because the proponents did not provide persuasive evidence to support the proposed change, and because such a change is not within the authority of the Forest Service.

## Alternatives Considered in Detail

### Alternative A

#### Theme

Alternative A, the no-action alternative, reflects 1988 Forest-wide direction, including the 13 amendments made to that plan. It meets the 1982 Planning regulations (36 CFR 219.12(f) (7); 1982 Planning Rule) and NEPA requirement that a no-action alternative be considered. ‘No action’ means that current management allocations, activities, and management direction found in the existing Forest Plan, as amended would continue. Output levels have been recalculated for this alternative to comply with new information, in particular, new scientific and inventory data.

Alternative A would emphasize providing habitat for species dependent on mature forest. Timber harvest would be limited to thinning and selection, totaling an average of 500 acres per year. No habitat for early-successional dependent species would be created through even-aged regeneration harvests. No surface occupancy requirements would be maintained for the Future Old Forest management areas on the Marietta, Athens and Ironton units of the Forest. The Developed Recreation Management Area would apply to only the Vesuvius area of the Ironton Ranger District, and the Leith Run and Lamping Homestead on the Marietta unit. Maximum potential OHV trail construction objectives would remain at the same level as the 1988 Forest Plan.

#### Decision Rationale

I did not select Alternative A because it would not contribute to the continued viability on the Forest of wildlife and plant species dependent on early-successional habitat and grasslands, and because of concerns about minerals management, developed recreation, and potential OHV trail construction. Monitoring of vegetative conditions under current management, Alternative A, has documented that the proportion of oak-hickory forest has begun to decline. Scientific information indicates that this is partly because of the lack of focus upon potential use of prescribed fire. Over time, this will have adverse effects upon biological diversity and wildlife.

Alternative A includes an area of no surface occupancy on the Marietta Unit, which is the area of the Forest that has the highest potential for further oil and gas production. This alternative does not recognize the developed recreation site at Burr Oak on the Athens unit as part of the Developed Recreation Management Area, and it includes potential OHV trail construction objectives that exceed the mileages that could be developed within acceptable environmental limits. I also believe that Alternative A does not address social and economic conditions as well as the selected alternative.

## Alternative B

### Theme

This alternative was designed to provide early-successional habitat by allowing an increase in even-aged timber harvest. About 67 percent of the Forest would be allocated to management areas with an emphasis on early successional habitat.

Alternative B would also emphasize providing more opportunities for oil and gas development by allocating fewer acres to management areas with the No Surface Occupancy stipulation for Federal leases on the Marietta unit.

The Developed Recreation Management Area would apply to only the Vesuvius area of the Ironton Ranger District, and the Leith Run and Lamping Homestead areas on the Marietta unit. Maximum potential OHV trail construction objectives would remain at the same level as the 1988 Forest Plan.

### Decision Rationale

I did not select Alternative B because it fails to provide enough mature, interior forest habitat, while it over-emphasizes providing early-successional habitat. Alternative B also fails to emphasize restoration and maintenance of the oak-hickory ecosystem that is provided in the selected alternative. I believe Alternative B would adversely impact the Forest's capacity to provide habitat for species such as the Indiana bat and cerulean warbler.

This alternative does change the minerals management on the Marietta unit to allow surface occupancy on the majority of the unit. This alternative does not recognize the developed recreation sites on the Athens unit as part of the Developed Recreation Management Area, and it also includes potential OHV trail construction objectives that exceed the mileages that could be developed within acceptable environmental limits.

Overall, the improvement of the minerals part of this alternative does not out-weigh the concerns for wildlife habitat, developed recreation, and potential OHV trail construction.

## Alternative C

### Theme

Alternative C would emphasize providing diverse wildlife habitats, especially extensive tracts of mature forest. Habitat for early successional-dependent species would be provided at about the minimum level estimated to provide for their viability on the Forest. Habitat for grassland dependent species would also be provided in Alternative C, as well as alternatives D, E, E Modified, and F. This alternative would provide a modest amount of management for restoration and maintenance of the mixed oak ecosystem using the Historic Forest Management Area prescription on one area of the Ironton Ranger District.

Alternative C would be relatively restrictive regarding oil and gas development. The sizes of the Future Old Forest Management Areas are increased on all three units to provide larger semi-primitive non-motorized areas. The Future Old Forest area on the Marietta unit would continue to have a no surface occupancy restriction.

Alternative C includes the Burr Oak Campground on the Athens unit as part of the Developed Recreation Management Area. Maximum potential OHV trail construction objectives would be lowered from the 1988 Forest Plan levels to reflect the mileages that could be developed within acceptable environmental limits.

### **Decision Rationale**

I did not select this alternative because of concerns for the oak-hickory ecosystem, oil and gas management and the semi-primitive non-motorized area at Marietta. It would not provide as good a balance of uses and products as the selected alternative. Alternative C would provide less emphasis on early-successional habitat and restoration and maintenance of the oak-hickory ecosystem than is provided in the selected alternative. The use of the Historic Forest management prescription on the one area at Ironton shows some responsiveness to the latest research concerning the oak-hickory ecosystems and its relationship to fire.

The no surface occupancy area on the Marietta Unit, which is the area of the Forest that has the highest potential for further oil and gas production, is of concern. This same Future Old Forest area has numerous existing oil and gas wells which are producing and being maintained. To imply that this area could provide a semi-primitive non-motorized recreational experience is to ignore the reality of the current situation.

Overall I believe that Alternative C does not address early successional habitat, oak-hickory ecosystem, the minerals management, the semi-primitive non-motorized recreation experience or the social and economic conditions as well as the selected alternative.

### **Alternative D**

#### **Theme**

Alternative D would emphasize diverse wildlife habitats, including extensive tracts of mature forest. It would also provide a moderate amount (greater than Alternative C) of early successional habitat and management for restoration and maintenance of the mixed oak ecosystem. Two areas of the Ironton Ranger District would be managed using the Historic Forest management prescription.

Alternative D would also provide more opportunities for oil and gas development by allocating fewer acres to management areas with the No Surface Occupancy stipulation for Federal leases. In particular, under Alternative D, surface occupancy on Federal oil and gas leases would be permitted within the Future Old Forest with Mineral Activity Management Area on the Marietta Unit. The Future Old Forest Management Areas on the Ironton and Athens units would remain the same as they are under the 1988 Forest Plan.

Alternative D allocates the existing main developed recreation sites on all three units to the Developed Recreation Management Area. The Future Old Forest with Mineral Activity Management Area on the Marietta Unit recognizes that the oil and gas development and maintenance precludes this area from offering a semi-primitive non-motorized recreation experience. Maximum potential OHV trail construction objectives would be between that of Alternatives A and B, and that of Alternative C.

### **Decision Rationale**

I did not select this alternative because it did not provide an appropriate balance of uses and products in comparison with the selected alternative, specifically with relation to distribution of the oak-hickory restoration and with providing semi-primitive non-motorized recreation. While Alternative D does allocate two areas on the Ironton District to the Historic Forest management prescription, it does not allocate any area to the Historic Forest or Historic Forest with OHVs management areas on the Athens Unit. Having this management prescription on both Athens and Ironton is important to ensuring the distribution of this habitat condition across the Forest.

Alternative D is responsive to providing for oil and gas development across the forest. With using the Future Old Forest with Minerals Activity management area at Marietta, and keeping the 1988 boundaries for the Future Old Forest areas at Athens and Ironton, this alternative provides the most area available for oil and gas development of all the alternatives.

Alternative D does not expand the Future Old Forest Management Area allocations on the Athens Unit, or the Ironton Ranger District over what is in the 1988 Forest Plan. The expansion of these areas is important to providing large enough areas that can more readily provide for a semi-primitive non-motorized experience. In addition, potential OHV trail construction objectives for Alternative D exceed the mileages that could be developed within acceptable environmental limits.

Overall, I believe that Alternative D does not adequately address the semi-primitive non-motorized recreation experience issue. I am also concerned that Alternative D concentrates all of the Historic Forest management prescription on one unit of the Forest as opposed to appropriately distributing this management prescription across a wider geographic range.

## Alternative E

### Theme

The emphasis of Alternative E is diverse wildlife habitats, including extensive tracts of mature forest. It would provide more early-successional habitat than Alternatives A, C, D, and F. Alternative E and F would provide the most management for restoration and maintenance of the mixed oak ecosystem using the Historic Forest Management Area prescription on both the Athens and Ironton units.

Alternative E would also provide more opportunities for oil and gas development compared with Alternative A, but less than Alternative D. This would be accomplished by allocating fewer acres to management areas with no surface occupancy on the Marietta unit (using Future Old Forest with Mineral Activity Management Area rather than the Future Old Forest Management Area). The Marietta unit is the part of the Forest that has historically been the most productive for oil and gas leasing and development.

Alternative E allocates the existing main developed recreation sites on all three units to the Developed Recreation Management Area. The Future Old Forest with Mineral Activity Management Area on the Marietta Unit recognizes that the oil and gas development and maintenance precludes this area from offering a semi-primitive non-motorized recreation experience. Maximum potential OHV trail construction objectives would be less than the 1988 Forest Plan levels to reflect the mileages that could be developed within acceptable environmental limits.

### Decision Rationale

Alternative E was identified as the preferred alternative in the Draft EIS/Proposed Revised Plan and I still feel it is very close to what is needed for management of the Wayne National Forest.

The main reason I have not selected this alternative is that based on the comments received on the DEIS and Proposed Revised Forest Plan, we can modify this alternative in a few places that will yield a better plan.

Specifically, there is potential to provide more semi-primitive non-motorized area (Future Old Forest Management Area) without unduly affecting other resources. In addition, Alternative E does not take into account how the Nelsonville bypass proposal would affect

resource management near the new route. The lower end of the range of potential OHV trail construction objective is unnecessarily low. Finally, based on the comments received, some of the goals, objectives, standards and guidelines could be improved by wording them more clearly.

### **Alternative E Modified – The Selected Alternative.**

#### **Theme**

Alternative E-Modified was developed in response to comments received on the Draft EIS and Proposed Revised Forest Plan. Alternative E Modified adjusts the preferred alternative for the DEIS using selected elements from other alternatives. The emphasis and theme for Alternative E Modified are essentially the same as Alternative E with a few changes. The main changes, described earlier in this Record of Decision, include:

- Additional land allocated to the Future Old Forest management prescription on three sides of the Morgan Sister’s Woods Special Area on the Ironton Ranger District. This change also increases the acreage with a no surface occupancy minerals restriction;
- Management area allocations changed in the vicinity of the approved Nelsonville Bypass;
- Update the Monitoring and Evaluation chapter of the revised plan;
- Some clarifications and editorial changes to goals, objectives, standards and guidelines; and
- Increase the lower limit for the range of potential OHV trail construction objectives.

#### **Decision Rationale**

My rationale for selecting Alternative E Modified as the 2006 Forest Plan is detailed on pages 7 through 15 of this Record of Decision. Simply put, this alternative provides for a good mix of habitat conditions spread across the Forest; it removes restrictions placed by the 1988 Forest Plan on oil and gas development on the Marietta unit; and it expands the area allocated to Developed Recreation areas on the Forest and expands the areas providing semi-primitive non-motorized experience on the Athens and Ironton units. Alternative E Modified responds best to the criteria listed on page 8 of this Record of Decision.

While Alternative E Modified was not included in the DEIS it adopts selected elements from the range of alternatives considered in detail in that DEIS. Alternative E Modified is largely the same as Alternative E in terms of land allocation. The change in lands allocated to the Future Old Forest management area on the Ironton Ranger District is between what was displayed in the DEIS for Alternative E and Alternative F. The change in land allocation to management areas due to the Nelsonville bypass is between what was displayed for Alternative E and Alternatives C and D.

The changes to goals, objectives, standards and guidelines are based on our evaluation of comments received on the Proposed Revised Forest Plan mainly clarify the wording but do not change the overall direction that was disclosed in the Proposed Revised Forest Plan.

## Alternative F

### Theme

Within the overall objective of providing diverse wildlife habitats, Alternative F would emphasize unmanaged mature forest habitat and semi-primitive non-motorized recreation. Alternatives E and F would provide the most management for restoration and maintenance of the mixed oak ecosystem using the Historic Forest Management Area prescription on both the Athens and Ironton units.

Alternative F includes the same no surface occupancy on the Marietta unit (using Future Old Forest with Mineral Activity Management Area rather than the Future Old Forest Management Area), but on a much larger area. On the Athens and Ironton units, the Future Old Forest Management area would be expanded over Alternative E making more land covered by the No Surface Occupancy stipulation.

Alternative F would include the largest allocation of any of the alternatives to the Future Old Forest and the Future Old Forest with Minerals Activity management areas. It also covers all of the developed recreation areas the same as Alternatives C, D, E and E Modified.

### Decision Rationale

I did not select this alternative because it did not provide a desirable balance of uses and products relative to the selected alternative.

Alternative F would expand the Future Old Forest (FOF) and Future Old Forest with Minerals (FOFM) Management Areas into parts of the Forest's proclamation area where National Forest ownership is currently very limited. I do not believe that these areas would come close to meeting the desired conditions for FOF and FOFM within the timeframe covered by the 2006 Forest Plan.

Despite having large areas allocated to the Future Old Forest and Future Old Forest with Mineral Activity management area, this alternative would not be very different from Alternatives E and E Modified in terms of providing a variety of habitat conditions, because of the limited National Forest ownership.

The increase in the size of the Future Old Forest Management Areas at Ironton and Athens would place a no surface occupancy restriction on a fairly large portion of the Forest, while the large Future Old Forest with Minerals Activity Management Area on the Marietta unit would allow the continued development of the oil and gas resources.

Overall I believe that Alternative F does not address social and economic conditions as well as the selected alternative.

## The Environmentally Preferred Alternative

NEPA regulations require agencies to specify the alternative or alternatives which are considered to be environmentally preferable, 40 CFR 1502.2(b). In addition, Forest Service NEPA policy (FSH 1909.15, Section 05) defines "environmentally preferable" as:

"An alternative that best meets the goals of Section 101 of NEPA . . . Ordinarily this is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources."

Given this guidance, I am identifying Alternative E Modified as the environmentally preferable alternative because it has the fewest adverse effects on the human environment. This Record of Decision provides an overview of the decision process and rationale for the selection of Alternative E Modified. Given the complexities of management in this biologically diverse yet ownership-fragmented Forest, Alternative E Modified best addresses conservation and protection of plant and animal species. The selected alternative gives priority to conservation and recovery of threatened and endangered species. The spread of invasive species is directly addressed, as is the potential for unmanaged recreation concerns. Equally important, Alternative E Modified was developed with protection of soil resources and improvement of water quality in mind. The selected alternative is focused upon maintaining and improving forest health by providing a framework for future opportunities for active management (i.e. site specific projects) to work in concert with natural ecological processes to heal the land where degradation has occurred prior to Forest Service ownership.

Alternative E Modified is a balanced multiple use framework for land management. The heart of the 2006 Forest Plan is the standards which operate as parameters for environmental protection. Through the action of the standards in future decision-making, Alternative E Modified balances sustainable resource use and ecological sustainability in a manner intended to satisfy competing public desires for the Forest. Enhancing forest health contributes to the vitality of local communities. Alternative E Modified best meets the goals of Section 101 of NEPA, and is therefore the environmentally preferable alternative.

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## Findings Related to Other National Policies, Law and Authorities

The Forest Service manages the Wayne National Forest in compliance with many laws, regulations, executive orders, and policies. The list provided here is not a complete list of all governing statutes that apply to the Forest Plan Revision, but it highlights the primary statutes guiding the preparation of this plan revision. In all cases, the 2006 Forest Plan is consistent with national law, policy, and direction.

### National Environmental Policy Act (NEPA)

The Forest has compiled and generated an enormous amount of information relevant to the effects of each of the alternatives considered in the Final Environmental Impact Statement. I find that the environmental analysis and public involvement process complies with each of the major elements of the requirements set forth by the Council on Environmental Quality for implementing NEPA (40 CFR 1500-1508). These include:

- Considering a broad range of reasonable alternatives;
- Disclosing cumulative effects;
- Using the best scientific information available;
- Consideration of long-term and short-term effects; and
- Disclosure of unavoidable adverse effects.

The decision here does not directly authorize any new ground-disturbing activities or projects. Ground-disturbing activities and projects will be subject to additional site-specific environmental analysis that will tier to the Final Environmental Impact Statement and follow applicable environmental analysis, public involvement, and administrative appeal procedures.

The FEIS provides sufficient NEPA analysis to support future consent to lease decisions. Site-specific NEPA would still occur when the operator presents a plan of operations/application to drill for a specific lease.

The 2006 Forest Plan has adopted practicable means to avoid or minimize environmental harm. These means include provisions for providing those ecological conditions needed to support biological diversity and standards and guidelines to mitigate adverse environmental effects that may result from implementing various management practices. The 2006 Forest Plan includes monitoring requirements and an adaptive management approach to assure needed adjustments are made over time.

### **National Forest Management Act (NFMA)**

The NFMA and its implementing regulations specify a number of requirements for forest plan development. Congress has mandated that forest plan revision assure that the plans provide for multiple-use and sustained yield of products and services. Not every use can or should occur on every acre. Our goal is to blend multiple-use of the Forest in such a way that is sustainable and best meets the needs of the American people.

The Wayne National Forest developed an integrated land and resource management plan using a systematic interdisciplinary approach to integrate consideration of physical, biological, economic, and other sciences. The 2006 Forest Plan maximizes net public benefit and contains strong conservation measures to protect, maintain, and improve soil and water resources, wildlife habitat, and other forest resources within a multiple-use context. The 2006 Forest Plan complies with each of the NFMA and regulatory requirements, as explained elsewhere in this Record of Decision, accompanying FEIS, and Appendices. Certain requirements are discussed in further detail below.

The 1982 NFMA regulations require fish and wildlife habitat to be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area (36 CFR 219.19; (1982)). A key part of forest plan revision was the evaluation of 118 species for viability concerns. Neither NFMA nor its implementing regulations create a concrete, precise standard for diversity. The original Committee of Scientists noted in the development of the early planning regulations for NFMA that “it is impossible to write specific regulations to provide for diversity” and thus “there remains a great deal of room for honest debate on the translation of policy into management programs.” (44 Federal Register 26600-26608, 26608). Because absolute certainty cannot be obtained regarding plant and animal community diversity, the planning process involves projections or estimates of distribution and abundance of plants and animals based upon ecological conditions necessary to maintain viable populations.

Using an ecological or “coarse filter” approach, broad land categories of wildlife habitat were identified. A relatively small change in the abundance and quality of wildlife habitats is likely to occur in the next decade due to actions we take as we implement the 2006 Forest Plan. Some changes in the quality and quantity of wildlife habitat will occur through natural succession and disturbances. These changes are not anticipated to create any species viability concerns. The Forest also used a species, or “fine filter”, analysis to assure that standards and guidelines were in place to provide for the needs of threatened, endangered, or sensitive species. Forest plan direction was developed to conserve habitat and avoid any adverse effects of the future management actions. The analysis presented in the FEIS indicates that, under all alternatives, except Alternative A, there is a high likelihood of continued representation of all species and important wildlife habitats on the Forest.

Management Indicator Species (MIS) were chosen that will respond to forest management activities and assist in predicting the effects of implementing the forest plan over time. The choice of MIS was based upon experience implementing the 1988 Forest Plan and the best available scientific information. Monitoring and management experience has shown that some species that were selected as MIS in the previous plan were not good indicators. Some of the MIS species that were not retained have populations that are substantially affected by “off-forest” activities and conditions. Other species were habitat generalists that are not very responsive to changes in management. Others occurred on only a small portion of the Wayne National Forest so were of limited use in indicating overall effects. Lastly, some species were difficult to find so that regular monitoring was either impossible or unreliable.

Management Indicator Species are just one part of the overall monitoring effort. Species that are not designated as MIS may still be monitored. Recognizing the discretion provided by the 1982 NFMA regulations (36 CFR 219.19(a)(1)), the Forest carefully selected MIS that will meet the intent of the NFMA regulations, but not impose an unattainable or unnecessarily burdensome monitoring requirement on the Forest.

The NFMA implementing regulations also require that forest plans identify the proportion of harvest methods that are proposed for implementation. The 2006 Forest Plan includes a forecast of the harvest methods that are likely to be chosen as the plan is implemented. The 2006 Forest Plan does not mandate that any particular harvest method be applied to any specific project. The choice of when, where and how to harvest timber is deferred as a future site-specific decision.

Adaptive management is an important part of ensuring compliance with the NFMA. Adaptive management is a management philosophy that runs throughout the 2006 Forest Plan. Recognizing that perfect information and resource inventories are impossible in an imperfect world, we anticipate that new scientific information and changes in resource conditions will require “course corrections” during the 10-15 year life of this plan. The 2006 Forest Plan is dynamic and will respond to new information.

The 1982 Planning Rule requires identification of the alternative that maximizes the present net value (PNV) and how the selected alternative compares to this alternative. According to the economic analysis displayed in the Final EIS, Alternative B, because of its emphasis on even-aged timber management, maximizes PNV. The Selected Alternative, Alternative E Modified has the fourth highest PNV of the seven alternatives considered. Appendix B of the FEIS includes a detailed description of the economic analysis.

## **Endangered Species Act**

The Endangered Species Act creates an affirmative obligation “...that all Federal departments and agencies shall seek to conserve endangered and threatened (and proposed) species” of fish, wildlife, and plants. This obligation is further clarified in the national Interagency Memorandum of Agreement (dated August 30, 2000) which states our shared mission to “...enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources.”

The selected alternative would do the best job of protecting threatened, endangered, and sensitive species. The 2006 Forest Plan was developed with our responsibilities concerning conservation of listed species (Section 7(a)(1)) foremost in mind. Based upon consultation with the U.S. Fish and Wildlife Service, their concurrence with our Biological Assessment, and the non-jeopardy finding in their Biological Opinion, I have determined that the 2006 Forest Plan is in compliance with the Endangered Species Act.

## **Forest and Rangeland Renewable Resources Planning Act (RPA) and Forest Service Strategic Plan 2004 – 2008**

The 1982 Planning regulations (36 CFR 219.12 (f) (6)) require that at least one alternative be developed that responds to and incorporates the Resources Planning Act Program's tentative resource objectives for each National Forest as displayed in Regional Guides. The Forest Service Strategic Plan 2004 – 2008, in lieu of a Resource Planning Act Program, was completed in accordance with the Government Performance Results Act (GPRA) and the Interior and Related Agencies Appropriations Act. While forest plans should be consistent with the broad guidance provided in the Strategic Plan, and should consider the information provided by the Resource Planning Act Assessment along with other available and relevant science, neither the Strategic Plan nor the Assessment contain recommended outputs to incorporate in specific forest plans. I find the 2006 Forest Plan to be in compliance with the Forest Service Strategic Plan, and to contribute towards its goals, which are:

### **Reduce the risk from catastrophic wildland fire**

The 2006 Forest Plan contains management direction in the form of desired conditions and objectives to increase the amount of forest restored to, or maintained in, a healthy condition to reduce risk and damage from wildland fires. The 2006 Forest Plan also focuses on treating vegetation in high hazard areas within wildland / urban interface areas to reduce risk from wildland fire.

### **Reduce the impacts from invasive species**

The 2006 Forest Plan addresses the spread of terrestrial or aquatic non-native invasive species that pose a threat to native ecosystems through the establishment of forest wide direction as well as desired conditions on the ground that foster native species. All management areas in the 2006 Forest Plan allow for the treatment of non-native invasive species. The Plan emphasizes gradual reduction of non-native invasive species, but it does not make any decisions on site-specific treatments.

### **Provide outdoor recreation opportunities**

As outlined elsewhere in this Record of Decision, the 2006 Forest Plan places emphasis on recreational use of the Wayne National Forest. Specifically, it clarifies direction needed to manage uses of recreation motor vehicles; continues emphasis on improving the North Country Trail through the Forest; and expanding the lands allocated to the Developed Recreation management area on the Forest.

### **Help meet energy resource needs**

As discussed elsewhere in this Record of Decision, the 2006 Forest Plan allows for the development of energy resources on the Wayne National Forest. With this decision, we are streamlining the process for oil and gas leasing by facilitating the availability of this resource, while ensuring the protection of resources prior to any ground disturbing activities. In addition, we have generally avoided requiring no surface occupancy on areas of the forest that have the most active development and the highest potential for future production.

### **Improve watershed conditions**

The 2006 Forest Plan employs a proactive approach to the management of watersheds and riparian areas. The treatment of drainage from abandoned coal mines is a high priority under the 2006 Forest Plan. This work is being done collaboratively with other federal, state and

local agencies as well as non-governmental groups and organizations to restore healthy streams to southeastern Ohio.

### **Mission-related work in addition to that which supports agency goals**

This goal deals mostly with processes. While the 2006 Forest Plan specifically focuses on desired conditions and objectives, and not the process to achieve them, we will improve our productivity and efficiency as we implement the 2006 Forest Plan.

### **Energy Policy Act of 2005**

I find the 2006 Forest Plan is consistent with the Energy Policy Act of 2005. This Act makes it clear that domestic energy production from both renewable and nonrenewable sources is a national priority.

### **Healthy Forest Restoration Act**

I find the 2006 Forest Plan is consistent with the Healthy Forest Restoration Act in that it provides for the protection of old growth when conducting covered projects, provides for public involvement in assessing and conducting hazardous fuels reduction projects, and prioritizes areas for hazardous fuels reduction based on condition class and fire regime. The 2006 Forest Plan also emphasizes protection and enhancement of riparian areas and watershed health as directed under the Healthy Forest Restoration Act.

### **Environmental Justice (Executive Order 12898)**

Executive Order 12898 (59 Federal Register 7629, 1994) directs federal agencies to identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. I have determined, from the analysis disclosed in the Final Environmental Impact Statement, that the 2006 Forest Plan is in compliance with Executive Order 12898.

My conclusion, based upon the analysis in the FEIS, is that the risk of disproportionate effects on minority or low-income populations resulting from the programmatic 2006 Forest Plan is very low. The selected alternative was developed as a programmatic framework to avoid adverse environmental effects in future decisions. The risk of environmental justice issues may be greater under Alternative A, due to a decrease in labor and income during the next decade (FEIS, Chapter 3).

### **National Historic Preservation Act (NHPA)**

The 2006 Forest Plan is a programmatic action and does not authorize any site-specific activity. While the FEIS provides sufficient NEPA analysis to support future consent to lease decisions, site-specific NEPA would still occur when the operator presents a plan of operations/application to drill for a specific lease. Projects undertaken in response to direction of the 2006 Forest Plan will fully comply with the laws and regulations that ensure protection of cultural resources. The 2006 Forest Plan contains direction for cultural resource management, including direction to integrate cultural resource management with other resource management activities.

Several other laws apply to the preservation of cultural resources on federal land. Since the 2006 Forest Plan does not authorize ground-disturbing activities, consultation with the Ohio State Historic Preservation Offices (SHPO) under the NHPA is not required.

It is my determination that the 2006 Forest Plan complies with the National Historic Preservation Act and other statutes that pertain to the protection of cultural resources.

### **Migratory Bird Treaty Act and Executive Order 13186**

The 2006 Forest Plan is a programmatic framework guiding future decision-making and is permissive in nature. As such, it does not authorize, fund, or implement any site-specific activity. The 2006 Forest Plan focuses on enhancing ecological health and plant and animal community diversity to the benefit of wildlife species, including migratory birds. The management direction in the 2006 Forest Plan is in compliance with the Migratory Bird Treaty Act and was developed with full consideration of the broad objectives and intent of Executive Order 13186.

### **Data Quality Act**

The Data Quality Act and its federal guidelines concern the quality of information used in the work of federal agencies. The 2006 Forest Plan and its accompanying EIS were developed by an interdisciplinary team of agency scientists and resource specialists using the best available scientific information. Data quality was a paramount concern, as the objectivity and quality of scientific data is key to development of a realistic resource plan. The interdisciplinary team was aware of the USDA information guidelines and devoted considerable effort towards ensuring that the information used in plan development was credible and appropriate for the context. Scientific information was solicited from other federal agencies, State resource agencies, and other recognized experts and scientists. Although the USDA Data Quality Act guidelines are not intended to be legally binding regulations, they were carefully considered during development of the 2006 Revised Plan and EIS.

### **USDA Forest Service Travel Management Rule**

The Travel Management Rule (70 Federal Register 68264), dated November 9, 2005 (36 CFR Parts 212, 251, 261, and 295) revised regulations regarding travel management on National Forest System lands to clarify policy related to motor vehicle use including off-highway vehicles. This rule prohibits the use of motor vehicles off the designated system or use inconsistent with those designations once designations are published. Any new trail designation will occur subsequent to this decision. Further site-specific analysis will be required, as appropriate, when changing the transportation system in designating those roads, trails and areas open to motorized uses.

### **Other Laws, Policy, and Regulations**

I also find that the Final Environmental Impact Statement and the 2006 Forest Plan are consistent with the following body of policy and regulation: the National Energy Policy (Executive Order 13212); the Transportation Rule and Policy; the Clean Air Act; the Clean Water Act; the Energy Requirement and Conservation Potential; Executive Order 13112 on Invasive Species; Secretary of Agriculture's Memorandum #1827 on Prime Farmland, Rangeland and Forestland; Executive Order 1099 on the Protection of Wetlands and Floodplains; Federal Land Policy and Management Act of 1976; and the existing body of national direction for managing National Forests.

## Implementation, Monitoring, and Evaluation

### Implementation Begins in 30 Days

The 2006 Forest Plan becomes effective 30 calendar days after the Notice of Availability of the Record of Decision and Final Environmental Impact Statement is published in the Federal Register (36 CFR 219.10 (c)(1), 1982 planning rule.)

### Transition from the 1988 Plan to the 2006 Forest Plan

The 2006 Forest Plan direction will apply to all projects that have decisions made on or after the effective date of this Record of Decision. Because this was a revision of the 1988 Wayne National Forest Plan, many aspects and much of the management direction from the 1988 Plan is carried forward relatively unchanged into the 2006 Forest Plan. Therefore, many existing projects and ongoing actions that were consistent with the 1988 Plan will continue to be so with the 2006 Forest Plan.

Many management actions decided prior to the issuance of the Record of Decision are routine and ongoing. Those decisions will generally be allowed to continue unchanged because the projected effects of these actions are part of the baseline analysis considered in the Final Environmental Impact Statement and Biological Assessments for the revision.

The National Forest Management Act requires that “permits, contracts and other instruments for use and occupancy” of National Forest System lands be “consistent” with the Forest Plan (16 U.S.C. 1604(i)). In the context of plan revision, the National Forest Management Act specifically conditions this requirement in three ways:

1. These documents must be revised only “when necessary;”
2. These documents must be revised as “soon as practicable;”
3. Any revisions are “subject to valid existing rights.”

As the decision maker, I have the discretion, on a case-by-case basis, to modify pre-existing authorizations to bring them into compliance with the 2006 Forest Plan standards and guidelines. I find that the statutory criteria of “as soon as practicable” and excepting “valid existing rights” useful in exercising that discretion.

I have decided not to modify any existing timber sale contracts solely due to the 2006 Forest Plan. These contracts will be executed according to their terms, and these effects and conditions were considered in the Final Environmental Impact Statement. Existing timber contracts, in most cases, will be completed within three years. The discretion is left to the Forest Supervisor to determine whether to modify decisions authorizing timber sales not currently under contract.

Other uses and occupancy agreements are substantially longer than timber contracts. These uses and occupancy agreements will be reviewed to determine whether or when the Forest Supervisor should exercise discretion to bring them into compliance with the 2006 Forest Plan. Recent project decisions that have not yet been implemented will be reviewed and adjusted by the decision maker, if necessary, to be consistent with in the 2006 Forest Plan.

## Key Considerations in Plan Implementation

The 2006 Forest Plan provides broad, strategic, landscape-level direction for managing the Wayne National Forest. Working toward the desired conditions and achieving the objectives in the 2006 Forest Plan will be accomplished through site-specific project decisions, using the appropriate analyses and processes to meet the requirements of the National Environmental Policy Act and other laws and regulations. The 2006 Forest Plan itself makes no project-level decisions.

The Final Environmental Impact Statement for the 2006 Forest Plan did consider and evaluate the overall management that likely would be necessary to implement the objectives of the 2006 Forest Plan. It also dealt with those issues and concerns relevant at a larger landscape or Forest-wide level. Therefore, in essence, the Final Environmental Impact Statement is itself a cumulative effects document, because it analyzed the broad effects of the management direction that may be expected in the first decade (and longer term) and disclosed the Forest-wide effects considered in total.

By tiering to the Final Environmental Impact Statement, we will make use of this forest-wide analysis to streamline our environmental analysis for project-level decisions. We will not revisit landscape or Forest-wide scale issues and effects because those effects have already been considered and disclosed in the Final Environmental Impact Statement. This has applicability to a wide range of findings that are appropriately done at the Forest-wide level. Analysis and findings related to threatened or endangered species should be greatly simplified when projects are within the parameters of the 2006 Forest Plan and the Final EIS.

Implementation of the 2006 Forest Plan is dynamic and depends upon many factors. Plan Appendices contain information concerning proposed management techniques and projected outputs. The projected outputs, shown in Appendix B to the Plan, are a forecast of what may occur over the lifetime of this Plan. However, final implementation will depend on demand for products and uses, available funding, natural events such as fire or windstorm, and other factors. There is no certainty that the projected outputs will actually occur at the estimated levels.

## Oil and Gas Leasing

Subsequent to this decision, leasing will occur periodically when parcels with federally owned oil and gas rights are nominated to the BLM Eastern States Office. The BLM Eastern States Office will then forward the nominated parcel(s) to the Forest Service Regional Office for processing, whereby each parcel is subject to the following [36 CFR 228.102(e)]:

- Verifying that oil and gas leasing of that parcel has been adequately addressed in a NEPA document and is consistent with the Wayne National Forest LRMP.
- Ensuring that conditions of surface occupancy identified in the Wayne National Forest LRMP Appendix H are properly included as stipulations in resulting leases.
- Determining that operations and development could be allowed somewhere on each proposed lease, except where stipulations will prohibit all surface occupancy.

If new information or circumstances requiring further environmental analysis are discovered during processing of nominated lease parcels, then such analysis will be done before nominated parcels are forwarded to BLM with final Forest Service consent to leasing.

After the Forest Service has provided BLM confirmation that the above three conditions have been met for each parcel and consented to leasing the parcel(s), the BLM may include the parcel(s) in a sale notice and sell the parcel(s) in a competitive oral auction [43 CFR Subpart

3120] . Sale and issuance of a lease is a Department of the Interior action subject to DOI-Bureau of Land Management protests and appeal procedures.

## Future Changes to the Plan

### Monitoring and Evaluation

Monitoring is designed to answer questions regarding implementation of the 2006 Forest Plan. Monitoring and evaluation will tightly focus on accomplishment of the Goals and Objectives in the Forest Plan and whether there is a need for change in the plan.

Evaluation reports will display how Forest Plan decisions have been implemented, how effective the implementation has proved to be in accomplishing desired outcomes, and what we have learned along the way. This will allow a check and review of the validity of the assumptions upon which this decision is based.

The Monitoring Strategy in Chapter 4 ties well with the strategic nature of Forest Plans. This monitoring strategy has four key monitoring components. The first component is the direction provided in Chapter 4 of the 2006 Forest Plan. The remaining three are implementation tools to ensure a common approach in monitoring Plan direction.

1. The overall strategy as described in Chapter 4 of the Plan
2. A monitoring implementation guide that is not part of the plan, but will include details about how monitoring will be accomplished
3. An Annual Monitoring Plan that outlines annual, specific tasks for the current year.
4. Annual Monitoring and Evaluation reviews, and Comprehensive Evaluations conducted every 5 years will provide a forum to review current year and longer-term findings and identify specific modification if necessary.

Another important part of our adaptive management approach will be to establish an environmental management system (EMS) for the forest. This is required by the 2005 planning rule (36 CFR 219.5). The EMS for the Wayne National Forest will focus on monitoring, improving performance, and reducing environmental effects for some selected significant aspects of our management under the revised plan. The EMS will complement the overall monitoring and evaluation strategy for the Forest.

### Amending the Forest Plan and Adaptive Management

This revision of the Forest Plan is shaped by a central idea: how we manage the Forest should adapt to changes in how we understand the ecological, social, and economic environments. In the Forest Service, we call this adaptive management. The 2006 Forest Plan is well structured for adaptive management to occur because it does a good job of describing the desired conditions toward which we will strive as we implement the Plan. In fact, those desired conditions will be the very basis for the projects we will accomplish during the life of the Plan.

In making the decision on the 2006 Forest Plan, I am also deciding that this plan will be adaptive and subject to change as we monitor, learn, and gain new information. The revision of the Wayne National Forest Plan has incorporated much that has been learned since the 1988 Plan and as the 2006 Forest Plan was developed. However, this Plan can still be improved as we learn more about ecosystem functions and processes. This Plan is not cast in stone to be unquestioningly adhered to for the next 15 years. We will track progress toward

reaching the desired conditions identified in the Plan, and modify management actions when needed, depending on the results of our actions or new information. If a particular management strategy, technique, or practice is applied, its results will be monitored to see if the desired effect is occurring, and if not, a modified or new strategy will be developed and implemented. That new strategy will also be subject to monitoring, evaluation, and, if needed, change.

Changes to the Plan will generally take the form of plan amendments or corrections and will follow the appropriate procedures specified in the National Forest Management Act and its implementing regulations.

The Forest Supervisor will determine whether changes to the Forest Plan require an amendment or can be made through an administrative correction. The correction of simple errors may take the form of an errata statement.

## Administrative Appeal of My Decision

This decision is subject to appeal pursuant to the provisions of 36 CFR 217.3. A written notice of appeal must be filed with the Chief of the Forest Service within 90 days of the date that legal notice of this decision appears in the Milwaukee Journal.

### Regular Mail:

USDA Forest Service  
Ecosystem Management Coordination  
1400 Independence Avenue, SW  
Mailstop Code 1104  
Washington, DC 20250-1104

### Express Mail:

USDA Forest Service  
Ecosystem Management Coordination  
201 14th Street, SW  
3rd Floor, Central Wing  
Washington, DC 20024  
Phone: (202) 205-0895

Electronic Mail: Appeals may also be filed via e-mail to: [appeals-chief@fs.fed.us](mailto:appeals-chief@fs.fed.us). The use of Microsoft Word (.doc), WordPerfect (.wpd) or Adobe (.pdf) is recommended.

A copy of the appeal must simultaneously be sent to the deciding officer:

Regional Forester of the Eastern Region  
USDA Forest Service  
Eastern Region  
626 East Wisconsin Avenue  
Milwaukee, WI 53202

Simultaneous electronic filing to the deciding officer should be sent to: [appeals-eastern-regional-office@fs.fed.us](mailto:appeals-eastern-regional-office@fs.fed.us).

Any notice of appeal must be fully consistent with 36 CFR 217.9 and include at a minimum:

- A statement that the document is a Notice of Appeal filed pursuant to 36 CFR Part 217.
- The name, address, and telephone number of the appellant.
- Identification of the decision to which the objection is being made.

- Identification of the document in which the decision is contained, by title and subject.
- Date of the decision and name of and title of the Deciding Officer.
- Identification of the specific portion of the decision to which the objection is made.
- The reason for the appeal including issues of fact, law, regulation, or policy.
- Identification of the specific change(s) in the decision that the appellant seeks.

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## Contacts

More information on this decision, the 2006 Wayne National Forest Land and Resource Plan, and / or the Final Environmental Impact Statement can be obtained by contacting:

Mary Reddan  
Forest Supervisor  
(740) 753-0101

or

Ricardo Garcia  
Planning Staff Officer  
(740) 753-0101

or

Bob Gianniny  
Forest Planner  
(740) 740-0101

at

Wayne National Forest  
13700 U.S. Highway 33  
Nelsonville, OH 45764

Electronic copies of the Final Environmental Impact Statement, the Executive Summary, the 2006 Forest Plan, or the Record of Decision are available at: [www.fs.fed.us/r9/wayne](http://www.fs.fed.us/r9/wayne).



12/14/2005

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**Randy Moore, Regional Forester**

**Date**



