



**Decision Notice and Finding of No Significant Impact**  
**For**  
**Environmental Assessment for the Clarion River Comprehensive**  
**River Management Plan**  
**USDA-Forest Service**  
**Allegheny National Forest**  
**Marienville Ranger District**  
**Clarion, Elk, Forest, and Jefferson Counties, Pennsylvania**

**I. Background**

In 1968, Congress passed the National Wild and Scenic Rivers Act (WSRA) (Public Law 90-542) establishing a nationwide system of outstanding free-flowing rivers. For a river or river segment to be considered eligible for Wild and Scenic status it must be “free-flowing” and possess one or more “Outstandingly Remarkable Values” (ORVs). In 1992, Congress enacted Public Law 102-271, which designated portions of the Allegheny River in Pennsylvania as “wild and scenic” under the WSRA and directed the U. S. Department of Agriculture, Forest Service to study whether the 92 miles of the Clarion River were eligible for designation. In March 1996, the Forest Service completed the Clarion River Wild and Scenic River (WSR) Eligibility report acknowledging the free-flowing characteristics along segments of the Clarion River and identification of outstandingly remarkable scenic and recreation values. Later in October 1996, Congress designated 51.7 miles of the Clarion River as a component of the WSR system under an amendment to the WSRA (Public Law 104-314). An interim river corridor boundary was established at the time of designation and extends ¼ mile beyond the normal high-water mark on either side of the river to encompass approximately 16,915 acres of National Forest System (NFS) lands, private lands, and other public lands.

**Table 1–Classification, river segment and designated reach**

Classification	Segment		River Mile	Designated Reach
	#	Miles		
Recreational	1	8.6	91.1 to 82.5	From the Allegheny National Forest/State Game Lands Number 44 boundary located approximately 0.7 miles downstream from the Ridgway Borough limit, to Portland Mills
Scenic	2	8.0	82.5 to 74.5	From Portland Mills to the Allegheny National Forest boundary, 0.8 miles downstream from Irwin Run
Recreational	3	26.0	74.5 to 48.5	From the Allegheny National Forest boundary, 0.8 miles downstream from Irwin Run, to the State Game Lands 283 boundary, located approximately 0.9 miles downstream from Cooksburg bridge
Scenic	4	9.1	48.5 to 39.4	From the State Game Lands 283 boundary, approximately 0.9 miles downstream from Cooksburg bridge, to an unnamed tributary at the backwaters of Piney Dam, located approximately 0.6 miles downstream from Blyson Run

The National Forest Management Act of 1976 requires preparation of Land and Resource Management Plans (LRMP) to direct the management of each national forest. The Allegheny National Forest (ANF) LRMP (or Forest Plan), which was revised in 2007, is the guiding document for the ANF, including segments of the Clarion River. The ANF LRMP outlines forest-wide management direction and specific direction for the Clarion River, Management Area (MA) 8.1 – Wild and Scenic River Corridor, on pages 142–147 of the ANF LRMP. The Final Environmental Impact Statement (FEIS) that accompanies the ANF LRMP addressed the need for completion of a Comprehensive River Management Plan (CRMP) for the Clarion WSR and acknowledges the possible need for an amendment to the ANF LRMP (p. 3-350).

The purpose and need for this project is to fulfill the requirements of WSRA Section 3(b), “establish detailed boundaries therefore (which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river)” and (d)(1) “For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component on the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment and provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act”. The Federal agency charged with the administration of the Clarion WSR is the Forest Service.

A secondary purpose for this project is to complete the Clarion River CRMP in a manner that encourages consistent management on all public lands within the river corridor to minimize the potential for adverse effects on river values. The Clarion River CRMP was developed in cooperation with state, local, and tribal governments, interested public individuals, and local landowners.

## II. Decision and Rationale

I have reviewed the Clarion River CRMP Environmental Assessment (EA), errata, supporting information in the project file, and public comments and fully understand the environmental effects disclosed therein. After careful consideration of the analysis, applicable laws, the ANF LRMP, and public comments, it is my decision to implement Alternative 1, as described on pages 9 to 13 of the EA and including all standards and guidelines listed in Appendix C on pages C-7 to C-16 for MA 8.1.1.

This decision includes approval of a non-significant amendment to the 2007 ANF LRMP and will amend the ANF LRMP as follows:

- **Designation of the Clarion Wild and Scenic River corridor boundary:** The selected boundary for the river corridor is shown on the attached map (see also Table 1).

In the first Recreation section (Segment 1), delineation focuses on point-to-point, but is never less than 1/8-mile (660 feet) from the river. On NFS lands, this results in an increase in the number of acres within the river corridor from the current default boundary (see Table 1 in the Errata). NFS lands that now fall within the corridor will convert from adjacent management areas, including MA 2.2 –Late Structural Linkages, MA 3.0 – Even-aged Management (below Irwin Run), and MA 7.2 – Remote Recreation (above Irwin Run).

In the first Scenic section (Segment 2), delineation focuses on point-to-point, usually a high point on a knob or ridge connecting with a similar feature, because there are few human-made features like roads or railroads to follow. In addition, this method protects many of the higher slopes that would be part of the viewshed that is particularly important in the scenic section. For NFS lands, this new corridor boundary will result in a net increase in the acres that fall within MA 8.1.1.

In the second Recreation section (Segment 3), the boundary on the south side follows the point-to-point method used in the first Scenic section, but the boundary on the north side follows the 1,700-foot elevation contour line on Allegheny National Forest lands to capture the majority of the river-facing slopes, additional archeological sites, and more riparian areas. Where necessary, the boundary follows human-made features to keep within the acres per river mile constraints set by the WSR. From Dark Hollow Road, below Millstone Creek, to the beginning of the second Scenic section, the boundary returns to the minimum 1/8-mile (660-foot) corridor and follows this through Cook Forest State Park. This is because there were few resource concerns in this section; there was a need to keep within the legal constraints of acres per river mile; and to ensure that the management directives of other public land agencies remained consistent with the WSR.

In the second Scenic section (Segment 4), the boundary follows the 1,400-foot elevation contour line on both sides of the river to capture the majority of the river-facing slopes. On the south side of the river, it follows property lines in some places or goes from contour to peak or some other natural feature because of a need to remain within the acres per river mile constraint and the lack of man-made features to follow. On both sides, the land flattens out above the 1,400-foot elevation, often turning into ridge tops. These ridge tops are less likely to be seen from the river surface and are more likely to be utilized by other agencies or private land owners to pursue land management practices that fulfill their needs or directives but may not be as compatible with the WSR. Since this segment does not fall within the boundaries of the Allegheny National Forest, there will be no effect on management area acres within the ANF.

This Decision will result in the following MA changes:

- MA 2.2 will be reduced by approximately 535 acres.
  - MA 3.0 will be reduced by approximately 62 acres.
  - MA 7.2 will be reduced by approximately 114 acres.
  - MA 8.1 will be reduced by approximately 3,616 acres.
  - MA 8.1.1 will be created totaling approximately 4,320 acres.
- **Management Standards and Guidelines:** National Forest System (NFS) lands within the Clarion WSR corridor will be redesignated as Management Area 8.1.1 – Clarion Wild and Scenic River Corridor and managed using the standards and guidelines shown in Appendix C of the EA (pp. C-7 to C-16), which will be incorporated into the ANF LRMP for MA 8.1.1.
  - **Non-Significant Amendment to the 2007 Allegheny National Forest Land and Resource Management Plan:** The Forest Supervisor has the authority to determine whether an amendment is significant or not significant (36 CFR 219.2 and Forest Service

Manual [FSM] 1926.5). This determination is made under the direction found in the FSM 1926.5. As the decision-maker, I have followed these procedures and have determined that this is not a significant amendment to the ANF LRMP.

The term ‘significant,’ as it pertains to a forest plan amendment is not the same as significant in the context of addressing environmental effects in a National Environmental Policy Act (NEPA) analysis (as might be found in the language of an environmental assessment, or EA). Significant as it pertains to a forest plan amendment gauges the impact of a proposed change to a forest plan. To meet the definition of significant, an amendment must meet criteria found in Forest Service Manual (FSM) 1926.52. Two examples of circumstances that may cause a significant change to a forest plan are:

1. Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected (36 CFR 219.10(e); and
2. Changes that may have an important effect on the entire forest plan, or affect land and resources throughout a large portion of the planning area during the planning period.

An evaluation was made based on the analysis of the effects of the proposed changes to the ANF LRMP (Alternative 1) to determine whether or not the amendment would result in a significant change in the ANF LRMP. Based upon review of the National Forest Management Act regulations (36 CFR 219.2) and FSM direction (1926.5), I have determined that this amendment does not meet the criteria for a significant amendment as described in FSM 1926.52 and is non-significant. The rationale for this conclusion is based on the following factors:

1. The long-term relationship between the outputs of multiple-use goods and services originally projected will not be substantially altered, as documented in the effects analysis of this EA. The reduction in MA 2.2 and MA 3.0 acres due to an expanded MA 8.1.1 is located in areas that are largely inoperable due to steep slopes. The expanded 8.1.1 likewise does not alter the goods and services currently available in MA 8.1. There will be virtually no change in management with the conversion of MA 7.2 acres to MA 8.1.1. The overall effect is that no substantial or quantifiable changes are expected to any of the outputs of multiple-use goods and services project in the ANF LRMP. Therefore, the long-term relationships between multiple-use goods and services will not be substantially altered.
2. While the amendment is important, its effects are primarily limited to the clarification of standards and guidelines that are specific to the Clarion WSR corridor. The existing MA 8.1 applies to Wild and Scenic River corridors, but the standards and guidelines, while applicable to the Clarion WSR, are more generically related to the Allegheny Wild and Scenic River Comprehensive River Management Plan. The MA 8.1.1 desired future condition and standards and guidelines apply most of these same standards and guidelines, but with a level of specificity unique to the Clarion River. The effects analysis in the EA notes that there will be little change from existing condition in the short-term, and that the long-term management direction for MA 8.1.1 will result in changes to Scenic Integrity Levels (SILs), Recreation Opportunity Spectrum (ROS), and the suitability of some activities. However, the effects of this long-term direction will

be retention of the appearance of the scenic qualities, retention of the dispersed and remote recreation experience, and prohibition of activities that do not currently and have not historically occurred along the river corridor within the ANF (off-trail equestrian use, snowmobile trails, gathering of special forest products).

3. The standards and guidelines were developed collaboratively with managers of other public lands along the length of the Clarion WSR corridor, including the Pennsylvania Game Commission; Pennsylvania Bureau of Forestry; and Pennsylvania Department of Conservation and Natural Resources, Parks and Recreation, and PA Wilds. These standards and guidelines were clarified to promote consistent management across public land boundaries within the corridor and provide clear management direction that could be applied to the management plans of these agencies. For the ANF, these new standards and guidelines are not significant in how they amend the ANF LRMP because they do not affect a large portion of the ANF, nor do they result in significant changes to the current or long-term management of those NFS lands within the corridor.

The environmental analysis and amendment were conducted under the authority of the National Environmental Policy Act. For this project, the Forest Service used the procedures of the planning regulation in effect before November 9, 2009 (the 1982 Planning Rule), which were also used to prepare the revised 2007 ANF LRMP, and to determine that the amendment was not significant.

I have chosen to implement Alternative 1 for the following reasons:

1. Alternative 1 can be implemented in an environmentally sound manner without significant environmental effects (EA, all sections, and project file), while best meeting the purpose and need for action (EA, pp. 2–4). Management activities will comply with all applicable ANF LRMP standards and guidelines.
2. Alternative 1 best meets the need to protect and enhance the Clarion WSR's ORVs, free-flowing condition, and water quality while being responsive to private landowner and local government concerns regarding the corridor boundary, private property rights and the role of local zoning ordinances. Of the alternatives analyzed in detail, Alternative 1 is most responsive to the need to protect and enhance the river because it: 1) expands the corridor on public lands, where it can be managed most effectively to protect the Wild and Scenic character, 2) includes the greatest acreage in MA 8.1.1 within the ANF, 3) incorporates new standards and guidelines that are specific and essential to the short- and long-term management of the river corridor, 4) as a result of collaborative planning with managers of adjacent public lands, incorporates these same standards and guidelines to land management planning for all public lands within the corridor, and 5) maintains the minimum corridor where the concerns of private landowners and local government are most pronounced (specifically the scenic segment below Cooksburg).
3. Alternative 1 provides the greatest protection for known archaeological resources within the river corridor and provides for expanded inventory, interpretation, and protection of these resources in the future as a result of the increased acreage in MA 8.1.1.
4. All of the alternatives analyzed in detail provide adequate protection for endangered, threatened, and sensitive plant and animal species. The analysis included in the EA

discloses that the three alternatives result in no effect to threatened and endangered species or their habitat, or on species with viability concerns.

5. Appendix A of the EA provides my rationale for addressing the comments submitted by the public during the initial scoping period for this project, as well as for identifying significant issues and developing the alternatives analyzed in detail in the EA. Appendix G of the EA includes my response to comments submitted during the 30-day comment period following release of the EA and draft CRMP, as well as how I considered these comments as I made my decision.
6. I have incorporated two changes in the standards and guidelines as a direct result of comments presented in public meetings and provided in writing during the official comment period. These include a new guideline that all recreation trails and facilities on public lands should be setback at least 300-feet from a private land boundary, and a new standard that no recreation trail will end at a property boundary unless there is an established trailhead at this location or the adjacent landowner has provided written consent to do so.
7. I have reviewed the new information (February 2009) concerning White-Nose Syndrome (WNS) and bat populations on the ANF (see project file). I find that the cumulative effects of the treatments planned in this project are consistent with and do not contribute in some unanticipated way to the cumulative effects analyzed in the WNS review of information.

### III. Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives in detail. A comparison of these alternatives can be found in the EA on pages 19–24 and in Table 6 (p. 17). Three other alternatives were considered but eliminated from detailed study and include (1) bank-to-bank boundary, (2) primarily public land boundary, and (3) include five particular watersheds. They are listed on pages 16–18 of the EA with a rationale as to why they were eliminated from detailed study.

**Alternative 2 – No Action.** Under this alternative, the boundary of the Clarion WSR corridor would be the default 1/4-mile boundary, as determined by Section 8(b) of the WSR. This boundary has been considered the interim boundary until a detailed boundary was established and could have been the established boundary if study had concluded that it was the boundary best able to protect the qualities for which the river was designated. Management of the river corridor under this alternative would be according to the existing direction found in MA 8.1 of the ANF LRMP unless I had chosen the new standards and guidelines proposed under Alternatives 1 and 3.

1. This alternative was not selected because, based on the analysis detailed in the EA, I have determined it was not responsive enough to private landowner and local government concerns regarding the corridor boundary, private property rights and the role of local zoning ordinances, nor did it address water quality or free-flow characteristics as well as Alternative 1. The 1/4-mile corridor provided adequate protection to the ORVs. This alternative did not balance as well as Alternative 1 the management concerns on public lands with the property rights concerns associated with private lands and local government, particularly in the segment downstream from Cooksburg.

**Alternative 3 – Minimum Boundary.** Under this alternative, the boundary of the Clarion WSR corridor would be 660 feet (1/8-mile) from each bank of the river for its entire designated length. This is based on a multi-agency concurrence that 660 feet is the minimum distance from the river bank that would protect the river's free-flow, water quality, and ORVs. Management of the river corridor under this alternative would be according to the proposed new direction found in MA 8.1.1 in Appendix C of the EA.

1. This alternative was not selected because, based on the analysis detailed in the EA, I determined that it did not provide adequate protection to water quality, free-flow characteristics, and protection of archaeological resources on the NFS lands. The 1/8-mile corridor provided adequate protection to the ORVs. This alternative addressed the property concerns of private landowners and local government, particularly below Cooksburg. However, through uniform application of the 660-foot setback, it failed to balance this adjustment as effectively as Alternative 1 with expanded protections for water quality, free-flow, and archaeological resources, particularly on NFS lands.

#### **IV. Public Involvement**

The following public involvement activities were completed:

1. Public meetings were held in Ridgway, Sigel, and Clarion, Pennsylvania during November 2008.
2. A scoping package was mailed on October 24, 2008 to 218 interested parties and posted on the ANF website.
3. The project was listed in the ANF Schedule Of Proposed Actions (SOPA) beginning in October 2008. This quarterly publication is mailed to interested parties and is also available on the ANF website.
4. On July 20, 2009, Clarion River partners and township supervisors were sent copies of the draft EA and CRMP.
5. A news release announcing the public meetings for the draft CRMP was sent to local media on July 29, 2009.
6. On July 30, 2009, the environmental assessment was mailed to those interested parties who submitted comments during the scoping period and attended the public meetings.
7. The environmental assessment was posted to the ANF website on August 5, 2009.
8. Public meetings were held in Ridgway, Clarion, Sigel, and Fisher, Pennsylvania on August 6, 7, and 8 to discuss the CWSR CRMP. Copies of the EA and draft CRMP were available for the participants at the meetings.
9. A legal notice was published in the *Warren Times Observer* (Warren, Pennsylvania) on August 10, 2009 announcing the opening of the 30-day notice and comment period for the Clarion River CRMP EA.
10. The 30-day comment period for this project ended on September 9, 2009. Twenty-three (23) responses were received. The public comments and the Forest Service responses are contained in Appendix G of the EA.

#### **V. Finding of No Significant Impact**

I have determined that the proposed actions will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. My determination is

based on the effects analysis documented in the Clarion River CRMP EA and project file. I considered the following factors listed in 40 CFR 1508.27:

**(a) Context** – Based on the large size of the ANF, and the comparatively small percentage of the area in the Clarion WSR corridor (equal to approximately 3 percent of the ANF), anticipated effects of Alternative 1, both short- and long-term, are not significant.

The decision being made at this time does not include authorizing implementation of any ground disturbing activities. In accordance with the Forest Service’s two-level planning process, decisions on proposed site-specific, ground-disturbing actions would be made through subsequent environmental analysis and public involvement.

Future projects will be analyzed in context with the activities as proposed or implemented under cumulative effects analyses The ANF LRMP standards and guidelines and project design features would minimize and avoid adverse impacts from any future projects.

**(b) Intensity** - I base my finding on the following intensity factors:

1. **Beneficial and adverse effects** – Both beneficial and adverse effects have been considered in the analysis. Benefits of this project include consistent protection of the ORVs that define the Clarion WSR across all public lands within the river corridor and expanded protection of water quality, free-flow characteristics, and archaeological resources. Adverse effects include a reduced corridor, even on some public lands below Cooksburg, where the 1400’ elevation line was established as the boundary in order to address concerns of private property owners and local government. Benefits of this project were not used to offset adverse impacts, and adverse impacts of this project are not significant even when separated from benefits (EA, pp. 25–26).
2. **Public health and safety** – Implementation of this project will not cause any significant effects to public health and safety (EA, p. 26).
3. **Unique characteristics of the geographic area** – The unique geographic landscape of the Clarion WSR corridor contributes to its scenic and recreational ORVs. The river meanders through a mostly undeveloped landscape that features diverse and mature vegetation, steep slopes, sinuous channel, and varying water conditions, which provides spectacular views and a sense of isolation in some segments and a sense of connectedness to the river in other segments. The Clarion WSR corridor defined in Alternative 1 includes prime farmland, parklands, floodplains, wetlands, old growth forest, and ecologically critical areas. My decision selecting Alternative 1 will protect the unique characteristics of the ORVs, the free-flow conditions, and water quality of the Clarion WSR. Any site-specific proposed actions to implement the selected alternative on NFS lands within the corridor will be in accordance with the approved standards and guidelines and a site-specific environmental analysis, as well as a public involvement process that enables partners and the general public to identify issues, provide comment, and continue to contribute to the planning process and management of the Clarion WSR.
4. **Controversy** – Based on public participation, the effects on the quality of the human environment are not likely to be highly controversial. Controversy is described as a dispute amongst the scientific community. Based on that definition, there is no substantial

dispute among the scientific community as to the size, nature or effects of implementing Alternative 1 on the various biological and physical environments (EA, p. 26).

I understand that there is also public controversy about the extent of the WSR corridor, the role of the federal government in managing the WSR corridor, and the impact this may have on private property rights and the ability of local government to pass ordinances governing activities on private property. As we have stated on numerous occasions, management of activities on private lands above the normal high-water mark of the river is the sole right and responsibility of the landowner. This river corridor and the Clarion River CRMP do not change or usurp that right. The landowner must conduct any ground disturbing activities or waste generating activities in accordance with local ordinance, state law, and Army Corps of Engineers requirements. Proposed actions that impact free-flow condition below the normal high-water mark fall within the review requirements of the Forest Service, as the agency designated by Congress to manage the Clarion WSR. I realize that some will disagree with my decision to select Alternative 1; however, I have determined that this alternative provides the best balance between the need for protection of the ORVs that make the river unique, as well as the free-flow condition and water quality and the concerns expressed for private property rights and the continued role of local government.

5. **Uncertainty, unique or unknown risks** – The potential projects developed from Alternative 1 would be considered common and routine and would not involve any unique or unknown risks. The Clarion River CRMP EA is a planning document. The possible effects from proposed future actions would be analyzed at project-specific level (EA, p. 27). The effects analysis shows the known effects, and the proposal does not involve unique or unknown risks (EA, section III, environmental consequences).
6. **Precedence** – The Clarion River CRMP will provide direction that encourages protection and enhancement of the ORVs for which the Clarion WSR was designated. The Clarion River CRMP will provide direction for future actions but does not represent a decision for future actions. Alternative 1 does not establish a precedent for future actions or represent a decision in principle about future management considerations. Any future decisions will need to consider all relevant scientific and site-specific information available at that time and would require further environmental analysis and public involvement.
7. **Cumulative impacts** – Effects of past, present and reasonably foreseeable land uses, along with the effects of Alternative 1, were considered in reaching my decision. The effects of implementing the selected alternative do not individually, or with other activities taken cumulatively within the areas affected, reach a level of significant (EA, pp. 27–29).
8. **Cultural, historic, and scientific resources** – Heritage resources are not listed as an ORV for the Clarion WSR; however, the WSRA requires that these values be protected and enhanced. The ANF LRMP provides for preservation and interpretation of existing sites. No adverse effects on scientific, cultural, or historical resources are anticipated with implementation of Alternative 1 (EA, pp. 29-30). No scientific (research) study areas are located within the proposed Clarion WSR corridors. Selection of Alternative 1 provides the greatest protection for known archaeological resources on NFS lands within the river

corridor and provides for expanded inventory, interpretation, and protection of these resources in the future.

9. **Threatened and Endangered species and their habitat** – The Indiana bat, northeastern bulrush, and small-whorled pogonia have suitable habitat within the proposed river corridors, but have not been documented in the proposed river corridors. There is no designated critical habitat for any federally threatened or endangered species on the ANF. A may affect, not likely to adversely affect determination was reached for the Indiana bat. A no effect determination was reached for the small-whorled pogonia, northeastern bulrush, northern riffleshell mussel, clubshell mussel, rayed-bean mussel, and sheepnose mussel. Potential effects to threatened or endangered species and their habitat are anticipated to be non-significant with implementation of ANF LRMP standards and guidelines (EA, p. 30). These determinations are within the level of actions analyzed in the Biological Assessment (BA) for the ANF LRMP. A concurrence letter on the BA, dated January 31, 2007, was received from the U.S. Fish and Wildlife Service.

A Review of New Information (RONI) was prepared (February 2009) and added to the project file pertaining to the white-nosed syndrome that is affecting bats. The findings in the RONI include the following: (1) no correction, supplement, or revision to the environmental documentation for the ANF LRMP or an amendment of the ANF LRMP is necessary at this time; (2) no additional work will be required for existing project analyses tied to the analysis found in the ANF LRMP; (3) the project level analysis is sufficient at this time; and (4) there is no change in the listed determination for the Indiana bat.

10. **Federal, state, or local law or requirements** – Alternative 1 conforms to all applicable federal, state, and local laws and requirements. Alternative 1 would not result in a trend toward federal listing or a loss of viability for any Regional Foresters sensitive species or other species of local concern (EA, pp. 30-31, the project BA and Biological Evaluation [BE]).

## **VI. Findings Required by Other Laws and Regulations**

The decision amends the ANF LRMP. The amendment includes designation of the river corridor boundary for the Clarion WSR and incorporation of new standards and guidelines for MA 8.1.1 for NFS lands within the Clarion WSR corridor. Congress must give final approval of the WSR corridor.

The analysis and amendment were conducted under the authority of the National Forest Management Act of 1976. I used the procedures of the planning regulation in effect before November 9, 2009 (the 1982 Planning Rule), which were also used to prepare the revised 2007 ANF LRMP. I also used these procedures to determine that the amendment was not significant (see pp. 4-5 of this Decision Notice).

As required by the National Forest Management Act section 1604(i), I find this decision to amend the 2007 ANF LRMP to be consistent with all other parts of the 2007 ANF LRMP. This project is also in full compliance with 36 CFR 220, the Endangered Species Act, the Clean Water Act, and the National Historic Preservation Act. All actions meet National Forest Management Act requirements as detailed in 16 USC 1600 et. seq.

This decision is consistent with the Migratory Bird Treaty Act and the provisions of the memorandum of understanding between the US Fish and Wildlife Service and the Forest Service to integrate conservation measures for migratory birds into the comprehensive land management and project planning. This decision balances the long-term benefits to migratory birds against the short-term adverse effects and minimizes “take” by retaining snags and the integrity of nesting sites along with other conservation measures (EA p. 31).

My decision is based on a review of the record that shows consideration of relevant scientific information, including responsible opposing views, and as appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, or risk.

## **VII. Implementation Date**

Implementation of this decision is pursuant to Section 10 of the Optional Appeal Procedures Available during the Planning Rule Transition Period. Implementation of this decision shall not occur for 7 calendar days following publication of the legal notice.

## **VIII. Administrative Review or Appeal Opportunity**

This decision is subject to appeal pursuant to the Optional Appeal Procedures Available during the Planning Rule Transition Period. Appeals must meet content requirements of Section 9 of the Optional Appeal Procedures. An appeal, including attachments, must be filed (regular mail, fax, hand-delivery, express delivery or messenger service) with the appropriate appeal deciding officer (Section 8) within 45 days following the date of publication of the legal notice.

The publication date of the legal notice in the newspaper of record (*Warren Times Observer*, Warren, Pennsylvania) is the exclusive means for calculating the time to file an appeal (Section 8). Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. It is the responsibility of interested parties to respond to this notice within the established time period. If a document is not available or delivered at the expected time, please contact Kevin Treese at (814) 927-5759 to determine its availability and if necessary, arrange an alternate delivery method.

Written appeals shall be sent to:

Kent P. Connaughton, Appeal Deciding Officer  
Attn: Appeals and Litigation  
USDA-Forest Service, Eastern Region  
626 E. Wisconsin Avenue  
Milwaukee, WI 53202

Appeals may be faxed to (414) 944-3963, Attn: Appeal Deciding Officer, USDA Forest Service, Eastern Regional Office. Normal business hours (for hand-delivered appeals) are 7:30 a.m.–4:00 p.m., Monday through Friday. Electronic appeals should be directed to [appeals-eastern-regional-office@fs.fed.us](mailto:appeals-eastern-regional-office@fs.fed.us). Electronic appeals should be in txt, rtf, doc, pdf or other Microsoft Office compatible formats.

## IX. Responsible Official and Contact Information

The Responsible Official is:

Leanne M. Marten, Forest Supervisor  
Allegheny National Forest  
4 Farm Colony Drive  
Warren, PA 16365

Questions regarding this decision notice and FONSI should be directed to the responsible official or Kevin Treese, Marienville Ranger District NEPA coordinator, at (814) 927-5759. This document is also listed on the ANF website at

[http://www.fs.fed.us/r9/forests/allegheny/projects/recreation\\_projects/](http://www.fs.fed.us/r9/forests/allegheny/projects/recreation_projects/)

/s/Leanne M. Marten  
LEANNE M. MARTEN  
Forest Supervisor

September 29, 2009  
Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.