Proposed Decision
Tour de Forest ATV Trail Ride Special Use Permit 2009

USDA Forest Service, Eastern Region
Allegheny National Forest
Marienville and Bradford Ranger Districts
Warrants 2022, 3170, 3171, 3173, 3174, 3177, 3181, 3183, 3184, 3185, 3191, 3551, 3561, 3564, 3642, 3643, 3644, 3646, 3671, 3672, 3800, 5106, 5107, 5129, 5136, 5138 and 5139, Jenks Township
Warrants 2021, 2878, 2882, 3183, 3184, 3185, 3186, 3187, 3188, 3802, 3803, 4545, 4790, 5101, 5102, 5103, 5104, 5106, 5107, 5266 and 5282, Howe Township
Warrants 5107, 5108, 5109, 5128, 5129, 5135, 5136, 5212, 5213, 5214, 5217, 5233, 5266, 5268, 5234, 5235 and 5236, Kingsley Township
Forest County, Pennsylvania
Warrants 5233 and 5234, Cherry Grove Township
Warren County, Pennsylvania

I. Proposed Decision

A. Description of Decision

My proposed decision is to allow the Marienville Volunteer Fire Company (MVFC) to conduct their Tour de Forest all-terrain vehicle (ATV) and motorcycle trail ride. The Tour de Forest, a two-day event, has occurred spring and fall for the last 14 years without major conflicts. The event would use the Forest Service System roads listed in the table below, motorized trails and township roads. The Tour de Forest route originates in Marienville, Pennsylvania and includes five loops in Forest and Warren Counties. The routes of the proposed Tour de Forest ride are shown on the attached map.

Forest Service System Roads (FR) in the Tour de Forest Routes

FR 127	FR 116 from FR 449 to state route (SR) 666
FR 159	FR 124 from state route 66 to FR 131
FR 180D	FR 128 from FR 127 to FR 180 at Deadman Corners
FR 216	FR 130 from Marienville to Lamonaville
FR 221	FR 131 from township road 327 (Lamonaville Road) to FR 124
FR 221B	FR 145 from the Tennessee Gas pipeline to FR 127
FR 226	FR 180 from FR 128 at Deadman Corners to FR 180D
FR 287	FR 449 from FR 449C to FR 116
FR 449C	

This decision would be implemented through a five-year special use authorization that meets the requirements of the decision and Forest Service regulations. Forest Service regulations require the permit holder to: submit an operation and maintenance plan that complies with the decision requirements; pay any necessary fees; post any necessary bonds; and secure any state or federal permits or authorizations required by law.

B. Purpose of Decision

The purpose of this project is to accomplish forest goals while protecting the environment. The Allegheny National Forest Land and Resource Management Plan (ANF LRMP) establishes the following goals.

> Provide a diverse range of high quality, sustainable recreation opportunities consistent with public demand and resource capability emphasizing locally popular recreation places and those important to the tourism industry. (ANF LRMP p. 13)
>
> Emphasize the development of a mapped, marked, and maintained trail system to minimize user conflicts, impacts to natural resources, respond to changing social needs, and increase access and linkages to communities, forest recreation sites, and special features. (ANF LRMP p. 13)
>
> Curtail unauthorized cross-country motorized travel and increase the quality and quantity of motorized trail riding opportunities. (ANF LRMP p. 13)

Tour de Forest events provide economic benefits to businesses and organizations in the Marienville area and promote the recreational opportunities in Forest and Warren Counties.

II. Reasons for Categorically Excluding the Action

Actions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they qualify for one of the categories identified by the U.S. Department of Agriculture in 36 CFR 220.6(a) and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

This project falls within category 36 CFR 220.6(e)(15), which allows the "Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization." This category requires a project case file and decision memo.

B. Relationship to Extraordinary Circumstances

1. Federally listed threatened and endangered species and designated critical habitat, species proposed for Federal listing and proposed critical habitat, and Forest Service sensitive species

The Endangered Species Act requires that Federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. There is no critical habitat for any federally proposed or listed threatened or endangered species on the ANF. Potential effects of the proposed decision on federally listed species have been analyzed and are documented in a biological assessment and evaluation (BAE). A "no effect" determination was reached for the Indiana bat, the small-whorled pogonia, the northeastern bulrush, the northern riffleshell, and clubshell mussels.

Forest Service Manual 2670 requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. On November 8, 2006, the Regional Forester approved the updated Regional Forester's Sensitive Species (RFSS) list. The BAE shows that of the 61 Regional Forester's Sensitive Species (RFSS)

found in or near the ANF; the timber rattlesnake, wood turtle, queen-of-the-prairie, and American fever-few are 4 RFSS that can be found utilizing roads or an open roadside environment. A fifth RFSS, the northern goshawk, utilizes mature trees for nest sites and can be found nesting along road and trail corridors.

Duhring Road, Lamonaville Road (FR 130) and Salmon Creek Road (FR 145) would be monitored for rattlesnakes during the two-day event if the weather is warm and dry. The potential for a timber rattlesnake and vehicle collision is minimal and if it did occur would not lead to a loss of species viability. The risk of vehicle collision for the wood turtle is considered insignificant and discountable. An increased monitoring effort during the event would decrease the potential of a vehicle collision for both species. There is no risk of direct impacts to queen-of-the-prairie or American fever-few plants and no impacts or changes to the potential habitat of these species are anticipated. If an occupied goshawk nest is located adjacent to the event route, there is the potential for disturbance of the bird(s). The Tour de Forest may impact individual goshawks, but is not likely to cause a trend toward federal listing.

The potential effects of this proposed decision on sensitive species have been analyzed and documented in the BAE, which concluded that there are no substantial direct, indirect or cumulative impacts anticipated on these five RFSS as a result of the proposed event.

2. Floodplains, Wetlands, and Municipal Watersheds

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

Executive Order 11990 requires avoiding adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

The proposed route occurs on roads and motorized trails that pass through floodplains and wetlands. This has been validated by map and site-review. The participants in this activity are required to stay on the proposed route. The Forest Service and permit holder monitor the trail rides to ensure that participants stay on the established route. Sensitive areas such as floodplains, wetlands, and other wet areas are flagged by the holder and monitored by the Forest Service and holder to prevent participants from entering these areas. Therefore, this proposed decision should not result in significant floodplain or wetland related impacts. Field review (monitoring) of past Tour de Forest Trail Rides confirms minimal resource effects from this activity.

To further ensure that floodplains and wetland related impacts are minimized, Forest Plan standards and guidelines and Pennsylvania best management practices (BMPs) are incorporated (ANF LRMP, pp. 74 – 78). Proposed activities would not change the function of the wetlands.

***Municipal Watersheds*:** Municipal watersheds are managed under multiple use prescriptions in forest plans. There are two municipal watersheds on the Marienville Ranger District (Ridgway Reservoir [Ridgway, PA] and East Branch Dam [Johnsonburg, PA]). The project is located approximately 9 miles away from the Ridgway Reservoir and approximately 12 miles away from

East Branch Dam. This has been validated by map and site review. The distance to the municipal watersheds and drainage patterns of the affected area preclude overland effects of this project to the identified municipal watersheds. The nature and scale of the activity should not have any subsurface effects to the identified municipal watersheds. This decision will not affect municipal watersheds.

3. **Congressionally Designated Areas**

   ***Wilderness*:** This project is two or more miles from designated wilderness areas. This has been validated by map and site review. Designated wilderness areas are in the ANF LRMP as MA 5.1 (pp. 116 – 120). This decision would not affect wilderness areas.

   ***Wilderness Study Areas*:** There are two wilderness study areas (WSAs) on the ANF. The project is located within 1.1 mile of the Minister Valley WSA. The project is 24 miles from the Chestnut Ridge WSA. WSAs are in the ANF LRMP as MA 5.2 (pp. 121 – 125). This has been validated by map and site review. Therefore, this decision would not affect WSAs.

   ***National Recreation Areas*:** The only National Recreation Area (NRA) on the ANF is the Allegheny National Recreation Area (ANF LRMP, p. 148 – 152). The project is at least six miles from the Allegheny NRA. This has been validated by map and site review. Therefore, this decision would not affect the NRA.

   ***National Wild and Scenic Rivers*:**
   There are two National Wild and Scenic Rivers, the Allegheny and Clarion Rivers, on the ANF. The project is at least 6.75 miles from these two rivers. The project location has been validated by map and site review. The proposed decision would not affect the Clarion or Allegheny Wild and Scenic Rivers.

4. **Inventoried Roadless Areas**
   The proposed project follows one mile of the road that forms the southwest side of the Minister Valley Inventoried Revised Roadless Area (ANF LRMP). Other inventoried roadless areas are at least three miles from the project area (RARE II and ANF LRMP). The project location has been validated by map and site review. Therefore, this decision would not affect inventoried roadless areas.

5. **Research Natural Areas**
   The Tionesta Research Natural Ares is six miles northeast of the project area. The project location has been validated by map and site review. Therefore, this decision, with impacts limited to the immediate area of activity, would not affect Research Natural Areas.

6. **Native American Religious and Cultural Sites**
   Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in, or unevaluated for, the National Register of Historic Places. The Native American Graves Protection and Repatriation Act governs the discovery and protection of Native American human remains and objects that are excavated or discovered on Federal lands. Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes' reserved rights are protected. The ANF has notified the Seneca Nation of Indians (SNI) Tribal Historic Preservation Office (THPO) and no tribal concerns have been identified with this project.

7. **Archaeological Sites and Historic Properties and Areas**
   While Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects on eligible and unevaluated cultural resources, the Archaeological Resources

Protection Act also affords lawful protection of archaeological resources and sites (100+ years old) on Federal and Indian lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items. This decision would comply with the cited Acts. With ANF LRMP standards and guidelines and Pennsylvania BMPs incorporated, no effects are anticipated to archaeological sites or historic properties or areas. A heritage resource review was completed for this project and no known heritage sites will be impacted.

No other extraordinary circumstances related to the project were identified.

III. Public Involvement

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

1) A scoping package was mailed on April 6, 2009 to 280 interested parties. The scoping package was also posted on the ANF website on April 7, 2009.
2) A news release was sent to local media on April 8, 2009, describing the project and listing the scoping comment deadline as May 7, 2009.

Six responses were received during scoping. Five responses supported the issuance of a Tour de Forest special use permit. One response did not support the Tour de Forest permit. All scoping comments were reviewed to identify those comments with site-specific effects to resources versus those comments that are beyond the scope of the project. The comments and answers are summarized in the following table.

Comment	Answer
ATVs don't belong in the Forest.	The ANF LRMP has determined that ATV use is suitable on the ANF.
Noise is bothersome and disruptive.	Vehicles are required to meet state requirements. Approved routes are restricted to open roads, designated trails, or private land with landowners' permission. No new roads or trails will be constructed. Speed is limited to 25 mph. Event is limited to four days per year. Potential disturbance of known goshawk nests will be monitored.
Cost	Cost to the Forest Service includes minimal time processing the application and permit administration. Due to the benefit to community organizations, the Forest Service will waive the regular permit fee. The permittee will reimburse the Forest Service for the salary of those Forest Service employees monitoring the event.
Fire Department and Forest Service should not allow this type of activity.	This comment is outside of the scope of this analysis.
Extremely damaging to environment, removing topsoil.	Participants are required to stay on designated approved routes.
(Participants) don't always adhere to trails.	Events are monitored by Forest Service and Fire Department representatives.
Lack of sufficient law enforcement during the regular "season."	This comment is outside of the scope of this analysis.
VFD should consider other types of fund raising. (raffles)	This comment is outside of the scope of this analysis.

Comment	Answer
It has detrimental effect on nesting and young wildlife.	Potential effects on threatened, endangered and sensitive species of wildlife have been evaluated in the Biological Assessment and Evaluation. See also section II, item B1.

IV. Findings Required by and/or Related to Other Laws and Regulations

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

Forest Plan Consistency (National Forest Management Act) – This Act requires the development of long-range land and resource management plans (LRMP). The ANF LRMP was approved in 2007 as required by this Act. The ANF LRMP provides guidance for all natural resource management activities on the ANF. The Act requires that all projects and activities are consistent with the ANF LRMP. The ANF LRMP has been reviewed in consideration of this project proposal. The Tour de Forest is consistent with the Forest Plan because the recreational use occurs only on existing motorized routes – i.e., designated ATV/OHM trails within IUAs, existing open and closed roads, and existing snowmobile trails. The special use permit does not authorize creation or construction of any new trails or roads. For the limited time of the special use recreational event, use of closed roads and the shared-use of the snowmobile trail may be allowed if the surface conditions are acceptable. The permission to use the closed roads and the snowmobile trail for ATV/OHM travel is limited to the specific event and specific time frame. Detailed notice is posted of Tour de Forest routes for public information. As required by the National Forest Management Act, Section 1604(i), I find this project to be consistent with the 2007 ANF LRMP.

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.

Endangered Species Act – See Section II, Item B1.

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

Clean Water Act – This Act requires restoring and maintaining the integrity of waters. The Forest Service complies with this Act through the use of ANF LRMP standards and guidelines and Pennsylvania Best Management Practices (BMPs). This decision incorporates ANF LRMP standards and guidelines and BMPs to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) – See Section II, Item B2.

Floodplains (Executive Order 11988) – See Section II, Item B2.

Federal Cave Resources Protection Act - This Act requires securing, protecting, preserving, and maintaining significant caves, to the extent practical. Site features and field review substantiate that no caves are in the project area. Therefore, no known cave resources would be affected by this decision.

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

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

Native American Graves Protection and Repatriation Act – See Section II, Item B6.

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

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

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

V. Administrative Review or Appeal

This proposed decision is subject to administrative review and appeal pursuant to 36 CFR 215 and the *Earth Island Institute v. Ruthenbeck* ruling of October 19, 2005.

VI. Responsible Official and Contact Person

The Responsible Official is:

Jodie L. Vanselow, Deputy District Ranger
Marienville Ranger District
Allegheny National Forest
131 Smokey Lane
Marienville, PA 16239

Questions regarding the proposed decision should be directed to the Responsible Official or Kevin Treese, 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/tour_de_forest_SUP

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