

**Decision Memo**  
**Apple Tree Maintenance Project**

USDA Forest Service, Eastern Region, Allegheny National Forest  
Marienville Ranger District  
Elk, Forest and McKean Counties, Pennsylvania

**I. Decision to be implemented**

**A. Description of Decision**

My decision is to maintain through pruning and releasing from competing vegetation approximately 5,000 apple trees scattered throughout the Marienville Ranger District. These trees range in size from saplings to mature trees, which may exceed 100 years of age. Many of these trees have not been maintained, have decreased vigor with dead or dying limbs or are not receiving sufficient sunlight.

My decision also includes the project design features referred to in section IV of this document.

My decision is located on the Marienville Ranger District of the Allegheny National Forest (ANF) in Elk, Forest and McKean Counties, Pennsylvania as displayed on the attached map.

**B. Purpose of Decision**

This decision is intended to contribute toward accomplishment of the ANF Land and Resource Management Plan (LRMP or Forest Plan) desired conditions of ...“provid[ing] a complete vertical structure that supports a variety of mammals, birds, reptiles, and amphibians” by pruning and releasing approximately 1,650 acres of apple trees over the next decade (ANF LRMP, pp.11 and 20).

This decision is intended to contribute to accomplishment of the Forest Plan objectives of “maintain[ing] and enhance[ing] the distribution and diversity of plant and animal species by providing a diversity of high quality habitats across the landscape”; “develop[ing] and maintain[ing] mast producing species on a variety of sites including lowlands, mid slopes and ridgetops; and “maintain[ing] a diversity of understory and overstory mast-producing species (ANF LRMP, pp. 14–15).

**II. Reasons for categorically excluding the decision.**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 36 Code of Regulations (CFR) 220.6, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the record.

## **A. Category of Exclusion**

The decision is within the category of exclusion 36 CFR 220.6(e)(6). This category allows for “timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction.”

## **B. Relationship to Extraordinary Circumstances**

### **1. Threatened and Endangered Species or Their Critical Habitat**

The Endangered Species Act requires that federal activities 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 on the ANF. As required by this Act, potential effects of this decision on listed species have been analyzed and documented in a biological assessment and evaluation (BAE). A “no effect” determination was reached for the Indian bat, small-whorled pogonia, northeastern bulrush, and northern riffleshell and clubshell mussels. Additionally, this decision will not adversely modify or destroy critical habitat or jeopardize the continued existence of the listed species. Concurrence for these determinations were received as part of the concurrence on the 2007 ANF LRMP dated January 31, 2007. A supplemental information report (SIR) pertaining to the white-nosed syndrome affecting bats has been prepared. Findings in the SIR include no change in the listed determination for the Indiana bat.

### **2. Floodplains, Wetlands, or Municipal Watersheds**

**Floodplains:** Executive Order 11988 is to avoid 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.”

This decision includes activities within floodplains. This has been validated by map and site-review. Pruning and release work will be done by hand, without heavy equipment, and will not impair the function of the floodplain. Similar past projects in this area were determined to have no significant floodplain-related impacts. This decision will not result in significant floodplain-related impacts. Field review (monitoring) of similar projects validates acceptable resource effects from similar activities.

To further ensure that floodplains-related impacts are minimized, Best Management Practices (BMPs) are incorporated.

**Wetlands:** Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “...areas 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.”

This decision includes activities within or near wetlands. This has been validated by map and site-review. Pruning and release work will be done by hand, without heavy equipment, during the

dormant season and will not impair the function of the wetlands. Similar past projects in this area were determined to have no significant wetlands-related impacts. This decision will not result in significant wetlands-related impacts. Field review (monitoring) of similar projects validates acceptable resource effects from similar activities.

To further ensure that wetlands-related impacts are minimized, BMPs are incorporated.

***Municipal Watersheds:*** Municipal watersheds are managed under multiple use prescriptions in land and resource management plans.

This decision includes activities within the Big Mill Creek and Silver Creek municipal watersheds (ANF LRMP FEIS, p. 3-29). Pruning and release work will be done by hand, without heavy equipment, during the dormant season. Similar past projects in this area were determined to have no significant impacts on the municipal watersheds. This decision will not result in significant municipal watershed impacts. Field review (monitoring) of similar projects validates acceptable resource effects from similar activities.

To further ensure that municipal watershed-related impacts are minimized, BMPs are incorporated.

### **3. Congressionally Designated Areas**

#### ***Wilderness Areas***

This decision does not affect wilderness areas. Wilderness is identified in the ANF LRMP as Management Area (MA) 5.1. Several islands of the Allegheny Islands Wilderness Area are located within the Marienville Ranger District. No pruning or release of apple trees are being proposed on these islands as the ANF LRMP prohibits wildlife habitat enhancements in designated wilderness (MA 5.1). This decision, with impacts limited to the immediate area of activity, will not affect wilderness.

#### ***Wilderness Study Areas***

There are two wilderness study areas (WSAs) on the ANF. WSAs are identified in the ANF LRMP as MA 5.2. Both of the WSAs are located on the Bradford Ranger District. This decision, with impacts limited to the immediate area of activity, will not affect WSAs.

#### ***National Recreation Areas***

The only National Recreation Area on the ANF is the Allegheny National Recreation Area (MA 8.2), which is located on the Bradford Ranger District. The project is not located in or near this area. This has been validated by map and site-review. This decision will not affect the Allegheny National Recreation Area.

### **4. Inventoried Roadless Areas**

The project area includes one inventoried roadless area (IRA), the Clarion River IRA. However, no new road construction will occur as part of this decision. Pruning and release work will be done by hand, without heavy equipment, during the dormant season. Similar past projects in this area were determined to have no significant impacts on inventoried roadless areas. This decision will not result in significant impacts on inventoried roadless areas.

## 5. Research Natural Areas

There are no research natural areas in the decision area (MA 8.5). The Tionesta Research Natural Area is located on the Bradford Ranger District. This decision, with impacts limited to the immediate area of activity, will not affect the Tionesta Research Natural Area.

## 6. American Indian and Alaska native religious or cultural sites

Additionally, the Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes' reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest Service consulted with the Seneca Nation of Indians and no tribal concerns were identified for this project.

## 7. Archaeological sites, or historic properties or areas

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 the National Register of Historic Places. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on agency undertakings. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal 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 complies with the cited Acts.

No effects to heritage resources are anticipated with implementation of this project. According to the Programmatic Agreement among the Forest Service (ANF), Pennsylvania State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation, this undertaking is a "screen exemption" because the proposed activities do not involve ground or surface disturbance (p. 34); therefore, SHPO concurrence is automatic.

No other extraordinary circumstances related to the project were identified.

## III. Public Involvement

Public involvement included sending scoping package to 116 interested parties on the NEPA #53 mailing list on May 19, 2009 and posting the scoping package on the ANF website on May 20, 2009. A new release was sent to local media on May 21, 2009. Project was listed in the ANF's *Schedule of Proposed Actions* in the July 2009.

Seven respondents submitted comments during the scoping period. Comments were also received from the Tribal Historic Preservation Officer of the Seneca Nation of Indians.

Comments were used to refine the project and analysis. Comments were also used to consider the possibility of extraordinary circumstances and potential effects to those resources. Comments are summarized below and responses provided.

1. Several respondents expressed concern that if pruning is not done properly it can cause more harm than good.

*Response: The Forest Service agrees that improper pruning can cause more harm than good and will take reasonable efforts to ensure that the apple trees are pruned and released properly.*

2. Several respondents provided locations for apple trees on the ANF that are in need of pruning or release and areas for potential apple tree plantings.

*Response: Thank you for the location information.*

3. One respondent was interested in the slash from the proposed apple tree pruning for use in their smoker.

*Response: Slash from the proposed apple tree pruning would be available for gathering under a firewood permit if it is not used to build brush piles or other wildlife habitat.*

4. One respondent asked several questions about how the apple tree maintenance would be implemented.

*Response: Pruning and release are being proposed to improve or maintain the health of “wild” apple trees and to increase fruit production on these trees. The apple trees proposed for pruning and release are scattered across the Marienville Ranger District in a variety of habitats. Many are located away from roads. For that reason, mulching is not being proposed as part of this project. Placing “ecoart nurse logs” near the apple trees is not being proposed in this project as any trees cut for release and slash from pruning will be left on site. Pruning and release is being proposed to occur from November through March when the trees are dormant (leaf-off period). Fertilizing is not being proposed for this project. Normally, we only fertilize apple trees that we plant usually with fruit tree spikes due to the location of and scattered nature of the planting sites. We have not contracted apple tree pruning in several years so do not have current contract specifications for review.*

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

My decision will comply 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 (LRMPs). The ANF LRMP was approved in 2007, as required by the Act. It has been amended once. The amended plan provides for guidance for all natural resource management activities. The Act requires all projects and activities be consistent with the LRMP. The ANF LRMP has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the ANF LRMP, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the ANF LRMP.

**Endangered Species Act** - See Section II, Item B2 of this document.

**Sensitive Species (Forest Service Manual 2670)** - This manual direction 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 for the ANF. Potential effects of this decision on RFSS have been analyzed and documented in a biological evaluation. This decision will have "no impact" on RFSS and will not cause a trend toward federal listing of these species.

**Clean Water Act** – The intent of the Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of BMPs. This decision incorporates BMPs to ensure protection of soil and water resources. Additionally, little to no ground disturbance is anticipated with this decision.

**Wetlands (Executive Order 11990)** - See Section II, Item B3 of this document.

**Floodplains (Executive Order 11988)** - See Section II, Item B3 of this document.

**Federal Cave Resources Protection Act** - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiate that no caves are in the area. No known cave resources will be affected by this decision.

**National Historic Preservation Act** - See Section II, Item B7 of this document.

**Archaeological Resources Protection Act** - See Section II, Item B7 of this document.

**Native American Graves Protection and Repatriation Act** - See Section II, Item B6 of this document.

**Wild and Scenic Rivers Act** - See Section II, Item B4 of this document.

**Environmental Justice (Executive Order 12898)** - This order requires consideration of whether 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.

#### **Design Features**

1. Conifers and other trees that contain cavities will not be cut in order to release apple trees.
2. Trees that contain stick nest will not be cut in order to release apple trees.
3. Butternut trees will not be cut in order to release apple trees.

## **V. Administrative Review or Appeal Opportunities**

This decision is not subject to an administrative review or appeal pursuant to 36 CFR 215.

**VI. Implementation Date**

This decision may be implemented immediately.

**VII. Contact Person**

Further information about this decision can be obtained from Kevin Treese, district NEPA coordinator, at (814) 927-5759 during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Marienville Ranger District office (Address: 131 Smokey Lane, Marienville, PA 16239).

Additional information about this decision can be found on the ANF website at [http://www.fs.fed.us/r9/forests/alleggheny/projects/vegetative\\_management/apple\\_trees/](http://www.fs.fed.us/r9/forests/alleggheny/projects/vegetative_management/apple_trees/).

**VIII. Signature and Date**

*/s/ Robert T. Fallon*

*10/28/2009*

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ROBERT T. FALLON  
District Ranger  
Responsible Official

\_\_\_\_\_  
Date

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