
Appendix A – Scoping Comments Summary

Introduction

This report summarizes the public scoping process for the FY07 Regeneration Project Environmental Assessment (EA) and presents analyses based on the public comments received. The U.S. Department of Agriculture-Forest Service (USDA-FS), Allegheny National Forest (ANF), Marienville Ranger District is proposing to implement the FY07 Regeneration Project. This project includes timber harvesting on approximately 383 acres including shelterwood seed cuts, shelterwood removal cuts, salvage thinning, and group selection cuts and associated reforestation treatments including herbicide application, site preparation, fertilizer, fencing, installing tree shelters, release, and prescribed burning. Reforestation only activities are proposed on 69 acres, wildlife habitat improvement activities, on approximately 80 acres including the installation of two nest boxes, and non-native invasive plant treatments, on 11 acres.

The scoping period began on June 7, 2007 when the Marienville Ranger District mailed scoping packages to 131 interested individuals and organizations, including adjacent landowners and subsurface mineral owners. On June 11, 2007, a news release was sent to local newspapers and other media. The FY07 Regeneration Project was listed in the ANF Schedule of Proposed Actions (SOPA) starting with the January 2007 issue. Lastly, the scoping package was posted on the Allegheny National Forest (ANF) website on June 12, 2007.

The scoping comment period ended on July 12, 2007. Comments were received from 17 respondents:

Respondents:

Jason Godesky, Marienville, PA
Ryan Talbott, Allegheny Defense Project, Clarion, PA
Richard J. Mauk, Indiana, PA
Iona Conner, Shade Gap, PA
Lydia Garvey, Clinton, OK
LisaRae Vaughn, Utica, PA
Carla Spear, via e-mail w/ no location given
Chip Wentzel, Grove City, PA
John Siefert, McKean, PA
Charles B Manges, via e-mail w/ no location given
Jack Hedlund, Allegheny Forest Alliance (AFA), Kane, PA
Timothy Reim, via e-mail w/ no location given
Ridgeway Township Board of Supervisors, Ridgway, PA
Mark Banker, Ruffed Grouse Society, State College, PA
Fredrick A. Szarka, National Park Service, Madison, WI
Liz Hughes, Allegheny Co., PA
John A. Keslick, Jr., West Chester, PA

The respondents' comments are included in the project file. Comments were analyzed by coding each statement by subject, comment type, and disposition. Comments from Liz Hughes, Ridgway Township Board of Supervisors, Mark Banker (Ruffed Grouse Society), and Jack Hedlund (Allegheny Forest Alliance) were supportive of the proposed action.

The sections below summarize the content analysis of the scoping comments for the FY07 Regeneration Project and include the following:

- I. Issues
 - A. Preliminary issues raised by the public
 - B. Significant and non-significant issues
 - C. Non-issue comments, questions, and requests

I. Issues

A. Preliminary Issues Raised by the Public

An issue is defined as a point of disagreement, debate, or dispute with the proposed action based on some anticipated effect. Preliminary issues will be categorized into significant and non-significant issues later in this summary.

1. No Herbicides

There is concern over the use of herbicides and fencing on the ANF and their impacts. Spraying herbicides have devastating long-term impacts. This project eliminates many forest uses, including gathering wild edibles or medicinal plants, which may now be infected with unknown herbicides and unsafe for consumption. **(Godesky)**

There is concern over the use of herbicides and fences in any reforestation projects in the ANF. One respondent was concerned that the sudden reduction of honey bees in Pennsylvania is related to the wide spread use of pesticides on both private and public land. “Until this problem is fully understood ... we should eliminate their use.” **(Siefert)**

2. Habitat Fragmentation

Putting up fences creates further habitat fragmentation. **(Godesky)**

3. No Timber Harvesting

There is concern that timber harvesting (removing wood) adversely impacts forest health. **(Keslick)**

4. Remote Habitat

Proposed actions in the Painter Run watershed are “obtrusive in this remote area”. ... I recommend no Forest Service activity in the Painter Run area” ... **(Mauk)**

5. Threatened, Endangered, and Sensitive Species

There is concern that proposed activities would impact threatened, endangered, and sensitive species. **(Mauk)**

6. Scenic Integrity

The Salmon Creek and Sackett areas, both within the project area, have been identified by the Forest Service as “most threatened landscapes” due to historic OGM activity and development. “The Forest Service cannot keep proposing projects that occur in these same areas that will have further impacts on scenic quality and integrity and ignore the reality of the situation on the ground.” **(Allegheny Defense Project)**

B. Significant and Non-significant Issues

Significant Issues

Significant issues are used to formulate alternatives, prescribe mitigation measures, or analyze environmental effects. Issues are “significant” because of the extent of their geographic distribution, the duration of their effects, or the intensity of interest or resource conflict.

The interdisciplinary team identified no issues characterized as significant for the purposes of this analysis.

Nonsignificant Issues – These are issues which are not used in the environmental analysis. A reason must be cited. Reasons may include:

- The issue is outside the scope of the proposed action.
- The issue is already decided by law, regulation, Forest Plan, or other higher level decision.
- The issue is irrelevant to the decision to be made.
- The issue is conjectural and not supported by factual evidence.

1. No Herbicides (Preliminary Issue 1)

There is concern over the use of herbicides and fencing on the ANF and their impacts. Spraying herbicides have devastating long-term impacts. This project eliminates many forest uses, including gathering wild edibles or medicinal plants, which may now be infected with unknown herbicides and unsafe for consumption. **(Godesky)**

***Response:** This is a non-significant issue because it is conjectural and not supported by factual evidence. The use of herbicide to aid in reforestation is a standard practice on the ANF. The potential effects of herbicide on water quality were evaluated during the summer of 2002 over a 17 day period. Herbicide was applied within a harvested unit on the Bradford Ranger District adjacent to Root Run, a perennial stream channel. ANF Land and Resource Management Plan (LRMP) streamside buffers were implemented between the application area and the stream. Water samples were taken from the stream following the herbicide application. No detectable amounts of herbicide (measured as glyphosate, aminomethylphosphonate (AMPA), and sulfometuron methyl) were found in the water samples collected. Although it is likely that the herbicide, once applied, moves no more than a few inches in the soil and binds tightly to soils, streamside buffers are important to mitigate any drift in the air that may occur during application and filter any runoff that may occur during storm events.*

The Forest Service has established standards and guidelines in the ANF LRMP (pp. 54 to 59) to minimize the impacts of herbicide application. Potential herbicide effects (for glyphosate and sulfometuron methyl) on human health are reviewed and analyzed in Appendix G (ANF Human Health Risk Assessment) of the Final Environmental Impact Statement for the ANF LRMP. Appendix G1, section 5 of ANF Human Health Risk Assessment (Tables 49-57) shows that the planned use of glyphosate on the ANF, even at the maximum exposure scenarios, should not affect any member of the public, including sensitive individuals. Section 8 of ANF Human Health Risk Assessment (Tables 93-98) shows that the planned use of sulfometuron methyl on the ANF, even at the maximum exposure scenarios, does not exceed a level of concern for any member of the public, including sensitive individuals.

The risk analysis for terrestrial wildlife and invertebrates (the bee) are show in Tables 17 (p. G2-74) and 19 (p. G2-78) of Appendix G in the ANF LRMP FEIS. Based on application rates of 1, 2, 3, and 4 pounds/acre for glyphosate, all hazard quotient (HQ) values are less than the level of concern (HQ=1). At an HQ of 1 or less, there is no plausible basis for asserting that adverse effects are likely to occur at application rates that might be used in ANF programs (p. G2-73). Appendix G (p. G2-79) states “there is no basis for anticipating the occurrence of adverse effects to bees exposed to sulfometuron methyl at application rates that might be used in ANF programs.

The effects of no treatments will be analyzed under the no action alternative. It should be noted that all areas that are identified in the NEPA process for possible herbicide may not actually be treated. These areas will be monitored to determine if regeneration is successful or if persistent deer browsing results in the need for an herbicide treatment.

2. Habitat Fragmentation (Preliminary Issue 2)

Putting up fences creates further habitat fragmentation. (Godesky)

Response: *This is a non-significant issue because it is conjectural and not supported by factual evidence. Fragmentation is the process by which a natural landscape is broken up into smaller parcels on natural ecosystems isolated from one another in a matrix of other ecosystems. Fragmentation has been defined as the “disruption of continuity in a pattern or process” (Meffe and Carroll, 1994). Disruption of continuity is a pattern or process occurs with a single or group of trees being blown down, roads perforating the landscape or large-scale timber removal. The effects of fragmentation in regards to isolation, reduction of forest patch size, and edge effects are of the most concern to landscape ecologists. Fence units on the ANF are not large enough to cause the disruption of continuity in a pattern or process. Fenced units on the ANF are usually not greater than 40 acres. The process that would have the potential for disruption by fencing would be dispersal of large wildlife species such as black bear and deer; smaller wildlife would not be restricted by fencing. While deer consistently use travel corridors, they readily adapt to changes or barriers and would not be negatively impacted by the presence of a fence. It should be noted that all areas that are identified in the NEPA process for possible fencing may not actually be fenced. These areas will be monitored to determine if regeneration is successful or if persistent deer browsing results in the need for fencing.*

3. No Timber Harvesting (Preliminary Issue 3)

There is concern that timber harvesting (removing wood) adversely impacts forest health. (Keslick)

Response: *This is a non-significant issue because it is outside the scope of this project. No timber harvesting on National Forest System lands is a national issue and the appropriate level of analysis would be at the national level and not at a site-specific district level. The no action alternative is also responsive to this issue.*

4. Remote Habitat (Preliminary Issue 4)

Proposed actions in the Painter Run watershed are “obtrusive in this remote area”. ... I recommend no Forest Service activity in the Painter Run area” ... (Mauk)

Response: *This is a non-significant issue because it has already been addressed by the ANF LRMP. The four stands within the Painter Run watershed are located in MA 2.2 and are proposed for reforestation treatments only (site preparation, herbicide, and release). Salvage harvests and fencing occurred as part of the Painter Run Windthrow Salvage Project. The reforestation treatments are being proposed to ensure successful regeneration of these stands due to changed understory conditions (interfering woody vegetation and ferns). The proposed activities are suitable in MA 2.2. The environmental analysis will consider the impacts to threatened, endangered, and sensitive species. ANF LRMP standards and guidelines would be followed to eliminate or minimize impacts to these species. These sites would also be monitored prior to and during implementation. Additional mitigation measures would be proposed as necessary.*

Note: *In the scoping package, fertilizer application and fencing were proposed for these stands by mistake. These stands are all currently fenced so additional fencing and fertilizer applications are not needed. Therefore, these treatments are being dropped from the proposed action.*

5. Threatened, Endangered, and Sensitive Species (Preliminary Issue 5)

There is concern that proposed activities would impact threatened, endangered, and sensitive species.

Response: *This is a non-significant issue because it is conjectural and not supported by factual evidence. The environmental analysis will consider the impacts to threatened, endangered, and sensitive species. ANF LRMP standards and guidelines would be followed to eliminate or minimize impacts to these species. These sites would also be monitored prior to and during implementation. Additional mitigation measures would be proposed as necessary. There is no designated critical habitat for any of the threatened or endangered species on the ANF.*

6. Scenic Integrity (Preliminary Issue 6)

The Salmon Creek and Sackett areas, both within the project area, have been identified by the Forest Service as “most threatened landscapes” due to historic OGM activity and development. “The Forest Service cannot keep proposing projects that occur in these same areas that will have further impacts on scenic quality and integrity and ignore the reality of the situation on the ground.” (**Allegheny Defense Project**)

Response: This is a non-significant issue because it is conjectural and not supported by factual evidence. The environmental analysis will consider the impacts to scenic quality and integrity. ANF LRMP standards and guidelines would be followed to ensure that proposed activities would meet or exceed the standards and guidelines for scenery

C. Non-Issues: Comments, Questions, and Information Requests

Non-issues are comments that do not identify a dispute with the proposed action based on some anticipated effect. Non-issues also include opinions, comments on the National Environmental Policy Act process used, and requests for further information or other documents. They are presented verbatim or summarized as appropriate.

1. **“Please define need.** Cutting the wood out of once fertile forest does more harm than good. ... It is no less than false prophecy to claim that cutting the wood out of the once fertile forest is “NEEDED” for the future health of trees and their associates. ... This project is not backed by sound science and is more deforestation project than a project to increase forest health. It’s based on myth rather than sound science.” (**Keslick**)

Response: An opportunity to enhance a resource is defined as a “need”. These statements are non-issues because they do not express any clear dispute with the proposed action based on some anticipated effect. No timber harvesting on National Forest System lands is a national issue and appropriate level of analysis would be at the national level and not at the site specific project level.

The Forest Service also agrees with the need to leave coarse woody debris for wildlife, nutrient recycling, and other resources. ANF Land and Resource Management Plan (LRMP) standards and guidelines shall be followed to ensure that adequate amounts of coarse woody debris are left to maintain or enhance forest health.

2. There is concern that the impacts to the North Country Trail (NCT) and its users are analyzed in the environmental analysis for this project. The NCT crosses one of the stands proposed for treatment (stand 716022). (**National Park Service**)

Response: Impacts to the NCT and its users will be considered in the environmental analysis. ANF LRMP standards and guidelines (pp. 61 and 64) shall be followed to ensure that impacts to the NCT and its users are minimized during implementation of the project.

3. “... we urge you to take advantage of any opportunities that would result in moving the North Country Trail towards its Desired Future Condition (DFC) as “trail that will be administered and managed as a path whose use is primarily for hiking and backpacking.” (**National Park Service**)

Response: This is a non-issue because it does not express any clear dispute with the proposed action. See response to non-issue 2.

4. Now that the Forest Service acknowledges that the deer herd is at levels it wants and the forest is beginning to recover, there is no need for reforestation activities that reduce the impact of deer browsing. (**Allegheny Defense Project, Manges, Conner, Spear, Wentzel, Vaughn, Reim**)

“Your studies show that deer populations are at acceptable levels, so there isn’t need for this very disruptive approach. Ecologically safe predators are needed, wolves/lions/bears.” (**Garvey**)

Response: This comment is an opinion and does not express any clear dispute with the proposed action based on some anticipated effect. Even though deer browsing has decreased on the ANF in

recent years due to new management practices by the Pennsylvania Game Commission, understory vegetation is slow to recover (ANF LRMP p. A-2). Even with the lower overall deer numbers on the ANF, deer levels and impacts within a specific area of the forest can vary and have a significant influence on regeneration. The Forest Service proposes reforestation treatments wherever necessary in the project area to ensure the establishment and growth of desired species. It should be noted that all areas that are identified in the NEPA process for possible fencing and herbicide application may not actually be treated. These areas will be monitored to determine if regeneration is successful or if persistent deer browsing results in the need for fencing.

Reintroduction of wolves or mountain lions is a Commonwealth of Pennsylvania or forest issue and the appropriate level of analysis would be at the state or forest level and not at a site-specific project level.

5. Decommission Forest Roads (FR) 383 and 383A beyond any active gas wells. **(Mauk)**

Response: This is a non issue because it does not express any clear dispute with the proposed action based on any anticipated effect. FR 383 is currently gated and closed to public motorized use beyond the gate. No road management changes are being proposed with this project. FR383 and FR383A are needed for access to OGM developments in the area.

6. “It is difficult to see from the map provided with the FY07 Regen Proposed Action whether the stone pit on FR383 is on MA 2.2 or MA 3.0. Stone pits greater than 2 acres in MA 2.2 are to be restored.” **(Mauk)**

Response: The FR383 stone pit is currently 3.10 acres in size and is located in MA 2.2 and 3.0. The stone pit was reclaimed following the Painter Run Timber Sale. There are no plans to expand the FR383 pit with this proposal as the stands along FR383 and FR383A are proposed for reforestation only.

7. In Table 1, the Forest Service state that a total of 39 acres will have “group selection” cuts and 39 acres of “individual tree selection” cuts. Are these the same 39 acres for both or is it 78 total acres?” **(Allegheny Defense Project)**

Response: Stands 846071 (18 acres) and 866031 (21 acres) are proposed for individual tree selection cuts (first entry) followed by group selection cuts (during the second entry).

8. Cuts up to three acres are clearcuts, not “group selection.” Group selection cuts up to three acres do not “simulate gap phase dynamics.” **(Allegheny Defense Project)**

Response: This statement is a non issue because it does not express any clear dispute with the proposed action based on some anticipated effect. As stated in the ANF LRMP (p. 111) in M.A. 2.2, group selection cuts should range from one-half to three acres in size, depending on forest type.

9. The activities the Forest Service proposes for this project are road improvement and/or road reconstruction, not road maintenance, and these activities must be detailed in an EIS. The Forest Service must disclose the estimated cost of this so-called “maintenance.” **(Allegheny Defense Project)**

Response: This comment is a non-issue because it does not express any clear dispute with the proposed action based on some anticipated effect. No road construction is being proposed with this project. The purpose of an environmental assessment is to consider and disclose environmental impacts that will help the responsible official to determine whether to prepare an environmental impact statement or to issue a finding of no significant impact. The estimated costs of road maintenance will be available in the project file.

10. The Forest Service’s proposed road activities could very well convert a Maintenance Level 2 road into a Maintenance Level 3 road or a ML 3 road into a ML 4 road. **(Allegheny Defense Project)**

Response: This comment is a non-issue because the proposed activities (road maintenance) are not anticipated to change the maintenance level of any roads.

11. We have suspected for quite some time that one of the reasons the Forest Service has been so reluctant to conduct the appropriate NEPA procedures for oil and gas drilling was connected to the road construction associated with oil and gas drilling. When the Forest Service proposes timber sales with road construction or reconstruction activities, it is likely those activities will trigger a more rigorous environmental analysis (i.e., and EA or EIS as opposed to a Categorical Exclusion). However, the Forest Service contends, publicly, that private oil and gas drilling is not subject to NEPA (a contention ADP strongly disagrees with), thus much of the road construction associated with oil and gas drilling activities do not go through the environmental analysis and public comment procedures under NEPA. **(Allegheny Defense Project)**

Response: This statement is an opinion and a non-issue because it does not express any clear dispute with the proposed action based on some anticipated effect. See response to non-issue 9.

12. Once the roads are constructed by oil and gas companies, the Forest Service can then use these roads for its activities. This makes it much easier for the Forest Service then to propose timber sales such as this and be able to claim, “No new road construction or road management changes are planned with this project.” These oil and gas roads are known not to be constructed to Forest Service standards, yet the Forest Service allows the construction of most of these roads to occur without following the proper NEPA procedures and then uses the roads for its activities without disclosing the impacts of the roads since the roads have already been constructed. **(Allegheny Defense Project)**

Response: This statement is a non-issue because it does not express any clear dispute with the proposed action based on some anticipated effect. The Office of General Council states that oil and gas (OGM) roads can be used in their existing condition, without reconstruction or improvement, for resource management activities after obtaining an agreement from the OGM operator that Forest Service use will not interfere with their operations. Only existing roads will be used for this project.

13. The Forest Service must also disclose whether any trees from this project will be utilized for providing schools and/or other facilities with wood chips for heating purposes. If so these impacts must be documented in an EIS. **(Allegheny Defense Project)**

Response: This comment is a non issue and does not express any clear dispute with the proposed action based on some anticipated effect. The timber to be harvested from implementation of this project would be offered for sale as part of the ANF regular sale program. It is possible that some of the timber harvested may be utilized by biomass facilities for heating purposes.

14. “Herbicides (toxic to the environment) and fencing to promote commercial valuable trees for future logging is not looking at the “big picture” – ecosystem balance, diversity.” **(Garvey)**

Response: This comment is a non issue and does not express any clear dispute with the proposed action based on some anticipated effect.

15. The Forest Service should file objections to any new wells proposed in the FY07 Regeneration project area. **(Allegheny Defense Project)**

Response: This is a non-issue because it does not express a clear dispute with the proposed action. This project does not involve any OGM activities or proposals.

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