Decision Notice

& Finding of No Significant Impact

Spring Creek

USDA Forest Service
Ocoee/Hiwassee District, Cherokee National Forest
McMinn, Monroe and Polk Counties, Tennessee

Decision and Reasons for the Decision

Background

The Ocoee/Hiwassee District has prepared an Environmental Assessment (EA) that documents the analysis of a no-action alternative and one action alternative that will implement the Cherokee National Forest (CNF) 2004 Revised Land and Resource Management Plan (RLRMP). The action alternative evaluates utilizing commercial timber harvest to provide early successional wildlife habitat, restore community types, diversify the age class distribution, and improve forest health. Connected actions such as site preparation, release of desired regeneration species from competition, maintaining system roads, system road construction, temporary road construction, and wildlife and fisheries habitat improvement are also part of the analysis. This EA was prepared by an interdisciplinary team and is available for public review at the Tellico Ranger Station, Tellico Plains, TN or Ocoee Ranger Station, Benton, TN. This Decision Notice (DN) and Finding of No Significant Impact (FONSI) document the rational for selection of modified Alternative 2.

The project area is located approximately seven miles southeast of Etowah, nine miles northeast of Benton, and three miles northeast of Reliance, Tennessee. The project is needed (EA, pgs. 2-3) to, provide early successional habitat, improve wildlife habitat, and improve forest health. The EA documents three alternatives, two of which were analyzed in detail, to meet this need.

Decision

Based upon the analysis and disclosure of effects contained in the EA, I have decided to select Alternative 2 with modifications for implementation. The modification responds to an issue raised during the comment period by changing a road (0.5 mile) to a temporary road rather than designating it as National Forest System Road 27D as proposed in the EA. Following is a narrative description of modified Alternative 2 (See EA maps for more specific locations of activities).

Silvicultural Treatments

1) Maintain or restore shortleaf pine and shortleaf pine-oak communities and create early successional habitat through silvicultural treatments on approximately 102 acres of existing forested stands. These are mostly ridge sites that would support “xeric pine and pine-oak forests” within which fire has historically played an important role in shaping species composition. To ensure desired conditions are achieved, herbicide applications (triclopyr) would be applied in the second year after regeneration. Activities would occur in the stands listed in Table 1.

Table 1. Pine restoration/maintenance

Comp/ Stand	Acres	Type of Harvest	Reforestation	Age	Community Type
146/14	37	Seedtree w/reserves	Slashdown, site preparation burn, plant shortleaf 15 X 15, 2nd year chemical release	80-90	Conifer-Northern Hardwood
146/16	25	Seedtree w/reserves	Slashdown, site preparation burn, plant shortleaf 15 X 15, 2nd year chemical release	80-90	Conifer-Northern Hardwood
146/23	40	Shelterwood w/reserves	Natural regeneration by seeding and sprouting, slashdown with 2nd year chemical release	80-90	Conifer-Northern Hardwood

2) Restore native riparian community through silvicultural treatments on approximately 10 acres of existing forested stands that have been planted to loblolly plantations (see Table 2).

Table 2. Native riparian community restoration

Comp/ Stand	Acres	Type of Harvest	Reforestation	Age	Community Type
147/31	3	Clearcut w/reserves	Natural regeneration by seeding and sprouting, non-native invasive plant control using herbicides	60-70	Xeric pine and pine-oak
148/40	7	Clearcut w/reserves	Natural regeneration by seeding and sprouting, non-native invasive plant control using herbicides	90-100	Xeric pine and pine-oak

3) Restore forest health, tree vigor, and wildlife browse by diversifying stands heavily stocked with pine on approximately 38 acres. Thinning would remove the pines, allowing other more appropriate tree species to develop. Activities would occur in the stands listed in Table 3.

Table 3. Pine removal

Comp/ Stand	Acres	Type of Harvest	Age	Community Type
146/1	31	White Pine Removal	90-100	Conifer-Northern Hardwood
146/29	7	Loblolly pine removal, non-native invasive plant control using herbicides	100-110	Dry& Dry Mesic Oak Pine

4) Thin stands on 62 acres to promote the forest health and improve tree vigor (see Table 4).

Table 4. Thinning

Comp/Stand	Acres	Age	Community Type
122/11	33	30-40	Dry and Dry Mesic Oak-Pine
122/19	29	30-40	Dry and Dry Mesic Oak-Pine

Additional Wildlife Habitat Improvements

1) Maintain approximately 81 acres of existing spot and linear wildlife openings. Maintenance activities typically include, but are not limited to, mowing, fertilizing, sowing, burning, and rehabilitation. The spot and linear openings are listed in Table 5.

Table 5. Wildlife Opening Maintenance

NFSR	Opening number	Acres	NFSR	Opening number	Acres	NFSR	Opening number	Acres
	102-1	.5		105-2	.8	NFSR 11213		4.6
	102-2	.9		105-3	2.2	NFSR 1106		2.8
	102-3	.6		105-4	1.8		121-6	3.7
	102-4	2.3		105-5	.8	NFSR 11215		2.2
	102-5	1.5		105-6	1		122-1	2.6
NFSR 297A		1.8		105-7	1.9	NFSR 2372-1		3.5
	102-7	.3		105-8	.8	NFSR 11272		3.2
	104-1	.4		106-1	.4		127-2	1
	104-2	1		106-2	.9		127-3	1.3
	104-3	1.7	NFSR 220K		1.9	NFSR 114601	146-1	4.9
	104-4	.5	NFSR 2372		3.4	NFSR 2010		8.8
NFSR 110503		1		121-1	2.5		148-1	4.7
NFSR 220D		.8		121-2	1.5		148-3	1.3
	105-1	1.1		121-3	.3			

2) Seed 62 acres of areas of timber harvest that are site prep burned with a non invasive grass seed mixture of native and non-persistent non-native species immediately following burn.

3) Construct ephemeral pools in temporary roads and gated roads in appropriate areas.

4) Open road corridors and spot openings (see Table 6) by removing trees up to 50 feet from either side of the following linear wildlife openings and spot openings (approximately 63 acres). Trees would be removed to allow sunlight to reach the road. Not all trees would be removed.

The effect would resemble heavy thinning of trees that are merchantable. In some areas, no trees would be cut. Areas with immature oaks, particularly white oaks would be thinned to release mast producing trees.

Table 6. Daylighting

Road Name/Number	Miles of roads or acres of spots
White Cliff Spur-NFSR 220K and 3 spots	1.2 mi./4.9 ac.
Hogback Ridge-NFSR 1106 and 3 spots	2 mi./7.7 ac.
Round Mtn-NFSR 11215 and 1 spot	1 mi./0.3 ac.
Hogback Br-NFSR 2372	1 mi.

Prescribe Burning

1) Prescribe burn Unit O-02 (Starr Mountain). Unit O-02 is approximately 2,980 acres. Roads and dozer line (approximately 2,850 feet) would be used as fire lines.

Transportation System

1) Add two unauthorized roads to the transportation system as National Forest System Road (NFSR) 2010E (0.6 miles) and NFSR 2010F (0.5 miles) and reconstruct these roads (approximately 1.1 miles) to access units treated by commercial timber sales. Roads would be the minimum standard needed to remove timber and would be available for administrative use only after the sales. Work would consist of widening curves, spot placing gravel, brushing, minor re-shaping, cleaning and constructing dips and other drainage structures to improve overall drainage, upgrading culverts, and replacing gates.

2) Construct approximately 0.9 miles of temporary roads (three roads) to access two harvest units. Temporary roads would be closed, stabilized and seeded with wildlife preferred species following completion of the project.

3) Reconstruct approximately 0.6 miles of existing NFSR 2372-1 to bring it up to standard. Work could consist of widening curves, spot placing gravel, brushing, minor re-shaping, cleaning and constructing dips and other drainage structures to improve overall drainage, upgrading culverts, and replacing gates.

4) Perform maintenance on approximately 4.6 miles of NFSRs to prepare the roads for management activities. Maintenance activities include placing gravel, grading and mowing.

Recreation/Trails

1) Develop a day use parking area that would accommodate horse trailers (approximately 1.5 acres) east of Starr Mountain. Construct approximately 3.0 miles of trail. One segment of trail would access the existing trail network from the proposed parking area. The other segment would follow an old decommissioned road which would provide access to the southern Starr Mountain trail network. These two trails would create additional loop opportunities using the existing trail network.

Design Criteria
The RLRMP contains Forest Wide, Management Prescription specific, and Management Area specific standards that mitigate adverse effects to all resources. These standards are part of the action alternative. This section also summarizes project specific mitigation measures that are not already covered in any RLRMP standards. These are applied to mitigate effects of implementing this specific project.

- To comply with Forest Wide Standard 28 ("Protect individuals and locations of other species needed to maintain their viability within the planning area. Site specific analysis of proposed management actions will identify any protective measures".) the following protective measure would be followed: 1) data on the location of individuals of *Collinsonia verticillata* would be used during sale layout to ensure that impacts to this species is minimized; 2) a no-cut zone surrounding the population of *Collinsonia verticillata* would be designated with directional felling and skidding away from the population.
- Three vegetation treatments would occur within defined riparian corridors. These treatments are directed at removing pine plantations and allowing the natural riparian community to re-establish. The operations would cause short term ground disturbances within the riparian corridor. Riparian Prescription Standards-RX11-1, RX11-8, RX11-29, RX11-30, RX11-31, and RX11-32 (USDA 2004a) would be followed with additional mitigation measures, such as silt fencing, determined as conditions warrant on site.
- Soil movement would occur during road maintenance activities, however, mitigation measures designed to stabilize the road surface, such as adding aggregate surfacing or armoring the soil or limiting distance and amount of concentrated flow by installing water diversion devices (dips, reverse grades, outslopes, leadoff ditches, culverts) would be implemented.
- Adequate road drainage such as out sloping, cross drains, and/or rolling dips will be implemented when building roads on Brevard series soils where they are found in the project area.

Reasons for the Decision

I believe modified Alternative 2 best addresses the Purpose and Need stated on pages 2-3 of the EA to move this area toward the desired conditions while addressing the range of significant issues for this project detailed on page 8 of the EA. Alternative 2 meets many of the goals and objectives of the RLRMP.

- Modified Alternative 2 raises the level of 0-10 age class in 2012 from 3% of the forested acres within Management Prescription (MP) 8.B to approximately 6%. This creation of early successional habitat will benefit many wildlife species, both game and nongame (EA pgs. 31-36). The RLRMP objective for MP 8.B is to maintain 10% to 17% in the 0-10 age class. Modified Alternative 2 will help move the project area towards the RLRMP objective for early successional habitat.
- Forest health is improved by diversifying age classes and thinning to improve growth and vigor (EA pgs. 59-69). This addresses Goal 10, Objective 18.02, and Objective 8.C 1.01 of the RLRMP.
- It improves and restores native species composition by promoting the establishment and development of white oak and shortleaf pine and other native species. (EA pgs. 12-31, 59-69). This addresses Goal 10 and Objectives 17.02, 17.03, 17.05 and 18.02 of the RLRMP.

- Modified Alternative 2 provides vegetative diversity to the area by both age and species mixes and create a more balanced age class distribution (EA pgs. 12-69). This addresses Goal 10 and Objective 8.C 1.01 of the RLRMP.
- Modified Alternative 2 reduces and prevents unacceptable timber losses from insect and diseases by developing young healthy stands. (EA pgs. 59-69). This addresses Goal 18 and Objective 18.02 of the RLRMP.
- The number of upland water sources is increased, which provides an important habitat element for wildlife, including the endangered Indiana bat. This addresses Objective 14.02 of the RLRMP.
- Modified Alternative 2 protects water quality through the use of State Best Management Practices and implementing the standards in the RLRMP (EA pgs. 82-94). This addresses Goals 2, 3, and 5 of the RLRMP.
- Modified Alternative 2 utilizes herbicides to accomplish site preparation and second year release effectively and economically. Triclopyr is an EPA approved herbicide whose environmental effects will be minimal. Use of site specific, manually applied herbicides, in proper weather conditions does not pose unacceptable risk to surface or groundwater resources. Use of herbicides for release of seedling is a standard forestry practice that has proven both safe and effective, when properly applied (EA pgs. 86-94).

As required by 36 CFR 219, I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information, consideration of responsible opposing views, and where appropriate, the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

Other Alternatives Considered

In addition to the selected alternative the EA considered one other alternative. A comparison of the two alternatives considered in detail can be found in the EA on pages 11. The following is a summary of the other alternative considered in the EA (pg. 8).

Alternative 1 (No Action)

Under the No Action Alternative, no changes to the existing environment would occur beyond those attributed to natural processes and disturbances. No project activities would be implemented. Routine activities such as road maintenance and wildlife opening maintenance would continue to occur.

Public Involvement

A proposal to improve wildlife habitat and forest health has been listed in the Schedule of Proposed Actions since July 2008. The proposal was provided to approximately 65 public, adjacent landowners and other agencies to solicit issues and concerns related to the proposed action in October 2008.

Using the eleven comments from the public, other agencies, and tribes, the interdisciplinary team identified no issues regarding the effects of the proposed action. A 30-day comment period was also provided in June and July 2012. One additional comment was received and is addressed in Appendix D to the EA.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my findings on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2. There will be no significant effects on public health and safety. At the typical Forest Service use levels the SERA Risk Assessments and worksheets for all chemicals used show Hazard Quotients well below the concern level for human health. (see EA pgs. 86-94)

3. There will be no significant effects on unique characteristics of the area. The project proposes to maintain and restore native plant and animal communities. (see EA pgs. 12-69)

4. The effects on the quality of the human environment are not likely to be highly controversial. Treatment methods are based on past experience, scientific literature and/or research, and have been implemented in the past with expected results. No experimental or untried methods are prescribed. Potential threat of herbicides is minimal based on the mitigation measures. (see EA pgs. 12-94)

5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk. (see EA pgs. 12-97)

6. The action is not likely to establish a precedent for future actions with significant effects. (see EA pgs. 12-97)

7. The cumulative impacts are not significant. (see EA pgs. 20-97)

8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because potential earth disturbing activities avoid these areas (see EA pgs. 79-80). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (see EA pgs. 79-80).

9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973 (see EA pgs. 47-48) and Appendix B, Biological Evaluation).

10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Cherokee National Forest Revised Land and Resource Management Plan (see EA pgs. 2-3 and 10-11).

Findings Required by Other Laws and Regulations

This decision to improve wildlife habitat and forest health, and enhance the transportation system through the use of timber harvesting is consistent with the intent of the RLRMP long-term goals and objectives listed on pages 22-72 (RLRMP). The project was designed in conformance with RLRMP standards and incorporates appropriate RLRMP standards for MP 8.B and 11, (pgs. 137-138, and 159-168) and Management Areas 3 and 4 (pgs. 181-187).

It is my finding that the actions of this decision comply with the requirements of the National Forest Management Act (NFMA) of 1976, 16 U.S.C 1604 (g)(3)(E), the National Historic Preservation Act, the Endangered Species Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality.

I find the prescribed actions of this project, which alter vegetation, comply with the requirements of 16 U.S.C 1604 (g)(3)(F), by following the Forest-wide goals, objectives and standards as well as the standards for MP 8.B.

Forest Service Manual FSM 7712.13 Road Management Decisions must be informed by Roads Analysis Process (RAP): "When proposed road management activities would result in changes in access, such as changes in current use, traffic patterns, and road standards, or where there may be adverse effects on soil and water resources, ecological processes, or biological communities."

A watershed level RAP was completed for this analysis and the recommended changes to the transportation system were incorporated in the analysis.

Implementation Date

If no appeal is received, implementation of this decision may occur on, but not before, five business days after the close of the appeal filing period. If an appeal is received, implementation may occur on but not before the 15th business day following the date of appeal disposition (36 CFR 215.9).

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215.11. Appeals must meet content requirements of 36 CFR 215.14. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in the *Polk County News*, Benton, TN. The appeal shall be sent to Cherokee National Forest, ATTN: Appeals, 2800 N. Ocoee Street, Cleveland, TN 37312. Appeals may be faxed to (423) 339-8650. Hand delivered appeals must be received at 2800 N. Ocoee Street, Cleveland, TN within normal business hours of 8:00 am to 4:30 pm. Appeals may also be mailed electronically in a common digital format to appeals-southern-cherokee@fs.fed.us.

All time periods are computed using calendar days, including Saturdays, Sundays, and Federal holidays. However, when the time period expires on a Saturday, Sunday, or Federal holiday, the time is extended to the end of the next Federal working day (11:59 pm). The day after publication of the legal notice of the decision in the newspaper of record (36 CFR 215.7) is the

first day of the appeal–filing period. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or time from information provided by any other source.

Contact

For further information on this decision, contact Andy Gaston, Acting District Ranger, Ocoee/Hiwassee Ranger District, 3171 Hwy 64, Benton, TN 37307 or at (423) 338-3300.

ANDREW V. GASTON
Acting Ocoee/Hiwassee District Ranger

Date