



UNITED STATES  
DEPARTMENT OF  
AGRICULTURE  
  
FOREST  
SERVICE  
  
SOUTHERN REGION  
  
DANIEL BOONE  
NATIONAL FOREST  
  
KENTUCKY

November 2016



# COMMERCIAL TIMBER HARVEST IN THE BEAVER CREEK WATERSHED

## DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT FOR THE ENVIRONMENTAL ASSESSMENT

*CUMBERLAND RANGER DISTRICT*

*Menifee County*

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Decision Notice and Finding of No Significant Impact for  
Commercial Timber Harvest in the Beaver Creek Watershed

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## INTRODUCTION

In 2007 the Cumberland District of the Daniel Boone National Forest (Forest) invited the public to meet and discuss possible projects to implement the Daniel Boone Land and Resource Management Plan (Forest Plan) in the Beaver Creek Watershed located in Bath and Menifee Counties. This effort was called the Beaver Creek Integrated Resource Management Strategy (IRMS). Over the course of the year, the Forest Service hosted one open house, one field trip, and two round table discussions. These events were well attended by a diversity of individuals, agencies, and groups with an interest in the management of the Forest. This process resulted in a list of projects specific to the Beaver Creek Watershed to bring the area closer to the desired condition described in the Forest Plan.

The list of projects was proposed through scoping in July of 2008. The project was not acted on again until January 2016 when the proposal was updated and additional scoping comments invited through letter and by way of a public meeting. A draft environmental assessment was released in July 2016.

The environmental assessment (EA) documents the analysis of a proposed action and three alternatives to meet this need. I have used the EA, along with a review of the project record and Forest Plan, to make a decision on this project.

## DECISION

I have decided to implement Alternative B, which includes the following activities (see Table 1 and Figure 1, and EA Figure 2.2-2):

- Commercial timber harvest in ten (10) individual areas covering approximately 268 acres. Commercial harvest treatment will include:
  - 133 acres of thinning treatments to improve tree vigor
  - 135 acres of two-aged shelterwood treatments to establish new populations of trees
- 135 acres of crop tree thinning in the two-aged shelterwood harvests ten (10) years following completion of harvest.
- 23 acres of non-native invasive plant species (NNIPS) control using manual methods in the harvest areas and the access routes used to reach them.
- Nine (9) acres of landing sites and skid trails revegetated with cereal grains.
- One (1) acre of planting of soft mast trees and shrubs.

No new system or temporary roads will be constructed; the swing-landing method will be used to remove the commercial material from the site. Landing sites to load logs for transport will be constructed at the end of system roads and will be approximately half the size of the landings proposed in the other alternatives. Commercial material will be limbed and cut to



product lengths within the cutting units near the place where they were cut, loaded onto smaller transport vehicles called forwarders, and transported to the loading site using routes similar in size and development to a skid trail. The only activity at the landing site will be the transfer of the logs from the forwarder to the street-legal transport truck.

**Table 1: Commercial harvest areas with size and treatment**

Compartment	Stand	Treated Acres	Treatment
1092	29	14	Two-aged Shelterwood
1092	31	26	Thinning
1095	22	10	Thinning
1095	23	38	Thinning
1095	26	21	Two-aged Shelterwood
1095	30	15	Thinning
1095	40	21	Two-aged Shelterwood
1116	40	40	Two-aged Shelterwood
1116	44	44	Thinning
1116	46	39	Two-aged Shelterwood
	<b>Total</b>	<b>268</b>	

## RATIONALE FOR THE DECISION

My decision to implement the Alternative B is the result of my thorough review of the nine year-long project file, including the public involvement, interests, and comments that have been received, along with my study of the management direction set forth in the Forest Plan. As a resource manager, I highly value the time and energy that the public and our partners have contributed to the development of these forest management projects and I have given careful consideration to the responsible opposing views. The public and partner involvement and collaboration with agency staff led to the identification of five substantive issues, which drove the development of Alternative B.

When compared to the other alternatives, Alternative B will help move this portion of the Daniel Boone National Forest into compliance with the desired conditions established in the Forest Plan while eliminating the need to use herbicide for post-harvest site preparation, reducing road construction and maintenance costs, and minimizing the spread and establishment of non-native invasive plant species. The Forest Plan establishes goals and objectives for the Forest as a whole and specifically for the management of the 1.K Habitat Diversity Emphasis Prescription Area. These goals and objectives attempt to define what types of vegetative cover are desired on these areas of the Forest.



Alternative B will address the following goals and objectives:

- ❖ **Goal 1.7: Provide adequate habitat to support populations of Management Indicator Species (MIS)**
- ❖ **Objective 2.1A. Within each stand, the relationship of basal area, number of trees, and average tree diameter is below the 80 percent stocking level.**
- ❖ **Objective 2.4.A. Move acres from Fire Regime Condition Classes 3 and 2 and into Classes 2 and 1.**
- ❖ **Goal 8: Provide renewable products on a sustainable basis when such provision is compatible with Desired Future Conditions.**
- ❖ **1.K-Objective 1.A. Maintain 5 to 6 percent forest cover within each 5<sup>th</sup> level watershed in the 0-10 age class.**
- ❖ **1.K-Objective 1.D. Maintain five percent within each watershed in stands thinned to 60-70 square feet basal area.**

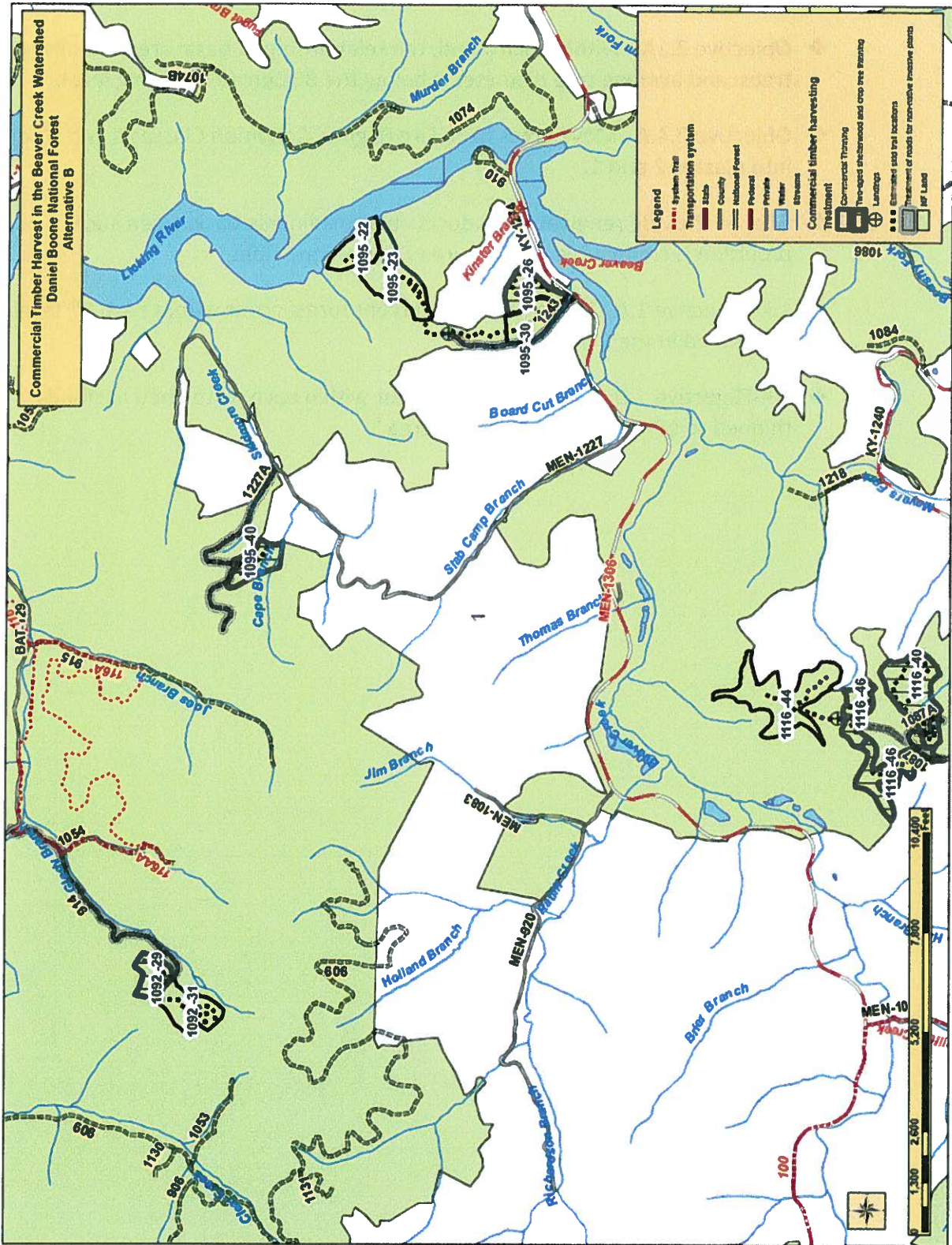


Figure 1. Alternative B Actions Map

## ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered three other alternatives including the original Proposed Action. A comparison of these alternatives can be found in the EA in Table 2.5-1.

### PROPOSED ACTION

Commercial timber harvest in eleven (11) individual areas covering approximately 303 acres, 133 acres of thinning and 170 acres of two-aged shelterwood. (See EA Figure 1.1-1) Both of these treatments would retain trees in each treatment area at levels needed to provide for essential wildlife habitat such as roosting sites for Indiana bats, snags, and den trees.

The commercial harvests would require the construction of approximately 0.9 of a mile of system road and one mile of temporary road. The existing roads that access the sites would need to have work done to ensure that the treatments would be successfully completed. This work would involve re-grading, clearing ditches, and cleaning/repairing water control structures.

Skid trails and landings would need to be constructed to transport and load material on to trucks. No more than 30 acres within the treated areas would be devoted to skid trails and/or landings. These skid trails and landings would be constructed in compliance with state-approved best management practices. These include guidelines related to size, design, location, and use of skid trails and landings.

Additionally, areas of exposed soil resulting from construction and use of skid trails and landings would be mulched and/or re-seeded with native grasses and forbs to prevent/reduce erosion. These areas would then be allowed to re-vegetate to woody species through time. Finally, the timing of these treatments would depend upon ground conditions and would take place during the drier times of the year. Typically this would be in the summer and fall.

### ALTERNATIVE A

Alternative A is the Proposed Action modified to include changes resulting from the public involvement process. The original Proposed Action would be modified in the following ways (See EA Figure 2.2-1):

1. Elimination of two-aged shelterwood harvest, site preparation, and road maintenance in area 1093-7 and on NFSR 915 from the project based upon the discovery of a population of an endangered species in a nearby cave within  $\frac{1}{4}$  mile of the area. This discovery modified the Forest Plan Prescription for that area and made the proposed activity inconsistent with the management objectives for the area



2. Erosion control of soil exposed by activities with annual cereal grains. This activity was added following review of the comments provided by the public. This change would allow native populations of plants to re-vegetate the area while providing for immediate erosion control by the cereal grains and also reflects a change in Forest practice since the original submission of the project to the public.
3. Plant the following soft mast shrubs in landing areas used in the commercial harvest: native plums, persimmon, dogwood, black cherry, and native hawthorns. This was added following review of public comments.
4. Replace the post-harvest site preparation treatment with herbicide with a crop tree thinning treatment 10-years post-harvest without herbicide.
5. Treat existing populations of non-native invasive species prior to and during any ground disturbing activity using manual (cutting or uprooting) or mechanical (mowing or mastication) tools. This would involve use of mechanical treatments along transportation routes and manual treatment away from transportation facilities. Mechanical treatments may utilize a brush mower pulled by motorized equipment such as a tractor or all-terrain vehicle or a masticator head mounted on a skid-steer or excavator. Manual work may include the use of chainsaws, grubbing tools, and hand-held cutting tools.

#### ALTERNATIVE C (NO ACTION)

Under the No Action alternative, current management plans would continue to guide management of the project area.

#### PUBLIC INVOLVEMENT

The interdisciplinary team used a process called scoping to identify issues related to the proposed action. Letters were mailed to 99 interested agencies, organizations and individuals on July 2, 2008, informing them of the proposed action and requesting their comments on the proposal. The project description was also posted on the Forest web page. Five letter or e-mail responses were received from this initial scoping.

This project was placed 'On-hold' in 2010 due to other project work and staffing changes resulting in a lack of resources to proceed. On January 26, 2016, a letter was mailed to the district mailing list, posted on the Forest web page and made available at the district office informing the public of the Forest's interest in moving forward with the project. This letter provided an update on the status of the project, identified changes in the project environment since 2008 developed by District staff, and invited people to a discussion to be held on February 18, 2016 at the Menifee County Public Library. This letter and discussion resulted in 42 additional letters and email responses.





During the scoping process, interested parties submitted comments they had about the proposed action. These issues were added to the concerns already identified by the Forest Service. The interdisciplinary team reviewed 592 specific comments related to this project. This review identified 11 issues to receive my further consideration. I determined that five issues warranted further consideration and defined the scope of the analyses relative to the proposed action. The remaining six were eliminated from further consideration because they were beyond the scope of analysis for this proposal. All eleven issues are described in the following section in the EA on pages 1-8 to 1-11.

On July 19, 2016, the EA for this project was made available for a 30-day review period. Thirty-four letters and emails were received during the comment period from individuals, agencies, and groups. These letters contained 135 comments and these were reviewed for new information that could affect the project. The full consideration of these comments is found in the project record.

## FINDING OF NO SIGNIFICANT IMPACT FOR ALTERNATIVE B

### REASONS FOR FINDING OF NO SIGNIFICANT IMPACT

In consideration of the analysis documented in the environmental assessment, all other available information, and the reasons below, the preferred alternative, Alternative B will not constitute a major Federal action that will significantly affect the human environment. Therefore, an environmental impact statement will not be prepared. The following is a summary of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15\_05. "Significant" as used in the National Environmental Policy Act (NEPA) requires consideration of both context and intensity of the expected project effects. My determination is based on the following.

#### *CONTEXT*

Each commercial harvest area, NNIPS control, crop tree thinning, and roads to be used as part of Alternative B are identified in the project EA; implementation will be limited to the areas identified. No activities will be implemented under this decision that are not listed in the EA.

The scale of Alternative B is not indicative of significant effects beyond those already considered in the Final Environmental Impact Statement (FEIS) for the Forest Plan. (FEIS Chapter 3) Numerous other vegetation management projects have occurred across the Daniel Boone National Forest, including activities similar to those in Alternative B. The activities in Alternative B will have short-term impacts during treatment activities, and the long-term potential to move the area toward the goals and objectives listed previously. (EA Table 2.5-1)



### *INTENSITY*

Intensity refers to the severity of the expected project impacts and is defined by the 10 points below.

**1. Impacts may be both beneficial and adverse.**

A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial. Consideration of the intensity of environmental effects is not biased by beneficial effects of the action I have determined that evaluation of both beneficial and adverse effects are disclosed for Alternative B (40 CFR 1508.27(b)(1)), and find them to be without significant impact. Table 2.5-1 in EA summarizes the effects documented for Alternative B and reflect both positive and negative effects. None of the effects disclosed are significant at the levels established by the Forest Plan or for this analysis.

**2. The degree to which the proposed action affects public health or safety.**

The maintenance of existing system roads used in the project, skid trail development, harvesting, NNIPS control, and crop tree thinning will expose workers and to some extent the public to falling trees, sharp edges of hand tools and heavy equipment for a period of up to 10 years. There will be no significant effects on public health and safety for Alternative B due to the design of the project, the standards in the Forest Plan, and the direction that is included in the Health and Safety Code Handbook. (EA pages 4-36 to 4-37)

**3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

The unique resources present in the project include clifflines, caves, and cultural resources. There will be no significant effects on unique characteristics of the area because site specific surveys have determined that the activities in Alternative B do not occur in locations where these unique resources would be affected. (EA pages 4-1)

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The analysis of effects found in the EA was conducted by specialists with expertise and training in the areas analyzed. (EA page 5-1) This analysis is based upon published scientific research. (EA Chapter 6) The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of Alternative B.



**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

Alternative B will not impose highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)). The impacts from the activities in the alternative can be predicted and have been disclosed in this environmental assessment. (EA Chapter 4) The Forest Service has extensive experience in the implementation of these activities.

**6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.**

Alternative B will not establish a precedent for future actions with significant effects and does not represent a decision in principle about future consideration (40 CFR 1508.27(b)(6)). Activities proposed in this project are site-specific to this project and would not set any precedents.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

Alternative B is not related to other actions with individually insignificant but cumulative significant impacts (40 CFR 1508.27(b)(7)). The IDT designed Alternative B so that site-specific adverse cumulative effects to sensitive resources will be unlikely. (EA Chapter 1 and 2) Long-term impacts would be positive as a diversity of habitat conditions will be maintained or expand. (EA Chapter 4)

The cumulative effects from past, present, and reasonably foreseeable future forest actions on resources managed by the Forest were considered in the EA and in the associated resource reports. Based on the work completed during the planning process and the way in which the project is designed (i.e., compliance with Forest Plan Standards), resources in the project area will be protected during implementation and improved and sustained in the long term.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

Alternative B does not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant, cultural, or historic resources (40 CFR 1508.27(b)(8)). There will be no adverse effects from the activities in the alternative with regard to these resources. Treatment actions that do not include ground disturbance will not disturb cultural resources. Treatment actions that will occur in a previously disturbed area (e.g., abandoned mine lands) are unlikely to uncover new cultural resources. In areas where ground



disturbance will occur, have been surveyed for the presence of cultural resources and the proposed activities will not effect of these resources.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

Alternative B's effects to endangered or threatened species and their habitat were analyzed by a qualified wildlife biologist and the results of that of that analysis are disclosed in Section 4.5 of the EA. Based upon that analysis, Alternative B will not adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)).

**10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.**

Alternative B does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10)). The activities in the alternative were compared with appropriate existing laws and regulations. No potential violations were found. Detailed disclosures for the major applicable laws follows in this document.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

Alternative B meets requirements under the following laws, regulations, and policies:

### FOREST PLAN CONSISTENCY (NATIONAL FOREST MANAGEMENT ACT)

The actions of Alternative B are consistent with the Land and Resource Management Plan (Forest Plan). The following paragraphs are my reasons for this finding:

The actions of this project are consistent with forest-wide standards related to: (EA sections 1.1.1 and 2.2, EA Figure 2.2-2)

- Road design and stream crossing on page 2-21 of the Forest Plan. All roads in Alternative B will cross streams using portable bridges or existing culverts. Culverts will be maintained before and during use. Motorized use of the scoured ephemeral zone is not allowed.
- Protection of cultural resources found on page 2-21 of the Forest Plan.
- Snag retention/creation, snag shading, retention of live residual trees, and seasonal restrictions on pages 2-22 to 2-24 of the Forest Plan.



- Harvest equipment, harvest size, harvest spacing, regeneration of desirable species, soil exposure, application of Kentucky Best Management Practices for Forestry (BMPs), tree and woody debris retention in the scoured ephemeral zone on pages 2-24 to 2-27.

The actions of this project are consistent with 1.E Riparian Corridor Prescription Area standards related to:

- Stream crossing and road maintenance found on page 3-14 of the Forest Plan.
- In-stream substrate disturbance seasonal restrictions found on page 3-14 of the Forest Plan.
- Equipment maintenance, skid trail location, and coarse woody debris removal found on pages 3-15 and 3-16 of the Forest Plan.

The actions of this project are consistent with Habitat Diversity Emphasis Prescription Area standards related to snag retention found on page 3-38 of the Forest Plan.

As discussed in Section 1.2 of the EA, the management practices in this alternative are consistent with the list of “Proposed and Probable Management Practices” in Appendix H of the Forest Plan.

As disclosed on page 1-2 of the EA, the actions of this project, which harvest timber, occur on those lands the Forest Plan identifies as suitable for timber production. (36 CFR 219.27(c)(3) and NFMA, Section 6(g)(3)(E)(ii).

1. Suitability for Timber Production: No timber harvest, other than salvage sales or sales to protect other multiple-use values, shall occur on lands not suited for timber production (16 USC 1604(k)).
2. Timber Harvest on National Forest Lands (16 USC 1604(g)(3)(E)): A Responsible Official may authorize site-specific projects and activities to harvest timber on National Forest System lands only where:
  - a) Soil, slope, or other watershed conditions will not be irreversibly damaged. (16 U.S.C. 1604(g)(3)(E)(i))

Figure 3.2.2.1-1 in the EA shows the areas in the project watersheds with soil, slope, or other watershed conditions that are unstable. Section 4.1 of the EA discloses the effects to these resources for Alternative B. Based upon this analysis there is no indication that these resources will be irreversibly damaged.

- b) There is assurance that such lands can be adequately restocked within five years after harvest. (16 U.S.C. 1604(g)(3)(E)(ii)).



Table 4.6.4-1 presents the density of trees expected to be present following harvest based upon modeling and measurements in past harvest areas. Both exceed the density required in Standard DB-VEG-24 in the Forest Plan.

- c) Protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where timber harvests are likely to seriously and adversely affect water conditions or fish habitat. (16 U.S.C. 1604(g)(3)(E)(iii)).

The EA discusses effects to water in Section 4.1.3 and effects to aquatic resources in Section 4.5.1. This analysis discloses that protection is provided for these resources and the potential effects are minimal.

- d) The harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber. (16 U.S.C. 1604(g)(3)(E)(iv)).

The purpose of the harvest is disclosed in Section 1.1.2 of the EA. The selection of harvest system was related primarily to creation of wildlife habitat, improvement of vigor, restoration of disturbance regime, and provision of products to the local economy. Alternative B is not the alternative with the largest potential monetary return as disclosed in Table 4.9.1-1 of the EA.

#### **ENDANGERED SPECIES ACT**

See section 9 above "Finding of No Significant Impact".

#### **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 concern. Potential effects of this action on sensitive species have been analyzed and documented in the EA in Section 4.5.

#### **CLEAN WATER ACT**

This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act by using BMPs. This decision incorporates BMPs to ensure protection of soil and water resources.

#### **WETLANDS (EXECUTIVE ORDER 11990)**

No activities in Alternative B take place in or adjacent to wetlands.

#### **FLOODPLAINS (EXECUTIVE ORDER 11988)**

All activities proposed in Alternative B that are expected to take place in floodplains are designed to meet the requirements set forth in the Forest Plan for restoration of these areas (EA page 1-2).



**NATIONAL HISTORIC PRESERVATION ACT, ARCHAEOLOGICAL RESOURCES PROTECTION ACT, NATIVE  
AMERICAN GRAVES PROTECTION AND REPATRIATION ACT**

See section 8 above “Finding of No Significant Impact”

**MIGRATORY BIRD TREATY ACT**

The wildlife specialist report for this project documented an analysis related to compliance with this Act. That report determined that habitat for migratory bird species would be maintained under all alternatives. The DBNF is a partner in the North American Bird Conservation Initiative and in compliance with Executive Order 13186-Responsibilities of Federal Agencies to Protect Migratory Birds, and Alternative B will be compliant with the Migratory Bird Treaty Act.

**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 making this decision. 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 opportunity for public involvement and consideration and disclosure of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

**OBJECTION OPPORTUNITY (36 CFR 218)**

This project is subject to the pre-decisional objection process pursuant to 36 CFR 218 Subparts A and B. The opportunity to object ends 45 days following the date of publication of the legal notice in *The Morehead News* newspaper in Morehead, Kentucky. This newspaper is published twice a week (Tuesdays and Fridays). The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an objection, and those wishing to object should not rely upon dates or timeframe information provided by any other source.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment. Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated comment opportunities §218.8(c).

The objection must contain the minimum content requirements specified in §218.8(d) and incorporation of documents by reference is permitted only as provided in §218.8(b). It is the



objector's responsibility to ensure timely filing of a written objection with the reviewing officer. All objections are available for public inspection during and after the objection process.

Written objections, including attachments, must be filed with:

Bill Lorenz, Objection Reviewing Officer  
Attn: Objections  
Daniel Boone National Forest  
1700 Bypass Road  
Winchester, KY 40391

The office business hours for those submitting hand-delivered objections are: 8:00 am to 4:30 pm Monday through Friday, excluding holidays. Electronic objections must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc, .docx) to [objections-southern-daniel-boone@fs.fed.us](mailto:objections-southern-daniel-boone@fs.fed.us)

Please state "Commercial Timber Harvest in the Beaver Creek Watershed" in the subject line when providing electronic objections, or on the envelope when replying by mail.

## IMPLEMENTATION DATE

If no objections are filed within the 45-day time period, the approval of my decision documented in a Decision Notice may occur on, but not before, the fifth business day following the end of the objection-filing period. When objections are filed, I cannot sign in A Decision Notice until the Reviewing Officer has responded in writing to all pending objections.

## CONTACT PERSON

For further information on this decision, contact Jeffrey F. Lewis, 2375 KY HWY 801 South, Morehead, KY 40351; phone (606) 784-6428 ext 101.

  
\_\_\_\_\_  
JONATHAN P. KAZMIERSKI

01/20/17  
\_\_\_\_\_  
Date

District Ranger