Pheasant Mountain Timber Stand Improvement (TSI)
Decision Memo

USDA Forest Service, Eastern Region
Cheat Potomac Ranger District, Monongahela National Forest
Tucker County, West Virginia

I. Decision and Project Description

A. Summary Description of Project

I have decided to conduct a non-commercial crop tree release treatment on approximately 1,083 acres of the Cheat Potomac Ranger District in the Monongahela National Forest (MNF).

B. Purpose and Need

This project is specifically intended to respond to the following Forest Plan direction for Management Prescription (MP) area 6.1:

- Goal 6101: “Enhance diversity of wildlife habitat by managing for a variety of vegetation species, types, and age classes”. (p. III-29)
- Guideline 6110: “Oak species should be restored, maintained, or enhanced in stands where existing natural vegetation includes an oak component and or there is some oak present in the overstory or understory within or adjacent to the stand.” (p. II-30)
- Guideline 6128: “In areas where oak restoration, enhancement, or maintenance is practiced, silvicultural treatments, including prescribed fire, should be designed to achieve oak regeneration or to maintain oak dominance of the site.” (p. III-31)
- Guideline 6134: “TSI and reforestation activities should retain trees and shrubs beneficial to wildlife (e.g., dogwood, crabapple, hawthorn, witch hazel, American hazel nut, American hornbeam, and serviceberry), if available on site.” (p. III-32)

The purpose of this project is to move current project area stand conditions toward desired conditions expressed in the Forest Plan. The need for the project is generated from the current stand conditions. These stands were regenerated between 10 and 40 years ago, and have since grown into an over-stocked sapling/pole-sized stands. The numbers of stems per acre are high, with more than 2,500 in some areas. Healthy stocking for these age classes is between 1,000 and 1,500 stems per acre.

The competition in these young stands is stressful on oak and other mast-producing tree species important to wildlife and hard mast production. In these young stands, as time progresses,
crowding would become more severe, resulting in decreased growth and vigor for hard mast-producing trees that are competing with faster-growing trees like yellow poplar and fire cherry. Increased mortality of important mast-producing tree species, such as oak or hickory, is expected if they are not released from the competition soon. Research indicates that releasing selected crop trees will increase their growth, mast production, and survival.

Stand thinning is needed to accomplish the following objectives:

- Increase the growth and ensure the survival of selected hard mast-producing tree species,
- Maintain the species diversity of the stands, and
- Provide greater potential for future mast production for wildlife.

C. Project Location

The stands proposed for treatment are on the Cheat portion of the Cheat Potomac Ranger District, in Tucker County, southwest of Parsons, West Virginia. The stands are in compartments 31, 32, 33, and 34. See Figure 1, the Vicinity Map, and Figures 2 and 3, which contain more detailed information about the project proposal, at the end of this document.

D. Project Description

TSI activities will be conducted on an estimated 1,083 acres. Approximately 50 to 75 trees per acre will be released (retained) in the proposed activity. Trees will be chosen for release based on species, form, and crown size. Trees touching the crown of the tree designated for release will be felled or girdled. No shagbark hickory or healthy butternut and American chestnut trees will be cut or girdled. Trees not interfering with released trees and under-story shrubs will not be cut, unless necessary for safety. Commercial utilization of cut stems will not be possible because of their small size and value. The stems will be hand-felled and left on site with little or no ground disturbance.

No new roads will be required; all work will use existing roads. No logging equipment or herbicides will be used.

Treatment Summary:

- Timber stand improvement guidelines:
  - Release approximately 50 to 75 crop trees per acre.
  - Chainsaw fell trees touching or interfering with the crown of the crop tree.
  - Approximately 50 to 400 stems will be cut per acre, depending on the age of the stand and the number and proximity of trees to leave/crop trees.
  - Vines will be controlled in stands with more than 40 vines per acre.
- Determination of crop trees to be retained:
  - Species in order of importance:
    - Red oak
    - Black cherry
- White oak/chestnut oak
- Shagbark hickory
- Yellow-poplar/cucumbertree
- Basswood
- Red/sugar maple

Other guidelines:
- Avoid selecting trees with forks below 17 feet as crop trees.
- When selecting sprouts from stumps as crop trees, leave the best 2 to 3 sprouts that are low to the ground on each stump.
- Avoid selecting cherry trees with black knot on the main bole as crop trees.
- Butternut and healthy American chestnut will be treated as crop trees (retained).
- Avoid selecting red maple stump sprouts as crop trees.
- Retain all shagbark hickory and healthy hemlock.
- Girdle large residual trees interfering with crop trees.
- Retain all snags.
- No trees will be cut within the bankfull channel or on the banks of perennial, intermittent, or ephemeral streams.
- No trees will be cut within 25 feet of intermittent or perennial stream channels.
- A maximum of 25 crop trees per acre will be released between 25 and 100 feet from all perennial and large intermittent streams.
- A maximum of 25 crop trees per acre will be released between 25 and 50 feet from all small intermittent streams.
- Tree species that are uncommon across the Forest or are locally rare or poorly represented will be targeted as crop trees within the managed areas of stream channel buffers (between 25 and 100 feet from perennial and large intermittent streams, or between 25 and 50 feet from small intermittent streams).
- The non-native invasive species tree of heaven (*Ailanthus altissima*) will be cut when encountered in the units.

It is possible that a timber rattlesnake may occur within the working area. Unless it poses a risk or threat, no rattlesnakes are to be killed during the duration of this project.

The South Haddix Trail is located within the Pheasant Mountain TSI Project Area. Several TSI units are adjacent to the trail. The contractor will provide for the safety of trail users during TSI activities (e.g., by using spotters to watch for/warn hikers or bicyclists) and will not leave any tree trunks, tops, or branches on the trail. This measure will provide for the safety of trail users and will keep the trail open for public use, while allowing the TSI work to continue.
II. Reasons for Categorically Excluding the Project

This proposal falls in a category of actions excluded from analysis in an Environmental Assessment (EA) or Environmental Impact Statement (EIS), as proposals of this type individually and cumulatively do not have a significant effect on the human environment (36 CFR 220.6(e)). Forest Service categorical exclusions are defined in the Forest Service Handbook, at FSH 1909.15 (Environmental Policy and Procedures Handbook), Chapter 30 (Categorical Exclusion from Documentation), Section 30.3 (Policy), which states that

1. A proposed action may be categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA) only if there are no extraordinary circumstances related to the proposed action … and

2. Resource conditions that should be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS are [see resource conditions in Section VII below].

The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist. (36 CFR 220.6(b); FSH 1909.15, Section 32.2(6)).

This proposal falls under category 36 CFR 22.6(e)(6),

“Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than one mile of low-standard road construction”.

B. Relationship to Extraordinary Circumstances

The extraordinary circumstances have been reviewed and are summarized below. Additional details are contained within the project file. The project is consistent with categories described under Section 31.2 of the Forest Service Handbook 1909.15, as described above.

There are no extraordinary circumstances as defined in FSH 1909.15, Paragraph 30.3.2, which might cause the action to have significant effects on flora, fauna, or the quality of the human environment. Specifically:

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species (TES species).

   Botany TES

The stands to be treated are young sapling/pole stands that were regenerated by timber harvest 10 to 40 years ago. Therefore, TES plants associated with late successional habitats will not be
affected. Due to the dense sapling/pole canopy, TES plants associated with early successional habitats are unlikely to occur. If any do occur, they will benefit from the canopy openings created by the project. Herbicides will not be used and the ground will not be disturbed, which eliminates the chance of direct impacts to non-target plants. Project analyses indicate that proposed activities will not likely adversely affect TES species.

Nonnative Invasive Species

The proposed activity will not involve ground disturbance or the use of off-road vehicles or heavy equipment. Therefore, the activity has a low risk for introducing or spreading non-native invasive species.

Terrestrial Wildlife TES

The trees within proposed TSI areas are between 10 and 40 years old. Eleven units are completely within and parts of eight units are within known Indiana bat foraging area. All TSI stands currently provide limited roosting habitat for Indiana bats. This is due not so much because of the small-diameter-sized trees, as bats have been known to use trees as small as 5” dbh for roosting, but because the abundance of stems makes navigation within the stand challenging. By thinning these stands, retaining all shagbark hickory and any existing snags, the Forest intends to promote suitable roost trees, thereby improving summer roosting and foraging for the bat over time by promoting tree maturity. Mature trees are more apt to provide exfoliating bark used by the bat for roosting.

This project will have no effect on any threatened or endangered fauna species. This project may impact certain individual R9 sensitive species; however; these impacts will not lead to the loss of viability of any of those species (Biological Evaluation and Biological Assessment on the Pheasant Mountain TSI project (Evans 2012).

Aquatic TES

No Federally listed aquatic species or their critical habitats are known to occur on the MNF. Although aquatic Regional Forester’s Sensitive Species (RFSS) may occur within the cumulative effects area for one or more of the proposed activities, no direct or indirect impacts to aquatic RFSS are anticipated as a result of the Pheasant Mountain TSI treatments. Project analyses indicate that proposed activities will not likely adversely affect TES species.

2. Flood plains, wetlands, or municipal watersheds.

No substantial or measurable adverse effects, either direct or indirect, are expected for floodplains, wetlands, and municipal watersheds.
3. **Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.**

The activities will not occur within or adjacent to any congressionally designated areas. The closest congressionally designated area is the Otter Creek Wilderness, which is 2 miles away from the closest TSI unit, as the crow flies. The Pheasant Mountain TSI project will not affect the Otter Creek Wilderness because it is too far from the Wilderness. Therefore, the localized proposed activities should not directly, indirectly, or cumulatively affect any of the above special areas.

4. **Inventoried roadless areas or potential wilderness areas.**

The activities will not occur within or adjacent to any inventoried roadless areas. There are no Inventoried Roadless Areas (IRA), Roadless Review Areas (RRA), or Roadless Area Conservation Rule Areas (RACR) within or directly adjacent to the Pheasant Mountain TSI project area.

The closest Inventoried Roadless/Roadless Review Area is the Canaan Loop IRA, which is 7 miles away from the closest TSI unit, as the crow flies. The closest Roadless Area Conservation Rule/Roadless Review Area is the McGowan Mountain RACR, which is located east of the Pheasant Mountain TSI Project Area, across the Shavers Fork River. The closest TSI unit is 0.5 miles away from the McGowan Mountain RACR border, as the crow flies.

The Pheasant Mountain TSI project will not affect any IRAs, RRAs, or RACRs because the project is too far from those areas. Most of the TSI units are at the top of the slope or on the backside of the slope so that they will not be visible from the McGowan Mountain RACR. A release of crop trees will not significantly change the view from the McGowan Mountain RACR for those few units that could be seen.

Therefore, the localized proposed activities should not directly, indirectly, or cumulatively affect any inventoried roadless areas.

5. **Research natural areas.**

The MNF currently does not have any designated Research Natural Areas. The units are not located near any Candidate Research Natural Areas. Therefore, the proposed action will not affect Research Natural Areas or Candidate Research Natural Areas.

6. **American Indians and Alaska Native religious or cultural sites.**

There are no tribal trust lands or ceded lands located within the state of West Virginia. There are also no federally recognized Indian tribes in West Virginia. Given the absence of tribal connection to the project area, and the low nature of disturbance associated with proposed activities, this project will likely have no effect on American Indian or Alaskan native religious or cultural sites.
7. Archaeological sites, or historic properties or areas.

Implementation of this project will result in no new ground disturbance; therefore, no archaeological sites or historic properties will be affected by project implementation.

8. Other extraordinary circumstances.

No other extraordinary circumstances for other resources have been identified that warrant further analysis in an EA or EIS.

III. Public Involvement

On June 5, 2012 the scoping/30-day notice and comment letter and map were sent to all individuals and organizations identified as having potential interest in the project and those on the Forest mailing list. A list of the more than 100 agencies, groups, and individuals contacted is in the project file at the Cheat Potomac Ranger District office in Petersburg, West Virginia.

On June 5, 2012, the scoping/30-day notice and comment letter and 3 maps were published on the Forest Service Schedule of Proposed Actions (SOPA) internet site at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=39359, with access from the Forest website. This letter describes the project, how to get additional information, how to provide comments, and how to qualify as an appellant. The SOPA is also mailed quarterly to about 140 people.

Three commenters responded to the scoping and 30-day notice and comment efforts. All three commenters were supportive of the TSI proposal, and two provided recommendations for changes and additions to the proposed action.

- One commenter recommended that “all” grape vines in the stands be left for use by grouse, warblers, turkey, and various songbird species.
  - This project will only control vines in stands with more than 40 vines per acre. Although grapevines are a valuable wildlife food, they also cause extensive damage to trees in immature hardwood stands. Grapevines damage trees by adding weight to tree crowns, breaking tops and limbs, especially when snow and ice accumulate on the vines. Grapevines also kill shade-intolerant trees, such as black cherry, yellow-poplar, and red oak, by submerging the trees’ foliage with large leaves, thus shading out the tree. Grapevines and other soft and hard mast-producing species will still be available in the treated stands, and in the surrounding untreated areas.

- One commenter recommended that an integrated pest management approach for non-native invasive plants (NNIP) be included as part of this project. Recommended actions included pre-project NNIP surveys, post-project monitoring, and appropriate NNIP control measures.
  - Because the proposed activity does not involve ground disturbance or use of off-road vehicles or heavy equipment, the TSI activity has a low risk for introducing or
spreading non-native invasive species. Additionally, the Decision Notice for the Forest-wide Nonnative Invasive Plant Management project was signed in March of 2010. This sets out a process for identifying, analyzing, and prioritizing new sites as they are found. The information on NNIP provided by this commenter has been forwarded to the Forest Ecologist for analysis.

IV. Findings Required By And/Or Related To Other Laws and Regulations

This project will comply with all applicable laws and regulations. This project is consistent with the goals and management directions, including the standards and guidelines in the Land and Resource Management Plan (Forest Plan) for the Monongahela National Forest (2006, as updated in 2011).

This project is not in a visually sensitive area and there will be no change in visual quality as a result of this project.

Civil rights impact analysis is an integrated requirement for projects falling under the National Environmental Policy Act (NEPA), including those projects that qualify for categorical exclusion. This project is located solely on National Forest System land. During internal scoping, the interdisciplinary team could not identify any affected private property, or any direct effects that single out individuals or groups, including those defined as minorities or other identified categories. The project will either be done by force account (Forest Service employees) or contracted out through a bidding process that provides equal opportunity to all individuals, organizations, and businesses authorized to live, work, and/or operate in the United States.

No social issues of any type were identified during public scoping. There is no record of an environmental justice issue being identified on any MNF forest vegetation management project prepared under the current Forest Plan. The absence of effects or issues leads to the conclusion that civil rights and environmental justice impacts will not occur as a result of this project, and that additional analysis of these issues is unnecessary.

V. Appeal Opportunities

A March 19, 2012 court ruling (Sequoia Forestkeeper v. Tidwell) requires that actions that can be categorically excluded using categories found at 36 CFR 220.6(e) be subject to public notice, comment, and opportunity for administrative appeal.

However, this decision is not subject to appeal pursuant to these regulations because 36 CFR 215.12(e)(1) indicates we can forego the appeal period if there are no comments expressing concerns or only supportive comments are received during the comment period for a proposed action analyzed and documented in a decision. All comments received during the 30-day notice and comment period were supportive of the project, and no comments expressed concern.
VI. Implementation Date

Implementation may begin immediately.

VII. Contact Person

Further information about this decision may be obtained during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) from:

Jeff Kochenderfer, Silviculturist
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Email: jdkochenderfer@fs.fed.us

VIII. Signature of Responsible Official and Date

Jonathan R. Morgan
JONATHAN R. MORGAN
Monongahela National Forest
Acting District Ranger – Cheat Potomac Ranger District
Responsible Official

7/13/2012

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