I. Proposed Decision
   A. Description of Proposed Decision
   My proposed decision is to harden the toe of the hill and stabilize the stream bank by constructing a multi-faceted log complex using a combination of riprap and large wood. Installing the multi-faceted log complex at the toe of the slope would shift The Branch stream channel over 10 feet for a distance of 40 feet.

   Protection of the stream bank would be accomplished by constructing a multi-faceted log complex around the bend using approximately 15 to 25 trees with root wads attached, 6 to 15 cut logs, and riprap. The multi-faceted log complex would be approximately 100 feet in length. Logs and rootwad trees would have a minimum diameter at breast height of 18 inches and be about 60 feet in length. They would be obtained from nearby upland sites or transported to the site. The logs and rootwads would be laced together but the root wads would not be embedded into the stream bank due to the steep hillslope. Ballast logs and rip rap would be placed on top of the bottom logs and rootwads to secure the multi-faceted log complex in place.

   This project would involve about 500 feet of The Branch. Besides the multi-faceted log complex, five large wood structures would be placed upstream of the log complex to redirect stream flow toward the center of the stream channel before it reaches the multi-faceted log complex. Additional root wad and large wood structures would be placed in the channel 200 feet above and below the multi-faceted log complex to improve aquatic habitat diversity. Installation of each of these structures would disturb about 25 feet of stream bank temporarily until revegetated (three years or less, usually within one growing season).

   This proposal is located in Warrant 5109, Kingsley Township, Forest County, Pennsylvania and is displayed on the attached maps.

   B. Purpose of Proposed Decision
   The Branch, a tributary to Salmon Creek, flows along Forest Road (FR) 145. There is concern for slope stability of FR145 near its intersection with FR127 because The Branch is currently undermining the toeslope of the hillslope that supports a section of FR145 (about 500 feet). At this location, The Branch flows directly at the hill slope before making a sharp bend.

   This proposal is located in Management Area 2.2. The following goals and objectives were identified in the Allegheny National Forest Land and Resource Management Plan (or Forest Plan) for this proposal:

   - Maintain or restore watersheds and their associated stream and groundwater processes, channel stability, riparian resources, and aquatic habitats to a functional condition. Provide quality, quantity, and duration of stream flow to maintain levels that support desired aquatic species or the most restrictive beneficial use (Forest Plan, p.14).
   - Provide riparian areas that have dynamic, multi-age and multi-layered vegetative communities that promote floodplain structure, stream channel stability; aquatic diversity and natural recruitment of large woody debris and other sources of organics. Provide riparian areas that are occupied by vegetation that provide habitat for riparian dependent species. (Forest Plan, p. 14).
Forest infrastructure, including facilities and transportation systems, will provide a safe, efficient, and economical system that is responsive to public and administrative needs; having minimal adverse effects on ecological processes and ecosystem health, diversity, and productivity; and is in balance with needed management actions (Forest Plan, p. 16).

Complete stream restoration or enhancement for native and desired non-native species where suitable habitat is lacking on 1-2 miles, annually (Forest Plan, p. 20).

II. Reasons for Categorically Excluding the Proposed Decision

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they qualify for one of the categories identified by the U.S. Department of Agriculture in 7 Code of Federal Regulations (CFR) part 1b.3 or one of the categories identified in 36 CFR 220.6, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

Road maintenance improvements would also be made to the 500-foot section of FR145 above the multi-faceted log complex, including installing sub-drains (e.g. French drain) and culverts. Road maintenance activities fall within the categories of exclusion for which a project or case file and a decision memo are not required. The Forest Service is analyzing this project within category of exclusion 36 Code of Federal Regulations (CFR) 220.6(e)(3), which falls within the categories of actions for which a project or case file and a decision memo are required. This category allows for “Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.” In accordance with the recent court ruling (Sequoia Forest Keeper v. Tidwell, 11-vc-00679-LJO-DLB (E.D. Cal.)), the Forest Service is providing public notice, comment, and opportunity for administrative appeal. Individuals or organizations wishing to be eligible to appeal must meet the information requirements of 36 CFR 215.6.

B. Relationship to Extraordinary Circumstances

1. Proposed, Threatened, or Endangered Species or their Critical Habitat and Sensitive Species

The Endangered Species Act requires that Federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species’ designated critical habitat. There is no critical habitat for any federally proposed or listed threatened or endangered species on the ANF. Potential effects of the proposed decision on federally listed species are being analyzed and documented in a biological assessment/evaluation (BAE). Preliminary analysis indicates that there would be “no effect” to any proposed or listed species with proposed design features. The proposed decision would not adversely modify or destroy critical habitat or jeopardize the continued existence of listed species. Concurrence for these determinations were received as part of the concurrence on the 2007 ANF Forest Plan dated January 31, 2007. A supplemental information report (SIR) pertaining to the white-nosed syndrome affecting bats has been prepared. Findings in the SIR include no change in the listed determination for the Indiana bat.

Forest Service Manual 2670 requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. On December 14, 2011, the Regional Forester approved the updated Regional Forester’s Sensitive Species (RFSS) list for the ANF. Potential effects of this proposed decision on sensitive species are being analyzed and documented in the BAE. With implementation of Forest Plan standards and guidelines, Pennsylvania BMPs, and proposed design features, preliminary analysis indicates that there would be “no impact” to all of the RFSS, except for the timber rattlesnake. For this species, the proposed decision “may impact individuals, but is not likely to cause a trend toward federal listing or a loss of viability.
2. **Floodplains, Wetlands, or Municipal Watersheds**  

**Floodplains:** Executive Order 11988 requires avoiding adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “... the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

The proposed decision would include activities within floodplains. Proposed activities, installation of the multi-faceted log complex, would cause temporary disturbances (until revegetated, three years or less, usually within one growing season) within floodplains. However, floodplain-related impacts would be minimal and none of the proposed impacts would impair the function of the floodplains. Forest Plan standards and guidelines, Pennsylvania BMPs, and project design features are incorporated to ensure that floodplain-related impacts are minimized. The appropriate permits will be obtained for the activity within floodplains.

**Wetlands:** Executive Order 11990 requires avoiding adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

The proposed decision does not include activities within wetlands. Nearby wetlands will be identified and flagged to be avoided. Therefore, there should be no wetland-related impacts and there should be no changes in the function of wetlands. Forest Plan standards and guidelines, Pennsylvania BMPs, and project design features are also incorporated to ensure that wetland-related impacts are avoided or minimized.

**Municipal Watersheds:** Municipal watersheds are managed under multiple use prescriptions in forest plans. There are two municipal watersheds on the Marienville Ranger District (Big Mill Creek [Ridgway, Pennsylvania] and Silver Creek [Johnsonburg, Pennsylvania]). The proposed decision does not include activities within either of the municipal watersheds on the Marienville Ranger District. Therefore, there should be no impacts to municipal watersheds.

3. **Congressionally Designated Areas**  

**Wilderness:** Designated wilderness areas in the Forest Plan are located in MA 5.1 (pp. 116 through 120). The proposed decision does not include activities within or near designated wilderness areas. The proposed decision with impacts limited to the immediate area should not affect designated wilderness areas.

**Wilderness Study Areas:** There are two wilderness study areas (WSAs) on the ANF. WSAs in the Forest Plan are located in MA 5.2 (pp. 121 through 125). The proposed decision does not include activities within or near wilderness study areas. The proposed decision with impacts limited to the immediate area should not affect WSAs.

**National Recreation Areas:** The only National Recreation Area (NRA) on the ANF is the Allegheny National Recreation Area (pp. 148 through 152) (located on the Bradford Ranger District). The proposed decision does not include activities within or near the Allegheny NRA; therefore, the proposed decision would not affect the NRA.
**National Wild and Scenic Rivers:**
There are two National Wild and Scenic Rivers (WSR), the Allegheny and Clarion Rivers, on the ANF. The proposed decision does not include activities within or near MA 8.1 (Wild and Scenic River Corridor) along the Clarion WSR. Therefore, the proposed decision with impacts to the immediate area should not affect WSRs.

4. **Inventoried Roadless Areas**
The proposed decision does not include activities within or near inventoried roadless areas. Therefore, the proposed decision, with impacts limited to the immediate area of activity, would not affect inventoried roadless areas.

5. **Research Natural Areas**
The proposed decision does not include activities within or near Research Natural Areas. Therefore, the proposed decision, with impacts limited to the immediate area of activity, would not affect Research Natural Areas.

6. **Native American Religious or Cultural Sites**
The Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes’ reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest Service (ANF) is consulting with the Seneca Nation of Indians (SNI) Tribal Historic Preservation Office (THPO) regarding this proposed decision.

7. **Archaeological Sites or Historic Properties or Areas**
Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in, the National Register of Historic Places. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on agency undertakings. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered on federal lands. It affords protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through *in situ* preservation, but may encompass other actions to preserve these remains and items. The proposed decision complies with the cited Acts. Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by the proposed decision. No cultural resource sites were identified in the surveys. The Forest Service is consulting with the State Historic Preservation Office (SHPO) concerning these findings.

No other extraordinary circumstances related to the project were identified.

**III. Public Involvement**
The following methods were used to inform the public of their opportunity to comment on this proposal:

1) A scoping package was mailed on February 14, 2013 to potential interested parties, including subsurface and adjacent landowners.
2) The scoping package was also posted on the ANF website on February 15, 2013.
3) A news release was sent to the local media on February 27, 2013.
4) The project was listed in the ANF schedule of proposed actions beginning with the March 2013 issue.

Two responses were received, and scoping comments were reviewed to identify those comments with site specific effects to resources versus those comments that are beyond the scope of the project. One respondent’s comments concerned the geomorphological study conducted in the project area, and its relationship to the potential for cultural resources within the project area. The other respondent’s comments concerned the impacts of the proposal on the *Photinus carolinus* (synchronous) fireflies recently noted in the Salmon Creek/The Branch area. In particular:

**Comment 1:** “We strongly recommend that the Forest Service consult with researcher Lynn Faust regarding timing of the construction so that it does not impact a potential mating area for this unique, special interest species.”

**Response:** *Photinus carolinus* is not a RFSS or a federally listed threatened or endangered species. In reviewing the *June 2012 Firefly Survey, Forest and Warren Counties, PA* report, it appears that the peak mating/viewing season is May through July. The proposed stream work would occur in August and September when stream water levels are at their lowest. This is after the peak mating/viewing season; therefore, impacts to the fireflies should be minimal.

**Comment 2:** “Since the road in the area of the project appears to be currently in good condition (March 2 observation), we recommend postponing the construction until after the 2013 season of field observations for *Photinus carolinus* in this area of the Branch.”

**Response:** Please see response to Comment 1 about timing of the project. The bend erosion has been an ongoing concern for some time. A bioengineering fix was attempted about eight years ago with no real visible success. Hardening of the toe of slope bank is recommended by the regional watershed restoration geologist.

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

My proposed decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

**Forest Plan Consistency (National Forest Management Act)** – This Act requires the development of long-range land and resource management plans (LRMP or Forest Plan). The Allegheny Forest Plan was approved in 2007 as required by this Act. The Forest Plan provides guidance for all natural resource management activities on the ANF. The Act requires that all projects and activities are consistent with the Forest Plan. The Forest Plan has been reviewed in consideration of this project proposal. The proposed decision is responsive to guiding direction contained in the Forest Plan, as summarized in Section I of this document.


**Clean Water Act** – This Act requires restoring and maintaining the integrity of waters. The Forest Service complies with this Act through the use of Forest Plan standards and guidelines, Best Management Practices (BMPs), and project design features to minimize impacts to soil and water resources. The appropriate state and federal permits will be obtained for this waterway encroachment. The permit would include an erosion and sedimentation plan to maintain water quality.

**Wetlands (Executive Order 11990)** – See Section II, Item B2.

**Floodplains (Executive Order 11988)** – See Section II, Item B2.
Clean Air Act – Under this Act, areas of the country were designated as Class I, II, or III attainment areas for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. There are no Class I attainment areas on the ANF. The ANF lies within a Class II attainment area. A greater amount of additional human-caused air pollution may be added to these areas but must still meet Commonwealth and National Air Quality Standards. No areas on the ANF have been designated as Class III attainment areas at this time.

Federal Cave Resources Protection Act - This Act requires securing, protecting, preserving, and maintaining significant caves, to the extent practical. Site features and field review substantiate that no caves are in the project area. Therefore, no known cave resources would be affected by the proposed decision. Subsequently, any identified caves would be protected.

National Historic Preservation Act – See Section II, Item B6 and B7.

Archeological Resources Protection Act – See Section II, Item B6 and B7.

Native American Graves Protection and Repatriation Act – See Section II, Item B6 and B7.

Wild and Scenic Rivers Act – See Section II, Item B3.

Environmental Justice (Executive Order 12898) – This Order requires consideration of whether or not projects would disproportionately impact minority or low-income populations. The proposed decision complies with this Act. Public involvement occurred for this project, the results of which I will consider in this decision making. Public involvement did not identify any adversely impacted local minority or low-income populations. The proposed decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act – This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Design Features

1. Work will take place during low water in August and September.
2. Any rare or unique plant communities, tree dwelling bats or high potential roost trees, nesting raptors, herons or ground-nesting birds, or timber rattlesnakes discovered on-site will not be intentionally harmed, displaced or altered. The project area will be surveyed by district biologist prior to implementation of the project.
3. The access route for heavy equipment off existing roads to The Branch site shall be approved and flagged prior to implementation.
4. The Branch contains reproducing wild trout. The placement of the log structure shall be accomplished between January 1 and September 30 to avoid impacts to spawning trout.
5. Project implementation will follow and approved soil erosion and sedimentation control plan.

V. Opportunity to Comment

Written, facsimile, hand-delivered, oral, and electronic comments on the proposed decision will be accepted for 30 calendar days following publication of legal notice in The Kane Republican (Kane, Pennsylvania). The publication date in the newspaper of record is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. Regulations prohibit extending the length of the comment period (36 CFR 215.6).

Written comments must be submitted to: Robert T. Fallon, District Ranger, Marienville Ranger District, Allegheny National Forest, HC 2 Box 130, Marienville, PA 16239 or via facsimile (814) 927-2285. For those submitting hand-delivered comments, the office hours are: 7:30 a.m. to 4:00 p.m. Monday through Friday, excluding holidays. Oral comments must be provided to the Responsible Official during normal
business hours via telephone (814) 927-6628 or in person. Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), and Microsoft Word (.doc) files to comments-eastern-allegheny-marienville@fs.fed.us. Comments must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic comments.

VI. Appeal Eligibility
This decision will be subject to administrative review and appeal. Appeals may be filed by persons or non-Federal organizations or entities that provided comments or otherwise expressed interest in the proposed action during the 30-day comment period. It is the responsibility of the persons or organizations providing comments to submit them in a timely manner.

VII. Responsible Official and Contact Person
The Responsible Official is:

Robert T. Fallon, District Ranger
Marienville Ranger District
Allegheny National Forest
131 Smokey Lane
Marienville, PA 16239

Questions regarding the proposed decision should be directed to the Responsible Official or Kevin Treese, District NEPA Coordinator, at (814) 927-5759. This document is also listed on the ANF website at: http://www.fs.fed.us/nepa/fs-usda-pop.php/?project=41276.

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