



United States  
Department of  
Agriculture

Forest  
Service

National Forests in North Carolina  
Pisgah National Forest  
Pisgah Ranger District

1001 Pisgah Hwy  
Pisgah Forest, NC 28768-7721  
828-877-3265

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File Code: 1950-1

Date: September 27, 2005

Dear Interested Citizen:

I have signed the Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Baldwin Gap Environmental Assessment (EA) within the Pisgah Ranger District, Buncombe County. The DN discusses in detail my decision and rationale for reaching it.

Copies of the DN and FONSI are enclosed. The August 2005 EA has been modified and clarified to correct typographic errors and address issues and concerns raised by members of the public during the 30-day notice and comment period and to be more responsive to new information. The September 2005 EA is the result of this effort and is available on our web site (<http://www.cs.unca.edu/nfsnc/nepa/nepa.htm>) or upon request.

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in *The Asheville Citizen-Times*. The Appeal shall be sent to National Forests in North Carolina, ATTN: Appeals Deciding Officer, 160-A Zillicoa Street, Asheville, North Carolina, 28801. Appeals may be faxed to (828) 257-4263. Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. Appeals may also be mailed electronically in a common digital format to: **[appeals-southern-north-carolina@fs.fed.us](mailto:appeals-southern-north-carolina@fs.fed.us)**

Those who meet requirements of 36 CFR 215.13 may appeal this decision. Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Ted Oprean, Project Leader, Pisgah Ranger District at 828-877-3265 or Michael Hutchins, Pisgah National Forest NEPA Coordinator at 828-682-6146. Sincerely,

*/s/ Randall Burgess*

RANDALL BURGESS  
District Ranger

Enclosure





United States  
Department of  
Agriculture

Southern Region  
Forest Service



September 2005

# **Baldwin Gap Project**

## **Decision Notice**

**And**

## **Finding Of No Significant Impact**

**Pisgah Ranger District, Pisgah National Forest  
Buncombe County, North Carolina**

Decision Notice  
& Finding of No Significant Impact

## Baldwin Gap Project

USDA Forest Service  
Pisgah Ranger District, Pisgah National Forest  
Buncombe County, North Carolina

### Decision and Rationale

#### Decision

Based upon my review of the alternatives, I have decided to select a modified Alternative B with some features of Alternative D (**Selected Alternative** – see attached maps) of the Baldwin Gap Project Environmental Assessment (EA – Section 1.3, Chapter 1) on the Pisgah Ranger District, Pisgah National Forest and the Project Design Features and Monitoring listed in Section 2.4, Chapter 2 and Appendix F of the Baldwin Gap Project EA. The modification I am allowing is to drop stand 1-40 (sanitation thin) and its associated ¼ mile of new road construction, change the harvest prescription of stand 1-27 from sanitation thinning to two-age, and develop about seven acres of linear wildlife openings and wildlife fields and seven additional acres of non-native invasives contraol. The Selected Alternative will:

- ◇ Harvest about 134 acres using the two-age regeneration method (includes 15 acres of group selection) and harvest about 183 acres using the sanitation thin method for about 3,228 ccf (hundred cubic feet), generating \$217,469 in estimated revenue and \$216,442 in estimated timber sale related costs (benefit cost ratio of 1.0);
- ◇ Implement timber stand improvement manually and with pesticides on about 358 acres;
- ◇ Perform pre-harvest oak shelterwood manually and with pesticides on about 265 acres;
- ◇ Control non-native invasives with pesticides on about 387 acres;
- ◇ Develop about 7 acres of linear wildlife openings and wildlife fields and treat oriental bittersweet with herbicide;
- ◇ Prescribe burn about 29 acres;
- ◇ Site prepare and release with herbicide and hand tools all two-age and group selection regenerated stands;
- ◇ Reconstruct 8.0 miles of existing system road and construct 1.0 mile of temporary road;

- ◇ Designate stands 1-13 and 1-14 as small patch old growth (88 acres);
- ◇ Stabilize about 1 mile of stream within the Baldwin Field Branch drainage, including the main channel and several of its tributary streams. This work will include the installation of large wood (>4" diameter) and rock (small boulder sizes) within the channel to enhance channel stability and improve aquatic habitat. Equipment used on the project will include a small sized tracked excavator for the placement of structures and a dump truck to haul logs and rock to the site. Recontour about 0.2 miles of the old road bed that parallels lower Baldwin Field Branch. Replace the existing culvert on the Baldwin Field Road (between stands 1-20 and 1-23) with a bottomless arch pipe to provide fish passage; and
- ◇ Develop two connector bike/horse trails to provide a loop opportunity with the North Boundary trail/road and the Baldwin Field road based on available funding and following harvest activities. These connector trails (about 0.4 miles) and system roads they access (about 6.1 miles) will allow non-motorized multiple recreation uses (hike/bike/horse) in the project area (about 6.5 miles total) unless the system roads are posted otherwise. There would be no other trails in the project area available for bike/horse use. The roads where non-motorized travel is permitted would be available for future forest management purposes. Existing “user created” trails would be rehabilitated and closed following harvest activities as funding allows.

#### Rationale

I believe the **Selected Alternative** meet the purpose and need for action more completely than any of the other alternatives. This alternative provides for a sustainable, healthy ecosystem; meets forest plan direction and standards for vegetation, recreation and wildlife management; and helps achieve desired future species and age class composition.

As stated in Section 1.4 of the EA, the purpose and need (objectives) for the proposal is to:

- ◊ Provide habitat conditions for species such as eastern wild turkey, ruffed grouse, white-tailed deer and travel corridors and foraging habitat for black bear across the planning area by dispersing early successional habitat across the landscape by regulating the amount of 0-10 year age class (desired amount is 5%-15% or 68-205 acres for Compartment 1). Desired wildlife habitat would also be provided by managing the area in permanent grass and forb openings for species such as eastern wild turkey (desired amount is 0.5% – 3% or 7 – 41 acres for Compartment 1). It is important to note that Forest Plan standards schedule to revisit each stand at a 10-year interval (Forest Plan standard 1a, page III-75);
- ◊ Manage to emphasize quality hardwood sawtimber as the primary product;
- ◊ Control/manage pest populations by using prescribed fire and herbicides;
- ◊ Provide stocking density and species variety through timber stand improvement practices;
- ◊ Enhance habitat for aquatic species populations and diversity by using habitat restoration and improvement; and
- ◊ Provide non-motorized recreational opportunities, specifically providing for horseback and bicycle riding on closed system roads, construct trails to connect existing system roads as funding allows, and rehabilitate existing “user created” trails following harvest activities as funding allows.

I believe the Selected Alternative will move the resources in the project area towards the desired future condition, achieving the purpose and need for the project while addressing public concerns. (See Appendix G for public comment highlights and the Agency’s response).

I believe the Selected Alternative best meets all the elements of the project’s Purpose and Need and strikes a balance between the wide ranging opinions members of the public shared. Some individuals believe the proposal did not develop enough early successional habitat in the compartment while other individuals believed none should be developed in the compartment. The Selected Alternative will provide 9.8% early successional habitat in Compartment 1. This early successional habitat is the first early

successional habitat for several dependent wildlife species developed in the compartment in about 20 years. The Selected Alternative will provide the greatest amount of linear wildlife openings and wildlife fields analyzed in the EA, better meeting requirements of species that prefer this type of habitat. It will not construct new roads and addresses unmanaged recreation use in the compartment by designating specific trails horses and bike will be allowed on while closing and rehabilitating “user created” trails. The Selected Alternative will also address existing hydrologic and aquatic habitat degradation by stabilizing about one mile of Baldwin Field Branch with large wood, rocks, and other actions such as replacing undersized or ineffective culverts. A key component of the Selected Alternative is to begin to manage the spread of non-native invasive plants, especially oriental bittersweet by treating affected areas with herbicide and prescribed fire with follow-up monitoring of the effectiveness of the treatments. I recognize that up to three herbicide applications may be required over the next few years to effectively begin to reverse the spreading trend.

### **Expected Effects of the Selected Alternative**

I believe the effects of the Selected Alternative have been adequately analyzed in Chapter 3 of the Baldwin Gap Project EA under Alternatives B and D. The Selected Alternative had three general modifications: 1) a change in two-age and sanitation thinning acres, 2) a change in road construction miles, and 3) a change in acres of wildlife habitat developed and acres of non-native invasive plants treated with herbicide.

#### Two-Age Harvest and Sanitation Thinning

The Selected Alternative has about 23 more acres of two-age harvest than Alternative B and has about 18 less acres of two-age harvest than Alternative D. The Selected Alternative has about 63 less acres of sanitation thinning than Alternative B and about five more acres of sanitation thinning than Alternative D. Effects of the Selected Alternative in relation to commercial harvesting are expected to be in between effects disclosed for Alternatives B and D in Chapter 3.

#### Road Construction

The Selected Alternative will not construct the ¼ mile of new system road to access stand 1-40 (dropped from the Selected Alternative) as Alternative B proposed. There will be no adverse effects in relation to system road construction as no new system road will be constructed (see Alternative D, Chapter 3).

#### Linear Wildlife Openings/Fields/Non-native Invasive Control

The Selected Alternative will develop about seven acres of linear wildlife openings and wildlife fields and treat the seven acres with herbicide to control non-native invasive plants. The effects of the wildlife openings and wildlife fields will be similar to those disclosed for wildlife in Alternative D, Chapter 3. The Selected Alternative will treat about six more acres of non-native invasives with herbicide than Alternative B and about 16 less acres than Alternative D. Effects of the Selected Alternative in relation to non-native invasive control with herbicide use are expected to be in between effects disclosed for Alternatives B and D, Chapter 3.

#### **Other Alternatives Considered**

In addition to the Selected Alternative, I considered three other alternatives in detail: Alternative A – No Action, Alternative C, and Alternative D. A comparison of these alternatives can be found in Sections 2.2 and 2.5 of the EA.

#### Alternative A – No Action

Under Alternative A, current management plans would continue to guide management of the project area. I did not select this alternative for several reasons. This alternative would not have managed the area to emphasize quality hardwood sawtimber; controlled/managed pest populations; provided stocking density and species variety; enhanced habitat for aquatic species; nor provided non-motorized recreation opportunities. I believe it is important these actions be implemented to move the area towards the Forest Plan's desired future condition.

#### Alternative C

Alternative C was developed to address the issue of potential impacts caused by developing new openings on spread of non-native plants and potential impacts to trail users caused by log trucks hauling on the North Boundary Road (FSR 485). This alternative dropped stands along FSR 485 and did not propose hauling through Bent Creek Experimental Forest. It proposed fewer acres of two-age harvest and thinning than Alternative B and did not develop linear wildlife openings and wildlife fields. It did propose designating multi-purpose trails, the two connector trails, closing and rehabilitating existing unauthorized user-created trails, prescribed burning, treating non-native invasives, and designating small patch old growth as Alternative B did. However, I did not select this alternative because it only developed 5.9% early

successional habitat and only provided a minimal amount of grass/forb habitat.

#### Alternative D

Alternative D was developed to address the issue of early successional habitat, percent of permanent grass and forb habitat developed, and potential impacts to wildlife habitat as a result of trail use. It proposed more two-age harvest, more wildlife fields, and more prescribed burning than Alternative B. It did not propose designating multi-purpose trails or developing the two connector trails, but it would have closed and rehabilitated existing unauthorized user-created trails, treated non-native invasives, and designated small patch old growth. However, I did not select this alternative because it did not meet the trail opportunity element of the purpose and need.

#### Alternative Not Considered

Section 2.3 of the EA disclosed one alternative I considered but eliminated from detailed study. Since it was not considered in detail in the EA, it was not considered in the range of alternatives for my decision.

#### **Public Involvement**

The proposal was provided to members of the public and other agencies for comment during a 30-day scoping period that began on March 25, 2005. Sixteen members of the public provided written comments. Thirteen individual comments were received during scoping—three additional comments (and a petition signed by 21 individuals against the proposal) were received two months later. The proposal was listed in each of the Forest's Schedule of Proposed Actions since October 2002.

A 30-day Notice and Comment period of the pre-decisional Baldwin Gap Project EA was initiated on August 4, 2005, and was completed on September 6, 2005. Seven timely letters or e-mails were submitted by members of the public during this comment period along with a petition from 145 individuals against the proposal and three untimely responses. A summary of the comments is attached to this decision notice in Appendix G. Following review of comments received, the August 2005 EA was modified and clarified slightly to respond to public comments and new information (40 CFR 1503.4). Members of the public may request a copy of the updated September 2005 EA or access it from the Forest's web site at: <http://www.cs.unca.edu/nfsnc/>.

On September 23, 2005, I visited with members of the public that reside within the Reeves Cove area who

have expressed continued interest in the proposal. I explained objectives of the Baldwin Gap project and the need for action at this time and in this location. I better recognize the interests and concerns these individuals have after meeting with them, but I believe implementing the Selected Alternative is a necessary action towards meeting Forest Plan objectives. Concerns were also raised that were outside the scope of my proposal, i.e. land exchanges. There are no proposed land exchanges being considered in this area at this time.

### 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 finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action (Sections 3.1, 3.2, 3.3, Chapter 3, and Appendices B and E).
2. There will be no significant effects on public health and safety and implementation will be in accordance with project design features listed in Section 2.4, Chapter 2 and Appendix F. (Section 3.4, Chapter 3).
3. There will be no significant effects on unique characteristics of the area, because there are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the project area, nor are there local law or requirements imposed for the protection of the environment (Section 3.11, Chapter 3).
4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (Section 1.7, Chapter 1 and Sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, and 3.10, Chapter 3).
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 (Sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, and 3.10, Chapter 3).
6. The action is not likely to establish a precedent for future actions with significant effects, because the project is site specific and effects are expected to

7. The cumulative impacts are not significant (Sections 3.11, 3.1.8, 3.2.1, 3.3.3, 3.4.2, 3.5.2, 3.6.2, 3.7.2, 3.8.2, 3.9, and 3.11, Chapter 3, and Appendix A).
8. The action will have no effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (Section 3.6.2, Chapter 3). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (Section 3.6.2, Chapter 3). A heritage report was completed for this project and mailed to the State Historic Preservation Office (SHPO) in August 2005.
9. The action will have no effect on any endangered or threatened species or their habitat that has been determined to be critical under the Endangered Species Act (Act) of 1973 (Biological Evaluation, Appendix A). On August 23, 2005, the US Fish and Wildlife Service stated: *“Based on information provided in the environmental assessment, we believe the requirements of section 7(c) of the Act are fulfilled.”*
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 Nantahala and Pisgah National Forests Land and Resource Management Plan Amendment 5 (Sections 1.1, 1.2, and 1.4.1, Chapter 1).

### Findings Required by Other Laws and Regulations

My decision to implement the Selected Alternative is consistent with the intent of the long-term goals and objectives listed on pages III-1 and III-2 of Forest Plan Amendment 5. The project was designed to meet land and resource management plan standards and incorporates appropriate land and resource management plan guidelines (Sections 1.1, 1.2, and 1.4.1, Chapter 1).

### Administrative Review and Contacts

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in *The Asheville Citizen-Times*. The Appeal shall be sent to National Forests in

North Carolina, ATTN: Appeals Deciding Officer, 160-A Zillicoa Street, Asheville, North Carolina, 28801. Appeals may be faxed to (828) 257-4263. Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. Appeals may also be mailed electronically in a common digital format to:

**appeals-southern-north-carolina@fs.fed.us**

Those who meet requirements of 36 CFR 215.13 may appeal this decision. Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Ted Oprean, Project Leader, Pisgah Ranger District at 828-877-

3265 or Michael Hutchins, Pisgah National Forest NEPA Coordinator at 828-682-6146.

**Implementation Date**

As per 36 CFR 215.9, if no appeal is received, implementation of this decision may occur on, but not before, the 5<sup>th</sup> business day following the close of the appeal-filing period (36 CFR 215.15). If an appeal is filed, implementation may occur on, but not before the 15<sup>th</sup> business day following the date of appeal disposition (36 CFR 215.2).

*/s/ Randall Burgess*

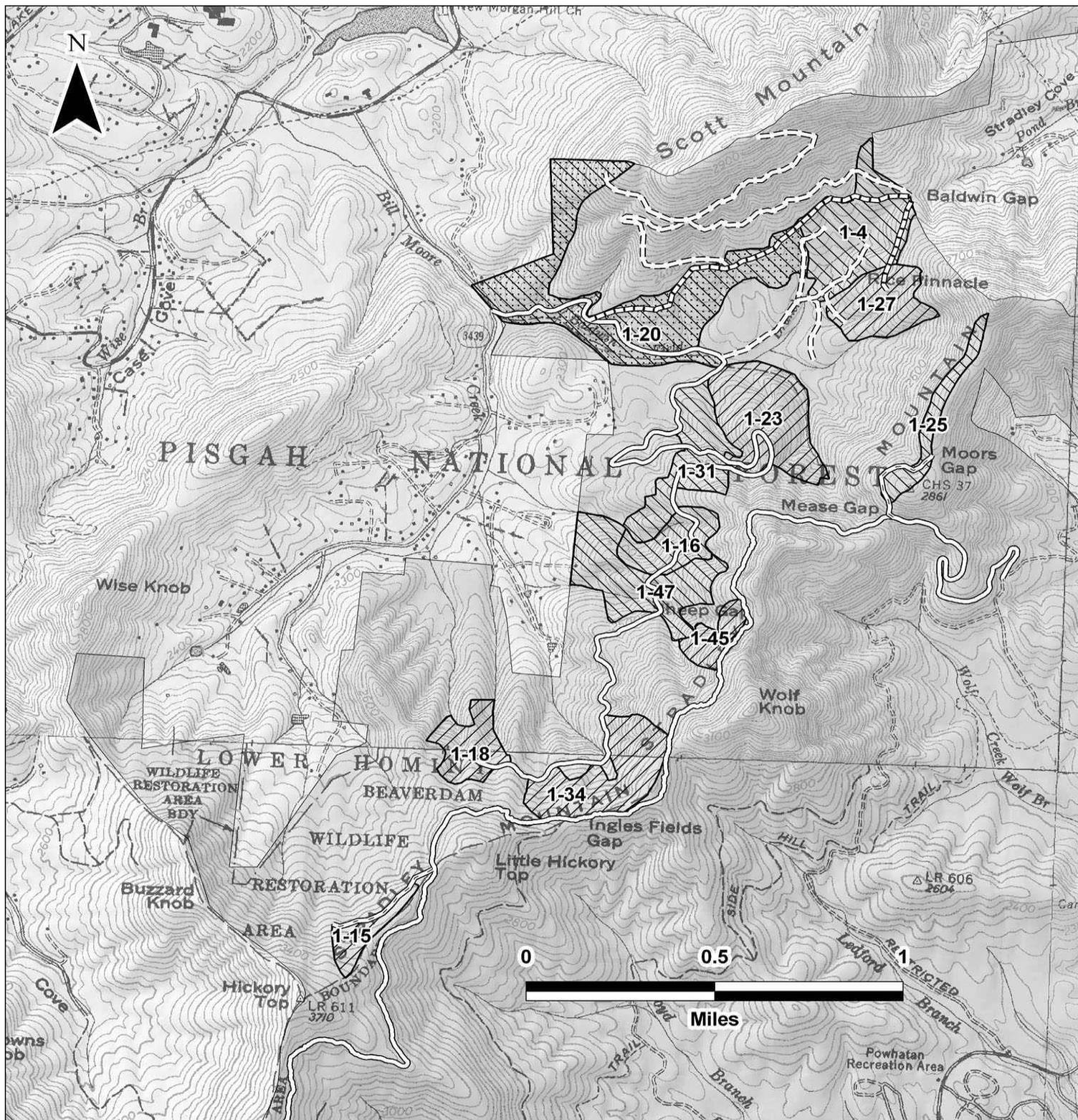
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**RANDALL BURGESS**  
District Ranger  
Pisgah Ranger District

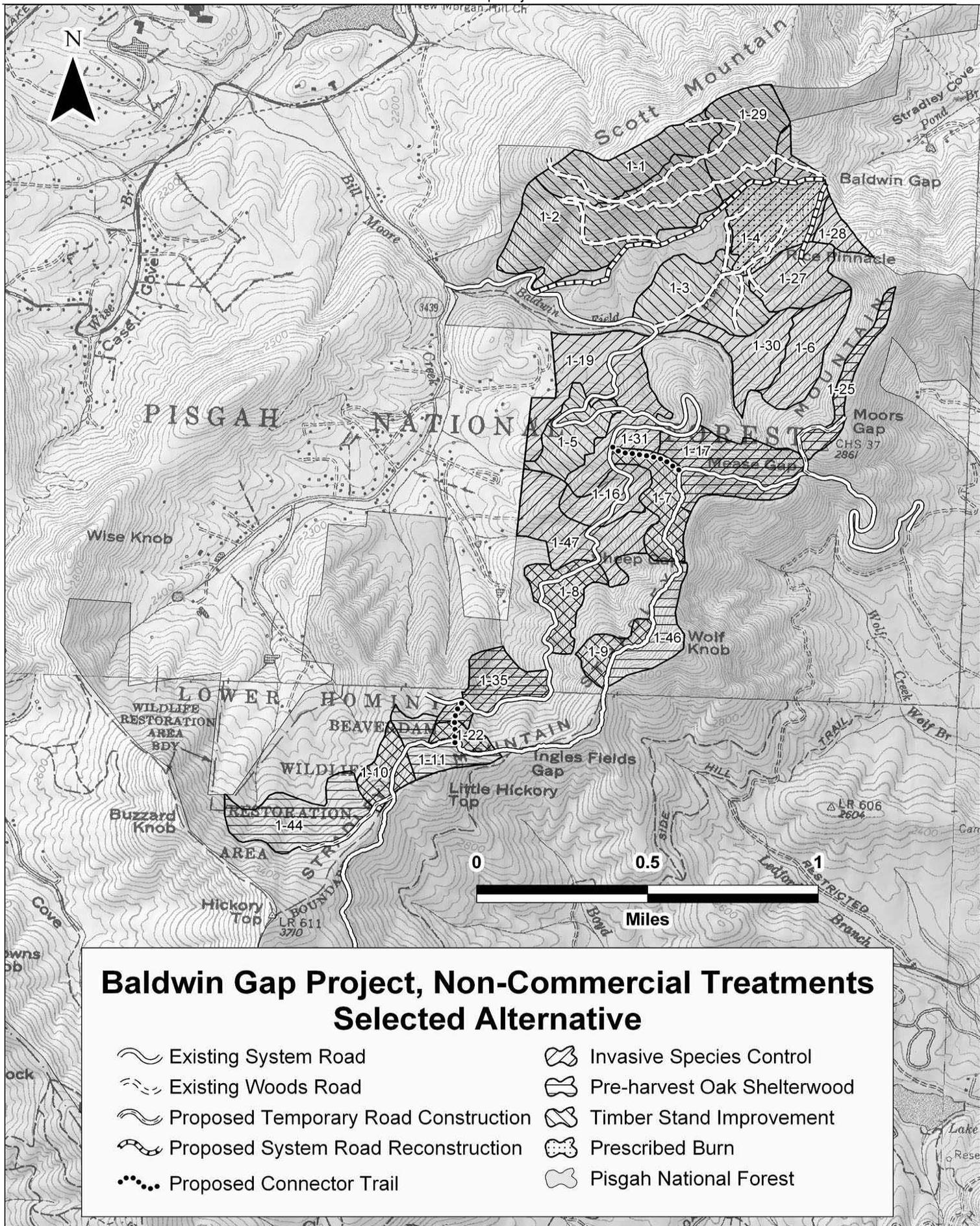
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**Date**



### Baldwin Gap Project, Commercial Treatments, Selected Alternative

- |  |  |
|--|--|
|  Existing System Road                 |  Proposed Sanitation Thinning, MA3B |
|  Existing Woods Road                  |  Proposed Two-Age Shelterwood, MA3B |
|  Proposed Temporary Road Construction |  Proposed Group Selection, MA3B     |
|  Proposed System Road Reconstruction  |  Pisgah National Forest             |



**APPENDIX G – RESPONSE TO COMMENTS  
FOR THE  
BALDWIN GAP PROJECT  
ENVIRONMENTAL ASSESSMENT**

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## General Discussion

The formal 30-day Notice and Comment period for the Baldwin Gap Project Environmental Assessment began August 4, 2005, and ended on September 6, 2005. Seven timely letters or e-mails were submitted by members of the public during this comment period, along with a petition from 145 individuals attached to one of the comment letters, and three untimely responses and one untimely request to be added to an existing letter.

## Substantive Comments

To be eligible to appeal the decision on this proposal (36 CFR 215.13), individuals must provide comments that are both timely [36 CFR 215.6(a)(i)] and substantive (36 CFR 215.2). Substantive comments are defined as: “*Comments within the scope of the proposed action are specific to the proposed action, have a direct relationship to the proposed action and include supporting reasons for the Responsible Official to consider.*” A comment stating support of an alternative without rationale for the support is not considered substantive. Comments below are grouped by commenter. The following individuals provided comments on the proposal:

- Commenter 1:** Steve Henson, Southern Appalachian Multiple-use Council (SAMC)
- Commenter 2:** Dave McHenry, North Carolina Wildlife Resources Commission (NCWRC)
- Commenter 3:** Rick Swilling
- Commenter 4:** Brian Cole, United States Fish and Wildlife Service (USFWS)
- Commenter 5:** Rachel Doughty, on behalf of Wild South, WildLaw, Southern Appalachian Forest Coalition, Margaret Hurt, Linda Shuler, and Rick Swilling (Ms. Doughty requested Mr. Gary Woodall be added to her comments on 9/12/05 – he was added, but is untimely)
- Commenter 6:** Ben Prater, Southern Appalachian Biodiversity Project (SABP)
- Commenter 7:** Petition Signed by 145 Individuals
- Commenter 8:** Bob Gale, Western North Carolina Association (WNCA)
- Commenter 9:** Leonard Harwood (untimely)
- Commenter 10:** Mike Brown (untimely)
- Commenter 11:** Danna Brown (untimely)

## Letter 1 – Steve Henson, SAMC

### Comment 1-1

*“In general, we support the direction of the proposed activities as they will vastly improve this area for wildlife, provide a more balanced age-class distribution of forest structure, and provide needed wood fiber for local forest product industries. It is clear that there are opportunities through regeneration harvesting and wildlife opening development to achieve the desired conditions described in the proposal. As pointed out in your analysis, there is virtually no early successional structure or wildlife openings in the analysis area. Therefore, we would think that the USFS would select Alternative D rather than the preferred Alternative B. We believe that, given the wildlife objectives of the proposal, Alternative D is by far the best alternative.”*

### Agency Response

Preference for Alternative D is noted

### Comment 1-2

*“It is imperative to maintain a leave basal area **below 20 sq.ft./acre in the two-age regeneration areas** to allow for the development of quality early successional habitats for wildlife and promote a better mix of natural regeneration for future stands – we note in your discussions of two-age regeneration that the target is under 20-30 sq.ft./acre of residual basal area – we urge you to keep it under 20.”*

### Agency Response

As stated in Appendix D of the EA, “Basal area of leave trees should not exceed 20-30 sq ft/ acre fifteen years after harvest so they would not hinder further growth and development of the new stand” except where additional basal area is needed for scenery concerns (Section 3.7, Chapter 3). The proposal has been designed to achieve basal area of 15-20 sq ft/acre as disclosed in the scoping document and the EA (Section 1.3, Chapter 1 and Section 2.2, Chapter 2).

### Comment 1-3

*“We support the efforts to develop new wildlife openings (fields) as they are obviously scarce or nonexistent in the area. We would also encourage providing an early successional edge (at least 100 feet deep around the opening) that would provide cover for numerous wildlife species that could take advantage of the opening’s browsing and bugging opportunities. Additionally, we suggest you daylight the roads in the area, where feasible, to establish early successional/ shrubby strips along the roads to allow protection for numerous wildlife species that will take advantage of the protection for access to the wildlife seeded roads (linear wildlife openings).”*

### Agency Response:

Increasing edges along proposed fields is not feasible due to high archaeological resources. Daylighting was not identified as an objective during developed of the proposal and was not made part of an action alternative. There would be some short-term “daylighting” along the right-of-way clearances for the reconstructed roads, but the areas would not be maintained for specific wildlife resources.

### Comment 1-4

*“We also support the use of herbicides in pre/post harvest, TSI activities, exotic invasive species control and other management activities.”*

Agency Response

Comment is noted.

Comment 1-5

*“We are glad to see serious attention should be given to advance oak regeneration treatments. We strongly encourage the USFS to pay more attention and address this developing problem of oak regeneration on the landscape.”*

Agency Response

Comment is noted.

Comment 1-6

*“We support the proposed use of prescribed burning as a wildlife management tool. It is widely recognized by wildlife specialists the benefits of regular prescribed burning to a number of important wildlife species across the landscape. We encourage you to consider a recurring burning plan for the area and increase the use of prescribed burns to accomplish wildlife and forest health objectives.”*

Agency Response

Comment is noted. Increased burning opportunities may be identified in other areas of the Pisgah RD where they can meet resource objectives.

Comment 1-7

*“It is apparent that Alternative B is structured to expand the recreation trail systems in place at Bent Creek. We question the wisdom of extending these trails. We believe that extending the trails will increase the recreation traffic at Bent Creek where the load is already having a negative impact on the important research going on there. Rather than improving a bad situation, we think you will be compounding it. We think it would be more prudent to discourage the expansion of the trail system and encourage recreationists to visit other areas of the forest to pursue their activities. Therefore we encourage you to designate any new or reconstructed roads as “linear wildlife openings” and restrict to foot traffic only.”*

Agency Response

The proposal was designed to reduce adverse impacts currently occurring in the Baldwin Gap area and to address unmanaged recreation occurring from unauthorized trail use by designating specific areas recreationists can access, reducing the overall area adversely affected. Alternative A and Alternative D address this concern as they do not propose designating trails.

**Letter 2 – Dave McHenry, NCWRC**Comment 2-1

*“The Commission is concerned about impacts of the proposed action (Alternative B) on aquatic and terrestrial resources on the Pisgah Ranger District. Our agency continues to oppose the construction of connector trails from the Bent Creek area into the Baldwin Gap project area. Agency personnel believe that most of the conflicts between wildlife users and recreational users currently occurring in the Bent Creek watershed will simply increase and spill over into the Baldwin Gap area. The loss of grass/forb habitat will continue as well. The proposed action would create only 1.4 acres of linear wildlife opening (grass/forb habitat) and the small sizes and locations of the openings render maintenance impractical for NCWRC wildlife crews.”*

Agency Response

Alternative D was developed to address this concern and did not propose designating a trail system in the Baldwin Gap area. This alternative also proposed six additional acres of grass/forb habitat.

Comment 2-2

*“Alternative D would create more grass/forb habitat and more early successional habitat, but it fails to meet our request for a “wildlife alternative”. Although grass/forb habitat amounts are greater, the acreage of early successional habitat is only slightly more than the proposed alternative. Since the Pisgah Ranger District has the second lowest amount of this habitat type (0.8%) of any ranger district in the Forest, we believe this should be the number one concern for any proposed management action. The continued decline of deer, ruffed grouse, and other game species and some non-game species are a direct result of the lack of early successional habitat in the District. Although many species depend on mast for most wildlife species, early successional habitat provides browse and grasses for deer, wild turkey, and even black bear at certain times of the year. Nesting/brooding and escape covers in quality early successional habitat are also important for songbirds, wild turkey, ruffed grouse. Soft mast production is an often forgotten component of wildlife diets and production is greatly increased in early successional habitats. Our agency supports any action to increase oak reproduction in any alternative as the loss of oak forests in western North Carolina continues to increase and will also be a major factor in future wildlife population declines.”*

Agency Response

The Baldwin Gap proposal is limited in the amount of early-successional habitat it can develop due to its size (1,370 acres) and other resource conflicts (e.g. constructing roads to allow access to every stand could adversely impact water quality, aquatic habitat, and increase the spread of invasive exotic plants). Alternative D was developed to best meet early-successional habitat needs of wildlife while meeting Forest Plan standards and other resource concerns.

Comment 2-3

*“The NCWRC does not feel that a “wildlife alternative” has been presented in the Environmental Assessment since our requests for this alternative were not met even with Alternative D. Each alternative fails to adequately address the needs for early successional habitat, grass/forb habitat, protection of wildlife from excessive disturbance.”*

Agency Response

The Forest Service respectfully disagrees that a wildlife alternative was not considered in detail. Alternative D proposed more early-successional and grass/forb habitat than any other alternative and did not designate a trail system (see also comment 2-2 above).

Comment 2-4

*“Included in all the project alternatives is stream stabilization on about 1 mile of stream channels in the Baldwin Field Branch watershed. As generally described, the work would involve placement of large wood debris and rock in the channels to increase stability. A small track-hoe and dump truck would be used. The EA indicates that there is a lack of woody debris and considerable channel erosion in this watershed.”*

Agency Response

Comment is noted.

Comment 2-5

*“Channel erosion is minor in Baldwin Field Branch with exception of the scour pool at the Baldwin Field Road crossing. We are pleased that the culvert here will be addressed with this project. However, as expressed in our April*

25, 2005 scoping comments on the project and during the May 25, 2005 on-site meeting with Forest Service personnel, we reiterate our belief that any stream channel modifications conducted here for aquatic habitat improvement should be limited in scale. The riparian area is well developed with trees, shrubs and herbaceous ground cover that currently provide good bank stability. Therefore, low-intensity improvement work such as hand placement of large woody debris is warranted. Such work is appropriate on the tributaries to the branch where there are headcuts. However, major construction activities involving heavy equipment access, bank grading, and other land disturbance in and near the stream should be avoided. We encourage consideration of these recommendations during project planning and subsequent 404 permitting efforts.”

### Agency Response

As per the May 2005 field review, this is what is planned to be implemented. On-site large woody debris would be used for enhancement and stability.

## **Letter 3 – Rick Swilling**

### Comment 3-1

“My concerns with this project is one Reeves cove road cannot handle the traffic that this project would produce, also the wildlife has already been greatly disturbed by the Biltmore Lake Project and the traffic it brings, also they installed a round about at the lake so the big trucks can hardly get in. Also all the homes are on well systems and the run off from this project would cause many problems with the ground water. Some logging would be ok but not to the extent as in the outlined project.”

### Agency Response

The proposal has been designed to improve wildlife habitat over current conditions. The increased traffic would be from logging equipment and is expected to be short-term (a couple of logging seasons). The project has also been designed to not cause adverse effects to water quality.

## **Letter 4 – Brian Cole, USFWS**

### Comment 4-1

“Because all of the alternatives are relatively similar, we have no major objections to any of the proposed alternatives, and once again we commend the USFS for their efforts to control invasive exotic species and maintain early successional stage habitats. Both of these actions will improve wildlife habitat on the national forest. Though similar to the preferred alternative, Alternatives C and D do require less road construction/reconstruction<sup>1</sup>, and Alternative D also calls for controlling more acres of invasive exotic species. If these alternatives satisfy the Forest Plan for the project area, these factors should be strongly considered in deciding which alternative to implement.”

### Agency response

Comment is noted

### Comment 4-2

“As stated in our letter of April 28, 2005, we are very supportive of the USFS’s efforts to stabilize stream banks. The Environmental Assessment does not give specific details as to the nature of the stream problems or the specific corrective actions (beyond the placement of boulders and woody vegetation in the streams). We would like to review the

<sup>1</sup> Throughout the Environmental Assessment, statements such as the following are made: “Culverts . . . old woods roads, roads, and skid trails . . . are the existing threat to streams and drainages.” These statements lend credence to the need to minimize the amount of road construction, particularly where culverts may be needed.

*construction design before it is implemented. Again, our office has considerable expertise in stream evaluation and restoration, and we would be more than willing to work with you on the design of this project. If you would like our assistance, please contact Ms. Anita Goetz of our staff at 828/258-3939, Ext. 228.”*

### Agency Response

The Agency will contact the USFWS during development of the design plans.

### Comment 4-3

*“Based on information provided in the environmental assessment, we believe the requirements of section 7(c) of the Act are fulfilled. However, obligations under section 7 of the Act must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review, or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.”*

### Agency Response

Comment is noted

**Letter 5 – Rachel Doughty, Rachel Doughty, on behalf of Wild South, WildLaw, Southern Appalachian Forest Coalition, Margaret Hurt, Linda Shuler, and Rick Swilling** (Mr. Gary Woodall was added to these comments on 9/12/05 – six days past the comment period)

### Comment 5-1

*“NFMA requires that LRMPs be revised when circumstances change.<sup>2</sup> This project is being executed pursuant to a Land and Resource Management Plan (“LRMP”) that is more than a decade old. Changes both on the Forest and on nearby private land in the Baldwin Gap project area have drastically reshaped the area’s ecosystem in recent years, yet the LRMP has remained the same. When the plan was drafted, there was little development in the Baldwin Gap area. Now, there are several established residential developments, and more on the way. Further, several hurricanes and tropical storms have passed through the area in recent years. There is more early successional habitat and certainly more permanent grass and forb opening habitat in the area. The Pisgah LRMP should be amended to reflect these shifts in the ecosystem on and off the Forest, each of which has resulted in more early successional habitat. The Baldwin Gap area should be reclassified to a more restrictive Management Area than 3B to protect the now more crucial ecosystem and recreational services that the Forest provides. The anticipated and upcoming revision of the LRMP for the Pisgah/Nantahala Forest will provide an excellent opportunity to address and remedy this incongruity with applicable federal law. We encourage Ranger Bradley to delay further pursuit of this project until such time as the realities of the on-the-ground situation are reflected in the LRMP.”*

### Agency Response

Comment is outside the scope of this project and is best addressed at the Forest Plan level. The Nantahala & Pisgah NF Land and Resource Management Plan is scheduled for revision in the next couple of years. Forest Plans are scheduled to be revised every 10-15 years. The Forest Plan received a significant amendment in 1994 (Amendment 5). Ranger Bradley is on the Appalachian District; Randy Burgess is the Pisgah District Ranger.

<sup>2</sup> NFMA § 1604(a) (“[T]he Secretary of Agriculture shall ..., as appropriate, revise land and resource management plans.”).

## Comment 5-2

“Under NEPA, an EA must contain adequate analysis of the cumulative impacts of the proposed project and any other actions/occurrences in the area—including those on private lands.<sup>3</sup> The Forest Handbook states:

*Individual actions when considered alone may not have a significant impact on the quality of the human environment. Groups of actions, when added together, may have collective or cumulative impacts which are significant. Cumulative effects which occur must be considered and analyzed without regard to land ownership boundaries. Consideration must be given to the incremental effects of past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals.<sup>4</sup>*

The consideration of the cumulative impacts of this project combined with the residential development was too superficial to be adequate. The EA identifies nine issues<sup>5</sup> that were considered as part of the environmental analysis. Its discussion of the impacts of the development for all of these areas was strikingly similar; For five<sup>6</sup> of them, the language used is identical:

*In addition, there is a 19 acre subdivision being developed about one mile west of the Baldwin Gap project area and another larger development about two miles north of the Baldwin Gap project area. The potential cumulative effects of the proposal in relation to these two developments are expected to be minimal and immeasurable. There are no other known foreseeable actions in the project area.*

For two of the other four, the text is essentially the same, with only minor changes.<sup>7</sup>

The above paragraph also shows that the Forest Service is not concerned with the overall cumulative impacts on the environment, but only with causing less impact than its neighbors. This attitude is contrary to the purposes of NEPA, which requires the agency to identify and analyze cumulative impacts, defined as, “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”<sup>8</sup> The agency cannot flee its own duty to act responsibly, even where its neighbors are not.

The text of the remaining two issues (the only two “Key Issues”) shows a greater concern for effects of Forest Service actions on private land than for cumulative effects to the environment overall or the effects of Forest Service and other’s actions on public lands. For the Key Issue of Water Quality and Aquatic Habitat, the EA states that the two developments

*are likely to create notable changes in the flow and sediment runoff from the affected drainages because of an increase in compacted area. Since the Baldwin Gap proposal*

<sup>3</sup> 40 CFR § 1508.25 (“[A]gencies shall consider ... Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.”).

<sup>4</sup> FSH 1909.15, § 15.1 (emphasis added).

<sup>5</sup> These issues are: Water Quality and Aquatic Habitat; Wildlife and Trail Use; Non-native Plants; Pesticides; Soil Resources; Cultural Resources; Scenery Resources; Air Quality; and Other Areas of Concern. EA at 7-8. “Water Quality and Aquatic Habitat” and “Wildlife and Trail Use” were identified as “Key Issues.”

<sup>6</sup> These 5 issues are: Pesticides (p 57-58), Soil Resources (p 61), Cultural Resources (p 61), Air Quality (p 69, 70), and Other Areas of Concern (p 70).

<sup>7</sup> These 2 are: Non-native Plants (p 55) and Scenery Resources (p 65-66).

<sup>8</sup> 40 C.F.R. § 1508.7 (emphasis added); see also 40 CFR § 1508.25.

*would not contribute to the current trend in water resource degradation associated with residential development within the drainage the proposal would not have adverse effects on the private land developments.*<sup>9</sup>

There are several problems with this statement. First, the passage makes clear that the Forest Service is more concerned with the effects of the proposed project on the private land development than the effect on the environment and the public lands which are held in trust for the American people. Second, because of this focus, you have not addressed whether the project will contribute to water resource degradation in general—rather than just for the “private land developments.” Third, the EA does not offer support for the assertions that resources will not be damaged. NEPA regulations state that agencies “shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.”<sup>10</sup> We have scoured the draft ea for this required citation, but have been unable to locate them.”

#### Agency Response

The Agency is concerned about potential effects of the proposal on National Forest System (NFS) lands and the potential cumulative effects it may have on private lands. Section 3.1.1 of the EA stated, “Alternative B is not likely to increase long-term sediment loading to stream channels from the proposed road and trail construction. Although road reconstruction and decommissioning, and in-stream structure placement have the potential to deliver sediment to streams during and just after construction, it is expected that current sediment loading to streams would decrease because of this work since sites of erosion would be stabilized. Therefore, Alternative B would decrease sediment.” Table 3-2 summarized aquatic resource effects and concluded that, “Turbidity and sediment loading may increase slightly during culvert installation and implementation of watershed project. Should diminish downstream and cease with site rehabilitation.” No harvesting would occur within Forest Plan identified riparian areas, best management practices (BMPs) and North Carolina Forest Practices Guidelines would be implemented to further reduce impacts to resources. Citations of literature used in conclusions drawn by biologic resource specialists are located in the biological evaluation (Appendix A).

#### Comment 5-3

“When convenient, the focus shifts from concern exclusively for private land impacts to exclusively public land impacts. For the Key Issue of Wildlife and Trail Use, the EA states:

*During the next planning period, some of the private property in the general vicinity of the Baldwin Gap project would permanently convert from that of forested habitat to residential communities. This is evidenced by the Biltmore Lake Estates and the 19 acre subdivision being developed north of Wise Knob. This conversion would cause further fragmentation of an already heavily fragmented area. The existing use of residents and recreation use and forested land creating a mosaic of high disturbance areas and low disturbance is expected to continue. The cumulative private land pattern would not cause any change to the impacts of MIS that occur on the Forest in the project area. There are no other known foreseeable actions in the project area.*<sup>11</sup>

<sup>9</sup> EA at 46, 48 (emphasis added).

<sup>10</sup> 40 CFR § 1502.24; *Sierra Club v. Eubanks*, 335 F.Supp.2d 1070, 1079 (E.D. Cal 2004) (“NEPA does not allow [an agency] to rely on its own opinions and conclusions without providing hard data and analysis for both the public and the court to review.”); *Texas Committee on Natural Resources v. Van Winkle*, 197 F.Supp.2d 586, 619 -620 (N.D. Tex. 2002) (“[An] EIS fails to satisfy NEPA's requirements [when] it consists only of conclusory remarks, statements that do not equip a decisionmaker to make an informed decision about alternative courses of action, or a court to review the [agency's] reasoning.” (internal quotations and citations omitted)).

<sup>11</sup> EA at 52.

*This is discussed further in a section on Species:*

*During the next planning period, some of the private property in the general vicinity of the Baldwin Gap project would permanently convert from that of forested habitat to residential communities. This is evidenced by the Biltmore Lake Estates and the small development north of Wise Knob. This conversion would cause further fragmentation of an already heavily fragmented area. The existing use of residents and recreation use and forested land creating a mosaic of high disturbance areas and low disturbance is expected to continue. The cumulative private land pattern would not cause any change to the impacts of the rare species that may occur on the forest in the project area since this private land use pattern has been occurring for the past several years.<sup>12</sup>*

*MIS and rare species do not recognize property lines, and neither should your NEPA-mandated cumulative impacts analysis. As you acknowledge, forest fragmentation can have considerable adverse effects on species, and the trend in the area is towards greater fragmentation.<sup>13</sup> The statement that this pattern has been on-going on adjacent private land does not quiet this concern since it indicates increased fragmentation over time—the Forest is becoming a refuge for rare species as it is increasingly an island in the middle of suburban development. The cumulative impacts analysis of the nearby residential development is insufficient. These impacts should be analyzed further, and the public should be provided with more information so that we may offer substantive comments.<sup>14</sup>*

*Your conclusion that cumulative effects are unlikely is based on the astounding statement that other than the two identified developments currently under construction, “[t]here are no other known foreseeable actions in the project area.”<sup>15</sup> Similarly, later in the EA, you state that:*

*There are no known changes in the private land use pattern over the next planning period. Therefore the existing use of residents and recreation use and forested land creating a mosaic of high disturbance areas and low disturbance is expected to continue. The cumulative private land use pattern would not cause any change in MIS population trends across the Forests.<sup>16</sup>*

*Yet, on the very next page, you say that*

*During the next planning period, some of the private property in the general vicinity of the Baldwin Gap project would permanently convert from that of forested habitat to residential communities. . . . this conversion would cause further fragmentation of an already heavily fragmented area.*

*Nevertheless, you state that “[t]he cumulative private land pattern would not cause any change to the impacts of MIS that occur on the Forest in the project area.”<sup>17</sup> It is unclear whether you can foresee development in the area, whether you expect development to have an effect on MIS overall (not just on the Forest, and not just in the project area), and whether you have considered the effect of your actions when added to the private land pattern. However, it is apparent that even the Forest Service realizes that continued private development is assured during the foreseeable future. Failure to account for that in the EA creates a serious deficiency that must be remedied to comply with NEPA.”*

<sup>12</sup> EA at 82.

<sup>13</sup> *Final Supplement to Final Environmental Impact Statement (Volume I) for Nantabala and Pisgah National Forests Plan Amendment 5* USDA Forest Service at IV-19 (February 2004).

<sup>14</sup> For example, the change in early successional and open habitat in the project area overall over the last 10 years is essential to evaluating the effects of your proposal on MIS and rare species.

<sup>15</sup> See footnote 6.

<sup>16</sup> EA, p. 137 (emphasis added).

<sup>17</sup> EA, p. 138 (emphasis added).

## Agency Response

Cumulatively, the Forest Service must consider all past actions, ongoing actions, and reasonably foreseeable actions along with the proposed project, including activities on private land. Because of the development currently underway and the pattern of recreational use on the Forest by local private landowners, we surmise that these actions would continue. It would be speculative to try to determine any other foreseeable actions beyond that. Animals do not recognize boundary lines, and those lines are quite blurred in some areas of Baldwin Gap where private property currently remains forested and undeveloped. However, some lines are quite apparent where there is an abrupt change in “habitat” (forested stands to manicured lawn, for example). Although animals residing on the Forest may cross those boundaries, and possibly even use areas on private lands, generally the optimal habitat is going to be on NFS lands. It is true white-tailed deer may browse on azalea bushes in someone’s yard, but disturbance (human or domestic animals) may preclude use of private property for some species. The Baldwin Gap project does not fragment habitat because NFS lands would remain forested. The successional stage of the forest may change, but trees would grow back. Where development on private property is occurring, permanent conversion is actually taking place where areas were once forested are now occupied with large homes and concrete driveways and paved roads to access these homes.

## Comment 5-4

*As discussed above, the lands adjacent to the project area are undergoing rapid transformation from sparsely populated forested lands to more open and more densely populated suburban lands. Nevertheless, you do not consider the presence of 0-10 year age class on these privately held lands. As a result, your analysis area must closely track the project area and therefore be too small—you estimate only 30 acres of early successional habitat in the analysis area! This myopic look at the effects of your actions could have perilous results for the yellow-bellied sapsucker and other species which need mature forests for survival.<sup>18</sup> The *Aruncus dioicus* on which the Dusky Azure’s survival depends requires shade and moist soil—conditions unlikely to follow harvest. The story is the same for the Golden-banded skipper and *Amphicarpa bracteata*—these moisture loving species will be harmed if rich cove forest is converted to near clearcut.*

## Agency Response

The 0-10 age class is a successional stage of a forest where the forest would grow back over time. Although private land that is being developed would create openings in what was once a forested landscape, it is not the intention to reforest the area to its previous condition. The forests are being permanently converted to a more sparsely canopied condition, generally not with native vegetation growing underneath (various grass species such as fescue, ornamental shrubs, or other exotic plants). Because this is a conversion and not a change in successional stage of the forest, this private land is not calculated as part of the 0-10 standard—residential communities and young forests are not one and the same. *Aruncus dioicus* easily grows in average, medium wet to wet, well-drained soil in full sun to partial shade. These conditions may still persist after a harvest operation, especially where trees are left in units. *Amphicarpa bracteata* is a common understory plant in upland oak woodlands, especially where there is a history of burns. It likes open woods and thickets, which would be created by areas where thinning and prescribed burning are proposed.

## Comment 5-5

*“We dispute some of the trends in MIS species in the area. You say that rabbits and white-tailed deer populations are either static or in decline.<sup>19</sup> Adjacent landowners, including those on whose behalf these comments are filed, have*

<sup>18</sup> See EA, p. 49.

<sup>19</sup> EA, p. 132-133.

*noticed an increase in these species.<sup>20</sup> Once again, the difference in our conclusion and yours likely results from the very small analysis area you are considering. It is unfortunate that these species were chosen as the canaries for forest health. Rabbits and deer do not have very picky habitat needs—both are commonly found in suburban backyards and highway medians.”*

### Agency Response

The population trends for rabbits and white-tailed deer across the Nantahala and Pisgah National Forests are either static or in decline. The local private landowners may see an increase of rabbits and deer because their property is currently providing some of the rabbits’ and deer’s habitat currently lacking on the Forest, particularly forage. Once early successional habitat is created in the Baldwin Gap area, residents may not see as many deer or rabbits in their yards.

### Comment 5-6

*“While you express concern about the lack of early successional habitat, you are simultaneously working to eliminate the natural processes which would generate more natural openings. These would be of more appropriate size, would not require logging road access, and would not require the introduction of impacts that threaten soil and water quality. For example, On page 134 of the EA, you justify logging now because “[a]s a hardwood stand ages, it is better to regenerate (remove the older trees) while there is still some reproductive capability than to wait until the stand is so old that natural regeneration would not be successful.” While this is a questionable conclusion (how many unwooded sites are there in the Southern Appalachians as a result of human refusal to manage a natural system?), if it is true, you should not cut these trees because their death will ultimately provide the early successional habitat about which you are so concerned.”*

### Agency Response

While natural processes may or may not generate needed natural openings, the management direction for Baldwin Gap Compartment 1 in the Forest Plan is Management Area 3B which is to “*Emphasize sustainable supply of timber, but with few open roads and limited disturbance associated with motorized vehicles. This management area also provides for habitat needs of wildlife such as wild turkey, deer, a variety of small mammals, and other species that will benefit from a managed forest with limited motorized access. A sustainable supply of timber is achieved through regulating the growth and removal of trees through time.*” (page III-71). More specific management direction is on page III-74 under Wildlife and Fish Resource Management item 2 where the Forest Plan direction is “*Use timber management practices as the primary tool to create desirable habitat*”. This direction implies that openings will be created with timber management activities in this Management Area.

Although a stand will regenerate naturally without any cultural treatments such as timber harvesting, site preparation, weedings, and thinnings, it most likely will not regenerate to the desired Forest Type. Fast growing soft mast trees like red maple, yellow poplar, black gum, silverbell, and striped maple dominate opened stands, out-competing oak seedlings that are less than 10 years old. Forest Plan direction for Compartment 1 is to manage primarily for eastern wild turkey, a species where survival is dependent on hard mast production. Oak regeneration is from three sources; stump sprouts, advance oak seedlings, and planting of oak seedlings. Harvesting older trees before they die or become decadent and lose energy to sprout will insure a future source of natural regeneration. Although oak sprout clumps are not the most desirable form of oak regeneration from a timber quality standpoint, these sprouts will mature and produce acorns providing an important source of hard mast for eastern wild turkey as well as other mast dependent species. Oak sprout clumps can

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<sup>20</sup> Apparently there are many turkey in the area, and deer frequently browse in the backyards of area residents. This issue was raised in the scoping comments, but you have not addressed it.

develop into quality timber through the cultural practice of pruning the clumps to the one best sprout at an early age. Advance oak seedlings occur after a heavy acorn production year and will survive in numbers sufficient to regenerate a stand for about three years after which they decline in numbers due to shade intolerance. Opening up the understory by removing competing shade tolerant species for a few years will allow the oak seedlings to develop root systems that will sustain them once the overstory is removed about 10 – 12 years after the removal of the competing shade tolerant vegetation. Artificial regeneration (tree planting) is used only to supplement the number of oak seedlings or more evenly distribute oaks across a stand. Planting oak seedlings is expensive and requires several years of tending them to ensure their survival, thus it is not the preferred method of regenerating oaks within a stand. Natural regeneration is also competing against (and in some areas out-competed) by invasive exotic species, especially oriental bittersweet.

#### Comment 5-7

*“Construction of this many miles of road and clearance of native vegetation will increase the presence of invasive exotics—already a problem--on the Forest. “On average, each mile of road is associated with approximately 0.4 acres of invasive plant species.”<sup>21</sup> Increasing road miles is inconsistent with your Forest Plan which requires that you “[w]ork within the ecological potential of sites and landscapes, maintain native diversity, and mimic nature’s processes to the greatest degree possible.” Page III-1. This is not a hypothetical concern. Oriental bittersweet is already a problem in the project area—a remnant of Vanderbilt era management. It occurs ‘mainly along forest edges. Found as scattered plants to extensive infestations in forest openings, margins, and roadsides, as well as in meadows.’ James M. Miller, Nonnative Invasive Plants of Southern Forests, USFS General Technical Report SRS-62 (2003). We hope you will avoid road construction which could cause similar problems for future managers.”*

#### Agency Response

The Proposed Action is the only alternative that proposes new road construction—and only ¼ mile at that. The Forest Plan citation refers to lands damaged from indiscriminant logging and fire before Federal acquisition. The Baldwin Gap project area does not reflect an area of indiscriminant logging and fire. There are extensive invasive exotic plants and some localized degradation caused by unauthorized recreation use, but the proposal has been designed to address these conditions—doing nothing would not bring about a reversal of these conditions. Alternatives A, C, and D do not propose new road construction.

#### Comment 5-8

*“We are happy to see that you plan more monitoring than was indicated in the scoping notice. Thank you for adding this. Please design this monitoring effort to be useful in adapting your management approach in the future. Also, please be sure that retreatment is given priority in the next several years to ensure that any work to reduce the impact of invasives is not for nought. This site could be a prime restoration project.”*

#### Agency Response

Comment is noted.

#### Comment 5-9

*“We maintain that there is a real need for academic controlled research on invasives. We believe that logging generally increases the opportunity for invasives to become established and that the Baldwin Gap area actually is a prime example of this. Past management utilizing timber harvest seems to have encouraged invasion by princess tree and oriental bittersweet.”*

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<sup>21</sup> Ray Branch EA, Nantahala National Forest.

### Agency Response

Research on controlling invasive exotics is done at universities and under the Research and Development branch of the Forest Service (the Southern Research Station and Bent Creek are under this branch). Forest Management is done underneath the National Forest Systems branch (the Pisgah RD is under this branch). That said, the Pisgah RD is interested in monitoring the effect the selected alternative might have on water resources and invasive exotic plants and plans to use information identified during monitoring to adaptively manage this project and possibly future projects.

### Comment 5-10

*“The EA identifies “Wildlife and Trail Use” as a “Key Issue” to be analyzed.<sup>22</sup> It then provides no analysis of the impact of the project on trail use. This is nonsensical, especially given that “[t]here is currently unauthorized horse, bike, and all terrain vehicle use in the project area occurring on old woods roads and ‘user-created trails.’”<sup>23</sup> The EA does not address how this project, which includes new and temporary road construction and reconstruction, will impact that unauthorized use. Before making a decision, please consider how increasing access points by building new roads and making old ones more accessible will be addressed. For example, have you included the cost in dollars, employee effort, and resource damage to prevent harmful unauthorized use?”*

### Agency Response

The EA was modified between the notice and comment period and issuance of the decision that provided additional analysis on wildlife and trail use impacts, *“Alternative D creates more early-successional habitat and grass/forb habitat than the other action alternatives and does not build connector trails, thus not increasing the amount of human disturbance in the area. Alternative D may help increase local populations of species that prefer early-successional habitat and grass/forb habitat within the project area (especially wild turkey). Alternatives B and C create less early-successional habitat than Alternative D and designate about 6.5 miles of multi-purpose trails. As turkeys are ground nesters, the multi-purpose trails may impact them, especially during brooding as recreationists use the area.”* The proposal would rehabilitate and close unauthorized trails (Section 1.3, Chapter 1 and Sections 2.2.3 and 2.2.4, Chapter 2). The economic cost associated with managing unauthorized recreation use has not been calculated for this project as the project requires a financial efficiency of the harvest related activities and not an economic analysis. An economic analysis is required at the Forest Plan level and would analyze other economic and social factors associated with land management.

### Comment 5-11

*“The project area is very close to the Bent Creek Experimental Forest. This area receives heavy recreational use—including considerable legal use, which were not mentioned in your EA. In fact, this area has been called Asheville’s Central Park. People move to the Asheville area because of the proximity to public lands where they can hike, ride horses, paddle, watch wildlife, bike, run, and just enjoy the scenery. All of this recreational use has a huge economic return to the local economy. You must consider the impacts of your actions on these important uses of the Forest and on the local economy.”*

### Agency Response

Alternative C was developed in part to address concerns from a resident within Bent Creek that did not want hauling to occur next to their home. The stands that were most efficiently hauled through Bent Creek were dropped from Alternative C. The designation of 6.5 miles of multi-purpose trails

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<sup>22</sup> EA at 48.

<sup>23</sup> EA at 49.

in Baldwin Gap under Alternatives B and C would complement recreation currently occurring within Bent Creek.

### Comment 5-12

*“Alternative B, the preferred alternative,<sup>24</sup> brings in \$199,896 in revenue and costs \$220,540. This results in a net loss of \$20,644.<sup>25</sup> The largest expense in Alternative B is the \$158,750 budgeted for road construction and reconstruction.<sup>26</sup> All of the commercial activity in this project takes place in Management Area 3B. That prescription states:*

*Here, management practices such as road construction and selection of harvest areas will be as economically efficient as practicable considering short- and long-term environmental quality, the type and condition of the forest, and the other multiple uses of the land.<sup>27</sup>*

*Losing \$20,644 is not “economically efficient,” especially considering that there is an alternative that is less environmentally damaging, and provides the Forest Service with a \$10,100 profit.<sup>28</sup> Obviously our main concern is the protection of the natural environment and the management of the lands in the public trust. However, we are also concerned with the management of taxpayer dollars. Alternative C is a better starting point than Alternative B. Avoiding road construction not only saves money in the short-term, but it avoids later maintenance costs, and is more protective of the environment.”*

### Agency Response

While “losing” \$20,644 may not be considered economically efficient, it would likely be more expensive to helicopter log the stands than upgrade the existing roads, construct ¼ mile of new road, and 1 mile of temporary road. The high cost of road work is due in fact to the condition of the roads—there has not been appreciable harvest in the project area for over 20 years and the roads have not been maintained to the standard required to haul on them. The decision notice discloses the volume, costs, and revenues associated with the Selected Alternative.

### Comment 5-13

*“No logging should (or legally can) take place on slopes of greater than 25%. This project calls for activity on slopes of up to 95%.<sup>29</sup> While you may be able to accomplish removing trees from this area, it will be impossible to prevent erosion. Topsoil takes centuries to build. Any action on such steep slopes is reckless and should be abandoned.”*

### Agency Response

The Agency does not share the commenter’s determination of legality. As per the Forest Plan, cable logging is to be used on slopes greater than 40% (Forest Plan, page III-34); conversely, ground based equipment is allowed on slopes less than 40%.

It is legal in North Carolina to log on slopes greater than 25% as specified in the North Carolina Forestry Best Management Practices Manual, September 1989, Chapter IV Section 6. Skid Trails page 26, paragraph B, which states *“On steep terrain. Skid trails should follow contours where possible and should not exceed grades of 25 percent. Water control practices should be installed on primary skid trails to prevent*

<sup>24</sup> Note that a final decision on the preferred alternative has not been made.

<sup>25</sup> EA at 114 (Appendix E).

<sup>26</sup> Id.

<sup>27</sup> LRMP at III-71.

<sup>28</sup> EA at 114 (Appendix E).

<sup>29</sup> EA at 58-60.

*concentrated water flow and gullyng.”* The manual does not prohibit skidding on these slopes, but cautions against it.

#### Comment 5-14

*“Legally, if you intend to log on slopes steeper than 25%, you will be subject to North Carolina’s Sedimentation Pollution Control Act,<sup>30</sup> which requires, among other things, an erosion and sedimentation plan.<sup>31</sup> This is because North Carolina regulations require that “[p]ersons [including federal agencies] must adhere to the standards related to land disturbing activities in order to retain the forestry exemption provided in the N.C. Sedimentation Pollution Control Act of 1973 as amended in 1989.”<sup>32</sup> In order to fulfill this requirement, you must comply with Best Management Practices (“BMPs”) set forth by the North Carolina Division of Forest Resources.<sup>33</sup> The BMPs related to slope state that foresters should avoid:*

- *Operating on wet and saturated soils.*
- *Channeling larger volumes of high velocity water on exposed soils.*
- *Disturbing natural stormwater channels or ephemeral streams.*
- *Slopes greater than 25%.*
- *Large and heavy equipment on steep slopes.<sup>34</sup>*

#### Agency Response

The proposal would adhere to Forest Plan standards, which incorporate North Carolina Forest Practice Guidelines and BMPs (Forest Plan, pages III-40 – III-42). The Pocket Guide to the Forest Practices Guidelines related to Water Quality states in Chapter 1, page 3, paragraph 2 that *“Forests are a major contributor to the economy and quality of the environment in North Carolina.”* Recognizing this importance and the burden that the Sedimentation Pollution Control Act of 1973 could have on small operators in the forest industry, the North Carolina Legislature exempted forestry operations from the regulations and permit requirements of the act. North Carolina’s forest industry has been operating since 1981 on a basis of voluntary compliance with the forestry BMPs. This statement points out that forestry operations in North Carolina are exempt from the Sedimentation Pollution Control Act and the requirement of a sedimentation plan. Furthermore, there is no performance standards listed preventing logging on slopes steeper than 25%.

#### Comment 5-15

*“Alternative B, the noted preferred alternative, violates at least the slope BMP, and has the potential to violate all of the others. As noted above, this project calls for activity on slopes up to 95%--far exceeding the 25% limit imposed by*

<sup>30</sup> N.C. Gen. Stat. § 113A-50 et seq. “If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this Article shall apply to such activity and any related land-disturbing activity on the tract.” N.C. Gen. Stat. § 113A-52.1.

<sup>31</sup> See 15A N.C.A.C. 4B.0107.

<sup>32</sup> 15A N.C.A.C. 1I.0101.

<sup>33</sup> 15A N.C.A.C. 1I.0101 (“The Forestry Best Management Practices Manual, published by the Division of Forest Resources in September, 1989, and as amended from time to time, contains specifications for a variety of practices which may be used to meet the performance standards set forth in this Subchapter. Best Management Practices (BMPs) shall be selected to allow for the variation in weather, topography, soil, and vegetation expected for the site and season. Implementation of these rules shall recognize that extreme and unusual weather can cause reasonable and otherwise adequate application of BMPs to fail to control sedimentation. Where installed BMPs fail, additional and more effective BMPs may be required. This manual and the rules in this Subchapter may be obtained by contacting the Director, Division of Forest Resources, Raleigh, North Carolina.”).

<sup>34</sup> *Best Management Practices Online: Slope* NC Division of Forestry Resources, available at [http://www.dfr.state.nc.us/water\\_quality/wq\\_slope.htm](http://www.dfr.state.nc.us/water_quality/wq_slope.htm) (accessed August 9, 2005).

the BMPs.<sup>35</sup> Further, as 2004 was “the 6th wettest year on record for the contiguous United States” and there have been several severe storms passing through the Baldwin Gap area in the past two years, the soil in that area is quite loose. The BMPs require that “wet and saturated” soils be avoided.<sup>36</sup> Under the North Carolina Sedimentation Pollution Control Act citizens may bring suit if the Forest Service fails to comply with the Act’s requirements.<sup>37</sup>”

### Agency Response

See Agency response to Comment 5-13 above.

### Comment 5-16

“These are not just picky technical requirements. Already the Shuler and Woodall households are suffering from the effects of a clearcut in the area which you did not include in your effects analysis.<sup>38</sup> The Shuler family has 3 feet of water standing underneath as a result of reduced absorptive capacity. You must assure your neighbors that you will not worsen this situation. The Forest Service must ensure that “favorable conditions of water flow and quality” are protected when it conducts a timber sale.<sup>39</sup> The National Forest Management Act provides that timber will only be harvested from system lands where “...soil, slope or other watershed conditions will not be irreversibly damaged.”<sup>40</sup>”

### Agency Response

What has been designed from a timber management perspective is not expected to greatly affect timing and flow of water. Timber stand regeneration harvesting at Coweeta Hydrologic Laboratory in North Carolina, was found to increase annual water yield during the first four years after completely cutting a 59 ha (145 ac) mixed hardwood covered catchment in the southern Appalachian Mountains (Swank, et. al. 2001). The first year after cutting, streamflow increased 28% from this large clearcut. Flow increase then diminished in subsequent years at a rate of 5 to 7 cm (2 in to 3 in) per year until the fifth year when flow returned to baseline values. The extra water delivered to the stream was distributed throughout the year. The largest increase occurred during low flow months when human and aquatic water needs are greatest. The Baldwin Gap Timber Sale does not propose to regenerate harvest such a large contiguous area but relatively small areas of 5–13 ha each (12–31 ac). The proposal would also implement no-harvest 100-foot wide stream corridors along proposed units. As a result of these design features, there is not likely to be a notable increase in annual water yield from regeneration harvest activities. Thinning is not anticipated to increase water yield since enough trees would remain on site over regeneration harvest to not notably reduce rates of evapo-transpiration.

The clearcut mentioned above was determined by the NC Forest Service after an on-site investigation on June 29, 2005, that the clearcut was actually land clearing for a subdivision and did not qualify as a Forestry Operation. This is stated in the Site Evaluation/Compliance Notification Forest Water Quality Program Division of Forest Resources report written by NC State Water Control Forester, Greg Smith on 7/18/05. The report states that “...this operation is not considered a

<sup>35</sup> In addition, the Pisgah LRMP requires that “specialized logging systems” be used on “sustained steep slopes.” LRMP at III-34.

<sup>36</sup> The BMPs for soil also require that wet or saturated soil should be avoided. *Best Management Practices Online: Soil* NC Division of Forestry Resources, available at [http://www.dfr.state.nc.us/water\\_quality/wq\\_soil.htm](http://www.dfr.state.nc.us/water_quality/wq_soil.htm) (accessed August 9, 2005).

<sup>37</sup> G.S. §113A-66(a), See also, Pa. Nat'l Mut. Cas. Ins. Co. v. Triangle Paving, Inc., 973 F. Supp. 560, 564 (1996) (“Notably, the Act is not merely an enabling statute for the creation of regulatory oversight but also expressly authorizes a private cause of action against violators of the Act.”).

<sup>38</sup> This cut was believed to be on the Barnswell property on Long Cove Road.

<sup>39</sup> 36 C.F.R. § 223.30(e).

<sup>40</sup> 16 U.S.C. 1604(g)(E)(i).

*forestry operation and the Forest Practices Guidelines do not apply.”* Thus this activity on private land is addressed as land clearing for a 19 acre development and not as a clearcut and was addressed in Chapter 3 of the August 2005 EA. Randy Burgess, Pisgah District Ranger visited the Shuler and Woodall residences on September 23, 2005. Their homes are located on the opposite side of the Bill Moore drainage from the proposal on NFS lands. The effects to their water quality are coming from 19 acre development above their homes. Ranger Burgess explained the project design features the proposal would implement to reduce potential for water yield.

The US Forest Service follows all North Carolina State BMPs for forest road construction, road reconstruction, timber harvesting, and post harvest silvicultural activities to ensure that watershed conditions are not irreversibly damaged. All road contract work is performed under contract specifications and design plans monitored by an inspector and Engineering Officer’s Representative. Each timber sale contract is assigned a harvest inspector and Timber Sales Administrator to insure that North Carolina BMPs are followed by the timber purchaser.

#### Comment 5-17

*“You mention that there are several stream reaches that show signs of channel instability and that part of the project area watershed has been recently impacted by a landslide. You also mention that several of your road/ stream crossings have plugged culverts which are allowing the erosion of road fill material.<sup>41</sup> If you cannot maintain the existing roads, why are you adding to the road system? New roads are future water quality problems.”*

#### Agency Response

The majority of the road network in the Baldwin Gap area is not system roads and therefore did not receive periodic maintenance. The proposal would bring many of them up to standard, place them on the system, and would receive periodic maintenance. The ¼ mile of new road construction is located along a ridgeline and within a gap and not in a “sensitive” area (within a riparian area or on very steep slopes). Due to project design, it is not expected to cause sedimentation or erosion to adversely affect resources.

#### Comment 5-18

*“We still believe that Wolf Creek and Ledford Branch, in addition to Moore Creek and Hominy Creek may be affected—concerns you have not yet addressed. Please explain how you intend to keep the turbidity of the designated trout waters below 10 Nephelometric Units (NTU), as you are required to do by law.”*

#### Agency Response

The areas of ground disturbing activities fall within the Baldwin Branch and the Bill Moore Creek subwatersheds. Baldwin Branch flows into Bill Moore Creek and Bill Moore Creek flows into Wise Branch. North Carolina BMPs and Forest Practice Guidelines (FPG) protect water resources from turbidity and sedimentation. The compartment boundary (which is the area of potential disturbance) follows the ridge-line from Baldwin Gap to Moors Gap, to Wolf Knob and Ingles Field Gap. As the compartment boundary follows this ridge-line, so does the aquatic analysis boundary. Ledford Branch is located in a different subwatershed and on the other side of the Baldwin Gap and Bill Moore Creek watersheds. Hominy Creek was not included in this analysis because of the impoundment of Wise Branch (Enka or Biltmore Lake). We do not expect that any sediment will reach Wise Branch due to the implementation of NC BMPs and NC FPGs; however, if temporary fluctuations in turbidity were to occur as a result of culvert installation, the impoundment would capture these sediments prior to entering Hominy Creek. Hauling timber between the two

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<sup>41</sup> EA, p. 30.

watersheds is also not expected to increase sedimentation to streams as haul routes are along existing roads and would receive appropriate maintenance during project implementation to reduce potential for sedimentation (see also Comment 5-16 above and Section 3.1.8, Chapter 3 of the EA).

#### Comment 5-19

*“We incorporate by reference all of the comments on water quality in the scoping comments submitted by WildLaw. These should already be a part of the administrative record. In addition, we ask that you consider the environmental and economic effects of your proposed actions on the spring water business that is located in the project area.”*

#### Agency Response

The scoping comments submitted in July 2005 were made part of the Baldwin Gap project record. The spring mentioned is on the west side of Water Cove Road and no proposed harvest-related actions would cause any effect to the business. The aquatics analysis concluded there would be no long-term adverse effects to water quality from the proposal (Table 3-2, Chapter 3).

#### Comment 5-20

*“The scoping comments WildLaw submitted raised the issues of herbicide and fungicide use. You have not addressed this in the EA, so those scoping comments are incorporated here.”*

#### Agency Response

The Agency disagrees that the herbicide and fungicide (pesticides) concerns were not addressed in the EA. The project has been designed to minimize potential for off-site movement of pesticides and application to non-target species. Section 3.4, Chapter 3 discloses potential effects of pesticide use by alternative.

#### Comment 5-21

*“It is illegal and imprudent to build more roads in the project area. You acknowledge that the road density is already about 7.25 miles/mile<sup>2</sup>.<sup>42</sup> Your LRMP does not allow additional road construction where density exceeds .25 miles/mile<sup>2</sup>. In fact, it requires that you “investigate strategies to reduce the open road density.”<sup>43</sup> There are already well over 2,000 miles of road in Pisgah and Nantahala National Forests. Why are you building more?<sup>44</sup> Roads are expensive to maintain, make illegal uses easier, and are a source of invasive species introduction.”*

#### Agency Response

The road density disclosed in the August 2005 EA incorporated both private and NFS lands. Forest Plan standards call for 0.5 mi/mi<sup>2</sup> and 0.25 mi/mi<sup>2</sup> **open road** miles in MA 3B and MA 4 respectively. There are currently no roads open in the Baldwin Gap project area (0.0 mi/ mi<sup>2</sup>). The ¼ mile of new road construction would remain closed following implementation, keeping the open road density in MA 3B at 0.0 mi/mi<sup>2</sup>.

#### Comment 5-22

*“It is discouraging to see that you continue to use the term “linear wildlife opening” for a seeded road bed. If you are proud of your efforts to create new roads in the National Forest, please just call these seeded road beds. If you think that what you are doing merits being hidden under euphemisms, perhaps you should rethink your management plan.”*

#### Agency Response

<sup>42</sup> EA, p. 30.

<sup>43</sup> LRMP, p. III-87, III-76.

<sup>44</sup> *Roads Analysis Process Report*, p. 12 (Jan. 2003).

Permanent grass/forb habitat is in very short supply across the Nantahala and Pisgah National Forests. If gated, closed roads that do not receive heavy recreational usage on them, then they can serve that purpose. The vegetation on those roads that we count towards permanent grass/forb is maintained, much like a regular wildlife opening. Since the road is in a linear shape, they are called linear wildlife openings rather than regular wildlife openings. In terms of wildlife habitat, a road is still a road; but in terms of wildlife habitat, it may also serve as a “linear” wildlife opening and count towards our permanent grass/forb standard in the LRMP.

#### Comment 5-23

*“My clients are concerned about the aesthetic effects of thinning the Forest down to 15-20 ft<sup>2</sup> basal area and bulldozing new roads into the Forest. Most houses in the area have porches that face the mountainside and the residents are concerned that even if the cuts are not entirely visible, the disruption of the area will ruin their view.”*

#### Agency Response

A scenery analysis was completed for the proposal and due to project design, would comply with Forest Plan scenery standards.

#### Comment 5-24

*“Noise and harm to air quality from any burning are also prime concerns. The noise quality is a significant issue in part because the neighborhood is located at the bottom of a bowl shape of ridges where noise will echo. Generally, people who live in this area moved here or stayed here to get away, with the understanding that living on the border of the national forest would mean the land was protected, or at least managed wisely. You should try to be a good neighbor to these local citizens—both the newcomers and those who have lived in the area for generations.”*

#### Agency Response

Noise and smoke associated with the proposal would be short-term (from one to a few seasons), primarily during “business” hours, and would dissipate after implementation. The Forest Plan established the Baldwin Gap project area as MA 3B, which emphasizes timber management. The proposal has been designed to be in compliance of the Forest Plan.

#### Comment 5-25

*“You can begin to do this by giving real consider to the cumulative effects of development in the area along with your proposed project to views and noise. As discussed above, the cursory study you have done so far is inadequate.”*

#### Agency Response

See comments 5-2 and 5-3 above.

#### Comment 5-26

*“In conclusion, there are several problems with this EA. The analysis is lacking in several respects, most notably in discussing cumulative impacts and trail use. Also, the choice of Alternative B as the preferred alternative is disturbing. Alternative B has the potential to cause severe erosion and thus drastically impact the watershed function of the forest while at the same time losing money. As the Forest Service is steward of both public watersheds and public funds, this Alternative is not viable and it is not efficient.”*

#### Agency Response

The Proposed Action has been designed to be in compliance with the Forest Plan and to improve watershed conditions over what is currently occurring in the area.

**Comment 5-27**

*“We encourage you to develop this EA more fully, and to also expand the analysis of the Watershed Restoration Alternative.<sup>45</sup> We also feel that if you conclude that you will log regardless of our concerns, then care should be taken to avoid the steep slopes in the Baldwin Gap region. Further, as the most expensive part of this proposal is the construction and reconstruction of roads, parts of the project requiring this work should be abandoned.”*

**Agency Response**

The August 2005 EA was modified slightly to better address comments of the public and internal reviews. A “watershed” alternative was considered but eliminated for the reasons disclosed in Section 2.3.1, Chapter 2. The proposal has been designed to reduce impacts to soils and other resources and meets Forest Plan standards. Alternative C reduces road construction (both temporary and system roads) and reconstructs fewer roads than Alternatives B and D.

**Letter 6 – Ben Prater, SABP****Comment 6-1**

*“The major threats to aquatic resources from the Baldwin Gap project include the construction and reconstruction of roads and the use of pesticides. The EA recognizes the significant impacts that will be caused by these threats. The indicators used to determine the impacts on water quality concentrate on miles of roads to be constructed and the density of roads in the area. The EA states that the impacts from past activities and the roads associated with those activities have degraded and continue to degrade habitat. Instead of correcting this problem, the Baldwin Gap Project calls for more roads which will continue to degrade water quality and aquatic habitats. This is irresponsible and blatantly negligent.”*

**Agency Response**

Degradation is occurring due to unauthorized trail use, lack of maintenance to non-system roads, and exotic invasive plants. The proposal has been designed to reverse these trends and begin to improve watershed conditions. See also comments 5-7 and 5-17 above.

**Comment 6-2**

*“Shockingly stand 1-4 includes one of the most impacted streams and yet this stand will receive not one treatment but three. These activities include, thinning, pesticide use, and prescribe burning. It stands to reason that areas that are the most degraded should be avoided rather than having numerous ground disturbing and potentially harmful activities carried out on them.”*

**Agency Response**

Pesticide use and prescribed burning are not major ground disturbing activities in stand 4. Pesticides would be applied by hand, fireline construction would be by hand and not dozers, and prescribed fire would be applied manually.

**Comment 6-3**

*“One of the indicators supposedly used to evaluate impact is road density. The EA concludes that the road density is “relatively high” at roughly seven miles per square mile. This is an obscenely high density that will only be increased by the implementation of the Baldwin Gap Project preferred alternative. The calculation is likely underestimated because it was not even calculated due to the “large amount of privately owned roads” (EA pg. 30). This is absurd. How can the Forest Service properly evaluate the impacts to water quality when the indicators they propose are not even*

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<sup>45</sup> EA at 17.

*evaluated? It is impossible to make a determination of “no impact” without quantifying it. If the Forest Service feels that there are too many roads to count then how is the public expected to believe that the addition of more roads will have no impact?”*

#### Agency Response

The open road density is 0.0 mi/mi<sup>2</sup> in the project area as all roads are closed to general vehicle use. The seven miles of road in the area has been removed from the modified EA as most of the roads identified were miles the Agency has no jurisdiction to manage and does not contribute to the open road density on NFS lands as no roads on NFS lands are open for general vehicle use. The ¼ mile of new road construction under Alternative B would not be applied to open road densities on private and NFS lands as it would be closed following implementation. The proposal does not add to the existing open road density in the AA. See also comment 5-21 above.

#### Comment 6-4

*“The Baldwin Gap Project area is severely impacted by roads. The area is highly fragmented and is wrought with invasive species. The continued construction of roads will only serve to increase the corridors available for invasive species to populate. We believe that the management activities proposed for the Baldwin Gap Project are short sighted and the Environmental Assessment has failed to address public concern.”*

#### Agency Response

The selected alternative would be monitored to determine the effectiveness of invasive exotic control measures with adaptive management applied to correct unacceptable observances. See also Comments 5-3 and 6-3 above.

#### Comment 6-5

*“There are numerous sensitive and rare species that will be impacted by the proposed project. It is urgent that the Forest Service protect these species rapidly degrading habitats rather than continue to destroy them. The preferred alternative calls for 13 stream crossings, each of which will cause untold amounts of sediment and other pollutants to enter streams. It is impossible to avoid negatively impacting water quality and aquatic habitats despite proposed mitigation measures. For this reason all activities proposed by this project that do not involve restoration should be abandoned.”*

#### Agency Response

The BE and resource reports completed by resource specialists do not share this belief – their analysis determined there would be no adverse effects to populations of TES, FC, or MIS as a result of project implementation. There are no new stream crossings proposed for any alternative – some existing culverts would be replaced to allow them to function better. Short-term impacts are expected, but they would be reduced with implementation of Forest Plan standards and BMPs (Section 3.1.3 and Table 3-2, Chapter 3).

#### Comment 6-6

*“At the end of this document we have attached photographs which illustrate our concerns about the current state of roads in the area and the impacts additional reconstruction will have on water quality.”*

#### Agency Response

The Agency concurs that existing conditions are causing resource damage—thus part of the reason for the proposal and the way it was designed. See also Comment 5-17 above.

Comment 6-7

*“The best approach to improving the quality of wildlife habitat would be to not implement the Baldwin Gap Project. There is absolutely no scientific basis for the need to artificially increase the proportion of early successional habitat. While the notion is written in the forest plan we would argue that the proposed increase in early successional habitat is little more than a cleverly disguised excuse to log our National Forest. Can the Forest Service honestly say that our forests need more white tail deer? This is absurd. Yes, natural generated early successional habitat is important for a wide variety of species. None of these species however, are in jeopardy of extinction.”*

Agency Response

This is outside the scope of this project and is best addressed at the Forest Plan level. Many recreationists would disagree with this belief that no more white-tailed deer are necessary or needed. The proposal has not been designed to keep species from extinction, but to enhance habitat for a variety of game and non-game species.

Comment 6-8

*“Wild turkey, ruffed grouse, and white tail deer should not be the principle species considered in the justification for implementing intrusive management activities. There is absolutely no scientific or biological justification for the artificial development of early successional habitat. The public support for increasing this habitat is merely a subversive plea to increase the amount of timber coming off the forest. Continuing to justify logging through wildlife habitat improvement is dishonest and irresponsible. The Forest Service seems bent on managing for wildlife only when it is convenient for them to do so. I have included an excerpt from an essay written on the topic of sacrificing old growth for early successional habitat. This is a topic the Pisgah National Forest should seriously evaluate.”*

Agency Response

Forest Plan standards are to manage habitat in MA 3B lands primarily for eastern wild turkey with general direction to provide conditions for the large group of game and non-game animals that benefit from young to middle aged forests and cannot tolerate motorized vehicular disturbances (Forest Plan, page III-74). See also comment 6-7 above. The proposal would designated 88 acres of small patch old growth.

Comment 6-9

*“The EA states numerous times that unmanaged trail use is a problem. To correct this problem proposed activities include developing to (sic) new connector trails that will link established trails. While this will undoubtedly improve recreational opportunities it is unclear how this will help retard the proliferation and use of unmanaged trails. It is stated in the EA that “existing “user created” trails would be rehabilitated and closed following harvest activities and as funding allows” (EA pg. 12). This statement is commendable but has no teeth. It is unlikely that funding will be available for this activity and it is clear that the proposed activities under the preferred alternative may actually promote and possibly increase illegal use.”*

Agency Response

The correction lies in shifting existing unauthorized use to less sensitive areas and on trails better designed to handle intended uses followed by closure and rehabilitation of the remaining unauthorized trails. Enforcement is expected to require effort and following issuance of citations, compliance and resource protection is expected to improve.

Comment 6-10

*“The preferred alternative calls for the “reconstruction” of 8 miles of existing system roads along with the construction of one quarter mile of new road. Based on a field visit to the project area in June we found the current conditions of*

*many of the system roads to be poor at best. Based on the current conditions of system roads in the area the reconstruction effort will essentially be new construction. Currently, the existing roads are channelized and overgrown with vegetation. By widening, and re-contouring these areas the Forest Service is providing better access for users thereby increasing use and potential for mis-use.”*

#### Agency Response

Except for the ¼ mile of new construction proposed in Alternative B, the eight miles of reconstruction is proposed on existing road prisms and does not entail re-contouring. See also comments 6-3 and 6-9 above.

#### Comment 6-11

*“It is known that roads introduce human impacts to forest resources by increasing the risk, poaching, illegal OHV/ATV use. Roads also increase sedimentation and provide corridors for the establishment of non-native exotic vegetation. We believe that this project should incorporate the immediate obliteration of system roads that are causing ecological damage and allowing for illegal access.”*

#### Agency Response

The proposal has been designed to reduce impacts from road reconstruction and construction by implementing Forest Plan standards and BMPs.

#### Comment 6-12

*“In the project summary the EA states that non-native exotic vegetation is well established in the area. Likewise unauthorized trail use is listed as an unmitigated concern in the area. These facts in conjunction with degrading water quality due to unstable streams and un-maintained roads are a recipe for jeopardizing the ecological integrity of the area. The goal of restoration is to support and maintain ecological integrity by repairing systems in a way which helps to assure that all of the essential ecological components are functioning properly. Restoration provides for resiliency and helps to support healthy forest conditions. It is true that the Baldwin Gap analysis area can be characterized as an “unhealthy forest”. For these reason a true restoration alternative is in order.”*

#### Agency Response

The Agency believes that “restoration” can mean different things to different people. The Proposed Action was developed to meet the purpose and need for the proposal (Section 1.4, Chapter 1). An alternative that did not propose harvesting and road building was considered but eliminated from detailed study because it did not address a key element of the purpose and need (Section 2.3.1, Chapter 2).

#### Comment 6-13

*“We feel that Alternative 1 which was not examined in detail would have supported a restoration approach. We are disappointed that this alternative was not studied in depth. One of the arguments against this alternative was that it is “impractical and cost-inefficient” (EA pg 17). We believe that the same statement could be made about the preferred alternative which stands to lose \$20,000. It is understood that employing an aggressive invasive eradication program incurs a cost. We applaud that the cost was not offset by an increase in the number of proposed acres logged. Nevertheless, it is unclear to us how the invasive treatments will be evaluated without a formally established monitoring protocol. Including this information in the annual monitoring and evaluation report is not sufficient especially when the treatment calls for the use of toxic chemicals.”*

### Agency Response

Alternative 1 was identified as cost inefficient to manually control the invasive exotic plants. Monitoring for botanical and hydrologic implementation effectiveness has been made a part of the action alternatives (Section 2.4, Chapter 2). See also Comment 6-12.

### Comment 6-14

*“Furthermore, it is irresponsible to assume that you can eradicate invasive exotics using herbicides while implementing activities that directly promote their spread. Recent Forest Service research has shown that road construction can be directly correlated with an increase in non-native plants. For every 1 mile of new road construction approximately 0.4 acres of non-native invasive plants will become established. For road reconstruction approximately 0.1 acres of non-native invasive plant habitat will be created. The roads that are planned for reconstruction are in such poor condition that they effectively will involve “new construction”. If we calculate the proportion of new acres of non-native plants with miles of road for this project using an average of 0.3 acres for new construction and reconstruction we see that  $(0.25+1.0+8.0) * 0.3$  equals 2.78 acres of new habitat for invasive species. It is safe to assume that the projects proximity to relatively urbanized environment will lead to a consistent reintroduction of invasive exotics from surrounding infested areas out of the control of the US Forest Service.”*

### Agency Response

Eradication of invasive exotic plants was not part of the proposal—control is on about 380 acres (Section 1.3, Chapter 1). Post-treatment monitoring would be done to assess effectiveness of treatments, with additional treatments possibly being necessary (Section 3.4.2, Chapter 3).

### Comment 6-15

*“We applaud the establishment of monitoring protocols developed to examine the effectiveness of proposed treatments on eradicating oriental bittersweet. We believe monitoring is an absolute necessity in ecosystem management. We would like to see the monitoring efforts described in the EA expanded to examine the effectiveness of controlling all invasives. As stated in the “purpose and need” one of the major goals of this project is to control non-native exotic plants, not just oriental bittersweet. For this reason, it is important to monitor the effectiveness of all treatments applied. Without this feedback the Forest Service has no way of determining whether or not the stated goal is achieved. Furthermore, monitoring efforts will help evaluate the efficacy of using herbicides as an effective control.”*

### Agency Response

Again, eradication is not proposed. Bittersweet has been identified as the predominant invasive exotic plant species in the area and the one requiring the most aggressive effort to control. Treatment of other species would occur, with an emphasis on bittersweet. Post-treatment monitoring would be done to assess effectiveness of treatments (Section 2.4, Chapter 2).

### Comment 6-16

*“Our concerns related to the use of pesticides are best summarized by the series of fact sheets attached to these comments. We are opposed to the use of Triclopyr and Glyphosate on public lands. The environmental and human health impacts are not worth the risks. We believe that the use of pesticides as part of the Baldwin Gap project poses a significant risk to forest ecology and human health. The use of herbicides in this area is irresponsible and each day new scientific studies point to the damage caused by these ubiquitous and toxic chemicals. The use of Boric Acid is of little concern to us. Boric Acid has been shown to pose no serious threat to human health. There is some concern about the impacts of Boric Acid on aquatic environments. For this reason we suggest that the use of this pesticide be kept at least 100 feet from any and all water sources. Please include the attached fact sheets in the project record.”*

### Agency Response

The Agency disagrees that the proposed pesticide use would cause a significant effect to forest ecology and human health (FONSI) and is necessary to achieve objectives. The use of pesticides would be within established guidelines and direction (Section 3.4.2, Chapter 3). See also Comment 6-31 below.

### Comment 6-17

*“One of the major concerns that the public surrounding the project area has is the impact of proposed activities to scenery resources. Western North Carolina is prized for its scenic beauty and thousands of people flock to the area every year to enjoy the beauty of the mountains. This scenic beauty is continually threatened by development and activities which interrupt the forested mountainsides. Public lands are especially valued because they are understood by the public to be protected. Unfortunately this is not the case across many acres of National Forest lands.”*

### Agency Response

See comment 5-23 above.

### Comment 6-18

*“The Baldwin Gap project was evaluated for its impacts to scenery resources using viewpoint analysis. The analysis concludes that viewpoints 1, 2, 5, 6, 11 and 12 offer the most representative views for the area and were analyzed for each alternative. These same 6 viewpoints reveal prescribed activities in 6 out of 13 treated units. Therefore roughly half of activities proposed are visible from the most revealing viewpoints.”*

### Agency Response

See comment 5-23 above.

### Comment 6-19

*“We believe that the impacts from the preferred alternative to scenery are substantial and unwarranted considering the continued degradation of views in the surrounding area. It is impossible to avoid negative impacts to scenery unless proposed activities are not conducted. Proposed mitigation measures are ineffective when it comes to protecting the natural heritage of adjacent landowners and residents. The Forest Service should respect the wishes of local people and not degrade public resources in this highly impacted area.”*

### Agency Response

See comment 5-23 above.

### Comment 6-20

*“Due to the relatively high density of people living in the area surrounding the Baldwin Gap Project impacts to air quality from prescribed burning is a significant concern. Many of the folks living in valleys and surrounding low lying areas (where smoke and particles will settle) are elderly and many are children. These people should be given special consideration as to the impacts on human health.”*

### Agency Response

See comment 5-24 above.

### Comment 6-21

*“The analysis of air quality indicates that for people living within 1,056 the concentrations of particulate matter will be code red or worse while folks within a quarter mile may experience code orange or worse. This poses a severe risk to asthmatics, the elderly, and children. How will these people be warned if air quality reaches dangerous levels?”*

Agency Response

Air quality was fully analyzed by alternative (Section 3.8, Chapter 3). See also comment 5-24 above.

Comment 6-22

*“Another concern is that fire might escape to adjacent lands. The wild land urban interface in the area effectively circles the entire project area. It is safe to assume that the area is too densely populated to allow for large scale burning to take place. Furthermore, it is unclear what the goal of this burning will be. Any burning that takes place must be monitored and tested against this goal. Without a clear goal and the assurance of no impacts to human health prescribed fire should not be utilized as a management tool.”*

Agency Response

Large scale burning is not proposed. A small amount of burning is proposed on 29 acres for Alternatives B & C and 65 acres for Alternative D. Burning would be done within parameters of a burn plan, requiring proper weather, fuel, firing patterns, and control efforts would be in place before implementation. Prescribed fire is proposed primarily for invasive exotic control (Section 1.4, Chapter 1).

Comment 6-23

*“National Forests generate vast economic benefits simply by existing as natural ecosystems. When forests are logged, these benefits are lost, resulting in externalized costs to communities, businesses, and individuals that derive economic benefits from unlogged forests. By law, the United States Forest Service must fully account for all benefits and all costs of natural resource management decisions and make those decisions in a manner that maximizes net public benefits. These requirements appear frequently in the Multiple-Use Sustained Yield Act (“MUSY”), the Forest and Rangeland Renewable Resources Planning Act of 1974 (“RPA”), the National Environmental Policy Act (“NEPA”), the Administrative Procedure Act (“APA”), the National Forest Management Act (“NFMA”), the Global Climate Change Prevention Act (“GCCPA”), and Forest Service Regulations and Rules.*

*In making the site specific decision to implement the Baldwin Gap Project the Forest Service failed to incorporate information about the economic value of unlogged forests. These include the economic benefits associated with:*

- 1) Recreational opportunities and tourism;*
- 2) Commercial and recreational fisheries within the boundaries of the Pisgah National Forests and downstream and offshore;*
- 3) Habitat for important game species and hunting both within and outside of the Pisgah National Forests;*
- 4) Water for cities, industries, businesses, and individual households downstream from the Pisgah National Forests;*
- 5) The regulation of water flowing through rivers and streams, including flood control;*
- 6) Non-timber forest products such as wild mushrooms, herbs, and medicinal plants;*
- 7) Mitigation of global climate change through absorption and storage of vast amounts of carbon;*
- 8) Enhancing the quality of life of neighboring communities;*
- 9) Harboring biological resources that either have value now or have as yet unknown but potentially large economic and social value;*
- 10) Harboring biological and genetic resources that can improve the long-term productivity of all forest land;*
- 11) pest-control services provided by species that prey on agriculture and forest pests, and;*
- 12) Pollination services provided by species that pollinate important forest and agricultural crops.”*

Agency Response

This is outside the scope of this project and is better addressed at the Forest Plan level. Timber sales that generate more than \$100,000 require a financial efficiency analysis.

**Comment 6-24**

*“The Forest Service has failed to incorporate externalized costs into timber sale planning decisions at the national, forest, and site specific level. The Baldwin Gap Project fails to incorporate information about externalized costs passed on to communities, businesses, and individuals when National Forests are logged. These include the direct, indirect, and cumulative economic costs associated with:*

- 1) Lost recreational opportunities and decreased tourism;*
- 2) Degraded commercial and recreational fisheries within the boundaries of the Pisgah National Forest and downstream;*
- 3) Degraded habitat for important game species and loss of hunting opportunities both within and outside of the Pisgah National Forest;*
- 4) Increased pollution of water for cities, industries, businesses, and individual households downstream from the Pisgah National Forest and increased costs of water filtration;*
- 5) Increased flooding and disruption of the normal flows in rivers and streams.*
- 6) Loss of non-timber forest products such as wild mushrooms, herbs, and medicinal plants;*
- 7) Exacerbation of global warming through release of greenhouse gasses;*
- 8) Diminished quality of life of neighboring communities;*
- 9) Loss of biological resources that either have value now or have as yet unknown but potentially large economic and social value;*
- 10) Loss of biological and genetic resources that can improve the long-term productivity of all forest land;*
- 11) Diminished pest-control services provided by species that prey on agriculture and forest pests;*
- 12) Diminished pollination services provided by species that pollinate important forest and agricultural crops.*
- 13) Lost jobs and income associated with timber production on private lands that is displaced by Pisgah National Forest timber sales;*
- 14) Lost jobs and income associated with the production of alternative and recycled products that is displaced by subsidized Pisgah National Forest timber sales;*
- 15) Death, injury, and property damage associated with logging on the Pisgah National Forest, and;*
- 16) Increased risk of wildfires caused by adverse changes in microclimate, increased human access, and slash generated by timber sales.”*

**Agency Response**

See comment 6-23 above.

**Comment 6-25**

*“These externalized costs are generated by National Forest logging in every part of the nation, including the Pisgah National Forest. The Forest Service has extensive literature and sources of data that it can rely upon to quantify the magnitude of these externalized costs at the national, forest, and project level. Failure to incorporate externalized costs into the Stateline Project violates numerous statutes, regulations, and rules governing Forest Service management activities.”*

**Agency Response**

The 2004 Stateline project is on the Appalachian Ranger District in Madison County. See also comment 6-23 above.

**Comment 6-26**

*“One of the major concerns we at SABP have about this project is the impact it will have on surrounding communities. Unlike many projects proposed by the Forest Service this project is in the heart of an area that is*

*changing rapidly due to increased urbanization and forest conversion. On numerous occasions we reached out to community members in and around the project area to evaluate the concerns they have about project.*

*Almost all of the people will discussed (sic) the project with had considerable concerns related to the increased amount of development going on in the area. For this reason they wanted to see the public lands at the heart of their community be protected from similar disturbances. Many people raised issue with impacts to water quality and the health of their pets and children who might be exposed to pesticides. A majority of the people we spoke with have small children and pets that live outside.”*

#### Agency response

The proposal has been designed to meet standards, guidelines, and objectives of the Forest Plan. The EA fully analyzed potential impacts a wide range of alternatives may have on the social, physical, and biological environments and the FONSI determined there would not be a significant effect on the environment. The proposal is based on forest management and not “development”; meaning there would be no forestland converted to subdivisions. Also see Section 3-4, Chapter 3 of the EA and Comment 5-20.

#### Comment 6-27

*“In addition to this direct community outreach we also spent time educating members of the broader public about this propose project and gathered signatures on to a petition that asks the Forest Service to protect the Baldwin Gap area and not exploit it. The original petition was submitted by WildLaw who is currently working with a few of the adjacent landowners in the area. As part of our comments on the Environmental Assessment please accept this additional petitions signed by Western North Carolina residents who oppose this project.”*

#### Agency Response

Comment is noted. See Comment 7-1 below.

#### Comment 6-28

*“Each of these concerns is well founded and based on organized research and expertise. We at SABP feel that until each of these issues is effectively and completely resolved that no action must take place within the Baldwin Gap Project area. There is too much at stake and it would be wrong to sacrifice biodiversity, ecosystem health, clean water, and scenery for the sake of timber.”*

#### Agency Response

The Agency does not share this belief—issues have been thoroughly addressed in the EA.

#### Comment 6-29

*“The National Survey on Recreation and the Environment Public Survey Report conducted from November of 2001 to April of 2002 indicated the following top five issues relating to National Forest that the public felt were most important. They were ranked as follows:*

- 1) Protecting sources for clean water*
- 2) Passing along National Forests for future generations*
- 3) Providing protection for wildlife and habitat*
- 4) Providing places that are natural in appearance*
- 5) Protection of rare or endangered species”*

#### Agency response

Comment is noted. The Agency is also concerned about protecting these resources on the Forest.

**Comment 6-30**

*“The Stateline Project does not fulfill one of these objectives effectively. This is what the public wants from their National Forests. It is time that the National Forest Service provides these things. Our National Forests are a valued resource for many reasons and timber is only one at the bottom of a long list. Thank you for taking the time to review our comments and please consider an option, which will protect public interests, important habitat, and ecosystem integrity.”*

**Agency Response**

The 2004 Stateline project is on the Appalachian RD in Madison County.

**Comment 6-31**

Commenter submitted three *chemicalWATCH* Factsheets from *Beyond Pesticides* on triclopyr, glyphosate, and boric Acid.

**Agency Response**

The EA adequately disclosed potential effects from pesticide use in Section 3.4, Chapter 3. Pesticides would be used as per project design features, product labels, MSDSs, and risk assessments.

The *Beyond Pesticides* publication on glyphosate identifies the POEA surfactant used in Roundup as potentially hazardous. It is true that POEA is substantially more toxic to aquatic species than glyphosate and substantially more toxic than other surfactants that may be used with glyphosate. However, Foresters’ Non-Selective Herbicide and Rodeo herbicide do not contain POEA. Rodeo is even labeled as an aquatic herbicide.

The *Beyond Pesticides* publication on Triclopyr is 15 years old. Since that time many other studies have occurred—Garlon 3A has been labeled as an aquatic herbicide.

Triclopyr and glyphosate herbicides used in forestry applications according to label directions and according to the project design features listed in Appendix F would present low risks of environmental damage and low risks to animal and human health. The 30 foot buffer between application areas and streams and 100 foot buffer from public or domestic water sources (#12) and the 200 foot buffer between mixing/loading areas and open water or private lands (#15) would prevent contamination of water at harmful levels. Project design feature #12 also states, *Buffers are clearly marked before treatment so applicators can easily see and avoid them.*

**Letter 7 – Petition Signed by 145 Individuals****Comment 7-1**

*“We the undersigned, are recreational users of the Baldwin Gap area of Pisgah National Forest and/or residents of the neighborhoods adjoining the Baldwin Gap area. We recently learned that the Forest Service is proposing to log, spray herbicides, burn, and build roads in the Baldwin Gap area. We strongly oppose any such project. We believe the National Forests improve our quality of life by providing clean water, clean air, wildlife habitat and recreational opportunities, and that the forest should be managed in a manner that promotes these benefits. The Baldwin Gap Project will degrade our neighboring forest in innumerable ways. Some of our concerns include: harm to local wildlife and wildlife habitat; decreased water quality and erosion resulting from logging on steep slopes near waterways; damage to old growth forests in the area; potential for widespread growth of invasive non-native plants; further fragmentation of the National Forests and resulting impacts to the environment and human enjoyment of these lands; increased road traffic or construction of new roads for machinery and crews; irreparable harm to scenery, visual quality, air quality, and property values for our neighborhood; lost recreational opportunities. Before proceeding with this project, the Forest*

*Service should carefully analyze potential damage to the forests and wildlife, and the impact this sale will have on neighboring communities. We rely on the Forest Service to manage our public lands in a manner that will promote healthy forests, not result in irreparable damage. The Baldwin Gap Project is inconsistent with that goal and should, therefore, be abandoned.”*

### Agency Response

The proposal has been designed to improve existing conditions and reduce potential for adverse impacts to resources during implementation.

## **Letter 8 – Bob Gale, WNCA**

### Comment 8-1

*“First, we applaud the Pisgah District to take to heart concerns that were expressed regarding the invasive species problem within the project area, insofar as it appears greater focus is being placed on invasives control in all alternatives. Also, monitoring (before, during, and after) is to be implemented for Oriental Bittersweet control efforts, and retreatment is to be conducted. Both were requested in our previous comments.”*

### Agency Response

Comment is noted

### Comment 8-2

*“We made a more thorough visit to the project recently, and observed significantly more non-native species than our earlier brief visit had allowed. Besides noting more widespread predominance of privet, Japanese stiltgrass and multiflora rose, we observed significant invasion of Tree-of-Heaven (*Ailanthus altissima*) on the uppermost roads of Scott Mountain.”*

### Agency Response

Comment is noted. Many invasive exotic species are present in the project area, but bittersweet is of particular concern due to its vast existence and ability to dominate stands quickly.

### Comment 8-3

*We are still concerned that not enough resources or efforts will be brought to bear on this particular project. It is by far the most infested project area we have seen over the years in the Pisgah or Nantahala National forests. (That is not to say there aren't worse areas, but it would be hard to imagine any much worse than Baldwin Gap.) We realize that this is a relatively new issue for federal and state agencies, that experimentation on control is just beginning, and that little research exists on the best methods of control. To that end, we would like to urge that the District and the National Forests in N. C. take a lead in advancing research on this issue by 1) contacting scientists (botanists, soil scientists, entomologists, mycologists, forest ecologists) from regional universities and urging them to conduct research aimed at heretofore unstudied aspects. Examples, would include questions such as why invasives do well in some areas but not in others (irrespective of known sunlight or moisture requirements). Also research efforts might reveal previously unknown natural controls. 2) offering the Baldwin Gap area as a research area. (It's suburban location makes it very convenient for such research programs. 3) direct the Southern Research Station to focus research on invasive plants. (Bent Creek is right next door, after all.) 4) encourage public programs which get citizens involved in manually removing non-native species (where manual efforts can be effective, such as areas just being invaded with sprouting plants).*

### Agency Response

See comment 5-9 above.

**Comment 8-4**

*“The proposed monitoring is a good step in the right direction, though no details were offered in the EA. Likely, detailed protocols for this project have yet to be developed. We suggest something along the lines of the invasives monitoring protocol (attached) developed by Jack Ranney with the Southern Appalachian Man and Biosphere (SAMAB) program in conjunction with his work in the Hot Springs area. This is an effort involving SAMAB, Equinox Environmental Consulting and Design, Inc., WNC Alliance, Appalachian Trail Conservancy, National Park Service and the Forest Service, Appalachian District.”*

**Agency Response**

Comment is noted. A monitoring protocol would be established that allows managers to gather necessary information with the least impact on resources and personnel as possible.

**Comment 8-5**

*“Finally, we are concerned about the overall impact of the Baldwin Gap Project activities on future invasive species invasions. The goal of the Forest Plan is to achieve stand improvement through project activities and movement toward a desired future condition. It certainly seems very clear that the last entry into the Baldwin Gap around 30-35 years ago has at worst created, and at best, encouraged the present unacceptable conditions of invasives dominance in much of the area. We cannot see how Alternative B will do anything but create more invasions along roads and in timbered areas, based upon past events at on the Forest at Baldwin Gap.”*

**Agency Response**

See comment 6-14 above.

**Comment 8-6**

*“To emphasize this particular area’s apparent vulnerability to non-native invasions, we encountered a local adjacent landowner who was riding her horse at Baldwin Gap and she stated that she had conducted a very selective timber harvest on her property within the last few years. She said she was totally unprepared for the immediate invasion of Princess Tree that occurred despite the selective harvest. It is now a problem for her family.”*

**Agency Response**

Comment is noted. Follow-up monitoring and appropriate treatments should reduce potential for unprepared establishment.

**Comment 8-7**

*“In conclusion, we reiterate our praise for the Forest Service for taking steps in a positive direction regarding Oriental Bittersweet control and monitoring. But much more needs to be done, and the Forest Service has some leverage at influencing University professors as to where research is needed in the forest. Here is a good place to emphasize such research opportunities. The Southern Research Station and others have likely (?) focused on herbicide effectiveness and consequences in the past, but should expand research into natural controls, as has been done with the effort regarding the hemlock woolly adelgid. And Bent Creek has already worked in conjunction with SAMAB and the Asheville Weed Team in invasives control. Such efforts should be pursued further with citizen organizations such as garden clubs, schools, Boy Scouts, NGO’s and interested individuals. Finally, the District should more seriously consider the impact this project will have on invasives in the Baldwin Gap area, and whether timbering is the best activity to be implemented here. Restoration is clearly needed, but we believe that could be best conducted without disturbance caused by timbering and major road construction.”*

**Agency Response**

See comments 5-9 and 8-6 above.

**Comment 8-8**

*“The Hippocratic Oath offers sound advice for physicians attempting surgery: “First, do no harm.” That would seem to be appropriate advice before beginning a cutting operation in Baldwin Gap, which may otherwise result in an “undesirable” future condition.”*

**Agency Response**

The proposal has been designed to reduce potential for adverse effects to occur during and after implementation.

**Letter 9 – Leonard Harwood (untimely)****Comment 9-1**

*“In my previous comments on the Baldwin Gap Project, I proposed that a “Wildlife Alternative” be presented for consideration, and while a facsimile was proposed in Alternative D, it falls short of providing an honest endeavor of providing such.”*

**Agency Response**

Alternative D was developed around wildlife objectives. Maximizing early successional habitat (15%) would likely have had other offsetting effects such as more road construction. See also Comment 2-3 above.

**Comment 9-2**

*“You are proposing Alternative B which in fact does provide some early succession habitat; however, the benefit for wildlife will assuredly be negated by recreation use such as horse and Mt. bike riders. Common sense dictates that heavy use by these groups is incompatible with well executed wildlife management, particularly with the game species such as white tailed deer, turkey, and black bear. Even grouse, when flushed repeatedly will leave an area. Alternative B also provides some grass/forb, approximately 1.4 acres which falls far short of the 3% afforded in management area 3B. Even this pitiful amount will be trampled buy the horse and bike riders.”*

**Agency Response**

Again, Alternative D was developed around wildlife objectives—it did not propose trail connectors, trail designations, and added six more acres of wildlife fields. Alternative B meets Forest Plan management area direction.

**Comment 9-3**

*“I can appreciate the concern of overuse in the Bent Cr. area from horse and bike activity; however, expanding this type of recreation into surrounding areas will not lesson the resource damage, only increase it. This brings into question the ability of the FS to adequately address trail maintainability issues. As demonstrated on the entire Pisgah Ranger District, there is a woeful backlog of trail maintance resulting in trail erosion problems. Additional trails will only serve to exacerbate this never ending situation. At one time, the plans were to shrink the parking places at Bent Creek to better control the bikers and horse folk, what happened. It seems to me that to muster a little fortitude would be a wiser move. The Pisgah District can not continue to be all things to the trail users.”*

**Agency Response**

Trail maintenance would be required and would be subject to funding and/or volunteer support. The Agency is unaware of plans to “[s]hrink the parking places at Bent Creek to better control bikers and horses”. In May 2002 a decision was made for managing visitor use in Bent Creek that would close

some dispersed campsites, designate multi-purpose trails, construct new parking areas, and improve and expand existing parking areas.

#### Comment 9-4

*“While the LRMP does have standards of providing percentages of grass/forbs and early succession habitat, it does not have a standard to provide x number miles of horse and bike trails. When you fail to meet certain standards in the LRMP, particularly when opportunity avails itself, then you fail both the letter and intent of the Plan. The intent of the Land and Resource Management Plan was to adequately manage for wildlife needs through the habitat. Randy, you have an opportunity to turn this around and do what is best in the name of forest health, particularly for the many species of wildlife, both game and non-game that is in a downward trend, such as the golden winged warbler, common yellow throat, yellow breasted chat, chestnut sided warbler, cedar wax wing, grouse, deer and yes, even the cerulean warbler requires early succession for feeding purposes.”*

#### Agency Response

A range of alternatives were developed that had a range of 0 – 6.5 miles of trail designation and meets Forest Plan management area direction. The 6.5 miles proposed under Alternatives B and C is a large reduction over the current unauthorized miles being accessed.

#### Comment 9-5

*“While Alternative D leaves much to be desired, it is far superior to your preferred alternative. Therefore, I strongly suggest that you either start over with a much stronger emphasis of wildlife and other resource values, or, at the least, chose Alternative D. Alternative B is unacceptable primarily due to over emphasis of trail recreation and lack of concern of the other valued resources in this watershed. If you wish to discuss these issues further, please call me at (828) 667-8047, or e-mail me at [nctrout@juno.com](mailto:nctrout@juno.com).”*

#### Agency Response

Preference for Alternative D over Alternative B is noted.

### **Letter 10 – Mike Brown (untimely)**

#### Comment 10-1

*“As an avid mountain biker, I would like to express my strong support for either options B or C within the Baldwin Gap EA. It was very exciting to see the inclusion of the development of recreational opportunities within the proposed timber harvest.”*

#### Agency Response

Preference for Alternatives B or C is noted.

#### Comment 10-2

*“One concern I do have is how the roads to be developed and/or constructed will be managed. Several years ago, a small timber harvest occurred immediately off the Ingles Field trail in Bent Creek. After the area was accessed, the trail was left alone to “settle” and within a couple of years it returned to a singletrack- like status. Now, cyclists consider this one of the best trails to use in Bent Creek. I’m also involved in trail maintenance and this trail holds up to use as well as any in the area. More recent timber harvests, however, have seen the development of Sidebill trail into a gravel based road accessible to motorized traffic. Many recreational users have been gravely disappointed by this recent action and have in fact decreased their use of the Bent Creek area as a result. While I understand the EA does state the intent will be for the road development to be utilized for non-motorized recreational opportunities, I would like to voice my strong preference for whatever road development occurs to be allowed to return to a “natural”*

*state as much as possible. This would be greatly preferred by almost all recreational users- hikers, cyclists, equestrians, and hunters alike. How often can we state those communities share a preference?"*

### Agency Response

Roads in the Baldwin Gap project area would be closed to motorized use following project completion. About 6.5 miles of existing roads and two connector trails would be open for non-motorized recreation use, including bikes and horses. The existing roads on the Forest's transportation system; the existing "woods roads" to be reconstructed and placed on the transportation system near stands 1-20, 1-4, and 1-27; and the existing "woods roads" near Scott Mountain would be closed.

How a Forest Road is "developed and/or constructed will be managed is based on the Road Management Objective (RMO). An RMO establishes the specific intended purpose of an individual road based on land management area direction and access management objectives contained within Forest Land and Resource Management Plans, similar sources of resource management direction, standards and guidelines, **project decisions**, and the results and findings of roads analysis.

These objectives guide how the road is to be located, designed, constructed, operated, and maintained to meet the specific resource management objectives for the area accessed by the road. The objectives are also the basis for the road inventory, signing and mapping and the rules and regulations which apply to the use of the road.

Types of information contained in the RMO include the type and extent of resource activities to be served by the road, environmental constraints, and mitigation measures to be used.

The RMOs for the existing roads in the Baldwin Gap Project are; D1 the North Boundary Road, (FSR 485) and D0 for the Baldwin Branch Road (FSR 5096). In Alternatives B and C the RMOs for Baldwin Branch and North Boundary Road would be changed to a D3 class to meet objectives of the Baldwin Gap Project EA. The table below summarizes and compares current RMOs with the proposed RMO:

### Road Management Objectives Summary

<b>RMO Class</b>	<b>Description</b>	<b>Maintenance Direction</b>	<b>Management Direction</b>	<b>Access Management</b>	<b>Wildlife Objective</b>	<b>Timber Objective</b>	<b>Recreation Objective</b>
D0	Road in storage	Pull culverts at live stream crossings. Use dips in lieu of culverts for cross drainage. Outsloped road. Provide no maintenance except to prevent unacceptable environmental damage. Allow woody vegetation to grow on road prism.	Compatible with MA's 3B, 4A, 4D, 5, 6, 10. By exception compatible with Areas 4C	Physically close. Eliminate and prohibit all motorized access.	None	Future access for timber harvesting.	None
D1	Closed linear wildlife	Maintain as Linear Wildlife Opening. Mow	Scarify seed and fertilize roadbed.	Closed with a gate. Allow occasional	Create and maintain	Future access for timber	Discourage non-motorized

RMO Class	Description	Maintenance Direction	Management Direction	Access Management	Wildlife Objective	Timber Objective	Recreation Objective
	opening	roadbed annually. Brush shoulders once every 3 years. Maintain turnarounds at the end of dead-end roads. Install and maintain route markers, warning, regulatory and guide signs.	Provide access for future timber operations and for fire protection. Compatible with MA's 3B, 4A, 4C, 14, 15 and 17. By exception compatible with MA 5	access for mowing operations and administrative use.	as wildlife habitat.	harvesting	use but do not prohibit
D3	Closed Low Standard Timber Haul Road	Blade every 2 years. Mow cut and fill slopes once every 3 years. Maintain drainage. Maintain turnarounds at the end of dead-end roads. Install and maintain route markers, warning, regulatory and guide signs					

The road the commenter describes immediately off Ingles Field Connector Trail in Bent Creek was not constructed as a Forest Road but as a temporary road with the sole purpose of removing timber from the harvest area. Once the intended use is completed, temporary roads are “put to bed” and allowed to return to the landscape with no intentions of use again for the foreseeable (20+ years) future. Although many trails are being put onto these old road beds they were not constructed to a standard to hold up under continual use without annual maintenance.

#### Comment 10-3

*“Again, I would like to thank forest management for their stated intention of developing this area for recreational use. It also appears that this is intended as a timber harvest to better the long-term health of the forest and estuaries rather than indiscriminately clear-cutting or other non-sustainable forms of logging. This is also greatly appreciated. Thanks for seeking our feedback.”*

#### Agency Response

Comment is noted. There are no known estuaries in or near the Forest Plan analysis area.

#### **Letter 11 – Danna Brown (untimely)**

#### Comment 11-1

*“I would like to lend support to alternative B or C. I am eager to have new multi-use, non-motorized trail possibilities (specifically for mountain biking) in that area. North Boundary is beautiful and it would be exciting to explore and*

*enjoy views of a different valley from those I have seen on trails previously. Also, it would be nice to get some new trails accessible from Bent Creek, given the number we have lost.”*

**Agency Response**

Comment is noted.