



United States
Department of
Agriculture

Forest
Service

National Forests in North Carolina
Pisgah National Forest
Grandfather Ranger District

109 E Lawing Dr
Nebo, NC 28761-9827
828-652-2144

File Code: 1950-1

Date: September 27, 2007

Dear Interested Citizen:

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

Copies of the DN and FONSI are enclosed. The August 2007 Preliminary Analysis (PA) 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 2007 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 McDowell News*. The Appeal shall be sent to National Forests in North Carolina, ATTN: Appeals Deciding Officer, 160 Zillicoa Street Suite A, Asheville, North Carolina, 28802. 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 provided comments or otherwise expressed interest in a particular proposed action by the close of the comment period may appeal this decision (as per the recent *The Wilderness Society v. Rey* ruling). Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Greg Van Orsow, Project Leader, Grandfather Ranger District at 828-652-2144 or Michael Hutchins, Pisgah National Forest NEPA Coordinator at 828-682-6146. Thank you for your continued interest in management of the Pisgah National Forest.

Sincerely,

/s/ Joy W. Malone

JOY W. MALONE
District Ranger

Enclosure





United States
Department of
Agriculture

Southern Region
Forest Service

September
2007



Mulberry

Decision Notice

And

Finding Of No Significant Impact

Grandfather Ranger District, Pisgah National Forest
Caldwell County, North Carolina

Decision Notice
& Finding of No Significant Impact

Mulberry Project

USDA Forest Service
Grandfather Ranger District, Pisgah National Forest
Caldwell County, North Carolina

Decision and Rationale

Decision

Based upon my review of the alternatives, I have decided to select a modified **Alternative C** (Selected Alternative) of the Mulberry Project Environmental Assessment (September EA – see Section 1.2, Chapter 1) on the Grandfather Ranger District, Pisgah National Forest and the Project Design Features listed in Section 2.4; Appendix A; and Appendix F of the EA. The Selected Alternative is within the Lower Mulberry Forest Plan Analysis Area (AA) and specifically within Compartments 2-5, 7, 16-21, and 23 (project area). The modification is to Stand 6 and is a 1 acre exclusion to meet Forest Plan standards. The Selected Alternative will:

- ◇ Harvest about 274 acres using the two-age regeneration harvest prescription (average minimum of 15-30 ft² basal area retained per acre). The ten harvest units range in size from about five acres to 40 acres with the average size about 28 acres.
- ◇ Perform road maintenance on the existing roads that access the area.
- ◇ Utilize and reconstruct about 1.8 miles of existing old “woods” roads (unauthorized roads) and develop about 2.0 miles of new temporary roads to access harvest stands. Following harvest activities, the 1.8 miles of old woods roads will be placed on the Forest’s transportation system as authorized (system) roads, stabilized (i.e., shaped, waterbarred, and seeded), and accessed for motorized administrative use only – they will be available for future access needs. The new temporary roads will be disked, seeded, and permanently closed (about 1.5 acres of

temporary roads will serve as permanent wildlife linear openings).

- ◇ Selectively apply herbicides to control/manage non-native invasive plant species along roads.
- ◇ Selectively apply herbicides and use hand tools to ensure successful regeneration of a variety of native tree species in harvested areas, especially oaks, by controlling competing vegetation.
- ◇ Designate at least 50 acres of small patch old growth communities within Compartments 3, 18, 20, and 21 (224 total acres designated).
- ◇ Apply erosion control measures to protect water quality. These measures will be for all activities including roads and log landings.
- ◇ Perform stream rehabilitation on ½ mile of Boone Fork Branch; along the drainage above and below the Boone Fork Reservoir; and at the crossing on Deep Cove and Forest Service Road 2055. Rehabilitation on Boone Fork Branch will include placing about 16 rock and log vanes. Rehabilitation above and below the reservoir includes sloping back stream banks, planting trees/shrubs along stream banks, and placing rock below the culvert below the reservoir. Rehabilitation at the crossing on Deep Cove includes modifying the crossing to allow fish passage (a more detailed description is located in the project record).
- ◇ “Daylight” along either side of a portion of Forest Service Road (FSR) 189 (Spencer Branch Road), to allow more sunlight to reach the roadbed by harvesting trees within fifteen feet either side of the road (so the road would dry out more quickly, thus reducing rutting). The entire six mile length of the road will not be daylighted – only those

portions where sunlight does not adequately reach the roadbed.

- ◇ Develop a 2 acre wildlife field from a log landing in Unit 11 to native grasses and forbs to enhance wildlife food sources. Plant an old variety apple trees in log landings after harvest is completed to enhance wildlife food sources in the area. There may be opportunities to plant advanced oak seedlings in Units 5, 9, and 12.

Monitoring

The following monitoring will be implemented for the Selected Alternative:

- 1) National objectives include reducing impacts from invasive species and improving the effectiveness of treating selected invasive species on the Nation's forests and grasslands. Survey areas would be established to monitor control efforts. Survey areas would be established before control treatment, checked during treatment, and within nine months after treatment. A post-treatment evaluation report would be completed and filed in the project file. (Purpose is to monitor effectiveness of treatments).

My decision is based on a review of the project record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

Rationale

The Forest Plan, Amendment 5 (1994) designated the Mulberry Project AA as Management Areas (MA) 2A, 3B, and 18. MA 2A places an emphasis on *[v]isually pleasing scenery for forest visitors. Roads are generally open with the adjacent forest land managed to provide that pleasing visual experience. Timber production is permitted, but modified to meet visual quality objectives* (Forest Plan, page III-63). MA 3B places an emphasis on *[a] sustainable supply of timber with few open roads while permitting road construction for resource management and to manage habitat of mixed ages of forests primarily for wildlife species such as wild turkey, deer and other animals requiring similar environments* (Forest Plan, page III-71). Embedded within MAs 2B and 3B is MA 18; which: *[c]onsists of the aquatic ecosystem,*

riparian ecosystem, and closely associated plant and animal communities and is actively managed to protect and enhance, where possible, the distinctive resource values and characteristics dependent on or associated with these systems (Forest Plan, page III-179).

The purpose and need for the proposal is listed below (see also Section 1.3, Chapter 1):

- ◇ There is a need to develop between 4%-14% early-successional (0-10 year age class) wildlife habitat in the project area because there is currently one percent 0-10 year wildlife habitat. The purpose of the two-age harvesting is to develop additional early-successional wildlife habitat in the project area and increase the amount of hard mast producing tree species (oaks and hickories). The Mulberry area is the next area the Grandfather Ranger District has identified to ensure each compartment is scheduled for management analysis at a 10-year interval.
- ◇ There is a need to control/manage populations of invasive-exotic plants such as princess tree, tree-of-heaven, Japanese plume grass, and others because they have been found in the project area. The purpose of the herbicide treatment of invasive/exotic plants is to reduce potential for spread of them in the project area.
- ◇ There is a need to improve water quality and fish habitat along and within stream reaches because sedimentation and erosion have been found in the project area and a culvert restricts fish passage. The purpose of rehabilitating stream channels and providing fish passage is to improve water quality, stream bank stability, and fish habitat.
- ◇ There is a need to designate small patch old growth communities in Compartments 3, 18, 20, and 21 because no small patch old growth communities are currently designated in them. The purpose of designating small patch communities in Compartments 3, 18, 20, and 21 prior to harvesting is to ensure there is a network of old growth communities across the Forest.
- ◇ There is a need to develop about three acres of permanent grass/forb wildlife habitat in the project area because there is currently 24 acres of permanent grass/forb wildlife habitat. The purpose of the about two acre

wildlife field and 1.5 acre linear opening is to develop about 27 acres of permanent grass/forb wildlife habitat in the project area, further moving the project area towards the desired condition of 43 acres.

I believe the Selected Alternative achieves the project's Purpose and Need as well as Forest Plan direction and standards and will move the resources in the project area towards the Forest Plan's desired future condition. The project analysis also considered public concerns (see also Appendix H *Response to Comments Received During the Mulberry Project 30-day Notice & Comment Period*).

In reaching my decision, I carefully weighed the effects analyses of the alternatives analyzed in detail, the public comments I received on the proposal, and the Agency's response to comments. The Mulberry Project Interdisciplinary Team (IDT) conducted field surveys, database queries, and other localized analysis in order to determine effects the alternatives analyzed in detail could have on the area's ecology, including threatened, endangered, and sensitive species. During their analyses, the IDT took a hard look at past, present, and reasonably foreseeable future actions that could be combined with expected effects from the Mulberry proposal. I believe they provided me sufficient analyses and conclusions to make a reasoned decision.

The Selected Alternative will harvest about three percent of the 8,653-acre Lower Mulberry AA.

My decision is based on a review of relevant scientific information as contained in the project record. I believe the effects analyses support my decision and are based on the best available science.

Other Alternatives

In addition to the Selected Alternative, I considered one other alternative in detail: Alternative A – No Action. A comparison of these alternatives can be found in Section 2.5, Chapter 2.

Alternative A – No Action

Under Alternative A, current management plans, such as existing wildlife management, wildfire

suppression, general road maintenance, and recreation would continue to guide management of the project area (see Section 2.2.1, Chapter 2). I did not select this alternative for several reasons. This alternative would not have developed early-successional habitat conditions for wildlife species; used herbicides to control/manage non-native invasive plants; designated small patch old growth; performed stream restoration activities in Boone Fork Branch; daylighted along Forest Service Road 189; nor developed a wildlife field and linear wildlife habitat. I believe active management at this time and in this location is important to achieving Forest Plan objectives.

Alternatives Not Considered

Section 2.3 of the EA disclosed three alternatives I considered but eliminated from detailed study along with rationale for why they were not considered. Since they were not considered in detail in the EA, they were not considered in the range of alternatives for my decision.

Public Involvement

The proposal was listed in the National Forests in North Carolina's April and July 2007 Schedule of Proposed Actions. The proposal was provided to over 120 members of the public and other agencies for comment during scoping that was initiated on May 15, 2007. In addition, as part of the public involvement process, the agency hosted an open house meeting in Collettsville, North Carolina on July 10, 2007. A post card was mailed to over 120 members of the public informing them of the open house meeting; a press release explaining the open house meeting was provided to local newspapers; and notices were placed in numerous businesses, public areas, and local residents in the surrounding area. Twenty members of the public provided comments on the proposal during scoping and at the July 10, 2007, open house. A 30-day Notice and Comment period pursuant to 36 Code of Federal Regulation (CFR) 215.5(b)(2)(i) was initiated when a legal notice was placed in the August 16, 2007, edition of *The McDowell News*. The scoping package and August 2007 Preliminary Analysis were placed on the Forest's website. The September 2007 EA is available upon request and is also on the Forest's website.

Finding of No Significant Impact

After considering the environmental effects described in the PA, 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. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.* My finding of no significant environmental effects is not biased by the beneficial effects of the action (Section 1.2, Chapter 1).
2. *The degree to which the proposed action affects public health or safety.* There will be no significant effects on public health and safety and implementation will be in accordance with project design features, and for herbicide use will adhere to Material Safety Data Sheets and Product Labels (Section 2.4 Chapter 2; Section 3.4, Chapter 3; and Appendix F).
3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* 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 3.12, Chapter 3).
4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* Controversy with this element is related to scientific controversy about effects of the project. I believe the degree of effects on the quality of the human environment are not expected to be highly controversial because this project is similar in design and intensity to others that have taken place on the Grandfather Ranger District in the past and effects of those similar past actions are well known— there have been no unexpected impacts when anticipated and observed effects have been

- compared. I believe my decision does not significantly affect old growth communities because no Forest Plan designated old growth communities or initial inventory old growth communities would be harvested; 224 acres would be designated as small patch old growth communities and would not be scheduled for future harvest; and 1,083 acres (>12%) in the Mulberry Project AA averaging greater than 101 years are not scheduled for harvesting with the Selected Alternative. I find the 224 acres of small patch old growth communities the Selected Alternative will designate in the Mulberry Project AA more than meets the Forest Plan's old growth strategy standards and would not significantly affect old growth attributes and associated wildlife. Forest Plan standards are to designate at least 50 acres of small patch old growth communities in the four compartments – the Selected Alternative will designate 24 additional acres (Sections 3.1.2, 3.2.1, 3.3.3, 3.4.2, 3.5.2, 3.6.2, 3.7.4, 3.8, 3.9, 3.10.2, 3.11.2, and 3.12.2, Chapter 3).
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* 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 3.1.2, 3.2.1, 3.3.3, 3.4.2, 3.5.2, 3.6.2, 3.7.4, 3.8, 3.9, 3.10.2, 3.11.2, and 3.12.2, Chapter 3).
 6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* 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 remain localized and short-term (Sections 3.1.2, 3.2.1, 3.3.3, 3.4.2, 3.5.2, 3.6.2, 3.7.4, 3.8, 3.9, 3.10.2, 3.11.2, and 3.12.2, Chapter 3).
 7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.* Analyses disclosed for

each resource that cumulative impacts are not expected to be measurable, long-term, or could combine with impacts of other past, ongoing, or reasonably foreseeable future actions in the AAs (Sections 3.1.2.5, 3.2.1, 3.3.4, 3.4.2, 3.5.2, 3.6.2, 3.7.5, 3.8, 3.9, 3.10.2, 3.11.2, and 3.12.2, Chapter 3).

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. 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 (NHRP – Section 3.6, Chapter 3). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources (Section 3.6, Chapter 3). A heritage report was completed for this project on August 28, 2007, that identified 20 Class III archeological sites – no Class I or II archaeological sites were found. Class III sites are not eligible to the NRHP and subsequently do not require protection from ground disturbing activities. The North Carolina State Historic Preservation Office informed the project archaeologist on September 14, 2007, that the proposal was cleared to proceed.*
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. A Biological Evaluation (BE, Appendix A) was completed for this project on July 23, 2007, that concluded for threatened and endangered (T&E) species: *The proposed action will not affect (directly, indirectly, or cumulatively) any proposed or listed Federal T&E species.* The BE concluded for sensitive botanical species: This proposal may impact individuals (Alternative C) of the S species *Hexastylis contracta*. These impacts will not lead towards federal listing or loss of Forest viability. The BE concluded for sensitive wildlife species: *There are no known direct impacts to populations of Diana fritillary as a result of the proposed action because the species is not known to occur in the wildlife AA. There are both positive and negative indirect impacts to**

potential habitat as a result of the proposed action and past or foreseeable future activities because of loss of habitat. The positive and negative indirect impacts to this species potential habitat are not considered significant because the proposed action is expected to benefit the Diana fritillary's potential habitat across the wildlife AA throughout the next ten years. As a result, the proposed action is not likely to cause a trend toward federal listing or loss of viability for this species across the wildlife AA and Forest. The BE concluded for sensitive aquatic species: No risk to population viability of any aquatic Sensitive species across the Forest would occur as a result of the implementation of the Mulberry Project. The project would have no effect on Sensitive aquatic species or their habitat. The US Fish and Wildlife Service (USFWS) concluded on September 17, 2007, [w]e concur with your assessment that none of the proposed alternatives will affect federally listed endangered or threatened species or critical habitat. Thus, the requirements of section 7(c) of the Act are fulfilled. (Section 3.9, Chapter 3; and Appendix A).

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. 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, 1.2, and 1.3, 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, 1.2, and 1.3, Chapter 1).

Administrative Review and Contacts

This decision is subject to appeal pursuant to 36 CFR 215.11. Pursuant to 215.13 and the recent

The Wilderness Society v. Rey ruling, those who provided comments or otherwise expressed interest in the proposal by the close of either of the two formal Notice and Comment periods may file an appeal on this decision. Appeals must meet content requirements of 36 CFR 215.14. A written appeal, including attachments, must be postmarked or received within 45 days after the date this notice is published in *The McDowell News*, the Grandfather Ranger District's newspaper of record as per 215.5(b)(2)(i). The appeal shall be sent to:

National Forests in North Carolina
ATTN: Appeals Deciding Officer
160-A Zillicoa Street
Asheville, North Carolina 28801.

Hand-delivered appeals must be received within normal business hours of 8:00 a.m. to 4:30 p.m. Appeals may be faxed to (828) 257-4263 or mailed electronically in a common digital format to: appeals-southern-north-carolina@fs.fed.us.

Pursuant to 215.7(2)(ii), the legal notice in the newspaper of record is the exclusive means for calculating the time to file an appeal [215.15(a)]; those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

For further information on this decision, contact Greg Van Orsow at 828-652-2144 or Michael Hutchins 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 5th business day following the close of the appeal-filing period (215.15). If an appeal is filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition.

/s/ Joy W. Malone

JOY. W. MALONE
District Ranger
Grandfather Ranger District

9/27/07

Date

**APPENDIX H – RESPONSE TO COMMENTS
FOR THE
AUGUST 2007
MULBERRY PROJECT PRELIMINARY ANALYSIS**

General Discussion

Pursuant to 36 Code of Federal Regulations (CFR) 215.6(a)(1)(i) and 215.6(a)(1)(iv), a formal 30-day Notice and Comment period for the Mulberry Project Environmental Assessment (EA) began August 16, 2007, and ended on September 17, 2007. Pursuant to 36 CFR 215.5, the legal notice initiating the 30-day Notice and Comment period was placed in *The McDowell News*, the Grandfather’s newspaper of record. Following the formal 30-day Notice and Comment period, three comments were submitted. The comments that were submitted had the following two “themes” contained within them:

Restoration	Support for Proposal
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To meet requirements at 36 CFR 215.6(b), the Agency listed each “theme” with the comment received on it followed by the Agency’s response.

Restoration

Comment Received

A): *There is money raised from the logging of the non-native white pines. This money could be used to restore streams, promote wildlife habitat, or perhaps repair campgrounds. Please conduct restoration as part of the Mulberry Project. I am an avid hiker, nature photographer and naturalist. I think that biodiversity is the most important need for the forest service to satisfy.*

Agency Response

A): Harvest generated funds can be used under the Knudsen-Vandenberg (KV) act to perform required reforestation as well as some additional restoration activities. Implementation of other restoration activities is dependent on the amount of funds available following reforestation-related activities.

Support for Proposal

Comments Received

A): *Based on our review of your recent letter and the information provided therein, we still support the Mulberry Project as indicated in our June 4, 2007 comments. Although two (2) units have been removed from the project we still support the project. We continue to support USFS decisions that enhance wildlife habitat diversity and that provide sound forest stewardship.*

B): *[w]e concur with your assessment that none of the proposed alternatives will affect federally listed endangered or threatened species or critical habitat. Thus, the requirements of section 7(c) of the Act are fulfilled.*

Agency Responses

A): Comment is noted. The two units were dropped to ensure protection of a Regional Forester’s sensitive plant (*Hexastylis contracta*).

B): Comment is noted.